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No. 38

House of Representatives

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Through Your gifts to us, O gracious God, You have provided abundant blessings; of love and forgiveness, of hospitality and generosity, of justice and charity, of friendship and loyalty and of faith and trust. On this day we are aware of the most wonderful gifts of thanksgiving and praise that touch our hearts and truly make such a difference in our lives. We pray that we will live our lives in the spirit of thankfulness to You, our God, for the wonders and blessings You have given and also live with that same thanksgiving as we express our gratitude for those near and dear to us. In the spirit of thankfulness and gratitude we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SCHAFFER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHAFFER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. TANCREDO) come forward and lead the House in the Pledge of Allegiance.

Mr. TANCREDO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CLINTON RAID ON SOCIAL SECURITY

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I rise today to voice my outrage at the President's continual raid on Social Security. While this Nation's elderly are worried that Social Security will not be there when they need it, the White House budget plan for 2000 robs \$52 billion from Social Security surpluses.

Mr. Speaker, this is a trust fund, not a slush fund. The President thinks he can dip into Social Security to finance any big government spending project he can dream up. Not only will the President take \$52 billion for general spending from Social Security next year, he will continue to pilfer more than \$247 billion from the Social Security surplus for the next 5 years. With this kind of scheme, it is no wonder Social Security is in trouble.

Mr. Speaker, the Republican plan wants to lock up 100 percent of the surpluses in Social Security to save Social Security. The Republican plan wants to restore a sense of security to Social Security. In short, the Republican plan will maintain responsibility and discipline in government.

TRIBUTE TO PROFESSOR DOAN VIET HOAT

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today and urge my colleagues to join me in paying tribute to an outstanding individual: Professor Doan Viet Hoat of Vietnam.

A journalist and a university professor, he has spent the last 19 of 21 years in a Hanoi prison for his efforts to bring freedom of the press and democracy to Vietnam. And despite all efforts by the Vietnamese government to prevent his writings from surfacing, his message continued to reach beyond his prison cell.

Professor Hoat instantly became a prisoner of conscience championed by Amnesty International and is a recipient of the Robert F. Kennedy Human Rights Award and the Golden Pen of Freedom Award. This summer Professor Hoat was finally released after decades of government harassment and repression.

Mr. Speaker, today we honor Professor Hoat for his moral courage in the face of absolute tyranny, and I urge all of my colleagues to honor him. I have just brought a resolution to this House, and I hope my colleagues will all help to cosponsor the legislation.

DALAI LAMA TO VISIT SOUTH FLORIDA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, 40 years ago this week the people of Tibet, in what is known as the Lhasa Uprising, revolted against the illegal and tyrannical occupation of their nation by the Communist Chinese. Unfortunately, their attempt to free their

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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homeland was defeated by the brutal force of the Chinese occupying force, forcing the spiritual leader of Tibet, the Dalai Lama, to flee into exile.

Today, their struggle for freedom continues and is embodied by the tireless efforts of the Dalai Lama, who travels the world seeking support for the autonomy of his nation.

The south Florida community is proud to receive the Dalai Lama on April 16 at Florida International University in Miami in his never-ending journey to preach the language of freedom.

In south Florida, the Dalai Lama will find unconditional support for his enslaved nation because a large portion of my community knows all too well the pain of having to flee one's homeland to escape Communist oppression. Their struggle and the message of the Dalai Lama reminds us all that although the Cold War is over, millions still suffer under the tyranny of communism.

Whether Tibet or Cuba, the world, and in particular the U.S., cannot forget the suffering of these enslaved people.

RESOLUTION TO HONOR PROFESSOR DOAN VIET HOAT

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, I am privileged to join the gentlewoman from California (Ms. LORETTA SANCHEZ) in introducing this resolution in honor of Professor Doan Viet Hoat. It is a rare individual who is willing to sacrifice their own personal freedom for the sake of their fellowman, and when we do find such a person, it is important for us in Congress, and society at large, to recognize their achievement and the purpose of their struggle.

This journalist spent 19 of the last 21 years in Vietnamese prisons. Dr. Doan repeatedly was arrested for his efforts to bring about political change. He was offered his freedom if he renounced his political views, but he did not succumb to the will of his captors. Instead, despite the temptation of freedom, he continued to write, to smuggle out of prison essays, and to be a leader for freedom in Vietnam.

Last year the Vietnamese government released 7,000 prisoners, and Dr. Doan was among them. As a scholar in residence at Washington Catholic University, Dr. Doan remains committed to his fight for Vietnamese democracy. We are pleased he was finally able to receive the Robert F. Kennedy Human Rights Award he won in 1995.

I hope that Congress will act swiftly to adopt this resolution of commendation.

THROUGH COMPOUND INTEREST, EVERY AMERICAN CAN BECOME RICH

(Mr. PITTS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Albert Einstein once said that the most powerful force on Earth is compound interest. Why this is not taught in our Nation's schools I do not know, but every child in America should be taught about the extraordinary power of compound interest.

There is a funny thing about compound interest. My friends on the other side know all about it. In fact, every single one of them is counting on the power of compound interest for the prosperity of their own retirement security. But we will never hear them talk about it.

Through the magic of compound interest, ordinary Americans who save can become rich. Let me repeat that. Through the magic of compound interest, ordinary Americans who save can become rich. This is not, of course, a get-rich-quick scheme. In fact, it takes years of discipline and patience, but it is mathematically guaranteed to work.

Mr. Speaker, Einstein was right. Let us give younger workers a chance to reap the benefits of compound interest, let us reform Social Security.

REJECT PLAN TO PRIVATIZE MEDICARE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the Medicare Commission is expecting to hold its final meeting today. The commission's leaders are advancing a voucher plan called premium support that will end Medicare's guarantee of equal health care to the wealthy, the middle class and the poor. The plan would steer Medicare more into the private sector than at any time in its history. As former Speaker Gingrich infamously said, Medicare would wither on the vine. Privatize Medicare in order to save it.

Clearly, the private insurance market has not provided for the common good. A Nation with our wealth should not leave 43 million of its citizens without health care. The Labor Department shows unemployment still holding steady at 4.4 percent, a rate not seen since 1970. Meanwhile, the proportion of Americans without health insurance has increased from 14 percent in 1995, to 15 percent in 1996, to 16 percent in 1997.

Turning Medicare over to insurance companies, privatizing it in order to save it, will create two Medicares, one for the wealthy and one underfunded program for the poor and middle class. We should reject that thinking, Mr. Speaker.

RELEASE REPORT OF SELECT COMMITTEE ON U.S. NATIONAL SECURITY AND MILITARY/COM- MERCIAL CONCERNS WITH THE PEOPLE'S REPUBLIC OF CHINA

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, as my friends on the left continue to try to scare senior Americans, perhaps they should heed developments that are truly terrifying to all Americans. I speak of the unlawful transfer of technology and espionage by Communist China against our government and against our people.

In today's Washington Post, the senior Senator from Indiana writes, and I quote, "Complicating matters are the campaign abuses involving China that have been attributed to this White House. Some of these abuses involved extraordinarily bad judgment by the President himself. It is imperative that the administration not yield to its impulses to place damage control above all else. We need the truth about what has happened and a program to repair our national security."

Mr. Speaker, I could not agree more. That is why this Congress, if this Commander-in-Chief will not unilaterally release the report of the Select Committee on U.S. National Security and Military/Commercial concerns with the People's Republic of China, this Congress should go into closed session and vote to release that report so the American people can know the truth.

DO NOT LOAN MONEY TO COUN- TRIES WHO VIOLATE OUR TRADE LAWS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Check this out, Mr. Speaker. Foreign banks make bad loans to bad companies; then these foreign banks go belly up. They dial 911 for Uncle Sam, and Uncle Sam sends them checks for billions of dollars.

Billions to Russia, South Korea, Thailand, and now Brazil. And guess what? They all have something in common. Each and every one of those countries violate our trade laws.

Beam me up, Congress. Even Barney Fife can figure this out. If Congress does not stop this madness, the 1990s will end up looking just like the Roaring Twenties.

Before we tax our IRAs, I yield back a \$200 billion trade deficit in the international masochist fund.

MISCONCEPTIONS ON KEEPING SOCIAL SECURITY SOLVENT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I want to comment on Social Security and two misconceptions that minimize the seriousness of keeping Social Security solvent coming from the White House and from some of the status quo'ers.

One is the suggestion that if we have a strong growing economy that somehow that economic expansion will save Social Security. Let me just point out that because Social Security benefits are indexed to wage inflation, benefits go up faster than inflation. Under the current law a growing expanding economy, regardless of how dramatic, does not solve Social Security. Benefits will continue to be about 36% of income.

The other claim is that if we invest some of the surplus in the capital markets, such as 62 percent, suggested by the President, somehow that investment will save Social Security. Just a quick statistic. If we were to invest the whole trillion dollars that we expect in surplus over the next 5 years into an account drawing 10.5 percent interest, it would only keep Social Security solvent for another 11 years.

Saving Social Security is a serious challenge. Let us face up to it.

□ 1015

SUPPORT MILLER-KILDEE AMENDMENT TO ED FLEX BILL

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, later today Members will have an opportunity to vote on the Miller-Kildee amendment to the ed flex bill which will provide for stronger accountability on behalf of the States. We will be voting later this year to send the States \$50 billion additional in title I moneys. We have sent them \$120 billion over the last decade, and the results at best are mixed. In some cases they are shameful. We need to have accountability. The Miller-Kildee amendment simply does what George W. Bush did in Texas. He told the Federal Government in exchange for flexibility, I am willing to set the following standards, all children in Texas and 90 percent of the children in Texas will pass the State exam in 5 years, 90 percent of the African Americans, 90 percent of the Hispanics and 90 percent of the poor children. I do not know what the governor of my State could say and I do not know what the governor of Louisiana or New York could say, but they ought to be able to tell us what their goals for achievement are, how they will measure them. No longer should the Federal Government continue to enable lax accountability for our children's education.

SUPPORT THE ED FLEX BILL

(Ms. PRYCE of Ohio asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, I am sorry to say that the White House talks a great game when it comes to education reform, but it turns out there is more going on behind the scenes that you will never see on the network news. The White House has been working with Democrats in the Congress to take the "flex" out of ed flex. The whole purpose of this program is to give the States their own authority to assess their programs instead of Washington telling them what they need. Now, 100,000 new teachers is a great slogan but trying to handcuff our governors like this is not exactly the kind of flexibility that reformers have in mind when they advocate ed flex. This program is supposed to allow local schools to spend Federal dollars as they see fit. The special interests will have none of that. But the special interests are not putting the education needs of our children first. Ed flex does. It is a commonsense reform overwhelmingly supported by all 50 governors across this country. Today we will have the opportunity to support it as well.

ON EDUCATION PRIORITIES

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, the greatest gift a parent or elected official even can provide our children is a quality education. Education is one thing that nobody can ever take away from someone. For years we have debated on this floor the most effective way to provide our children with this gift. Later today we will likely pass the ed flex bill that allows States the opportunity and the flexibility in spending their Federal education dollars. Since my home State of Texas already participates in this program and has a great deal of success with it, I support the bill.

However, the benefits of all of the flexibility in the world will be limited if we do not modernize our schools so our children can have a safe learning and clean environment, reduce the class size for each child so they can get the attention and the guidance they need, provide state of the art technology so that all students can benefit from today's best tools in education, and finally we have a responsibility to know that each State is meeting the needs of their students. This can be done by supporting the Miller-Kildee amendment later today and not forgetting that the original reason for Federal assistance for education was to help those children most in need.

REVERSE THE CLINTON CUTS TO SPECIAL EDUCATION

(Mr. SCHAFFER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, unfortunately the Clinton administration has backed away from the Federal commitment to fund special education adequately. For the second consecutive year the administration has chosen to cut special education funding. For those who have any doubts, I urge them to look up the figures for themselves. By the time you factor in inflation and new children coming into the system special education students will receive less. Despite Clinton cuts to special education, congressional Republicans have worked hard to see that we make progress toward filling the IDEA program or the Individuals with Disabilities Act mandate. Over the last 3 years, Republicans have fought for and achieved dramatic funding increases for this important program. We will fight for another increase this year. Children with special needs should not be shortchanged by the Federal Government and the political priorities of the White House should not prevail at the expense of America's children. I urge my colleagues to reverse the Clinton cuts to special education.

PASS THE PATIENTS' BILL OF RIGHTS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to challenge all of my colleagues, Democrats, Republicans and independents, to pass legislation that would provide all Americans with the health care protections that they need and deserve. I am very concerned that patients from my district are being denied the health care coverage they need to lead productive lives. It seems that I cannot pick up my local newspapers, the Beaumont Enterprise or the Texas City Sun, without reading about someone who was denied care because some insurance company bureaucrat decided that a procedure was not necessary. It is one thing to keep down costs, but it cannot be done at the patient's expense. That is why I support yesterday's reintroduction of the patient's Bill of Rights. I am confident that the Bill of Rights will give residents of Hotel Beaumont, a senior citizens community in the heart of my hometown, the right to choose a specialist and to see the same doctor throughout treatment.

It is time for us to put our money where our mouth is. Let us prove to the American people that this Congress can work together to address issues they really care about. Let us pass the Patients' Bill of Rights.

VOTE YES ON ED FLEX BILL

(Mr. GIBBONS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Republicans and my colleagues on the left know that the biggest and best investment we can make as a nation is in the proper education of our children. But one of the greatest debates that is taking place in Washington right now concerns the future of our children's education and how scarce Federal education dollars can most effectively and efficiently be spent to improve that education.

I ask, should the money of hard-working parents be left in the pockets of Washington bureaucrats, and should every important decision be left to the red tape bureaucrats in Washington to develop the plan to educate our children in our schools across America? Of course not. We all know the answer. Local control wins out over Washington bureaucracy. As a parent, I know. I want the best education possible for my children. And I envision a national goal on education, a goal that offers every child in America the best education possible. The Republican plan puts our teachers, our parents and our school boards in the education driver's seat. Mr. Speaker, the ed flex bill gets us closer, closer to letting our parents, teachers, schools and communities accomplish this goal by reaching a higher standard of learning.

ED FLEX ACT A FLIMSY PIECE OF LEGISLATION

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, last year Democrats were successful in passing a measure to improve education by hiring 100,000 new teachers. We are a third of the way there. This year there are 30,000 new teachers, reducing class size, improving discipline and increasing the individual attention that our kids need.

Democrats want to pass the next installment toward 100,000 teachers, but the Republican leadership is fighting us tooth and nail. The Republican leadership's ed flex act is a flimsy piece of legislation, a fig leaf to cover its barren agenda. It makes no provision for new teachers, no measure to ensure that the neediest school districts receive funds, and it has no accountability. Democrats believe that local school districts should have flexibility when they administer Federal education programs, but there should be flexibility coupled with accountability to ensure that our teachers, students and parents receive the support that they deserve. What we ought to do in this Congress is authorize 30,000 more teachers on our way to 100,000 and hold schools accountable for student performance. These are the measures that are going to make a real difference for our students, ensure that our schools have the support that they need to

make the decisions that they need and to provide our youngsters with the best possible opportunity for their future.

CONGRESS RENEWS PLEDGE TO ABIDE BY SPENDING CAPS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, just 4 years ago when they unveiled their budget, the administration acknowledged that we would see \$200 billion deficits well into the next century. But the new Republican Congress said that that was unacceptable. Against the shrill cries of our friends on the left, we reformed welfare, saved Medicare, eliminated over 400 Federal programs, and cut the growth in Federal spending by more than half. Today our budget is balanced and we can look forward to a decade of surpluses. We can now begin to tackle the great issue of our generation, saving Social Security, if, if only we continue to exercise the fiscal discipline begun with the balanced budget agreement.

Unfortunately the President in his budget reneges on the spending caps. I am happy to report today that the congressional leaders have said that they will renew their pledge to abide by those spending caps. This means that we can secure every penny of Social Security taxes only for Social Security. It also means that American families can expect lower interest rates and a stronger economy well into the next century.

GIVING PRIORITY TO MATH AND SCIENCE EDUCATION

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, today we will be talking about flexibility and accountability in our schools. My colleagues know that to compete in today's world and to give citizens personally fulfilling lives, we need to give students good education in science and math. International math and science study results show U.S. 12th graders lagging well behind the international average in math and science. Eisenhower funds are the only program available to all schools to help train public school teachers in math and science. If we are to give these students the education they need, we need these Eisenhower funds to help teachers at all levels prepare to teach in science and math. As we give school systems more accountability and flexibility, we need to give a priority to math and science education.

SUPPORT ED FLEX

(Mr. HILL of Montana asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, let us take a clue from successful governors across the country who have taken on the special interests in making education their top priority. The same scene has been played out in State after State. A governor proposes real education reforms, from charter schools, to school choice, to tough academic standards, to back-to-basics, to ed flex. Then the special interests rise up in indignation, they denounce those reforms and a battle forms, a public relations battle between the reform-minded governor and the special interests that have produced the terrible results in the first place.

One reform that the special interests particularly do not like is ed flex. They do not like it because it gives States and local schools the power to decide how to best spend the Federal education dollars. The special interests hate this idea because it means that Washington will no longer be telling local schools what they need, and they do not like it because it means parents and local authorities will have more control over education and the special interests will have less.

Let us give governors the power they need to improve our public schools. Let us support ed flex.

CALL FOR BIPARTISAN EDUCATION REFORM

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, some might wonder when it became a partisan issue to support our children and our schools. If you recall after World War II there was truly a bipartisan spirit in this country that we needed to invest in education at all levels. We built more schools in communities all around this country, we encouraged more people to go into teaching, and we hired tens of thousands of new teachers. We need to do the same type of bipartisan plan now that the Cold War has ended, now that we have realized that our battles that we are going to be fighting in the future will be on the economic battlefield, not the military battlefield, thank God.

Now we have to do the same: we have to invest in modernizing those schools, we have to invest in hiring more teachers. We have to take that kind of approach. I think that we can all agree that it should be a bipartisan effort.

When a youngster in PS 254 in my district, which is dramatically overcrowded, is trying to figure out why they are learning in a gymnasium and a lunchroom, they are not thinking because it is a Democrat or a Republican, they are thinking because we simply need new spaces. This is the kind of thing we must do. We need to hire teachers, modernize schools, and make college tax deductible. We should do it in a bipartisan fashion.

COMMITTING TROOPS REQUIRES CONGRESSIONAL APPROVAL

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, I do not believe any Congress should allow any President to send our troops into any sovereign nation without the authorization of Congress. We in Congress are negligent if we do not insist on this restriction and, if necessary, refuse the money to pay for any foreign adventures undertaken without the specific authorization of Congress.

ACCOUNTABILITY BEFORE FLEXIBILITY IN EDUCATION BILL

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, later today we will be taking up the rule and ultimately the bill on ed flex. I believe in having flexibility at the local level, but I think here we are getting the cart before the horse. We are forgetting that there ought to be accountability and a number of other pieces we ought to be dealing with before we give total flexibility.

Let me tell my colleagues why. I served as superintendent. There we required the local systems to identify subgroups. If you do not identify the subgroups, to children who are doing the poorest in the schools, and that is what the Federal money is designed to do, what you do is you mask the children with the greatest needs, and here we are talking about lumping all that money together and sending it down.

I trust the educators, I trust the parents, and I trust the teachers. The people I do not trust are the politicians.

□ 1030

I was there, and they will take that money, and if we do not watch them, the children with the greatest needs will be the children who are going to be left behind in the 21st century. We will pay a price for that, Mr. Speaker.

NOT NECESSARILY A CORRELATION BETWEEN MONEY AND SUCCESS IN EDUCATION

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, education is everybody's priority. I do not think there is probably any issue in this House that could bring us together on a bipartisan basis more than improving education.

But what have we learned from history? Mr. Speaker, there was a recent article in a responsible and respected financial paper which rated the schools in America, and it also showed how much money was spent in each of those schools. I want to tell my colleagues

there is not necessarily a correlation between money and success in education.

We need, yes, money to the classrooms, not to the bureaucrats. Yes, we need good teachers, not just 100,000 more. Yes, we need to make decisions at the local level, not here in Washington, and then we have to call on the families to send well fed, clean, rested children to school so they can learn.

Part of the responsibility, a major part, must rest with us, the parents.

SUPPORT ED FLEX

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, as the parent of a third grader in public schools in Oregon, I am absolutely committed to smaller class sizes. But the best way to do that is to fund the special education mandate, not to create more federal mandates and programs.

Coming from Oregon, which is one of the ed flex pilot States, I can tell my colleagues that our local parents, teachers and school boards can make the best decisions for our children, but it is time Washington kept its word and funded its mandates. I think unfunded federal mandates have done quite enough harm already to our public schools. It is time to expand ed flex all Americans. It is time to allow local schools to make their own decision about how best to spend Federal education dollars. That only makes sense.

Mr. Speaker, I urge my colleagues to support the ed flex legislation that will be on the House floor later today.

DEMOCRATS OBJECT TO IMPROVING EDUCATION WITHOUT MORE FEDERAL REGULATION

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, I am incredulous at some of the comments of my friends from the other side, from the Democratic side, who continue to talk about education as being improved or the possibility of it being improved with just more regulation, the fear that if we gave freedom to the educators who we know, the people who teach our children, to the principals of the schools in which our children go to school; if we gave them more freedom, somehow or other our children would suffer as a result of it. I am amazed at that kind of an argument.

For years as a teacher, Mr. Speaker, I taught children, and I sat in classrooms and in faculty lounges with other teachers who continually talked about the fact that they needed and demanded more freedom, that they were impeded in their ability to teach because of the regulations we place on them, both the State and Federal level.

So here we come, finally forward with a plan to give those teachers and those principals the freedom to actually teach children in the ways that they know work, and all of a sudden the Democrats in this body rise up, unanimously almost, to object to that.

This is very peculiar indeed, Mr. Speaker, very peculiar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal and the question on the motion to suspend the rules on H.R. 540, the Nursing Home Resident Protection Amendments of 1999, postponed from Tuesday, March 9.

Votes on motions to suspend the rules on H.R. 808, House Resolution 32 and House Concurrent Resolution 28 postponed from yesterday will be taken later.

THE JOURNAL

THE SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALDEN of Oregon. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 356, nays 39, not voting 38, as follows:

[Roll No. 34]
YEAS—356

Abercrombie	Blunt	Collins
Ackerman	Boehner	Combest
Allen	Bonilla	Condit
Andrews	Bonior	Conyers
Archer	Bono	Cook
Armey	Boswell	Cox
Bachus	Boyd	Coyne
Baird	Brady (TX)	Cramer
Baker	Brown (FL)	Crowley
Baldacci	Brown (OH)	Cubin
Baldwin	Bryant	Cummings
Ballenger	Burr	Cunningham
Barcia	Burton	Danner
Barr	Buyer	Davis (FL)
Barrett (NE)	Callahan	Davis (IL)
Barrett (WI)	Calvert	Davis (VA)
Bartlett	Camp	Deal
Barton	Campbell	DeGette
Bass	Canady	Delahunt
Bateman	Cannon	DeLauro
Bentsen	Capuano	DeLay
Bereuter	Cardin	Deutsch
Berkley	Carson	Diaz-Balart
Berman	Castle	Dickey
Berry	Chabot	Dicks
Biggert	Chambliss	Dingell
Bilirakis	Chenoweth	Doggett
Bishop	Clayton	Dooley
Blagojevich	Clement	Doolittle
Bliley	Clyburn	Dreier
Blumenauer	Coburn	Duncan

Dunn
 Edwards
 Ehlers
 Ehrlich
 Emerson
 Eshoo
 Etheridge
 Evans
 Everett
 Ewing
 Farr
 Fletcher
 Foley
 Forbes
 Fossella
 Fowler
 Frank (MA)
 Franks (NJ)
 Frelinghuysen
 Gallegly
 Ganske
 Gejdenson
 Gekas
 Gibbons
 Gillmor
 Gilman
 Gonzalez
 Goode
 Goodlatte
 Goodling
 Goss
 Graham
 Granger
 Green (TX)
 Green (WI)
 Greenwood
 Hall (OH)
 Hall (TX)
 Hansen
 Hastings (WA)
 Hayworth
 Herger
 Hill (IN)
 Hill (MT)
 Hilleary
 Hinojosa
 Hobson
 Hoefel
 Hoekstra
 Holden
 Holt
 Hooley
 Horn
 Houghton
 Hoyer
 Hunter
 Hutchinson
 Hyde
 Insee
 Isakson
 Istook
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Jenkins
 John
 Johnson (CT)
 Johnson, E. B.
 Johnson, Sam
 Jones (NC)
 Jones (OH)
 Kanjorski
 Kasich
 Kelly
 Kennedy
 Kildee
 Kilpatrick
 King (NY)
 Kingston
 Kleczka
 Knollenberg
 Kolbe
 Kuykendall
 LaFalce
 LaHood
 Lampson
 Lantos

Largent
 Larson
 Latham
 LaTourette
 Lazio
 Leach
 Lee
 Levin
 Lewis (CA)
 Lewis (GA)
 Lewis (KY)
 Linder
 Lipinski
 Lofgren
 Lowey
 Lucas (KY)
 Lucas (OK)
 Luther
 Maloney (CT)
 Maloney (NY)
 Manzullo
 Martinez
 Mascara
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McCollum
 McGovern
 McHugh
 McClinnis
 McIntosh
 McIntyre
 McKeon
 Meehan
 Meek (FL)
 Meeks (NY)
 Menendez
 Metcalf
 Mica
 Miller (FL)
 Miller, Gary
 Miller, George
 Mink
 Moakley
 Mollohan
 Moore
 Moran (VA)
 Morella
 Murtha
 Myrick
 Nadler
 Napolitano
 Neal
 Nethercutt
 Northup
 Norwood
 Nussle
 Obey
 Olver
 Ortiz
 Ose
 Packard
 Pallone
 Pascrell
 Pastor
 Paul
 Payne
 Pease
 Pelosi
 Peterson (PA)
 Petri
 Phelps
 Pickering
 Pitts
 Pombo
 Porter
 Portman
 Price (NC)
 Price (OH)
 Quinn
 Radanovich
 Rahall
 Rangel
 Regula
 Reynolds
 Riley
 Rivers
 Rodriguez

NAYS—39

Aderholt
 Borski
 Brady (PA)
 Brown (CA)
 Clay
 Costello
 Crane
 DeFazio
 English

Filner
 LoBiondo
 McNulty
 Moran (KS)
 Oberstar
 Peterson (MN)
 Pickett
 Pomeroy
 Ramstad

Rogan
 Sabo
 Schaffer
 Stupak

□ 1055

Mr. NADLER changed his vote from "nay" to "yea."

So the Journal was approved. The result of the vote was announced as above recorded.

Stated for: Ms. MILLENDER-McDONALD. Mr. Speaker, during rollcall vote No. 34 on March 10, 1999, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. ENGEL. Mr. Speaker, during rollcall vote No. 34 on approving the Journal, I was unavoidably detained. Had I been present, I would have voted "yes."

NURSING HOME RESIDENT PROTECTION AMENDMENTS OF 1999

The SPEAKER pro tempore (Mr. GOODLATTE). The unfinished business is the question of suspending the rules and passing the bill, H.R. 540.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 540, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 398, nays 12, not voting 23, as follows:

[Roll No. 35]
 YEAS—398

Abercrombie
 Ackerman
 Aderholt
 Allen
 Andrews
 Archer
 Arney
 Bachus
 Baird
 Baker
 Baldacci
 Baldwin
 Ballenger
 Barcia
 Barrett (NE)
 Barrett (WI)
 Bartlett
 Bass
 Bateman
 Bentsen
 Bereuter
 Berkley
 Berman
 Berry
 Biggert
 Bilirakis
 Bishop
 Blagojevich
 Bliley
 Blumenauer
 Blunt
 Boehlert

Tancredo
 Taylor (MS)
 Thompson (MS)
 Towns

Visclosky
 Waters
 Weller
 Wicker

Dreier
 Duncan
 Dunn
 Edwards
 Ehlers
 Ehrlich
 Emerson
 Engel
 English
 Eshoo
 Etheridge
 Evans
 Everett
 Ewing
 Farr
 Fattah
 Filner
 Fletcher
 Foley
 Forbes
 Ford
 Fossella
 Fowler
 Frank (MA)
 Franks (NJ)
 Frelinghuysen
 Gallegly
 Ganske
 Gejdenson
 Gekas
 Gibbons
 Gilchrist
 Gillmor
 Gilman
 Gonzalez
 Goode
 Goodlatte
 Goodling
 Goss
 Graham
 Granger
 Green (TX)
 Green (WI)
 Greenwood
 Gutierrez
 Gutknecht
 Hall (OH)
 Hall (TX)
 Hansen
 Hastings (FL)
 Hastings (WA)
 Hayes
 Hayworth
 Hefley
 Herger
 Hill (IN)
 Hill (MT)
 Hilleary
 Hilliard
 Hinojosa
 Hobson
 Hoefel
 Hoekstra
 Holden
 Holt
 Hooley
 Horn
 Houghton
 Hoyer
 Hulshof
 Hunter
 Hutchinson
 Hyde
 Insee
 Isakson
 Istook
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Jenkins
 John
 Johnson (CT)
 Johnson, E. B.
 Johnson, Sam
 Jones (NC)
 Jones (OH)
 Kanjorski
 Kasich
 Kelly
 Kennedy
 Kildee
 Kilpatrick
 Kind (WI)
 King (NY)
 Kingston
 Kleczka
 Knollenberg
 Kolbe

Ney
 Owens
 Oxley
 Reyes
 Roukema
 Sherman
 Smith (NJ)
 Taylor (NC)
 Tiahrt
 Wise
 Young (AK)

Kucinich
 Kuykendall
 LaFalce
 LaHood
 Lampson
 Lantos
 Largent
 Larson
 Latham
 LaTourette
 Lazio
 Leach
 Lee
 Levin
 Lewis (CA)
 Lewis (GA)
 Lewis (KY)
 Linder
 Lipinski
 LoBiondo
 Lofgren
 Lowey
 Lucas (KY)
 Lucas (OK)
 Luther
 Maloney (CT)
 Maloney (NY)
 Manzullo
 Martinez
 Mascara
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McCollum
 McGovern
 McDermott
 McGovern
 McHugh
 McClinnis
 McIntosh
 McIntyre
 McKeon
 McKinney
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Menendez
 Metcalf
 Mica
 Millender-McDonald
 Miller, Gary
 Miller, George
 Mink
 Moakley
 Mollohan
 Moore
 Moran (VA)
 Morella
 Murtha
 Myrick
 Nadler
 Napolitano
 Neal
 Nethercutt
 Northup
 Norwood
 Nussle
 Obey
 Olver
 Ortiz
 Ose
 Owens
 Oxley
 Packard
 Pallone
 Pascrell
 Pastor
 Payne
 Pease
 Pelosi
 Peterson (MN)
 Peterson (PA)
 Petri
 Phelps
 Pickering
 Pickett
 Pitts
 Pombo
 Pomeroy
 Porter
 Portman
 Price (NC)
 Price (OH)
 Quinn
 Radanovich

Rahall
 Ramstad
 Rangel
 Regula
 Reynolds
 Riley
 Rivers
 Rodriguez
 Roemer
 Rogan
 Rogers
 Rohrabacher
 Ros-Lehtinen
 Rothman
 Roybal-Allard
 Royce
 Rush
 Ryan (WI)
 Ryan (KS)
 Salmon
 Sanchez
 Sanders
 Sandlin
 Sanford
 Sawyer
 Saxton
 Scarborough
 Schakowsky
 Scott
 Sensenbrenner
 Serrano
 Sessions
 Shadegg
 Shaw
 Shays
 Sherwood
 Shimkus
 Smith (MI)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Spence
 Spratt
 Stabenow
 Stark
 Stearns
 Stenholm
 Strickland
 Stump
 Sununu
 Sweeney
 Talent
 Tanner
 Tauscher
 Tauzin
 Terry
 Thomas
 Thompson (CA)
 Thornberry
 Thune
 Thurman
 Tierney
 Toomey
 Traficant
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Velazquez
 Vento
 Walden
 Walsh
 Wamp
 Watkins
 Watt (NC)
 Watts (OK)
 Waxman
 Weiner
 Weldon (FL)
 Weldon (PA)
 Wexler
 Weygand
 Whitfield
 Wilson
 Wolf
 Woolsey
 Wu
 Wynn
 Young (FL)

Wise	Wu	Young (FL)
Wolf	Wynn	
Woolsey	Young (AK)	

NAYS—12

Barr	Chenoweth	Sanford
Barton	Coburn	Shadegg
Burr	DeLay	Stump
Campbell	Paul	Thornberry

NOT VOTING—23

Becerra	Gordon	Ney
Bilbray	Hinchee	Reyes
Capps	Hostettler	Roukema
Coble	Kaptur	Sherman
DeMint	Klink	Smith (NJ)
Dixon	McCrery	Taylor (NC)
Frost	Miller (FL)	Tiahrt
Gephardt	Minge	

□ 1114

Mr. KINGSTON changed his vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, on March 10, I was unavoidably detained and missed rollcall No. 35, the recorded vote on H.R. 540, Nursing Home Resident Protection Amendments. Had I been present I would have voted “yes” on passage.

Mr. MINGE. Mr. Speaker, during rollcall vote No. 35, H.R. 540, Nursing Home Protection Amendments of 1999, I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. DEMINT. Mr. Speaker, on March 10, 1999 I was unavoidably detained and was not present for rollcall vote No. 35. Had I been present, I would have voted “aye.”

PROVIDING FOR CONSIDERATION OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 100 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 100

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 800) to provide for education flexibility partnerships. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed 5 hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a sub-

stitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment printed in the Record may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may:

(1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and

(2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 100 is a modified open rule providing for the consideration of H.R. 800, the Education Flexibility Partnership Act of 1999, better known as the Ed-Flex bill. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member on the Committee on Education and the Workforce.

For the purpose of amendment, the rule makes in order the amendment in the nature of a substitute of the Committee on Education and the Workforce now printed in the bill. The Ed-Flex bill is truly bipartisan legislation which has the support of Republicans and Democrats alike in the House and Senate, as well as the support of all 50 Governors.

Despite the popularity of Ed-Flex, we have witnessed some try to undermine this bipartisan effort by diverting attention away from the Ed-Flex bill to other issues which are clearly outside the scope of this simple bill. For this reason, the Committee on Rules felt it was reasonable to ask Members to preprint their amendments in the CONGRESSIONAL RECORD. The chairman of the Committee on Rules announced this preprinting requirement on Thursday, so all Members have been properly notified of this policy.

In addition, the committee felt that placing a reasonable time limit on the consideration of the Ed-Flex bill would encourage those who have concerns about H.R. 800 to prioritize their amendments and focus on constructive changes, rather than partisan tactics. Therefore, the rule before us contains a 5-hour time limit on the amendment process, which is considerably more generous than the 3-hour time limit requested by the Committee on Education and the Workforce itself.

With the exception of these reasonable parameters designed to focus the debate on the issue at hand, the rule is open, in the tradition of every other rule reported by the Committee on Rules this year. Let me be clear. Any member who has a concern about this legislation may offer any amendment on the floor, as long as it is germane and has been printed in the RECORD.

In addition to the amendment process, the rule provides a final opportunity for the minority to make changes to the bill through a motion to recommit, with or without instructions.

Further, in the interest of facilitating consideration of this popular bill by the House, the rule waives clause 4(a) of rule XIII, requiring a 3-day layover of the committee report. And, for the convenience of Members, the rule allows the chairman of the Committee of the Whole to postpone votes and reduce voting time to 5 minutes, as long as the postponed vote follows a 15-minute vote.

Mr. Speaker, all Americans agree that the education of our Nation's children must be a top priority. Education is the foundation on which the future of our country rests. While many of our community schools are shining examples of success, others are miserably failing in their attempts to teach even the most basic skills to our young students.

Unfortunately, there is no magic pill that we can give our neediest schools to bring them up to par, but the very least we can do is to remove some of the obstructions which are blocking their path to improvement.

The fact is that the Federal Government has a stranglehold on our local schools, and the Ed-Flex bill loosens the government's grip. By easing the burden of Federal regulation and clearing away the red tape, Ed-Flex allows States to pursue effective school reform. The Ed-Flex program is founded on the principle of trust, trust in our State and local leaders, who we believe will make good choices for their communities.

Currently, 12 States are participating in the existing Ed-Flex demonstration program, including my own State of Ohio. The positive results in Ohio and 11 other States strongly suggest that we extend this program to all 50 States.

Through the Ed-Flex program, Ohio has been able to apply the good intentions of Federal education policies to

more children. For example, Ohio has enabled more schools to use Federal dollars to implement schoolwide programs. Schoolwide programs go beyond helping at-risk children and utilize resources to improve the scholastic skills of all students.

In addition, Ohio has used Ed-Flex to expand its use of Eisenhower Professional Development Grants, which are designed for math and science teacher training. In Ohio, if a school has met its math and science training requirements, it can use unexpended Eisenhower funds to provide training in other areas, such as reading.

These commonsense reforms have helped Ohio to realize tangible improvements in the education of our children. Last year, Ohio exceeded two benchmarks for student performance in both reading and writing. Yet, while Ohio moves ahead, other States continue to be mired in Federal rules and regulations that stunt forward progress. That is why it is so important that we pass the Education Flexibility Partnership Act, to give all 50 States the opportunity to maximize resources to educate students.

Not only will Ed-Flex help our States in their efforts to improve student performance, it will help Congress assess what Federal education policies are burdening States and need to be revamped. This information will be crucial as we work on the reauthorization of the Elementary and Secondary Education Act later this year.

I think some of my colleagues will speak to their concerns about accountability during this debate, but it is not fair to give the impression that we are handing out money and turning our heads the other way. The Ed-Flex program does not simply dissolve Federal education law. In fact, there are strings attached to the flexibility we are offering to the States through this legislation.

To be eligible for Ed-Flex, States must develop and implement a Title I plan, which includes education content standards, student performance standards, and a means of assessing school progress. In addition, States must have an accountability system in place to hold localities and schools responsible for meeting their education goals.

We are asking for a credible education plan, and then trusting the State and local officials to make good decisions for their communities. After all, they are the people who live in those communities, know the citizens, and work in the local school systems every day. Let us not take the "flex" out of Ed-Flex by erecting additional hoops and hurdles under the guise of accountability.

In closing, Mr. Speaker, I would urge my colleagues to support this fair and balanced resolution, as well as the underlying legislation which will move us toward the shared goal of commonsense education reform. All of our 50 Governors have asked us to pass this bill, and our schools and children will be better for it.

Let us move forward together in the spirit of bipartisanship. I urge all my colleagues to vote yes on both the rule and the Education Flexibility Partnership Act.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, the snow blanketing the ground outside is enough to make us think fondly of baseball spring training which is being conducted in summer climes over the South and West. The spring training analogy seems appropriate for this rule which is governing the consideration of H.R. 800, the Education Flexibility Partnership Act.

We have been in session for about 2 months, and we have seen a procession of open rules on legislation which, frankly, would have been well received by the Suspension Calendar. Today the House ends its legislative spring training and begins its regular season with a significant initiative on education.

The first pitch from my friends on the other side of the aisle is a fast ball under the chin, an unnecessarily restrictive rule severely limiting amendments and debate. By clinging to its insistence on preprinting amendments in the CONGRESSIONAL RECORD, the majority on the committee is trying to pitch a shutout against Members who have had, previously, precious little time to consider a bill which was reported by the committee of jurisdiction only 2 days ago, and Members have had to contend with that snowstorm that hardly let them into town.

As a result of a party line vote on the Committee on Rules, the rule House Resolution 100 swings and misses by capping debate time at 5 hours, and including under that cap the time it takes to vote on amendments. Mr. Speaker, we are talking about educating our children and preparing them for the game of life. We should spend not 5 hours but 5 days, if necessary, to ensure that we are doing right by them.

Last year, Congress took a significant step toward achieving the goal of hiring 100,000 new teachers over the next 7 years to help local districts reduce class size in the early grades. Thanks to the party line vote by the majority, House Resolution 100 commits a crucial error by refusing to make in order the amendment offered by the gentleman from Missouri (Mr. CLAY) and the gentleman from Oregon (Mr. WU) that would authorize the remainder of our commitment to hire 100,000 new teachers, to reduce class size, and improve the learning environment.

□ 1130

Mr. Speaker, our Nation's Federal elementary and secondary education pro-

grams are set to expire, and the reauthorization of these policies is one of the most important tasks any Congress will face. Some Members might argue the need to weigh statutory and regulatory provisions before we even begin to define what those provisions should be.

Our side of the aisle will seek to advance amendments which address our concerns that the underlying bill is weak on accountability and strong on rhetoric.

It is imperative that any law that weighs the Federal Government's longstanding commitment to our Nation's most disadvantaged students contain a viable plan for how student achievement will be assessed.

Of particular concern are the students who benefit from the Title I funding. This provision has been successful at ensuring that the Title I funds are not spread too thin but go to the districts that really need them.

By waiving this requirement, schools with small percentages of poor children will be able to implement a schoolwide program, thereby neglecting the special needs of the economically disadvantaged students in that school.

Mr. Speaker, this is legislation which could be improved, and I urge Members to vote against this rule so that we might do just that.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he might consume to the gentleman from Texas (Mr. SESSIONS), a member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time.

Mr. Speaker, I rise today in strong support of this fair rule for H.R. 800, the Ed-Flex Partnership Act of 1999. Current law authorizes 12 States under pilot programs to participate in the Education Flexibility Partner Demonstration Program called Ed-Flex.

Ed-Flex States enjoy greater State and local flexibility in determining how to use Federal education funds. H.R. 800 is a bill which will expand the program to give all 50 States the option to apply for Ed-Flex. In short, Ed-Flex increases local control, reduces government red tape, and promotes flexibility with accountability.

My State, Texas, was one of the first States to win Ed-Flex status. Since January of 1996, Texans have incorporated the flexibility granted under Ed-Flex for statewide, comprehensive reform programs centered around local control and accountability for results.

Governor George W. Bush eagerly sought Ed-Flex status and has worked with local educators for the authority to design programs which meet and address local need. Texas also has implemented a system which ensures that there is accountability with concrete results in return for this increased flexibility. As Governor Bush said, "Texans can run Texas." I believe that

each of my colleagues would feel the same way about their respective States and their districts.

Although there is still room for improvement, tremendous gains in performance can be documented for students in Texas. In a State with students of diverse ethnicities and socioeconomic statuses, the across-the-board improvement in student performance is, indeed, something that we should be proud of.

Yesterday, during testimony before the Committee on Rules, the gentleman from Delaware (Mr. CASTLE), former Governor and now current U.S. Congressman, indicated that all 50 Governors are in favor of receiving this Ed-Flex status.

This simply is a bill that allows all 50 States to do what they believe is necessary to run their own programs in their own States. I believe it is an admission that the one-size-fits-all rule-making bureaucracy in Washington, D.C. is broken. Republicans trust local school boards, not Washington bureaucrats.

What works in my home district in Dallas, Texas is not necessarily the most effective program for a school district here in the Washington, D.C. area, in Northern Virginia, or in Maryland.

The combination of Ed-Flex and an effective accountability program allows all States to focus on a foundation, a curriculum that features English language, mathematics, science, social studies, geography, and government.

I am proud of the improvements which have come about as a result of Ed-Flex; flexibility with accountability. This program is good for everyone who has an opportunity to participate.

Today, we are talking about this rule that would allow the opportunity to debate how States are going to utilize their own education programs. I will tell my colleagues that there are others on the other side who want to debate about putting more rules and regulations and dollars to this equation.

But the bottom line is that what we have got to do is to give local school districts, local States those controls, not tell them how to do things, and not put dollars out there which would drive them to the decision making that Washington would like to make instead of what they would like to make locally. I stand in support of this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, during our appearance before the Committee on Rules yesterday, the gentleman from Oregon (Mr. WU) and I asked that our class size reduction amendment be made in order. Unfortunately, the committee failed to do so.

This restrictive rule that was reported now makes it necessary to defeat the previous question in order for our class size reduction amendment to even be considered.

Our amendment would establish a 6-year authorization for the Clinton-Clay-Wu class size reduction initiative. This would build on the 1-year, \$1.2 billion down payment on the initiative that was included in last year's Omnibus Appropriations Act. That funding, however, will only support the hiring of 30,000 teachers for the 1999-2000 school year.

Now it is time, Mr. Speaker, to lock in the remainder of the funding so that school districts across America can count on receiving the full complement of 100,000 teachers needed to achieve the initiatives goal.

Mr. Speaker, some critics, without evidence or documentation, continue to boisterously shout that the 30,000 teachers will be unqualified to teach. This is a sad commentary for those who prefer to build prisons than to build schools and to hire guards than to hire teachers.

Mr. Speaker, the goal of the Clinton-Clay-Wu class size reduction initiative is to help schools improve student achievement by adding additional highly qualified teachers to the work force to ensure that class size is reduced to not more than 18 children per class in the early grades.

Mr. Speaker, this will ensure that every child receives a teacher's personal attention, gets a solid foundation for further learning, and is prepared to read independently by the end of the third grade.

Ample research demonstrates that reducing class size boosts student achievement considerably. The Department the Education data shows that students in smaller classes in North Carolina, Wisconsin, Indiana, and Tennessee outperform their counterparts in larger classes. A study in Tennessee's project STAR found that students in smaller classes in grades K through 3 earn much higher scores on basic skill tests.

Based on this solid record of achievement, the Clinton-Clay-Wu class size reduction initiative should be expanded by granting it a full 7-year authorization to ensure class size reduction in grades K through 3 to an average of just 18 students.

Mr. Speaker, I urge the Members to support this effort, to defeat the previous question, and allow a vote on the Clinton-Clay-Wu class size reduction amendment.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), my good friend, the chairman of the Committee on Education and the Workforce.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, I just want to point out some interesting statistics. There are 16,000 school districts in the United States. If we say there are seven schools to each one of those school districts, that gives us about 112,000 schools. That gives us less than one teacher per school.

Of course highly qualified was mentioned. California's great experience has been they spent \$1 billion last year. They are going to spend \$1.2 billion this year for their 23,000 teachers.

Now what happened with those 23,000 teachers? Of course they could not get a lot of qualified teachers. So the poorer school districts who need the best teachers, what did they get? Totally unqualified people in the classroom.

So I just wanted to point out that what we are talking about here when we talk about 100,000 for 16,000 school districts and 112,000 schools minimum, it is less than one per school.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for yielding the time. The Ed-Flex bill certainly has many features in it. The issue is not whether we are for that or against it, but it is that there are other important issues to make it better.

Last week, all of the school systems were reporting out how their schools fared in the fourth grade and whether it went up. Indeed, as the gentleman from Pennsylvania (Chairman GOODLING) indicated, California did not do so well. But I suspect their investment in teachers is not to be pooh-poohed to suggest that we should not do it.

Certainly we need that 100,000 teachers more that the President has indicated and the gentleman from Missouri (Mr. CLAY) has indicated and that the gentleman from Oregon (Mr. WU) has tried to put before the Committee on Rules, and they ruled that it would be a nongermane amendment. It is not nongermane to education. Good teachers indeed are essential just as good doctors are good for health, just as good engineers are for constructing buildings.

I cannot conceive that one would think that putting 100,000 teachers, although that is not sufficient to speak to all the schools, would not be an appropriate action, and we would not embrace it where the American people want it.

So voting for Ed-Flex is indeed a good thing. But this amendment, however, this rule that does not allow germane amendments is the wrong thing.

So I urge my colleagues to vote against the rule because we can go back to the Committee on Rules, make that amendment in order, so indeed we can have more teachers, more qualified teachers. The assumption that we want to have anything other than qualified teachers again escapes me as any rational approach to improve the education system.

So having 100,000 teachers is germane to reducing the classes. Reducing the classes is germane indeed to having quality education. Quality education is indeed what all America wants for their families.

To suggest that every Governor wants this Ed-Flex, I mean, I do not understand why they would not want

it. But also to suggest that they would not want 100,000 teachers again is absurd. They want more teachers, qualified teachers, because they understand that teachers are essential, qualified teachers are essential in the mix if indeed we are to have quality education.

Mr. Speaker, I want to join with my colleagues, Representatives CLAY and WU in opposing this rule—a rule that does not permit an amendment I have filed to be considered.

My amendment would have given States the flexibility to hire more teachers to help reduce class sizes.

While we passed class size reduction legislation in the last Congress, the appropriation was only for one year, and not the full seven year program we had proposed.

Consequently, school districts across the country are unable to plan long-term for class size reduction because they do not know whether there will be funding for the new teachers beyond the one year.

My amendment would have made clear that the funding for these teachers was for the full seven years.

Mr. Speaker, schools across the Nation are struggling because student enrollments are dramatically increasing.

Evidence demonstrates that there is a direct correlation between class size and learning ability.

Students in smaller classes, especially in early grades, make greater educational gains.

More importantly, they maintain those gains over time.

Smaller classes are most advantageous for poor, minority, and rural community children.

However, all children will benefit from smaller classes.

Class size reduction funds for seven years will help States and local school districts recruit, train, and hire 100,000 additional, well-prepared teachers in order to reduce the average class size to 18 in grades 1 through 3.

We need more teachers.

It is so critical to maintaining and improving our education system.

Education is the key to the future.

In some parts of the country and in my State, classroom sizes are as high as 36 students—much too large for a teacher to provide individualized attention.

This is especially troubling when the students are in their early developmental stages—grades one through three.

Because 90 percent of our children attend public schools, we must strengthen and improve those schools.

Across the Nation, we have an all-time record school enrollment of 52.2 million students today.

The strain on school systems and the impact on learning will be felt for years to come.

I urge defeat of this rule and support for a rule that would allow an amendment to continue our commitment to reducing class sizes.

Ms. PRYCE of Ohio. Mr. Speaker, it is my honor to yield as much time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I would like to congratulate the gentlewoman

from Columbus, Ohio (Ms. PRYCE) and the gentleman from Dallas, Texas (Mr. SESSIONS) who made a very eloquent statement earlier about this issue.

This is a bipartisan goal that we have. As the gentleman from Texas (Mr. SESSIONS) said, all 50 Governors want to have this kind of flexibility. We have Democrats and Republicans alike supporting this. We have the President saying that he wants to sign this measure. Yet, based on what we have witnessed over the last several days, our distinguished colleagues in the other body on the other side of the aisle have decided to totally politicize this and claim that we are not in fact doing the things that the American people want us to do.

Unfortunately, we are seeing this same sort of issue come to the forefront here. This is a modified open rule. No matter what my colleagues try to call it, it is a modified open rule. It is modified so that we do not get to the point where we see complete politicization of a bipartisan issue.

□ 1145

Now, every germane amendment is in order, and we have, in fact, had over 20 amendments that have been filed. The gentleman from Pennsylvania (Mr. GOODLING) is very ably going to deal with those amendments, and I think that this is clearly the right thing for us to do.

As we look at the kinds of constraints that Washington has heretofore imposed on States, it is amazing that there are 14,000 Federal administrators in State agencies that are creating 50 million hours of work. The bipartisan goal here, again, is to try to provide at least a modicum of relief.

All of us like the idea of increasing the number of teachers in schools. No one is opposed to that. And the funding for that has already been provided in the omnibus appropriations bill that was put into place and passed last year. But the authorization of that will be handled during the Elementary and Secondary Education Act consideration. And, again, the Committee on Education and the Workforce will deal with that. This is not the place to do it, and that is why we did not provide waivers to make a nongermane amendment in order.

Now, some have also raised questions, I know, about the 5-hour cap on the time. The request of the committee was that we have a 3-hour outside time limit, and we expanded that to 5 hours. It seems to me that that is the right thing to do.

My very good friend from South Boston, in conversations we have had, raised concerns about the snowstorm. I realize that that has created a challenge for more than a few Members on both sides of the aisle. But as the gentlewoman from Ohio (Ms. PRYCE) said in her opening statement, I announced last Thursday that we would quite possibly have a preprinting requirement in this measure. And we do have amazing

technology today. It is known as the web. We communicate through e-mail. And a "Dear Colleague" letter went out informing Members of the fact that we were most likely going to be doing this. And so we had a litany of amendments that were filed, and every single germane amendment is, in fact, in order.

So this does continue our pattern of very fair rules, and I believe it does give every Member the opportunity to participate in debate. I am proud of the rule, and I urge my colleagues to support it.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

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

Mr. ROEMER. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding.

I just want to correct a statement made by the chairman of the full committee. There are not 112,000 public elementary schools in this country. There are only 61,000. And the money from this bill will be targeted for grades K through 3.

So we are not talking about 112,000 schools that this money will go to.

Mr. ROEMER. Mr. Speaker, reclaiming my time, I would like to first of all thank the gentleman from Delaware (Mr. CASTLE), my Republican colleague who joined with me in crafting this legislation 8 months ago. The gentleman from Delaware and I have worked very hard in a bipartisan Democrat-Republican way of trying to get this legislation brought before this body, and I am honored that we have it here before the entire 435 Members here this morning.

I also want to say that this is bipartisan legislation not only in that a Democrat and Republican have drafted it, but that the President of the United States has indicated to the National Governors' Association that he strongly supports it; that 50 governors, many Democrats and Republicans and independents, all support this legislation.

I do want to reflect on the debate about this rule and the 5 hours on this rule. I think what our ranking member the gentlewoman from New York (Ms. SLAUGHTER) said, using the baseball analogy, is absolutely accurate. We are in the first inning on education here, and I think that the gentlewoman's statement to the Republicans who run the Committee on Rules is a fair one.

If we are going to debate Ed-Flex, and I have worked very hard on it for 8 months, I would hope that the Committee on Rules would come forward with five more bills over the next 5 and 6 and 7 months to adequately discuss the quality of teachers in this country;

to adequately discuss, with floor time, school construction and the bonding issue and the safety in our schools, of ceilings falling down on children; to adequately discuss after-school programs; to adequately discuss the role that the Chicago public schools in reform is playing as a role model for other public schools.

We could discuss and work in a bipartisan way, and I hope we do. I worry that we might not, but I hope we do. I hope we do not emulate what the Senate is mired down in. I hope we will work together in a host of these different areas over the ensuing 20 months.

Now, what brings us to this legislation today? Abraham Lincoln, I think, said it very, very well 130 years ago. He said, "Every American son and daughter, to the best that the rules and the laws can avail it, is entitled to a fair start in the race of life." A fair start in the race of life for every American son and daughter.

When we look at our public school system, we have some great schools and great teachers, and we have some schools that are not performing well enough for so many of our children. This Congress needs to come together, with Democrats and Republicans working together on fair rules and new legislation, to address the number one issue in America today: reforming and boldly improving public education.

This Ed-Flex bill is an old value and a new idea. The old value is local control. It is embracing the concept of teachers and parents and local communities controlling what goes on in our schools. And the new idea is flexibility. The status quo has not worked, so we are not giving out reams of paperwork and all kinds of data that the schools have to send back to Washington, D.C. We will not handcuff the schools with new regulations, but we have a rope, not a string of accountability, but a rope of accountability tied to student performance. And that is a strong rope.

How did we get here? Well, we looked at 12 States, 12 States that have had this program, this flexibility, for 4½ years. States like Texas and Maryland and Ohio are doing a very good job with this program, and we will talk more about their success. If the other 38 States can live up to the eligibility and assessment requirements that we outline in this bill, that are tougher than current law for eligibility and assessment, tougher than current law, then the other States will be eligible.

Finally, there is a very, very sensitive nexus coming together here, a sensitive synergy between sensibility and between accountability. We think we have worked hard for the last 8 months for an old value, a new idea, a third way of coming together to change the status quo and to boldly and creatively reform our public education system. I hope that my colleagues will support this legislation.

Mr. Speaker, I thank the gentlewoman from New York for yielding me such a generous amount of time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel Island, Florida (Mr. GOSS), a member of the Committee on Rules.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank my friend, the gentlewoman from Columbus, Ohio (Ms. PRYCE) for yielding me this time, and I rise in support of this fair, modified open rule. This is a very targeted bipartisan bill, and this rule provides ample opportunity for debate and amendment. It is not all there is to be said on the subject of education, but it is a very excellent place to start on a targeted basis.

The Education Flexibility Partnership Act of 1999, or Ed-Flex as we call it, is a step towards local control, away from the dictates of Washington. We all know education is a priority interest in our Nation today. It needs to be. We are not doing as well as we need to be. But education is not about what Washington does. It is about teaching students. It is about students learning. Ed-Flex will empower our school districts with the ability to undertake more effective and innovative reform measures and do what works best for them in their schools.

For too long schools districts have had to operate within the confines of Federal programs, which often act as an obstruction, despite our best intentions here, but an obstruction rather than an aid. While I would prefer to remove these restrictions all together, providing a waiver process for all States is at least an incremental step in the right direction. Ed-Flex will extend to all 50 States the option to waive certain Federal and State regulations in exchange for increased accountability and results. Accountability. That is what Americans are asking for.

It seems to me that the best people to determine what our kids need are not Federal bureaucrats but the folks down at the district level who are directly accountable to parents and involved at the front lines. During the past 3 decades, Washington has attempted to micromanage our schools, without very much success, it seems.

There is a role for the Federal Government to play in public education, I agree, but it must be very balanced and it must be very careful. Ed-Flex will give our local districts the opportunity to make the most of Federal and State resources by giving them the freedom to tailor existing Federal programs to the specific needs of their students.

At the same time, we do not have to exchange flexibility for accountability. States that wish to participate will have to provide clear achievement objectives and then produce solid academic outcomes. We remove the red tape, not the accountability in this piece of legislation.

I am encouraged by the results of the States that are already participating in Ed-Flex, particularly for the poor

and disadvantaged students. Something is working here. It is my hope that we will agree to extend this opportunity for success to all our schools and to all Americans. They deserve it.

There is a wide variety of opinion and debate on education, and there will certainly be times when Republicans and Democrats, liberals and conservatives have legitimate disagreements. This should not be one of those times.

We have a good rule today to get this issue on the floor and to get this matter underway so it is available to our students sooner rather than later. Other issues, that obviously we wish to address, we have assurances from the gentleman from Pennsylvania (Mr. GOODLING) that he will be bringing them forward, and we look forward to those as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

As my colleagues know, I am a co-sponsor of Ed-Flex. I support Ed-Flex because it provides local school districts with flexibility and freedom from unnecessary Federal regulation.

I also believe in assisting schools and school districts so that they have the resources to exercise that flexibility. Real flexibility, not the illusion of flexibility. That is why the gentleman from Missouri (Mr. CLAY) and I are offering our amendment to the Ed-Flex bill. Basically, to put more education into Ed-Flex.

Our amendment will establish an additional 6-year authorization to reduce class size by hiring 100,000 qualified teachers. Last year Congress made a downpayment on the administration's plan to hire 100,000 new teachers over a period of 7 years in order to reduce average class size to 18 students in grades 1 through 3. But that was only a downpayment.

Unfortunately, the leadership of this House, when it comes time to provide for the remaining 6 years of class size reduction, is leaving school districts and education boards across America in budgetary limbo. They engage in the politics of parliamentary maneuver rather than passing this urgent priority. They employ the tactics of obstruction rather than the healing of true bipartisanship.

To borrow a phrase from Martin Luther King, Jr., "When the children of America come back to this House to redeem our promissory note for a good education," the House leadership would stamp it 'insufficient funds'." Smaller classes improve classroom discipline and order.

Smaller classes promote quality learning time. Smaller classes improve student performance. We all know that. But as we debate, schools across America are drawing up budgets for next year. They are determining the quality of education that our children will have for that year. These young

children will have only one pass at getting a first-rate education. They will have only one chance to go through first grade. They will only have one chance to go through second grade. They will have only one chance to go through third grade. A year lost in a child's life is a year lost forever. While we are debating parliamentary procedure, they are losing their chance for a better education.

□ 1200

So when America's schoolchildren come to redeem our promise, let us make good on it. I urge my colleagues to vote now for smaller class size, before we spend any more of our children's precious and irreplaceable time. I urge my colleagues to vote no against the leadership's parliamentary blockade. I urge my colleagues to vote yes in favor of our children. Let us have a full and fair debate on class size reduction today.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE), the chairman of the subcommittee and coauthor of this bill along with the gentleman from Indiana (Mr. ROEMER).

Mr. CASTLE. Let me start, Mr. Speaker, by thanking the gentlewoman from Ohio for yielding me this time and for the opportunity to debate this bill. I would also like to thank all the staff that has worked very hard on this bill. We have done it under a fairly intense schedule. We are pleased to have it to the floor today. The gentleman from Pennsylvania (Mr. GOODLING) has eased the way to this in so many ways, and we are very appreciative of that. Of course my fellow cosponsor, the gentleman from Indiana (Mr. ROEMER) whose words I listened to very carefully and with which I agree. I am sure the gentleman from Michigan (Mr. KILDEE) probably feels this way, too, but if we debated education every week, I would be happy here and if we cannot bring these issues up today, perhaps we could bring them up some other time. The bottom line is that it is very important to all of us.

I have never been one of those who believes that Republicans are totally right in education and Democrats are totally wrong on education. It is my belief that virtually everybody in this Chamber would like to improve the education of our young people in this country. My view is that this piece of legislation, which I think has been a little bit overemphasized as being more complex than it is, this bill of education flexibility, is a relatively simple measure by which we are giving to the States and the local districts the ability to work together so that when some Federal programs come up which have complexities or have administrative problems or paperwork problems, they can step in and make decisions as to how to manage it differently. That is what it is really all about. That is why all 50 governors, remember, two of

them are Independents, the rest are Democrats and Republicans, that is why all 50 governors in this country support it as it is. And it is why most of the education groups in this country support it as it is.

Now, we have heard discussions today about more teachers. That is a legitimate discussion. We already, by the way, supply a lot of teachers under title I at the Federal level which some people do not realize, but in terms of more teachers, yes, that is a discussion that we should have. I frankly do not think it should be on this bill. It truly is not germane to this simple bill that everybody wants to get passed that really has nothing to do with this in particular. It has something to do with education, sure, and we will do that on an appropriation bill or on the Elementary and Secondary Education Act.

The same thing with title I, to help disadvantaged students, particularly lower income students. Again, I have a tremendous amount of sympathy for that. The reason I like the ed flex bill is it has probably been the first measure in the 12 States which have done this as a pilot project in which we have seen true measurable improvement in title I outcomes. That has happened in Texas and Maryland. That is a wonderful bottom line that I think that we need to focus on and to make part of the ed flex package as we send it on to the President of the United States.

There is an amendment for after-school programs. I am one who is advocating after-school programs, but unfortunately this is not the place for that. So we are dealing with a relatively simple bill.

I cannot tell you what happened in the Senate. I mean, it is all tangled up there. It is too bad that it is. We are dealing with a bill which helps the people we want to help, the children of our country, and gives them a greater opportunity in terms of their education. It is and should be a clean, stand-alone education flexibility bill.

I was just on a conference call with some governors. They repeated that. They want maximum flexibility. We have 23 amendments. We are going to work out two or three or four of them. But frankly a lot of the others are restrictive in their nature. Instead of introducing flexibility, they are trying to remove areas from flexibility and trying to remove from the local school districts and the States the ability to carry out educating kids as best they can. My view is that while these in some instances are perfectly good, in most cases they do not apply here. I hope we would all pay attention to that.

I think the rule is fair. It did give 5 hours to debate all of these amendments, some of which are duplicative, anyhow, and they had to be published in advance. That is fine. We know what they are. I think it is a rule which we should all be able to support. But I do not want this day to be divisive. I want us to go out of here with this bill

passed at 6 o'clock tonight or whatever the heck it is going to be, having said together that we did something good for the children of America. That is what this bill is all about. Yes, we will debate all these amendments, but I hope when it is all said and done we will continue to pull together as Republicans and Democrats for the children of the country.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to vote against the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order an amendment offered in the Committee on Rules by the gentleman from Missouri (Mr. CLAY) and the gentleman from Oregon (Mr. WU). This amendment will provide funding to schools to help hire new teachers and reduce classroom size for grades one through three.

Virtually all experts in the field of education agree that one of the single most important things that we can do to improve the education of our children is to reduce classroom size. This amendment will help schools do just that. Vote "no" on the previous question so that we can consider this worthy legislative initiative.

Mr. Speaker, I include the text of the amendment and extraneous materials for the RECORD.

PREVIOUS QUESTIONS FOR RULES ON H.R. 800, THE EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

At the end of the resolution add the following new section:

"SEC. . Notwithstanding any other provision of this resolution, it shall be in order without intervention of any point of order to consider the following amendment by Representative Clay of Missouri or Representative Wu of Oregon. The amendment shall be considered as read, shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question. The previous question shall be considered as ordered on the amendments."

At the end of the bill (H.R. 800, as reported) add the following:

SEC. 5. CLASS SIZE REDUCTION.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended by adding at the end the following:

"PART E—CLASS SIZE REDUCTION

"SEC. 6601. SHORT TITLE.

"This part may be cited as the 'Class Size Reduction Act of 1999'.

"SEC. 6602. FINDINGS.

"Congress finds as follows:

"(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

"(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were $\frac{3}{4}$ of a school year ahead of their counterparts in larger-than-average classes.

“(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, cover more material effectively, and are better able to work with parents to further their children’s education.

“(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students’ need for special education services in the later grades.

“(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

“(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if—

“(A) well-prepared teachers are hired and appropriately assigned to fill additional classroom positions; and

“(B) teachers receive intensive, continuing training in working effectively in smaller classroom settings.

“(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

“(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades 1 through 3, and by helping to ensure that the new teachers brought into the classroom are well prepared.

“SEC. 6603. PURPOSE.

“The purpose of this part is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a 7-year period in order to—

“(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

“(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

“SEC. 6604. PROGRAM AUTHORIZED.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated, \$1,400,000,000 for fiscal year 2000, \$1,500,000,000 for fiscal year 2001, \$1,700,000,000 for fiscal year 2002, \$1,735,000,000 for fiscal year 2003, \$2,300,000,000 for fiscal year 2004, and \$2,800,000,000 for fiscal year 2005.

“(b) ALLOTMENTS.—

“(1) IN GENERAL.—From the amount appropriated under subsection (a) for a fiscal year the Secretary—

“(A) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that meet the purpose of this part; and

“(B) shall allot to each State the same percentage of the remaining funds as the percentage it received of funds allocated to States for the previous fiscal year under section 1122 or section 2202(b), whichever percentage is greater, except that such allotments shall be ratably decreased as necessary.

“(2) DEFINITION OF STATE.—In this part the term ‘State’ means each of the several States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

“(c) WITHIN STATE DISTRIBUTION.—

“(1) IN GENERAL.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds to local educational agencies in the State, of which—

“(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5

to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

“(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary schools and secondary schools in the school districts within the boundaries of such agencies.

“(2) AWARD RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

“SEC. 6605. USE OF FUNDS.

“(a) IN GENERAL.—Each local educational agency that receives funds under this part shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which research has shown class size reduction is most effective.

“(b) CLASS REDUCTION.—

“(1) IN GENERAL.—Each such local educational agency may pursue the goal of reducing class size through—

“(A) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

“(B) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

“(C) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

“(2) RESTRICTION.—A local educational agency may use not more than a total of 15 percent of the funds received under this part for each of the fiscal years 2000 through 2003 to carry out activities described in subparagraphs (B) and (C) of paragraph (1), and may not use any funds received under this part for fiscal year 2004 or 2005 for those activities.

“(3) SPECIAL RULE.—A local educational agency that has already reduced class size in the early grades to 18 or fewer children may use funds received under this part—

“(A) to make further class-size reductions in grades 1 through 3;

“(B) to reduce class size in kindergarten or other grades; or

“(C) to carry out activities to improve teacher quality, including professional development activities.

“(c) SUPPLEMENT NOT SUPPLANT.—A local educational agency shall use funds under this part only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this part.

“(d) PROHIBITION.—No funds made available under this part may be used to increase the

salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

“(e) PROFESSIONAL DEVELOPMENT.—If a local educational agency uses funds made available under this part for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 shall not apply to other activities under this section.

“(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this part may use not more than 3 percent of such funds for local administrative expenses.

“SEC. 6606. COST-SHARING REQUIREMENT.

(a) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this part—

“(1) may be up to 100 percent in local educational agencies with child-poverty levels of 50 percent or greater; and

“(2) shall be no more than 65 percent for local educational agencies with child-poverty rates of less than 50 percent.

“(b) LOCAL SHARE.—A local educational agency shall provide the non-Federal share of a project under this part through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) to one or more schoolwide programs under section 1114, it may use those funds for the non-Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

“SEC. 6607. REQUEST FOR FUNDS.

“Each local educational agency that desires to receive funds under this part shall include in the application submitted under section 6303 a description of the agency’s program under this part to reduce class size by hiring additional highly qualified teachers.

“SEC. 6608. REPORTS.

“(a) STATE.—Each State receiving funds under this part shall report on activities in the State under this section, consistent with section 6202(a)(2).

“(b) SCHOOL.—Each school receiving assistance under this part, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, regarding student achievement that is a result of hiring additional highly qualified teachers and reducing class size.”

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fact is that defeating the previous question for the purpose of adding the 100,000 teachers amendment would be futile. It is not germane. And the rule amendment is not allowed under the rules of the House.

I urge my colleagues to focus on the issue at hand, which is the ed flex bill and the rule governing its consideration. All Members should vote “yes” on the previous question.

I would like to remind my colleagues of the strong bipartisan support of the ed flex bill. H.R. 800 has the support of, in addition to many Members on the other side of the aisle, the National School Board Association, the Association of School Administrators, the

Chamber of Commerce, the National Education Association, and once again all 50 governors.

I urge my colleagues to set politics aside and think of the kids who need us to open the doors to a better future through education. Let us move forward together to respond to the needs of our States, our local communities, but most importantly our children.

Mr. Speaker, I urge my colleagues to support this reasonable rule so we can move expeditiously toward passage of the Education Flexibility Partnership Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the modified closed rule for H.R. 800, the Education Flexibility Partnership Act. I believe that this rule prevents the introduction of an important amendment, the Clay-Wu amendment for class size reduction.

Last year by making a \$1.2 billion appropriation, Congress made a commitment to our schools to reduce class size over the next 7 years. We also committed ourselves to hiring 100,000 more teachers to make that goal of smaller classes a reality. By not allowing this amendment to be considered in this modified rule, we are not keeping our promise.

This amendment resolves that Congress should set aside the necessary funds to continue on our quest to hire 100,000 new teachers. This was an important aspect of the Unified Democratic Agenda that was introduced last week. We cannot renege on our promise to our children.

The Ed Flex Bill purports to boost the academic achievement of our children. By removing certain federal programs, state and local agencies would be able to reform and improve education. However, without an initiative to decrease class sizes and to hire more teachers through this amendment, no amount of local reform will ensure effective learning.

This amendment would allow us to continue our commitment to the education of our children by setting aside at least \$1.2 billion again to hire more teachers. I urge my colleagues to oppose this modified closed rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 198, not voting 19, as follows:

[Roll No 36]

YEAS—217

Aderholt	Barr	Bateman
Army	Barrett (NE)	Bereuter
Bachus	Bartlett	Biggert
Baker	Barton	Billirakis
Ballenger	Bas	Bliley

Blunt	Hall (TX)	Pitts
Boehert	Hansen	Pombo
Boehner	Hastert	Porter
Bonilla	Hastings (WA)	Portman
Bono	Hayes	Pryce (OH)
Brady (TX)	Hayworth	Quinn
Bryant	Hefley	Radanovich
Burr	Herger	Ramstad
Burton	Hill (MT)	Regula
Buyer	Hilleary	Reynolds
Callahan	Hobson	Riley
Calvert	Hoekstra	Rogan
Camp	Horn	Rogers
Campbell	Hostettler	Rohrabacher
Canady	Houghton	Ros-Lehtinen
Cannon	Hulshof	Royce
Castle	Hunter	Ryan (WI)
Chabot	Hutchinson	Ryun (KS)
Chambliss	Hyde	Salmon
Chenoweth	Isakson	Sanford
Coburn	Istook	Saxton
Collins	Jenkins	Scarborough
Combest	Johnson (CT)	Schaffer
Cook	Johnson, Sam	Sensenbrenner
Cooksey	Jones (NC)	Sessions
Cox	Kasich	Shadegg
Crane	Kelly	Shaw
Cubin	King (NY)	Shays
Cunningham	Kingston	Sherwood
Davis (VA)	Knollenberg	Shimkus
Deal	Kolbe	Shuster
DeLay	Kuykendall	Simpson
DeMint	LaHood	Skeen
Diaz-Balart	Largent	Smith (MI)
Dickey	Latham	Smith (NJ)
Doolittle	LaTourrette	Smith (TX)
Dreier	Lazio	Souder
Duncan	Leach	Spence
Dunn	Lewis (CA)	Stearns
Ehlers	Lewis (KY)	Stump
Ehrlich	Linder	Sununu
Emerson	LoBiondo	Sweeney
English	Lucas (OK)	Talent
Everett	Manzullo	Tancredo
Ewing	McCollum	Tauzin
Fletcher	McHugh	Terry
Foley	McInnis	Thomas
Forbes	McIntosh	Thornberry
Fossella	McKeon	Thune
Fowler	Metcalf	Tiaht
Franks (NJ)	Mica	Toomey
Frelinghuysen	Miller (FL)	Upton
Gallegly	Miller, Gary	Walden
Ganske	Moran (KS)	Walsh
Gekas	Morella	Wamp
Gibbons	Myrick	Watkins
Gilchrist	Nethercutt	Watts (OK)
Gillmor	Northup	Weldon (FL)
Gilman	Norwood	Weldon (PA)
Goode	Nussle	Weller
Goodlatte	Ose	Whitfield
Goodling	Oxley	Wicker
Goss	Packard	Wilson
Graham	Paul	Wolf
Granger	Pease	Young (AK)
Green (WI)	Peterson (PA)	Young (FL)
Greenwood	Petri	
Gutknecht	Pickering	

NAYS—198

Abercrombie	Clayton	Filner
Ackerman	Clement	Ford
Allen	Clyburn	Frank (MA)
Andrews	Condit	Gejdenson
Baird	Costello	Gephardt
Baldacci	Coyne	Gonzalez
Baldwin	Cramer	Gordon
Barcia	Crowley	Green (TX)
Barrett (WI)	Cummings	Gutierrez
Bentsen	Danner	Hall (OH)
Berkley	Davis (FL)	Hastings (FL)
Berman	Davis (IL)	Hill (IN)
Berry	DeFazio	Hilliard
Bishop	DeGette	Hinojosa
Blagojevich	Delahunt	Hoeffel
Blumenauer	DeLauro	Holden
Bonior	Deutsch	Holt
Borski	Dicks	Hooley
Boswell	Dingell	Hoyer
Boucher	Dixon	Inslee
Boyd	Doggett	Jackson (IL)
Brady (PA)	Doyle	Jackson-Lee
Brown (CA)	Edwards	(TX)
Brown (FL)	Engel	John
Brown (OH)	Eshoo	Johnson, E. B.
Capuano	Etheridge	Jones (OH)
Cardin	Evans	Kanjorski
Carson	Farr	Kennedy
Clay	Fattah	Kildee

Kilpatrick	Moakley	Shows
Kind (WI)	Mollohan	Sisisky
Klecza	Moore	Skelton
Klink	Moran (VA)	Slaughter
Kucinich	Murtha	Smith (WA)
LaFalce	Nadler	Snyder
Lampson	Napolitano	Spratt
Lantos	Neal	Stabenow
Larson	Oberstar	Stark
Lee	Obey	Stenholm
Levin	Olver	Strickland
Lewis (GA)	Ortiz	Stupak
Lipinski	Pallone	Tanner
Lofgren	Pascrell	Tauscher
Lowey	Pastor	Taylor (MS)
Lucas (KY)	Payne	Thompson (CA)
Luther	Pelosi	Thompson (MS)
Maloney (CT)	Peterson (MN)	Thurman
Maloney (NY)	Phelps	Tierney
Markey	Pickett	Towns
Martinez	Pomeroy	Trafficant
Mascara	Price (NC)	Turner
Matsui	Rahall	Udall (CO)
McCarthy (MO)	Rangel	Udall (NM)
McCarthy (NY)	Rivers	Velazquez
McDermott	Rodriguez	Vento
McGovern	Roemer	Visclosky
McIntyre	Rothman	Waters
McKinney	Roybal-Allard	Watt (NC)
McNulty	Rush	Waxman
Meehan	Sabo	Weiner
Meek (FL)	Sanchez	Wexler
Meeks (NY)	Sanders	Weygand
Menendez	Sandlin	Wise
Millender-	Sawyer	Woolsey
McDonald	Schakowsky	Wu
Miller, George	Scott	Wynn
Mink	Serrano	

NOT VOTING—19

Archer	Frost	Owens
Becerra	Hinchey	Reyes
Bilbray	Jefferson	Roukema
Capps	Kaptur	Sherman
Coble	McCrery	Taylor (NC)
Conyers	Minge	
Dooley	Nej	

□ 1230

Messrs. GORDON, BISHOP, and ROTHMAN, and Ms. BERKLEY changed their vote from "yea" to "nay."

Mr. LEWIS of California changed his vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. HOSTETTLER. Mr. Speaker, on rollcall vote No. 36, I was unavoidably detained in my congressional district due to weather constraints. Had I been present, I would have voted "yea" on this vote to pass H. Res. 100.

Stated against:

Mr. MINGE. Mr. Speaker, during rollcall vote No. 36, on ordering the previous question providing for consideration of H.R. 800, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DODSON SCHOOL DISTRICTS IMPACT AID PAYMENTS, 1999

Mr. CASTLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 447) to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Delaware?

Mr. KILDEE. Reserving the right to object, Mr. Speaker, and I will not object, I yield to the gentleman from Delaware (Mr. CASTLE) to explain his request.

Mr. CASTLE. Mr. Speaker, I rise today to encourage Members to support S. 447. Although it would be my intention to consider amendments to Impact Aid during the authorization of the Elementary and Secondary Education Act this bill addresses a problem of a more urgent nature.

In filing for 1999 Impact Aid funds, the Dodson Public Schools in Dodson, Montana, inadvertently forwarded their original application to the National Association of Federally Impacted Schools and not the Department of Education.

The mistake was not discovered until after the filing deadline.

For many school districts, the loss of Impact Aid funds would have minor consequences. This is not the case for Dodson Public Schools. Impact Aid provides a third of the funding for the school district. Without these funds, the school could close and 120 children might have to travel great distances to find alternative education.

This is a small bill with a large impact. I urge my colleagues to pass this legislation, and I believe that the gentleman from Montana (Mr. HILL) will explain it further.

Mr. KILDEE. Further reserving the right to object, Mr. Speaker, I yield to the distinguished gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I certainly appreciate the effort of the chairman and the ranking member bringing this measure forward. This bill is designed to solve a funding crisis for the Dodson School District in Dodson, Montana. This is a small, rural community. It has historically provided a quality, progressive education opportunity for a unique bicultural group of students. It is located about 3 miles outside the eastern border of the Fort Belknap Indian Reservation.

The Dodson schools are near closure. What happened is a former administrator sent the application for Impact Aid entitlement to the wrong location, and that would impact about a third of the district's funding. The current law prohibits the Secretary of Education from reconsidering any school that misses that application deadline, making it necessary for the Montana delegation to offer this legislation to correct the problem.

This school is the hub and the life of this community, and the loss of these funds would likely mean the demise of the entire public school system, a system that serves many residents of the Fort Belknap Indian Reservation.

The economic state of Montana's reservation economy is suffering and losing this school district would also have adverse economic impacts. That is the reason the Congress needs to act in this expedited measure.

I would like to thank the House leadership and the Committee on Education and the Workforce for recognizing the importance of these students and I want to thank the gentleman from Pennsylvania (Chairman GOODLING), and the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman, the gentleman from Michigan (Mr. KILDEE), the ranking member, and Majority Leader ARMEY and all their staff in helping to try to bring this measure.

I rise in strong support of S. 477, legislation designed to solve a funding crisis for the Dodson School District in Dodson, Montana.

The small rural community of Dodson has historically provided quality, progressive educational opportunities for a unique bicultural group of students. The school is located in the tiny community of Dodson, three miles outside the eastern fringe of the Fort Belknap Indian Reservation.

Despite its non-reservation location status, the school's student clientele has consistently been comprised of 60% to 70% Assiniboine-Gros Ventre students, few of who live within the town itself. In fact, the majority of the student population commutes from surrounding farms and ranches.

Several of Dodson's students are out-of-district children who reside in Blaine County whose boundaries lie from ten to twenty miles west and south of the community. Their parents request permission from the board of trustees for the privilege of attendance.

Dodson Public Schools are near closure after a former administrator sent the application for Impact Aid Entitlement, which provide approximately one third of the district's funding, to the wrong office. A provision in current law prohibits the Secretary of Education from reconsidering schools that miss the application deadline, making it necessary for the Montana delegation to introduce legislation to correct the problem.

These students are victims of a bureaucratic regulations that should be an easily reconciled mistake. The loss of funds would likely mean the demise of the entire public schools system—a system that serves many residents of the Fort Belknap Indian Reservation. The economic state of Montana's reservations is not well and losing this school district would require many students additional transportation costs and travel of over thirty miles. Additionally, adjoining school districts and local governments would be extremely pressed to pick up the tab for additional education and transportation costs with a much lower revenue share. This is the reason that the Congress should act on this legislation in an expedited nature.

Dodson Public Schools has a total enrollment of 120 students in K-12. In grades K-8, 53% of the total 74 students reside on federal land. In grades 9-12, 31% of the total 46 students reside on federal land. Of the total enrollment, 75% of the students are eligible for our free and reduced lunch program.

Without these funds, the capability of the district to provide continued quality education

would be seriously jeopardized. In fact, it is possible that closure would be eminent. Sadly, families would be forced to relocate during the school year to access educational services for their children.

The school is the hub and life of the community. I am please that the House leadership and the Education Committee recognize the importance of swift action for the students in Dodson. The House Committee on Education and Majority Leader ArmeY's staff's have worked diligently to seek the expedited approval of this important legislation. I want to thank the House on behalf of the students and community of Dodson, Montana.

Mr. KILDEE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPACT AID.

The Secretary of Education shall deem as timely filed, and shall process for payment, an application for a fiscal year 1999 payment under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) from a local educational agency serving each of the following school districts if the Secretary receives that application not later than 30 days after the date of enactment of this Act:

(1) The Dodson Elementary School District #2, Montana.

(2) The Dodson High School District, Montana.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 447.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 100 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 800.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 800) to provide for education flexibility partnerships, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, as I indicated in the Committee on Rules yesterday, the most painful part about sitting for 20 years in the minority on the committee was the fact that I could not get members of the committee to think in terms of quality and unfunded mandates. The emphasis was always on quantity and, therefore, an awful lot of youngsters did not get what we had intended them to get in relationship to a head start as far as education is concerned.

For instance, in Head Start, the first two studies on Head Start, made it very evident that we should be taking corrective action in order to make sure that every Head Start program is a quality one. We waited more than 15 years to ever mention quality in Head Start.

Finally, in the reauthorization in 1994, we did that. In the reauthorization again last year we put special emphasis on quality so every child has a quality program. We have done the same in Title I. We have paid no attention to quality.

Then it became a jobs program. As I also mentioned yesterday, one cannot help an alcoholic unless they first admit they have a problem. One cannot improve education unless one first admits there are problems, and even though the studies have indicated there are problems in all of these programs, we have failed to do anything about it.

Secondly, I want to point out, because we are going to hear this, we ought to do this with ESEA. This is not ESEA legislation. This came about, this legislation, through Goals 2000. Goals 2000, they said, if we are going to improve schools, we need to have flexibility. So 12 States were given that opportunity, and one of my dearest friends will say that, yes, and I offered that amendment and I will say, yes, and it took me 15 or 16 years to get that word "flexibility" into the vocabulary.

So we have lost a lot of time. We cannot afford to lose any more time. Why is it important not to go beyond where we have gone in relationship to standards and assessment? When Goals 2000 was passed, and when they indicated in Goals 2000 that these 12 States would have an opportunity to get waivers so that they would have flexibility to improve their opportunities to offer an ideal education to all students, we said

we will give you until the year 2000-2001, the school year 2000-2001, in order to have your assessments in line, in order to have your standards in line. We knew it would take time.

1245

Now, it is interesting, there is not a State of the 12 that would have been eligible had the amendment that some people are talking about been in place at that time. None of the States would have been eligible of the 12, because they did not have all of those 5 steps in order. One of them at the present time still has 4 of the 5, and she said over and over and over again, we need this flexibility, we need this flexibility. She would not even be eligible the next time to reapply.

So we cannot go back on the word that we gave them when we gave Goals 2000 with the idea that we will give until the school year 2000/2001 to have all the standards and assessments in place.

Now, it is working, folks. It is working. We will hear many, many times how well it is working. So my suggestion is, if it is working in Texas, if it is working in Maryland, why not give all 50 States the same opportunity to provide a better education for all children in that State.

We are going to hear an awful lot of totally inaccurate statements about what the bill does or does not do. So I am going to take a little time to read what the bill does so that even though we are going to hear the statements no matter how many times I read this, I think it is important for the audience who may be out there watching their televisions to know what the bill actually does.

The extension of Ed-Flex authorizes the Secretary of Education to delegate to States the authority to waive certain Federal mandates, certain statutory or regulatory requirements that interfere with States and districts implementing effective education reform plans. The program was originally created because Congress recognized that States are in a better position to judge waiver requests from local school districts. To be eligible, and this is very important, because we are going to hear otherwise; to be eligible, a State must have an approved Title I plan. The Title I plan includes approved content standards, performance measures and assessments. If a State does not have an approved Title I plan, but is making substantial progress, they can be eligible to participate. This is why in the Title I language it was put in that it take effect in the year 2000-2001. If they are making substantial progress toward developing and implementing standards and assessments, they will be eligible for participation. As I said before, none of the 12 would have been eligible had we had the amendment that may be offered later in place.

Of course, it also then says, under this bill, there are certain types of requirements that States cannot waive

for local school districts. Requirements relating to maintenance of effort, comparability of services, equitable participation by private pupils and teachers, parental involvement, allocations of funds to States and LEAs, the selection of schools to participate in Title I, Part A, the use of Federal funds to supplement, not supplant.

It is important to note that some of these requirements are not even in present legislation. We are adding requirements to some of the legislation that we are dealing with as far as waivers are concerned.

States, when they apply to the Secretary to be an Ed-Flex State, must list specific measurable objectives they intend to meet as part of their State reform plan. Their application will be considered in light of the waiver approval and accountability system they intend to have in place, and how they will measure the performance of school districts, schools or groups of students affected by the waivers. Local education agencies, the school district waiver application, must describe specific measurable goals for schools or groups of students affected by the waiver, and must be part of a local reform plan.

Monitoring. Every year, States must monitor the activities of LEAs and schools receiving waivers, must submit an annual report to the Secretary in Washington. Two years after being designated an Ed-Flex State, States must submit performance data as part of this report.

After 3 years of being an Ed-Flex State, the Secretary of the United States Department of Education will review the performance of SEAs and can terminate its Ed-Flex status after notice and opportunity for a hearing.

Accountability for performance. States can receive the authority to be an Ed-Flex State for up to 5 years. When they reapply for Ed-Flex status, the Secretary must review their progress toward meeting the objectives described in their application.

The question will be, why now. Well, why would we want to lose 2 years to try to help children? Why would we try to wait until we are finished with the elementary, secondary education reauthorization? That may be 2 years down the road. We will lose 2 more years for the most educationally disadvantaged children, to get quality in their education programs.

It is important that I point out what the governors are saying, "As you prepare your budget resolution for the coming fiscal year, the Nation's governors urge Congress to live up to an agreement made early, which is to meet funding commitments to States before funding new education initiatives." And of course they go into great length about the 40 percent of excess costs for special ed. But the President, when he was talking to the governors said, "It is time for the Federal Government to invest in those things which governors and school districts

and principals and teachers and students and parents have proved are critical for raising student achievement." I want to repeat that. This is the President of the United States speaking to the governors. "It is time," I quote, "for the Federal Government to invest in those things which governors, school districts, principals, and teachers and students and parents have proved are critical for raising student achievement." That is the President. I agree wholeheartedly with that statement.

Mr. Chairman, I would ask as we finish this hour and the next 5 hours, that at the end of all that, that we do not think about sound bites, that we do not think about polls, that we do not think about special self-interest groups; but that we think only about children. And that would be my plea, that at the end of this day that our consideration is how do we help the most educationally disadvantaged students in this country get a far better education than they have had in the last 30 years. Part of that has been answered by Texas where the Hispanic scores have gone up, the African-American scores have gone up, poor white scores have gone up. Everybody's scores have gone up. Everybody wins.

So I would hope when we are all finished, we will support the Castle-Roemer effort to give the flexibility to all 50 States.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill authorizes States to arbitrarily and capriciously waive provisions of important Federal education programs under the guise of granting flexibility to local school systems. I support flexibility in the administration of Federal education programs, but only if it is coupled with strong accountability provisions and preserves the emphasis on serving the poorest children.

This bill fails on both accounts. First, it provides no accountability for ensuring reliable reporting and increased student achievement. Second, it allows States to significantly diminish the mission of Title I, which is to serve the poorest schools and the poorest children before the more advantaged.

Mr. Chairman, it is legislative folly to let States waive elementary and secondary programs before beginning authorizing and drafting the Elementary and Secondary Education Act.

There is no urgency for this bill. Current law authorizes and Secretary Riley has waived hundreds of Federal education laws to grant flexibility to States and school districts. The Secretary testified that he believes this measure should be considered with the overall ESEA authorization, and the GAO reported that there is insufficient information to assess the Ed-Flex pilot that allowed waivers in 12 States.

Mr. Chairman, data from the National Assessment of Education

Progress showed that 9-year-olds in the poorest schools improved their reading scores by 8 points, or almost one grade level between 1992 and 1998. It also pointed out that 10 out of 13 urban districts showed dramatic increases in math and reading for elementary students in the highest poverty schools. These results are directly attributable to Title I assistance. Measurable success in these areas should serve to broaden our commitment to increasing investment in public schools, to continue our targeting to the poorest children, and to insist on greater accountability for results.

Presently, the Title I statute allows schools with at least 50 percent of their children from low-income families to operate a schoolwide program. These programs allow schools with high concentrations of poverty to combine Federal funding to reach certain funding goals. This provision has been a vital reform in Title I schools because it allows schools to coordinate efforts among Federal programs targeted at the most needy children. That will not happen without such authority.

Mr. Chairman, the gentleman from Virginia (Mr. SCOTT) and the gentleman from New Jersey (Mr. PAYNE) will offer an amendment to prohibit schools with less than 35 percent poverty from operating a schoolwide program. The Republican majority and Democrats who support this bill claim that H.R. 800 will not reduce funding for poor children. However, an initial report from the Department of Education found that waivers reduced funds for poor children by 18 percent in 1995 to 1996. And if this trend is extended nationwide, it would have a devastating effect on most disadvantaged schoolchildren.

The Republican majority claims that this legislation provides the proper balance between accountability and flexibility. I disagree. The accountability provisions in this legislation must be strengthened if the majority's claim is to be more than political rhetoric.

Mr. Chairman, the gentleman from California (Mr. MILLER) and the gentleman from Michigan (Mr. KILDEE) will offer an amendment to improve the accountability provisions in this legislation. The amendment would require States to have their content and performance standards and aligned assessments required under the Title I statute in place. In addition, this amendment would reinforce the sound education principle that assessment should measure change in student performance from year-to-year and separate out data based on categories of at-risk children.

Lastly, Mr. Chairman, the amendment would require States to hold LEAs accountable for educational objectives and goals as required by the act and to close the achievement gap between disadvantaged students and their peers.

Mr. Chairman, this bill will provide most States with new, sweeping au-

thority to waive Federal law. Given that the Federal Government will invest an additional \$50 billion in education funding over the next several years, these accountability provisions are more than appropriate. They are compulsory.

I believe that H.R. 800 in its present form lacks sufficient accountability and targeting and will jeopardize the long-standing mission of Title I to assist in the education of our disadvantaged children. While the majority has sought to capitalize on the simplicity of the call for more flexibility, we do not believe that should be at the expense of educating needy children.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman and coauthor of the bill.

Mr. CASTLE. Mr. Chairman, I thank the chairman of the full committee, who has been so helpful with this legislation. Obviously, I am rising today in strong support of H.R. 800, which is known as the Education Flexibility Partnership Act of 1999, which I did cosponsor along with the gentleman from Indiana (Mr. ROEMER). I cannot say enough positive things about his efforts as this wound its way through the committees and the amendment process and everything else. Hopefully, we can grasp hands at the end of it in celebration that we have gotten it done.

As we all know, there is nothing more important to the future of our country than to ensure that our students receive a challenging and enriching education. Over the years, a top-heavy system of educating our youth has emerged from Washington. Regulations put in at the Federal level have addressed mainstream problems only, overlooking the fact that each and every district in this Nation is different.

□ 1300

The only policies that can truly assist the diversities in schools across the country are flexible policies that allow States and schools to mold Federal assistance to meet their individual needs. H.R. 800 will provide this flexibility, while ensuring that States and schools are held accountable for achieving positive results and improved student performance.

This has been demonstrated by the 12 States that have Ed-Flex authority in current law. The State of Texas has issued 4,000 programmatic and administrative waivers to get Federal assistance in the form they most need it. Students in districts with waivers have outperformed students in districts without waivers. In addition, the scores of educationally disadvantaged students have improved dramatically.

Ed-Flex permits local school districts to think outside the box in order to design a system that is truly focused on improving student performance. Instead of having to plan a specific

project around a set of separate and conflicting program requirements, districts can develop a vision of how to use local, State, and Federal resources to more effectively improve student performance, and then make that vision a reality through the Ed-Flex waiver process.

All States deserve the flexibility that has enabled current Ed-Flex States to achieve greater rates of success. That is why the gentleman from Indiana (Mr. ROEMER) and I have introduced H.R. 800, a bill which takes the cap off the Ed-Flex project in current law, making all States eligible to apply for Ed-Flex.

To address concerns raised by the General Accounting Office and some of my colleagues, we have strengthened the accountability requirement to ensure that States integrate Ed-Flex with comprehensive State reform efforts designed to measurably improve student performance. We have also added the Technology Literacy Challenge Fund to the list of programs eligible for waiver. This program did not exist at the time, and therefore was not included in the Ed-Flex legislation authorized in 1994.

Finally, in response to concerns that Ed-Flex may dilute funds to high poverty and Title I schools, we placed a limitation on schools that can qualify for title funds with a waiver.

While Ed-Flex is an important first step towards giving States the flexibility they need, I should point out that it is a relatively limited program. It only applies to 10 programs, and they cannot be combined with one another. States must continue to meet the underlying purposes of the programs, and it does not allow special education regulations to be waived, either.

I am confident that this bill can bring about positive education reform, and by enacting Ed-Flex now, the immediate experiences of the States can help Congress identify the areas of Federal regulatory burden for school districts. We then could address these problems during the reauthorization of the Elementary and Secondary Education Act.

The chart which I have here I think is indicative of how significant this legislation is across the United States of America by the people who count; that is, the people who have to educate our young people. The chart says, look who supports Ed-Flex.

Here is who supports it: The Democratic Governors Association unanimously support it, the National Education Association supports it, the Republican Governors Association also unanimously supports it, the National Governors Association obviously also unanimously supports it, the American Association of School Administrators, The National School Boards Association, the National Association of State Boards of Education, the U.S. Chamber of Commerce, and the Association of American Educators are all supporters of our legislation.

We are going to have 23 amendments today. Hopefully we can work out a handful of these amendments. The rest we probably cannot. But I think we have to remember that as good as some of these amendments may sound as they come before us, they largely detract from the issue of flexibility. That is all this bill is.

Indeed, there are going to be opportunities both on appropriation bills and in the Elementary and Secondary Education Act to take up these issues. I do not expect to deter anybody from presenting their amendments by saying that, but I think they need to understand exactly where it is we are coming from.

The people who are from Ed-Flex are for Ed-Flex as it was originally written. That is the way we should pass it. I look forward to the debate. Hopefully by the end of the day we will have passed a very good bill.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the ranking member, or as I call him, the chairman in exile, for yielding this time, with all due respect to the chairman. I am particularly pleased that he yielded to me in light of the fact that I am supportive of this bill. Indeed, I am a cosponsor of this bill.

Just a few days ago we passed the Hoyer-Portman bill on Federal financial assistance improvements, which gave to communities greater flexibility to access Federal monies. I say to my friend, he and I are absolutely in lock-step on wanting to assure that disadvantaged children are helped by Federal programs.

As the gentleman knows, my wife, Judy, was supervisor of early childhood education in Prince Georges County. It is a 70 percent African American school system, as the gentleman knows. While it is obviously not a poor school system, it has pockets of poverty within Prince Georges County. It is faced with the problems of ensuring that we give opportunity and uplift to children who have been disadvantaged, from a lot of different angles.

It was Judy's lament that one of the problems was that she had a child named Sally or a child named Joe, and she could not marshal all of the resources that we at the Federal level want for educational programs, nutritional programs, health programs, whatever they might be, marshal those programs in a way that would maximize their impact on those children.

Really, it is that education from my wife, who was involved in and was principal of a school that was 90 percent, as the gentleman knows, African American, 3-year-olds and 4-year-olds, to try to make sure that we do in fact maximize and provide for every resource possible to help those children, because that is in the best interests of every American.

I rise in support of this bill after talking to the Governors, who are

doing a lot of things, and my own Governor, Governor Glendening.

Mr. Chairman, Governor Glendening has used this Ed-Flex to, in one instance, bring a classroom from 25 to 1 down to 12 to 1 in a school that had 43 percent poverty, as opposed to 50 percent poverty, and use those Chapter 1 funds very effectively, and it has resulted in the substantial upgrading of the performance of those children on our State performance tests.

I will vote for the Miller amendment. I want to say to my friend, because I share the view that we ought to have accountability. If we are going to give flexibility, what the taxpayer does expect of all of us is to ensure accountability with that flexibility.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this bipartisan bill. I recently came back from visiting Russell Elementary School in Lexington, Kentucky. It is a school of low-income students. Many of them are minorities. It is type of students that we are talking about really wanting to help in this bill.

Over the years Washington has spent billions of dollars on numerous programs to help, and yet when I visited this school we saw kids that were taking some tests that could not even identify parts of their body like their nose or ear, things that my granddaughter at 1 year old could do. We have seen billions of dollars spent that really has not improved the skills of our students.

I think, as we have looked at what this bill proposes to do and the results that we have already seen in some other States, I think it is a very great initiative to really start giving the flexibilities back. As we look at Texas and Maryland and some of the things that have happened there and the results that they have had, they have seen increased performance by students, and I think that we really need to support this bill without amendments that are going to add more Washington mandates and strings.

What this bill really is about is about hope. It is about allowing our States to really help the students, and help without a lot of Washington mandates and strings. We have all seen what happens when we add more mandates and reports. We have not really had any indication that there has been substantial increase, with all the programs that we have now initiated.

I think, as we look at Ed-Flex, I am even reminded of Bourbon County, Kentucky. There is more than one school district even in that county, because there are different needs for different children. We cannot expect mandates to meet all of the different needs of different children in different areas of the country.

Instead of passing legislation that keeps decision-making in Washington

and targets the needs of only some schools, I think it is important that we focus on bills that give all students the ability to work toward making it easier for students to learn, and Ed-Flex does just that. It has done it in Texas, it has done it in Maryland, and in 10 other States.

This is an important task that will only be achieved, improving education, by local moms and dads, teachers and administrators at the local level. I am glad to support this resolution.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today's debate on the Ed-Flex bill will focus on whether we should require accountability for the Federal dollars which we send to the States and how those dollars should be targeted. Not top-down Federal-knows-best accountability, but State-developed systems focusing on results that target the resources on the most disadvantaged children.

H.R. 800 expands the existing Ed-Flex program, which the General Accounting Office said in a November report has a questionable accountability structure. The GAO said that Ed-Flex implementation is so uneven that many Ed-Flex States have not established goals for increased academic achievement, and are unable to report on the educational impact of waivers. In short, the GAO report casts serious doubts on whether the Ed-Flex is something worthy of expanding to all 50 States.

Mr. Chairman, due to these serious questions, the gentleman from California (Mr. GEORGE MILLER) and I will offer an amendment to require increased accountability in this legislation, so we are not simply giving flexibility without requiring increased academic achievement.

Under the amendment, States, as a condition of participation in Ed-Flex, must have in place a standards and assessment system that measures the performance of all children. It disaggregates achievement results of at-risk children by categories, and it is designed to close the gap between low-performing disadvantaged children and their peers.

The bill as presently drafted does none of these things. I urge all Members to support this strengthening amendment. We hear two States are doing well, Texas and Maryland. Two out of 12 is not a great record.

I also want to express my support for the amendment offered by the gentleman from Virginia (Mr. SCOTT) and the gentleman from New Jersey (Mr. PAYNE) to prevent low poverty schools below 35 percent poverty from operating school-wide programs.

School-wide programs have become an essential component of school reform in high poverty schools. However, this bill would allow waivers for schools with practically zero poor chil-

dren to implement school-wide programs, and neglect the needs of disadvantaged children. This critical amendment deserves the support of all Members.

While two of my amendments were accepted during committee consideration of this bill, sunseting this legislation and terminating ineffective waivers after 2 years, the bill still needs to be strengthened. The bill as presently drafted, Mr. Chairman, does not address the shortcomings found in the GAO report, or ensure that poor children will receive educational services.

Without the accountability provisions in the Miller-Kildee amendment, States cannot truly measure the academic impact of Ed-Flex, or examine the achievement of at-risk children. The questions Members will ask themselves today is, should we endorse the status quo, or demand better accountability for our educational dollars.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MCKEON), the subcommittee chairman.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding time to me, for bringing this bill to the floor at this time, and for his strong leadership.

Mr. Chairman, I rise in strong support of the Education Flexibility Partnership Act of 1999. I am a proud co-sponsor of this bill. The so-called Ed-Flex legislation, or H.R. 800, will provide our local school districts with the latitude they demand to ensure our children go to the best and safest schools.

Before coming to Congress, I served for 9 years on my local school board, so I am well aware of the burdens placed on our local educators by the Federal Government. Even as Republicans work to return more dollars directly to the classroom, I hear constantly from witnesses testifying before the Committee on Education and the Workforce that they feel besieged by the Federal bureaucrats, rules, and requirements.

Furthermore, the committee recently heard from State and local education leaders about the reform efforts in their school districts. I was pleased to hear about the success that they have experienced, but I believe they could do more if their States and all States had the opportunity to participate in this Ed-Flex program.

Additionally, I have received many letters endorsing the bill, from the Democrat and Republican Governors Associations to the National School Board Association and to the U.S. Chamber of Commerce.

□ 1315

So today we have an opportunity to do something those witnesses and others throughout the country have asked for, to provide more flexibility and less red tape so they can implement the effective programs and reform efforts that are being asked for by parents at home but are being held back by Federal requirements and regulations.

I support Ed-Flex because it is a good first step of giving more freedom back to the local school districts. Through this program, we can place our children's education in the hands of those who know our young people best, our local schoolteachers.

So I urge my colleagues to vote for H.R. 800, and I reject any amendment that places additional burdens on States looking for maximum flexibility.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Missouri, our ranking member, for yielding me this time.

Mr. Chairman, I rise in strong support of this Ed-Flex bill. Again, I commend the gentleman from Delaware (Mr. CASTLE), who I have worked so closely with over the last 8 months. He is a pleasure to work with and a class act.

We have worked on this, not to embrace the status quo, not to make this a block grant, but to come up with a third way, a new way, emphasizing old values and new ideas, old values of the local schools and parents being in control of education, the new idea of flexibility.

Who supports this? Well, we have heard across the board from the 50 governors. This is the statement of administration policy from the President. They support it. We also have the National Association of Education supporting it and the Chamber of Commerce supporting it. I am not sure we get those two groups together very often. We also had a 33 to 9 vote in our full committee. Many Democrats on a 10 to 9 vote within our caucus supported this bill.

Why do they support it? They support it because it is working. In a place like Maryland, in Kent County, we heard testimony from Dr. Lorraine Costella, who is the superintendent of Kent County Schools. They applied for a waiver with a 45 percent poverty rate when they needed a 50 percent. They got the waiver. By the time they started implementing and getting the program for schoolwide reform in place, their poverty rate had risen to 55 percent.

They were already moving forward to improve scores. Specifically African-American scores improved in this Maryland school, Garnett Elementary School. That is why Democrats and Republicans are supporting it.

Also, we have tougher eligibility requirements in this bill, the Castle-Roemer bill, than current law. We shift the eligibility from a simple letter that could be written under Goals 2000 to Title I requirements.

Second, on assessment tools, tougher than existing law. I encourage my colleagues to read pages 5 and 6 of the bill

to see how specific we are on assessment tools and application of those tools to test the students.

Third, termination. On page 13, we have a tough termination clause that, if scores go down for two successive years, one is terminated under this program.

So I encourage bipartisan support for the Castle-Roemer bill.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. SAM JOHNSON) where they have used the waivers quite well.

Mr. SAM JOHNSON of Texas. Mr. Chairman, educating our children is one of the most important issues facing this Nation today. It is vitally important for our children to receive the best education from the most qualified teachers in the safest schools.

We can only provide this when our local governments, parents, and teachers are given the necessary tools and flexibility to design a learning environment that inspires and captures their attention.

I know Congress can help our children succeed by continuing a program that has freed our schools from needless regulations and giving our teachers, not bureaucracies, the ability to design an education program that works, a program that allows our children to be number one in math, science, and reading. What we call it is Ed-Flex. It gives the States the flexibility to improve education through local control.

Washington cannot and should not dictate how our children are taught. Our parents and teachers are the reason for our children's successes.

Ed-Flex does work. As has been stated, my home State of Texas is the leader of new and innovative ways to give our children the tools they need to excel. Under the proven leadership of George W. Bush, our Governor, Texans have made a commitment to turn around our school system, believe it or not his wife pushed him into doing this, and demand the results from our children, from our teachers, and from our school administrators.

Our Governor has used this program to rid our schools of needless bureaucracy and provide the greatest amount of flexibility to the State school systems. But in return, he has demanded increased accountability and improved academic performance.

The results have been remarkable. It has already been stated, since 1996, Texas has granted over 4,000 Ed-Flex waivers to local schools. Since then, in just three short years, reading and math scores have gone up. Reading scores have risen nearly 7 percent. Math scores have risen nearly 10 percent.

National accountability is in the results. We do not need a Federal mandate for accountability. In fact, all our schools are doing better. The performance gap between high-performing and low-performing schools has narrowed.

The great success of this program has shown me the difference between a

child who succeeds and one who fails is the people who are there every day, helping them, giving them support, and encouraging and picking them up if they fail. These are the people who make a difference, not a regulation written by a person 1,000 miles away. It is simple. Local control works. Accountability is in the result.

True education reform can happen in every State if we just give every Governor the flexibility to help improve their own schools. We must make sure that no child is left behind. The time has come to share this opportunity with every school district, every teacher, and every child in our great Nation. Americans deserve no less. This bill helps our kids.

I urge my colleagues to support this bill without amendment.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Ms. SANCHEZ).

(Ms. SANCHEZ asked and was given permission to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Chairman, I rise today in support of improving educational opportunities for our children, children that must grow up in and learn about a world which is expanding with information technologies.

First, let me say that I have visited our Silicon Valley in the State of California and have also seen firsthand the growing information industry companies that are springing up in my Congressional District.

I have seen the exponential growth in high-tech jobs and the shocking lack of a trained work force to fill the positions within that industry.

It is a shame that our children are not adequately prepared to fill these jobs and that the high-tech industry has to go outside the United States to satisfy the need for a trained and skilled work force. We must make sure that our children are adequately prepared to face the future. They need to have a safe space in which to learn and sufficient resources that will enable them to learn.

That is why I am supporting building more classrooms. I am supporting providing local school districts with increased flexibility, the flexibility to help increase student achievement and to promote innovative school reform as long as there is adequate accountability.

I am supporting Ed-Flex and the Miller amendment which strengthens the accountability provisions of Ed-Flex. By enacting smart legislation for our schools, we can improve educational outcomes for our children.

I urge all of my colleagues to join with me in supporting Ed-Flex and the amendments offered by my colleague, the gentleman from California (Mr. GEORGE MILLER).

Mr. GOODLING. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) has 5½ minutes remaining. The gentleman

from Missouri (Mr. CLAY) has 15 minutes remaining.

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, today with this debate, we arrive at a crucial point after a number of efforts over the past several years to increase the flexibility by local educational agencies to use Federal dollars.

Today we arrive at a point that, if we are now going to provide additional flexibilities to the States to grant waivers to local school districts, we then have to make a decision about accountability. We have to know that we can hold the States publicly accountable for the results.

Many have said over the past years that the education debate is not about dollars, it is not about how much money we put into it. Let me tell my colleagues what it is about. It is about results. It is about what happens to the children at the end of the school year. Can they or can they not compute and read at grade level? Can they critically think? Can they master the skills so they can participate in our American economic system?

Last night, we retreated to the fact that six young children from the same school in Maryland won the equivalent of the Nobel prize for high school students, the Intel competition. That same State has worked very hard on flexibility, but it has also worked very hard on accountability.

The superintendent of that State's system encourages Members to vote for the Miller-Kildee amendment to increase accountability because, as she said, "This bill, in its current provisions, does not ensure that those States receiving Ed-Flex will be held publicly accountable."

The Governor of Texas, when he came and applied for Ed-Flex for flexibility in running his school system in Texas, he said, "Here is what I am prepared to do as a result. Five years from now, I am telling you that our goal, what we hope to achieve, is to have 90 percent of our children pass the State Texas exams, 90 percent of our children."

He also said something else. He said, "I am prepared to have 90 percent of our Hispanic children, 90 percent of our African-American children, and 90 percent of our poor children pass that exam."

That is public accountability. That is the kind of accountability we would have if we have the Miller-Kildee amendment. I think it is terribly important. Because what did we get from the other States that applied for Ed-Flex? We got educational babble out of them. They did not set any goals. We saw the GAO report. They have very

vague goals, very vague references to achievement. Some of them could not even provide the data. We cannot continue that process.

This is now going to become a permanent part of our law. This is now going to govern the investment of \$50 billion later this year. We ought to be able to look our constituents and taxpayers in the eye and tell them that we are going to hold people publicly accountable for the results.

I am not telling them what results to achieve. I am not telling them how to do it. But I think they ought to tell us where they are going to be 5 years from now, because the last 5-year plan has not worked out very well. In fact, about 85 percent of the school districts did not do very well on accountability. I appreciate they have got flexibility, but they cannot tell us how their children are doing. That is what parents want to know: How is my child doing? Are they receiving the education that they deserve?

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Missouri, our distinguished ranking member, for yielding me this time.

Mr. Chairman, I rise today in support of a good idea that makes common sense, and I commend its authors, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) for their excellent effort in this regard.

I do believe there is a growing national consensus that it makes sense to give local educational decision makers more flexibility to do what they think works in their community with Federal money. That is the essential principle of this idea, and it is why we should pass the bill.

I will later today support the amendment of the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. GEORGE MILLER) for the kind of high standards that the gentleman from California (Mr. GEORGE MILLER) just spoke about.

But I am pleased to be part of a growing national consensus in favor of public education. I do not want us, though, today in our justifiable pride in enacting this bill to overlook other aspects of a growing national consensus for public education as well.

□ 1330

There are 2 million 3 and 4-year-old children in our country who do not have adequate access to prekindergarten education, and I believe there is a growing national consensus that this Congress has a role to step up to the plate and to help those children and those families.

In my State of New Jersey there are 50 schools in operation today that are more than 100 years old, and there are

1,000 schools in operation today that are more than 50 years old. I believe there is a growing national consensus that we should step up to the plate in this Congress and address that problem of inadequate public school facilities.

President Clinton, last year, I believe, reflected a growing national consensus when he called for the recruitment of 100,000 new teachers to reduce class sizes in the primary grades. Last year we made a downpayment on that, but I believe there is a growing national consensus that we finish the job in the Elementary and Secondary Education Act this year.

This is a good idea, but let us understand the limitations of this idea today. It will permit many school districts to have more flexibility with the 3 or 4 or 5 percent of their budget that comes from Washington. It will not build any new schools; it will not open up any large scope of prekindergarten programs; and it will not take the steps to reducing class sizes that I believe our consensus reflects.

Ed-Flex is a powerful but limited good idea. It should be improved on the floor today, and I believe it should be enacted, but it should not be used by this majority as an excuse to ignore the other more powerful ideas that are needed in public education; better prekindergarten options, better facilities and smaller class sizes. Let us get to work on those.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, I wish to thank the ranking member, the gentleman from Missouri (Mr. CLAY), and the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING).

This is a solid bill. I rise in support of the Roemer-Castle Ed-Flex bill. I think the gentleman from Indiana (Mr. TIM ROEMER) and the gentleman from Delaware (Mr. CASTLE) have done a great job in pulling together members on this committee as well as Members throughout this House in support of an effort that empowers local school districts to really make the education reforms that we here in the Congress believe need to be made, and certainly those at the local level, who are closer to these issues and closest to the children and the problem, know need to be made at the local level.

But I also rise in support of the amendment of the gentleman from California (Mr. MILLER) and the gentleman from Michigan (Mr. KILDEE), which really calls upon States to really produce some sort of concrete and tangible and meaningful assessment plan for parents and for local educators and for those of us at the Federal level to assess what our States are doing and how close they are coming to closing some of the achievement gaps that exist between certain bodies of students.

I have heard some of my colleagues on the other side of the aisle complain

about a national role or a Federal role in education. I would remind my colleagues, and particularly those on the Republican side, that less than 7 percent of all the dollars and really no policy-making authority with regard to what is taught, when it is taught or how it is taught in our local school districts are made here at the Federal level. We should all leave the rhetorical bombs and inflammatory language we use about the Federal role in education at home and really deal with the facts.

The reality is that we need to build new classrooms. We can debate about how it is to be funded, but the reality is we need to build new classrooms. The other reality is that we need more teachers in our classroom. We can debate how it is going to be funded, but the reality is we have this problem. Children, parents and educators certainly are amused by and fascinated by this wonderful debate we have here at this Federal level about who ought to pay for it, but the real losers are children.

As one of the youngest Members of this House, Mr. Chairman, and one who will have to live with these and their children, I hope that we can come to some agreement on what the President has called for in building new schools and hiring new teachers. Whether we want to call it giving all the authority to the States or local school districts or making decisions here at the Federal level, I say to my colleagues on the other side of the aisle, if we can find the courage to use Federal dollars to build prisons, to build roads, and to build highways, we ought to be able to find the courage and the resources and the capacity to build new schools and hire new teachers and give the States and the local school districts to do just that.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Mr. Chairman, I thank the ranking member on the Committee on Education and the Workforce for yielding me this time.

Mr. Chairman, I rise today in support of the Ed-Flex bill, and I commend the gentleman from Indiana (Mr. ROEMER) and the gentleman from Delaware (Mr. CASTLE) for the fine work they have put into it. I believe this is a step in the right direction.

As a member of the Committee on Education and the Workforce, I was proud to support the bill as we reported it out of committee last week. But I, like many of the members of the committee who supported the bill last week, have some additional concerns, concerns on how we can improve the bill before it ultimately passes this Congress and gets signed into law, one of which is the distribution in the allocation formula of title I funding.

I think there is legitimate concern that some of the funds for the more

disadvantaged students in our country may be diverted for other programs, and we have to be careful that that historical role that the Federal Government has performed is not diluted in such a way where the most disadvantaged students are shortchanged. That is why I will support the amendment of the gentleman from Virginia (Mr. SCOTT) later today.

I also have some concerns regarding the accountability language in the bill. I think the Miller-Kildee amendment goes a long ways to ensuring that there is going to be some accountability measures that we can sink our teeth into and find out whether these newer, innovative, creative programs are, in fact, working. We in this body have a responsibility to the taxpayers as well that money will not just be thrown into programs without any type of feedback or accountability that it is working.

I think overall the concept of this legislation is commendable. I represent western Wisconsin, which has some larger cities in it and a lot of rural areas, and the educational needs in the district will vary from community to community. I think the concept behind this bill will allow that type of flexibility to take place where local solutions with parents and teachers and administrators and community leaders, working together in order to figure out programs that actually work at the local level, have that opportunity without them having to jump through a lot of hoops and a lot of bureaucratic waiver provisions out here in Washington before it can be implemented.

Now, in my State of Wisconsin we have a proud tradition of supporting public education. Just a few years ago we had the SAGE program to reduce class size that passed. That is a classic example of both flexibility and accountability working in the State of Wisconsin, and I would encourage my colleagues to support the legislation.

Education is consistently ranked by Americans as a top priority Congress should address. That is why, as a returning member of the Education and Workforce Committee, I am very encouraged by the attention education issues are now getting by elected officials here in Washington and everywhere around our Nation. And that is why I was very encouraged to see my good friend from Indiana, Mr. ROEMER, and my friend from Delaware, Mr. CASTLE, work together across the aisle to draft and introduce this bill.

Mr. Chairman, members of our committee looked hard at this bill and we had a very healthy and meaningful debate on it. I was impressed by the depth of conviction from which members spoke when offering and addressing amendments, and the committee came to agreement on most. At the end of the day, we approved a bill to give States and school districts flexibility in meeting Federal requirements for education programming, while requiring accountability to prove they are addressing the needs of their disadvantaged students.

Some of my colleagues express concern that the bill before us may weaken title I pro-

tections for our most disadvantaged children. In fact, at committee mark-up, I supported amendments that would have tightened the accountability and oversight requirements of the bill and would have limited waivers for what are known as school-wide programs to those schools serving the most disadvantaged populations. I still have some concern about the title I allocation formula and that's why I will support Mr. Scott's amendment requiring 35 percent of title I students to be eligible, even though I acknowledge and share these concerns, I support the underlying bill and urge my colleagues in the House to do the same. Ed-Flex will help schools use funds available from the Department of Education in ways that are best for their students.

Mr. Chairman, I represent a district that is very large geographically, and that is comprised of many small schools and truly community-based school districts. As I regularly talk with the parents, the teachers, and the administrators of my district, I have come to realize that if a problem exists or arises in one of their schools, the best solution to that problem will be found right there in that community, and in that school. This bill will give them quota flexibility to do so.

I firmly believe the U.S. Department of Education serves a vital function by ensuring that poor or otherwise disadvantaged students are not denied educational opportunities. But if a community pulls together to tackle a problem, and a school district taps that energy to develop reforms to address the problem, we here in Congress should give that community and that school district every opportunity to pursue their reforms and advance their goals. Ed-Flex will provide that opportunity, without sacrificing protection for our most vulnerable children.

Under this bill, before a State is given Ed-Flex authority to grant waivers to schools, the State must have an approved plan for standards and assessments that will be used to measure performance levels. In order to maintain its Ed-Flex authority, the State must monitor the progress of the schools for which it provides waivers and report that progress back to the Secretary of Education. Furthermore, the Education and Workforce Committee agreed to a very wise provision that will require an Ed-Flex State to terminate the waivers of schools which experience 2 years of decreased educational performance. In other words, if a State proves that it is willing and able to take responsibility and work with its schools to achieve better performance results, that State may hold the authority to grant waivers for reform measures its schools would otherwise have to obtain from the Department of Education. This arrangement keeps the Federal Government in a partnership and oversight role with States and schools, while innovations and solutions will be developed at home.

In my State of Wisconsin, we are proud of our tradition of supporting public education. We are also proud of our tradition of community involvement and innovative reform. A few years ago, Wisconsin started a program called Student Achievement Guarantee in Education, or S.A.G.E. The S.A.G.E. Program targets grades one through three and allows participating schools to reduce class size, develop rigorous academic curriculums, provide professional development for teachers, and stay open longer to play a larger role in the com-

munity. The S.A.G.E. Program has proven effective by raising performance levels in the most disadvantaged schools in Wisconsin.

If schools in Wisconsin wish to expand on the success of the S.A.G.E. Program or any other, but must obtain waivers to implement a concept, I want my State Department of Public Instruction to have the authority to assess the proposed reform and determine its merit. Under this bill such a scenario is possible, but only if my State agency proves that it has its programs in order and will be able to effectively monitor its schools.

That combination of flexibility and accountability are the key components to Ed-Flex. I believe the necessary elements are there, and I support this bill.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

(Mr. HOEFFEL asked and was given permission to revise and extend his remarks.)

Mr. HOEFFEL. Mr. Chairman, I thank the ranking member for yielding me this time.

Mr. Chairman, I rise in support of the Education Flexibility Partnership Act of 1999. This would allow all 50 States to take advantage of statutory and regulatory flexibility for their educational programs in exchange for greater accountability. I am proud to be a co-sponsor, and I have spoken with a number of educators and administrators in Montgomery County, Pennsylvania, and have learned of their support for this bill.

If allowed to participate in Ed-Flex, in the Abington School District in Montgomery County, they would have the option of using Title I money to hire more reading consultants for a "reading recovery" remedial education program. Rather than being forced to create a new program with redundant administrative overhead, the school district could use Title I money to add to an existing program. This would be more efficient and better for the kids.

In the Norristown Area School District in Montgomery County they could use Eisenhower Professional Development funds to complete more teacher training in reading and writing competence. Now they use those funds for mathematics skills, but they could now use it to flex into reading and writing support as well.

I rise in support of H.R. 800, the Education Flexibility Partnership Act of 1999.

Mr. Chairman, I want to thank my colleagues, the gentleman from Delaware and the gentleman from Indiana, for their leadership on this issue. It is due to their bipartisan commitment to improving our nation's educational system that we can take up this important issue today.

Mr. Chairman, H.R. 800 would allow all 50 states and U.S. territories to apply for statutory and regulatory flexibility for their education programs in exchange for increased accountability. This bill will provide the regulatory room to allow those who are closest to the problem—states and school districts—to exercise their educational judgement about the best use of scarce resources.

In the states which have already participated in Ed-Flex, this innovation has yielded promising results:

Oregon schools were able to pool resources to create a technical education consortium that graduated more students than the schools had individually;

Maryland schools cut in half the number of students-per-teacher in math and science classes, and provided additional instruction time for each student;

In Texas, school districts with waivers increased student scores on statewide aptitude tests by several percentage points in both reading and math. African-American students made even bigger gains.

I am aware that some of my colleagues are critical of H.R. 800 and would like more rigorous standards for state accountability. I also understand there is concern this legislation may provide too much leeway for spending of Title I program funds.

Both of these concerns are legitimate, and both of these concerns are addressed by amendments that will be offered here today. We should work through these issues and do all that we can to strengthen the educational opportunities we offer the nearly 1.8 million children in Pennsylvania public schools today, and the 56 million children in public schools nationwide. I welcome this discussion and look forward to hearing my colleagues' comments.

Mr. Chairman, I am glad we are starting off the 106th Congress with this bill because education is one of my top priorities this Congress, and is a top priority of many families in my District.

I am also glad we are addressing this issue in such a constructive manner. I urge my colleagues to take note of the bipartisan teamwork of Representatives CASTLE and ROEMER that brought this bill to the floor today. The Parties can work together; Congress can find common ground; and we can apply new and innovative solutions to solve problems which are of great concern to the public. I hope we set the direction and the tempo for this Congress with our actions here today.

Mr. Chairman, I urge support of the bill.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER), a member of the committee.

Mr. SOUDER. Mr. Chairman, I want to thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Delaware (Mr. CASTLE), the gentleman from Indiana (Mr. ROEMER), the bipartisan group, and Members, including myself, that have brought this bill forward. I think it is an important first step, and I hope that those who come to the floor and say they are for Ed-Flex do not support the efforts to, in fact, repeal Ed-Flex through the amendment process.

We do not want to have a process where we say, oh, this is a great idea; we are going to, at least in this limited way, give people more flexibility, and then spend the rest of the day trying to figure out how not to give them flexibility. We need to talk straight to the American people.

This is a bipartisan bill. The President has already said he is going to sign it. There are people in both parties. We should be able to do something like this in a bipartisan way, in a limited way, to give people local flexibility without then trying to tie their

hands and say, on the one hand, we believe in flexibility but, on the other hand, we do not really trust them.

So I think the important thing to watch this afternoon is who really believes in flexibility and who really trusts their local efforts and will trust their local administrators to do this, and who, in fact, starts to think that the Federal Government knows best.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Chairman, the bill before us today offers States the ability to waive certain regulatory and statutory requirements for educational programs. I certainly understand the constraints that many States are faced with when they accept Federal funds. However, many of these requirements are in place so that we can be sure that school districts are meeting the needs of students that these programs are supposed to target.

I am particularly concerned about what will happen to Title I when the Ed-Flex is expanded to all 50 States. It seems to me that some parts of Ed-Flex will take away the main purpose of Title I. When Title I was created, it was a mechanism to reach out to poor-performing, low-poverty schools. That is the reason funding formulas that target high-poverty schools were put in place in the first place. These formulas enabled us to reach out to those poor students and poor schools and give them the funding in those areas that they lack.

The gentleman from Virginia (Mr. SCOTT) and I will offer an amendment today, that I hope will get the support of the Congress, that will simply require schools that ask for a waiver for schoolwide programs to have a poverty level of at least 35 percent or higher. When the legislation went in initially, it was 75 percent. It was moved down to 50. Now we want to eliminate it, and I think that is going in the wrong direction. This gives States considerably more flexibility in issuing schoolwide program funds than they currently have now.

Schoolwide programs are under the regular Title I program, and they must have a student population of at least 50 percent, as I mentioned. So our amendment will allow more schools to be eligible for the schoolwide program while maintaining the emphasis on schools that have high or moderate levels of poverty.

Now, I know many Members today will argue that Title I has not effectively bridged the gap between low- and high-poverty schools, so they would like to take away the priority that these schools and students get in the funding formula. Some States with waivers have done just that and have been successful. But they can prove that only because they have desegregated information. The choice of

these States will definitely be undermined.

I support the Miller-Kildee amendment and ask for Members to support the Scott-Payne amendment.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I rise today in strong support of this bipartisan effort to provide greater local flexibility in education programs. I hope passage of this legislation represents a symbolic reversal in the increasing tension between state and federal education administrators, both of whom would like to improve education standards, but sometimes struggle for greater control over resources.

I have been in both positions. As mayor of Alexandria, I experienced first-hand the sometimes cumbersome yet well-intentioned federal strings attached to funding. As a Representative to this body, I also see the importance of a national perspective on these issues. I applaud the drafters of this legislation for their attempt to create a framework under which local and federal education initiatives can work in concert instead of acrimony.

Education flexibility has already proven successful. In the 12 states in which it has been tested thousands of waivers have been used to enhance education programs and reduce paperwork for the local educational agencies. The best part of Ed-Flex is that the state or local education agency is immediately accountable for improved student performance in response to its administration of waived programs. In other words, if the programs are not producing results by improving test scores or showing some other form of measurable gains, the state will lose its permission to participate in Ed-Flex.

Mr. Chairman, this is a win-win proposal to improve local education authority while cutting back on federal regulations that local educators feel are unduly cumbersome. It will encourage states and local education agencies to be creative in working to improve student performance with the understanding that without improvement they will lose this authority. Finally, Ed-Flex will help us back on the path of working together to provide the best public education for all children in the United States putting an end to the local-federal power struggle that has been too common in education policy. I urge my colleagues to support this important measure.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I rise in support of H.R. 800, the Education Flexibility Partnership Demonstration Program, which is a pretty good mouthful.

This program is a great example of how States and localities, when given freedom to manage their own affairs, can achieve better results. So far, only 12 States have participated in the Ed-Flex program, and Texas is one of

them. In exchange for increased accountability, these States have been granted flexibility in using the Federal education dollars to support locally-designed school improvement programs.

It has worked in Texas. We have seen a notable difference in the program. In fact, paperwork has been reduced and, most of all, the results have been positive. Test scores and graduation rates are on the way up, and class sizes are on the way down.

Even though I support and plan to vote for the bill, the Ed-Flex bill is not enough. We have other things we should do. One, we need to make sure we have smaller class sizes. We need to make sure our schools are wired for the new millennium.

There is a story that my wife tells, who is a high school algebra teacher, which says, "Do you know how long it took to get overhead projectors into the classrooms and out of the bowling alleys?" We do not need to wait again for the next generation of students until we have our schools wired.

We need to have access to the internet for these students. We need to focus on school modernization. All over our country we have problems with the infrastructure of our schools and we need to provide assistance for that.

□ 1345

Mr. Chairman, no amount of flexibility will improve our educational system without these provisions. Furthermore, we may need to make sure that the flexibility and accountability go hand in hand so no student is left behind. We need to make sure that this funding is not taken away from those most needy children that were the original reason we provided Federal funding for education in 1965.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. CLAY) has expired. The gentleman from Pennsylvania (Mr. GOODLING) has 4½ minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to make sure that everybody understands a few things that may have been misstated, not on the part intentionally but, for instance, we heard a rosy picture that the Department paints on what happened since 1994 when changes to Title I were made. Well, the tragedy with that rosy picture is the fact that there is actually no, I repeat, no linkage between 1994 changes to Title I and NAEP scores. None whatsoever. And we will not know whether there has been any improvement until the Department releases its study on the Longitudinal Evaluation of School Change and Performance. That is looking at 71 Title I schools in seven States: Kentucky, Maryland, Oregon, Kansas, Florida, Pennsylvania and Texas, to see how student achievement has increased, if at all, as a result of the Title I changes in 1994. So it is important to understand that rosy picture has nothing to do with reality.

Now, I want to make sure that everybody understands how the money goes down and then what it is supposed to be used for, because there seems to be confusion about that. The formula sends the money down to the State based on poverty; however, when it gets to the school building, the money is to be used for the educationally disadvantaged. Make sure you understand the difference.

Now, it is kind of interesting that the gentlewoman from Maryland, their Superintendent of Ed is all of a sudden saying that there should be different rules and regulations for everybody else, yet she would not have qualified for flexibility had we had a Miller-Kill-dee amendment when she applied. She would not have qualified. She does not have the five criteria, even now as she tries to get a reauthorization, she still does not have all five in place. So it is kind of disingenuous, I think, for her to say, for all the rest of you, we expect you to do something different than I had to do.

Let me also point out, a lot of people have been saying, well, two States have done well but the rest have not done it. Let me make sure that everybody understands, two States have done well because they have asked for a lot of waivers and they have been granted a lot of waivers. Two States have asked for a few waivers and they are doing fairly well and that is all they asked for. The other States, the other eight States have asked for very few waivers and the States have granted them very few waivers. Why? Because we promised them when we did Title I that their accountability business had to be in place, all five, in the school year 2000 and 2001. They know that they were not there so they did not ask for the State and the State did not grant them to them. So let us not go back now on what we promised in Goals 2000. Because we said we will allow you to go ahead as long as you and the Secretary here says you are doing a good job of getting your standards and your assessments on line. So do not go back on what we promised, or otherwise no one can participate in flexibility and none of the States presently participating would have been able to participate. It was based on the fact that if you showed tremendous movement toward taking care of the assessments and the standards and so on, we will give you those waivers.

Again, let me make sure my colleagues understand. Only two States have granted very many waivers. Only two other States have granted some waivers. And most of the other States have granted no waivers, because they are waiting to make sure that the Goals 2000 promise that we gave them, they will have things in place.

So let us not deal with all the other issues that we heard. It has nothing to do with flexibility legislation. We are talking about flexibility right now, so we can improve education programs for the most disadvantaged youngsters. We

are not talking about any of the other mandates that the President has talked about. That is not part of this legislation.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule for 5 hours and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Flexibility Partnership Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) *States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in 1 State improve may not prove successful in other States.*

(2) *Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to State and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.*

(3) *By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing education reforms and raising the achievement levels of all children.*

(4) *State educational agencies are closer to local school systems, implement statewide education reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.*

(5) *The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.*

(6) *Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, such as the important focus on improving math and science performance under title II of the Elementary and Secondary Education Act of 1965, (Dwight D. Eisenhower Professional Development Program), and maintaining such fundamental requirements as those relating to civil rights, educational equity, and accountability.*

(7) *To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.*

SEC. 3. DEFINITIONS.

In this Act:

(1) **ATTENDANCE AREA.**—*The term "attendance area" has the meaning given the term "school attendance area" in section 1113(a)(2)(A) of the Elementary and Secondary Education Act of 1965.*

(2) **ED-FLEX PARTNERSHIP STATE.**—The term “Ed-Flex Partnership State” means an eligible State designated by the Secretary under section 4(a)(1)(B).

(3) **LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.**—The terms “local educational agency” and “State educational agency” have the meaning given such terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(5) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) **EDUCATION FLEXIBILITY PROGRAM.**—

(1) **PROGRAM AUTHORIZED.**—

(A) **IN GENERAL.**—The Secretary may carry out an education flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for the State educational agency or any local educational agency or school within the State.

(B) **DESIGNATION.**—The Secretary shall designate each eligible State participating in the program described in subparagraph (A) to be an Ed-Flex Partnership State.

(2) **ELIGIBLE STATE.**—For the purpose of this subsection the term “eligible State” means a State that—

(A) (i) has—

(I) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a) of such Act; or

(II) developed and implemented content standards and interim assessments and made substantial progress, as determined by the Secretary, toward developing and implementing performance standards and final aligned assessments, and toward having local educational agencies in the State produce the profiles, described in subclause (I); and

(ii) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4); and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(3) **STATE APPLICATION.**—

(A) **IN GENERAL.**—Each State educational agency desiring to participate in the education flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an education flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of specific educational objectives the State intends to meet under such a plan;

(iv) a description of the process by which the State will measure the progress of local educational agencies in meeting specific goals described in subsection (a)(4)(A)(iii); and

(v) an assurance that, not less than 30 days prior to waiving any Federal statutory or regulatory requirement, or in accordance with State law, the State educational agency shall give public notice in widely-read publications, such as large circulation newspapers and community newspapers, of its intent to grant such a waiver, a description of the Federal statutory or regulatory requirements that the State educational agency proposes to waive, any improved performance of students that is expected to result from the waiver, and the State official—

(I) to whom comments on the proposed waiver may be sent by interested individuals and organizations; and

(II) who will make all the comments received available for review by any member of the public.

(B) **APPROVAL AND CONSIDERATIONS.**—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within such State in carrying out comprehensive education reform, after considering—

(i) the comprehensiveness and quality of the education flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the degree to which the State's objectives described in subparagraph (A)(iii)—

(I) are specific and measurable; and

(II) measure the performance of local educational agencies or schools and specific groups of students affected by waivers;

(iv) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(v) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) **LOCAL APPLICATION.**—

(A) **IN GENERAL.**—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency, school, or group of students affected by the proposed waiver;

(iv) explain why the waiver will assist the local educational agency or school in meeting such goals; and

(v) provide an assurance that, not less than 30 days prior to submitting the application to the State educational agency for a waiver under this section, or in accordance with State law, the local educational agency or school shall give public notice in widely-read publications, such as large circulation newspapers and community newspapers, of its intent to request the waiver, a description of the Federal statutory or regulatory requirements that will be waived, any improved performance of students that is expected to result from the waiver, and the name and address of the local educational agency official—

(I) to whom comments on the proposed waiver may be sent by interested individuals and organizations; and

(II) who will make all the comments received available for review by any member of the public.

(B) **EVALUATION OF APPLICATIONS.**—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's education flexibility plan described in paragraph (3)(A).

(C) **APPROVAL.**—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (1)(A) will assist the local educational agency or school in meeting its educational goals.

(D) **TERMINATION.**—If a local educational agency or school that receives a waiver under this section experiences a statistically significant decrease in the level of performance in achieving the objectives described in paragraph (3)(A)(ii) or goals in paragraph (4)(A)(iii) for 2 consecutive years, the State educational agency shall, after notice and an opportunity for a hearing to explain such decrease, terminate the waiver authority granted to such local educational agency or school. If, after notice and an opportunity for a hearing, the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school, the waiver shall not be terminated.

(5) **MONITORING.**—

(A) **IN GENERAL.**—Each State educational agency participating in the program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section and shall submit an annual report regarding such monitoring to the Secretary.

(B) **PERFORMANCE DATA.**—Not later than 2 years after a State is designated as an Ed-Flex Partnership State, each such State shall include performance data demonstrating the degree to which progress has been made toward meeting the objectives outlined in paragraph (3)(A)(iii).

(6) **DURATION OF FEDERAL WAIVERS.**—

(A) **IN GENERAL.**—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) **PERFORMANCE REVIEW.**—Three years after a State is designated an Ed-Flex Partnership State, the Secretary shall—

(i) review the performance of any State educational agency in such State that grants waivers of Federal statutory or regulatory requirements described in paragraph (1)(A); and

(ii) terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for a hearing, that such agency has failed to make measurable progress in meeting the objectives outlined in paragraph (3)(A)(iii) to justify continuation of such authority.

(7) **AUTHORITY TO ISSUE WAIVERS.**—Notwithstanding any other provision of law, the Secretary is authorized to carry out the education flexibility program under this subsection for each of the fiscal years 1999 through 2004.

(b) **INCLUDED PROGRAMS.**—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965.

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection (a)(1)(A)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement;

(E) the distribution of funds to States or to local educational agencies;

(F) the selection of schools to participate in part A of title I of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant waivers to allow schools to participate in part A of title I of such Act if the percentage of children from low-income families in the attendance area of such school or who actually attend such school is within 5 percentage points of the lowest percentage of such children for any school in the local educational agency that meets the requirements of section 1113 of the Act;

(G) use of Federal funds to supplement, not supplant, non-Federal funds; and

(H) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this Act shall not apply to a State educational agency that has been granted waiver authority under the following provisions of law:

(A) Section 311(e) of the Goals 2000: Educate America Act.

(B) The proviso referring to such section 311(e) under the heading "EDUCATION REFORM" in the Department of Education Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-229).

(2) EXCEPTION.—If a State educational agency that has been granted waiver authority, pursuant to paragraph (1)(A) or (B), applies to the Secretary to extend such authority, the provisions of this Act, except subsection (e)(1), shall apply to such agency.

(3) EFFECTIVE DATE FOR EXISTING ED-FLEX PROGRAMS.—This Act shall apply to a State educational agency described in paragraph (2) beginning on the date that such an extension is granted.

(e) ACCOUNTABILITY.—

(1) EVALUATION FOR ED-FLEX PARTNERSHIP STATES.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if such agency—

(A) makes measurable progress toward achieving the objectives described in the application submitted pursuant to subsection (a)(3)(A)(iii); and

(B) demonstrates that local educational agencies or schools affected by such waiver or authority have made measurable progress toward achieving the desired results described in the application submitted pursuant to subsection (a)(4)(A)(iii).

(2) EVALUATION FOR EXISTING ED-FLEX PROGRAMS.—In deciding whether to extend a request for a State educational agency described in subsection (d)(2) to issue waivers under this section, the Secretary shall review the progress of the agency in achieving the objectives set forth in the application submitted pursuant to subsection (a)(2)(B)(iii) of the Goals 2000: Educate America Act.

(f) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

(g) EFFECTIVE DATE.—This Act shall be effective during the period beginning on the date of the enactment of this Act and ending on the date of the enactment of an Act (enacted after the date of the enactment of this Act) that reauthorizes the Elementary and Secondary Education Act of 1965 in its entirety.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Each amendment may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GEORGE MILLER of California. Mr. Chairman, I do not know if the rule provides for it or maybe we can find out from the Chair, is there going to be an order for the amendments or is it just going to be based upon recognition? Is the whole bill open for amendment?

The CHAIRMAN. Under the rule, the entire bill is open for amendment.

Mr. GEORGE MILLER of California. So it is just based upon recognition by the Chair?

The CHAIRMAN. Yes. And the Chair will alternate between the sides.

Mr. GEORGE MILLER of California. I thank the Chair.

AMENDMENT NO. 6 OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. EHLERS:

In section 4(a)(4)(C)(i) (of H.R. 800, as reported), strike "and" after the semicolon.

In section 4(a)(4)(C)(ii) (of H.R. 800, as reported), strike the period and insert "; and".

After section 4(a)(4)(C)(ii) (of H.R. 800, as reported), insert the following:

(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met.

Mr. EHLERS. Mr. Chairman, I am extremely concerned about improving math-science education in the United States and I am very pleased that we have one good program which has done that for a number of years; that is the Eisenhower program. In fact, I would like to see that program strengthened and expanded. In regard to that program's inclusion in this bill, my concern from the beginning was to make sure that we still achieve our objectives in improving math and science education as we provide the increased flexibility included in this bill. At the same time, I am extremely reluctant to alter the basic intent of the bill, which is to provide maximum flexibility to state and local education agencies.

As the committee considered this matter, I offered two amendments which were adopted. One of those amendments was in the findings, and provided that:

Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, such as the important focus on improving math and science performance under Title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program) . . .

In addition to that, we also put in a restriction in the bill, another amendment of mine, requiring that the Secretary of Education do as follows:

The Secretary may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection, (a)(1)(A)— . . . unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

I believe that those amendments which were adopted in committee are excellent amendments which emphasize the importance of the Eisenhower program, emphasize the importance of continuing high quality math and science education, and improvement of math and science education, and yet maintain the flexibility which the bill is intended to provide.

It has been brought to my attention since then that we could strengthen it even more by offering the amendment that we have before us at the moment. That amendment would, in addition, provide that the State educational agency which provides waivers for the local school districts would have the following responsibility, that "the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met."

In addition to that, we have also included language in the committee report which states very clearly the intent of the committee and, therefore, the intent of the Congress, is to continue to insist that the intent of the Eisenhower program be met as we go through this process of providing flexibility in granting waivers. In other words, I think we have the best of both worlds. We will continue to try and improve math and science education and at the same time provide the needed flexibility that we need in that area and other areas so that local schools and State departments of education can provide additional flexibility and make them into more workable programs.

This amendment will strengthen what I have done before. I urge that the body adopt this amendment. I do want to say that I will continue in these efforts in the future. Once the bill is passed, I intend to send a letter, perhaps over the signatures of other Members of Congress as well, to the Secretary of Education indicating precisely why these amendments were offered, stating that we intend to watch the results of this very closely, and encouraging the Secretary to follow the strict intent of what we offered here. I think it is also important in the future as we consider Elementary and Secondary Education Act reauthorization that we completely review the Eisenhower program. I believe we can strengthen it, I believe we should expand it, and I believe by doing that in conjunction with what we are doing here today, we can actually come up with a much better system of offering mathematics and science education within these United States.

AMENDMENT OFFERED BY MR. HOLT TO
AMENDMENT NO. 6 OFFERED BY MR. EHLERS

Mr. HOLT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLT to amendment No. 6 offered by Mr. EHLERS:

In the matter proposed to be inserted by Mr. Ehlers' amendment to section 4(a)(4)(C)(ii) of the bill, strike the period and insert the following: ", including, with respect to the statutory requirements of section 2206 of the Elementary and Secondary Education Act of 1965, such application includes a description of how the professional development needs of its teachers, in the areas of mathematics and science, will be, or are being, met."

Mr. HOLT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GOODLING. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

Mr. GOODLING. Mr. Chairman, we have not seen the amendment.

Mr. HOLT. Mr. Chairman, we have a copy going to the gentleman now.

The CHAIRMAN. The gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Chairman, the amendment that I am offering today is a simple one and one that I think will add accountability for science and math teacher training that the gentleman from Michigan (Mr. EHLERS) is trying to put in the bill. I applaud his effort. As I try to look at this from the point of view of a local school seeking flexibility to accomplish their aims, I think my amendment will offer improvement. As we discuss ways to give schools the flexibility they need, we should not lose the successful priority given to math and science teacher training under the Eisenhower Professional Development Act. As my colleagues well know, the Eisenhower act is the only readily available Federal program that helps teachers become trained and remain trained in math and science. Previous Congresses have ensured, both through law and through allocation of money, that math and science should be given a priority in teacher training. Congress placed a priority on math and science training in allocation of these funds because math and science are two areas where teachers have traditionally needed the most help. The statistics bear that out.

The study released just last week by the Chief State School Officers points out that in my own State, New Jersey, only 69 percent of secondary school math teachers have a degree in their main teaching assignment. In other States, the percentage is even lower. And when teachers are not up to speed on academic areas, particularly math and science, students do not achieve all they can. The Third International Math and Science Study results showed that U.S. 12th graders lag behind the international average in science and math.

The amendment I am offering is a simple one. It says that when local education agencies, local schools, are applying for a waiver of the math and science priority under the Eisenhower act, they need to explain in their application how the professional development needs of their teachers in math and science will be, or already are being, met. The amendment preserves the importance of math and science professional development while still allowing schools to waive the math-science priority if they need help in other areas. I believe this is a simple change in keeping with the goals of the bill and maintains a needed focus on math and science education. The amendment of the gentleman from Michigan says that the underlying purpose of the statute should be met. My improving amendment only asks each school to state how they will meet that underlying purpose. It protects flexibility. It does not tell the schools how to meet that purpose. It does not tell the schools how to provide the training. It

only asks them in their application to state that they are thinking about it and have thought about it. My amendment is supported by nonpartisan education advocates like the National Association of Science Teachers and by Dr. Bruce Alberts, the President of the National Academy of Sciences.

□ 1400

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. GOODLING) insist on his point of order?

Mr. GOODLING. Mr. Chairman, I withdraw my point of order.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to respond to the gentleman from New Jersey (Mr. HOLT), who is proposing to amend my amendment. I rise to oppose the amendment to the amendment, although with some reluctance because I am certainly in agreement with the objective of the gentleman from New Jersey in offering this amendment. However, his amendment violates precisely what I tried to avoid in the wording of my amendments both in committee and here. I wanted to avoid adding to the complexity of the application process and avoid creating additional paperwork for those submitting the applications, and I am afraid that his amendment to my amendment ruins that by requiring that every application which involves anything having to do with section 226 of the Elementary and Secondary Education Act of 1965 includes a description of how professional development needs of its teachers in the area of mathematics and science will be or are being met. As I say, I am in agreement with the intent of that, but once again that destroys some of the flexibility that this bill is trying to achieve, and that destroys trying to simplify the application process and make it operate as smoothly as possible.

I would have to add, too, that in the States that have had the ed flex capability for a few years, they by and large to the best of my knowledge have maintained their math and science programs; their scores in math and science have improved even as they have integrated other programs with math and science such as reading programs, and I do not perceive that as a tremendous problem. Even without the restrictive language that was placed in this bill, the States are eager to improve math and science education and are proceeding to do so. The language I got in the bill is a safeguard to ensure that they are required to continue their effort, subject to the approval of the secretary of education and now to the state department of education dealing with that.

Mr. Chairman, I do not believe that the amendment to my amendment adds a great deal, but it does increase the complexity of the application process and reduces the flexibility, so I urge that we not approve that amendment to the amendment.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my friend and colleague from New Jersey (Mr. HOLT). I agree with my friend, the gentleman from Michigan (Mr. EHLERS), that there is a shared intent here to protect and foster math and science education. I believe respectfully, however, that Mr. HOLT's approach is the right way and better way to do that. Mr. HOLT acknowledges, as I believe we all do, that the only major Federal initiative for math and science education teaching is the Eisenhower program. Its requirements have never been more needed than they are today, and those requirements should be waived only under extraordinary circumstances. I have sat in my district office and listened to dozens of employers talk about their grave need for students who are properly trained in math and science. If there ever was a time when we needed to reassert that national need, it is now.

Mr. Chairman, I believe that the author of the underlying amendment, the gentleman from Michigan (Mr. EHLERS) understands that probably better than anyone in this body and certainly better than I do. I would just respectfully say this on behalf of the Holt amendment:

The Holt amendment does not say that we cannot do things with Eisenhower money that are different than what have been done under the regular statutory formula. The Holt amendment says that before we do, we have to explain very clearly what other steps the local education authority is taking to assure high quality math and science education.

Now the second point about the Holt amendment that I think is the critical one is who gets to evaluate whether or not the local education agency is doing what needs to be done for math and science education. The underlying amendment by the gentleman from Michigan (Mr. EHLERS) would leave that judgment to the state educational policymakers, and in the case of New Jersey, to the New Jersey Department of Education. I have great respect and admiration for people in those state departments, but frankly they are the ones who are applying for the waiver in the first place, and if we are asking the people who are applying for the waiver whether they are doing enough to support math and science education, I would be shocked if their answer were ever anything but "Of course we are."

There needs to be an independent review, in this case a review by the Federal Secretary of Education, to make an independent determination that the local education agency is doing what it ought to be doing for science and math education. So I believe we have agreement.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from New Jersey, the author of the amendment.

Mr. HOLT. What I want to make clear, Mr. Chairman, is that from the point of view of the local school, the local school, the people who are preparing the application for the waiver, are not aware of the legislative intent. They just know that they are preparing an application to the state to be excused from some requirements so that they can have the flexibility to achieve their ends, and we want to make sure that they demonstrate that they have thought about how they will achieve the math and science training for their teachers.

Mr. ANDREWS. Reclaiming my time, Mr. Chairman, I would just conclude by saying that I feel like a lay person among professionals, that the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. HOLT) are professional teachers of math and science. I know they share the same goal. I would just respectfully say that I think Mr. HOLT's means of achieving that goal is the preferred one, and I would urge colleagues on both sides to support his amendment.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, I would just say to the gentleman from Michigan (Mr. EHLERS) I believe that my good friend's amendment, Mr. HOLT, if I am not mistaken, does give control of how the funds are used completely to the States and local schools. It does not pull the Eisenhower program out of Ed-Flex, it does not prevent local schools from using Eisenhower funds for teacher training and other subjects, and it does not add burdensome paperwork requirements to the waiver process.

I have great respect for the gentleman from Michigan (Mr. EHLERS) but even if it did cause a little extra paperwork to ensure that our math and science teachers are trained to ensure that our kids are being trained for the global marketplace that awaits, and I would hope that my friends on the other side would be sensitive to the children in this debate and not to perhaps the ideology that all of us are espousing here.

Mr. FOSELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise respectfully to oppose the Holt amendment of the gentleman from New Jersey and in support of the Ehlers amendment of the gentleman from Michigan. Before I speak, let me just compliment the gentlemen who put this legislation together: the gentleman from Delaware (Mr. CASTLE), and the gentleman from Indiana (Mr. ROEMER) and, of course, the gentleman from Pennsylvania (Mr. GOODLING) our good chairman of the committee.

I think fundamentally what we want to do, accomplish, is to ensure that,

yes, education is a national issue. However, we agree that it should be a local responsibility as much as it can be, and if I go into a school on Staten Island or in Brooklyn, and I ask the parents of the students who would they rather have making the decisions for their children, the teachers and the administrators in this school district or someone in Washington that they will never see, someone who never ever will come to Staten Island or Brooklyn, and I think that is the same across the country, and without hesitation those parents, and the teachers, and the principals, and the assistant principals said:

Let us make those decisions; we see these children every day. We know what is best for them as opposed to someone in Washington. We know where our student strengths and weaknesses are, whether it is in math and science or reading. Let us have the flexibility to make the changes that will only serve to improve our performance and, as a result, the students' performance.

Right now that flexibility does not exist. Right now these administrators or teachers have straightjackets around them. We spend an awful lot of money on our children's educations, and by all means we should, but is it not appropriate to have that decision-making made at the local level than here in Washington? I just do not get that argument.

Some folks say, well, let us start, see what we can do here in Washington, and whatever is left we will send to the classroom. See, I do not take that approach, and I think I am with most Americans and most parents. Let us see what we can do with the school, let us see what we can do in the classroom, and then whatever is left over, let us see how we can waste it on too much bureaucracy.

Mr. Chairman, I will just give my colleagues an example of how New York State would benefit from the underlying legislation. New York, for example, could use the Ed-Flex waiver to strengthen teacher development in reading. For instance, New York currently gets funds for teacher development through the Eisenhower Professional Development Program. Most of these funds go toward development in math and science. New York could request a waiver so that in areas with strong math and science programs some funds could alternatively be used for reading development.

Now does that not that make sense? What am I missing here?

Ultimately I think where we should be going is to offer parents the freedom and the opportunity to use any school for their children, but this, I think, is at least a reasonable complies to unbridle the straitjacket that too many teachers and administrators share in Staten Island, or Indiana, or Ohio, or Delaware, or Pennsylvania, and let them make decisions. One size does not fit all, and if a superintendent of a

local school district thinks that he can better address the needs of those students, better enhance academic standards, let reading scores increase, math scores, science scores by reducing class size, then by all means we should allow him the flexibility to do so. If a teacher thinks that she is in a better position to perhaps rearrange her curriculum to address the needs of the child that she sees every single day of the school year, then should we not give her as much flexibility as possible? How can it be argued that somebody here in Washington knows what child in PS 41 in Staten Island is thinking on a daily basis? I cannot say what is best for that child. I think the teacher and the principal is in a better position, let alone what is happening in California or reforms in Texas.

I compliment really what the gentleman from Indiana (Mr. ROEMER) and the gentleman from Delaware (Mr. CASTLE) are doing here. We are moving in the right direction. We are spending taxpayer money on our child's education, as we should be, but getting the control out of Washington and back home where it belongs, providing the people we trust with our kids every single day, the flexibility, the desire, the opportunity to do what they think is best. I think, if anybody in this Chamber goes into a school in their district, goes before a PTA and asks the parents in that room, or cafeteria, or wherever it is what they think is best, I think they will support my position as well.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am standing to support the amendment of the gentleman from New Jersey (Mr. HOLT) to the amendment because it is consistent with Ed-Flex. Often schools waivers from Federal regulation and returning in return for increased accountability. We cannot have waivers if we do not have accountability because then we have an open ended shoot that we could end up undoing and redoing our entire Eisenhower program.

We must protect the emphasis on math and science education, and we have to ask schools to explain how they will meet their training needs for their math and science teachers. That is all there is to it. We do not want math and science teachers that are not prepared to teach the subject they are teaching. We must give control on how these funds are used to the States and the local schools absolutely, but in return they must be accountable for the fund they receive from the Federal Government.

The amendment offered by the gentleman from New Jersey (Mr. HOLT) does not pull the Eisenhower program out of Ed-Flex, does not prevent local schools from using Eisenhower funding for teacher training and other subjects, does not add burdensome paperwork requirements to the waiver process. What it does is adds accountability for the waiver from Federal regulation.

□ 1415

Nearly every school in this Nation relies on Eisenhower programs for their training and for math and science, and we need to be expanding it to technology.

The Eisenhower Act is the only universally available Federal program that helps teachers become better trained in math and science, and if you support math and science and technical education for the children of this country, if you support the Eisenhower Professional Development Program, you will support the Holt amendment to the amendment.

Mrs. WILSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to talk about the Holt amendment to the Ehlers amendment, and I have to say that I have sympathy with his intent but I will have to oppose his secondary amendment because I am not sure that it achieves anything different from what the gentleman from Michigan (Mr. EHLERS) has proposed, but it does impose a greater paperwork burden on those who are applying for waivers.

The whole point here is to relieve local education authorities from some of the burdensome paperwork that the Federal Government imposes. If we look at most State departments of education, they will say that only 7 cents on the dollar comes from the Federal Government but that 50 percent of their employees spend their time dealing with Federal paperwork.

It is not so much different in local school districts. We should not be levying greater paperwork requirements, which is exactly what the Holt secondary amendment does. It says very specifically, such application includes a description of how the professional development needs of its teachers in the areas of math and science will be or are being met. It requires them to put that in their application process, an application process that should be as streamlined as possible.

I think the gentleman from Michigan (Mr. EHLERS) has been creative in giving us the best of both worlds. He focuses on making sure that the intent of the Federal law is upheld and the State must review all of those applications, but it does not require longer paperwork by the local schools.

I rise today because I like this underlying bill, I like Ed-Flex and the whole concept of it, and I say that being a representative of one of the 12 States that currently has the program in place as a pilot project.

We are not a State, New Mexico, that has taken advantage of it in terms of having large numbers of waivers under Ed-Flex. We have tended to be conservative, with a small C, and that is good, but the things that we have taken advantage of, I think, are important and also the way that we have gone about taking advantage of them.

Let me give you a couple of examples. The first is a little school district

in New Mexico that found its enrollment declining but it had a great research based program that it wanted to put in place. It cost \$60,000 to do, but because of lower than expected enrollment and a Federal allocation formula, they were only going to be authorized \$50,000. It was one of those things if you do not have the \$60,000, you cannot do the program.

They asked for a waiver and worked with the State, and the State adjusted the allocation formula so that the school district could get \$60,000 rather than \$50,000. It is a small example, but it mattered a lot to that school district as an example of what local flexibility can do.

Perhaps more importantly is a waiver that is now pending on our State school superintendent's desk that has to do with the requirement under Title I that all schools who have 75 percent or more students in poverty must get title I funds.

In New Mexico, we have a statewide waiver pending that will allow schools to focus those monies at the elementary level, and I think there is a lot of sense in that kind of proposal.

We want to reach these kids early and intensively. Rather than the requirement to spend money at the high school level and the middle school level, let us focus on where it matters for the long-term with our Title I funds, in those early grades and early years. That is the kind of flexibility that Ed-Flex can give all 50 States, so that other States, in addition to New Mexico, can benefit from this kind of local control.

I want to commend those on both sides of the aisle who have brought this to the floor of the House today, and I think it is a very creative, very innovative approach to improving education. We have much more to do, but I believe that this is a very good first step.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Holt amendment to the Ehlers amendment. I must say that I am somewhat surprised that this amendment would not be accepted by the majority to the legislation, because, one, I think it is quite consistent with the legislation. It is also quite consistent with the priority that this Congress has spoken to with respect to math and science, education and professional development.

If you read the underlying statute in the Eisenhower program, the first monies appropriated go to math and science because we have obviously recognized and continue to recognize that this Nation has a problem with respect to math and science education and also to the development of qualified teachers to teach math and science.

If I remember right, when Governor Ridge was before our committee testifying on this legislation, and many of the changes he has made in the State of Pennsylvania, many leading the Nation with respect to teacher development, he suggested that with respect

to math and science, if I remember his testimony correctly, that he essentially felt that Pennsylvania has basically done a very good job in preparing math and science teachers and now he would like to move on to other areas of professional development within that area.

There is nothing in this amendment that would prevent the governor from so doing. When he prepares the plan or the superintendent of schools, public instruction, prepares a plan for submission, they would simply recite how they are doing with respect to this, how they have met it or are meeting the professional development. If he feels he has accomplished this for the time being and he wants to use the resources otherwise, he is fully free to do that under the Holt amendment.

I think that is the important thing about the Holt amendment; it merges with the intent of this legislation. It does not contradict that.

Let us understand something else about this. Some day we will have a hearing about professional development, and I suspect if we go into schools and talk to schoolteachers and others we will find out there are a lot of interesting courses being given that are federally funded about professional development that have very little to do with the real development of teachers. They are there because somebody needs so many units or so many hours of whatever.

We find some people taking language courses before they are going off for the summer on a trip, and all other kinds of problems.

We ought to make sure that the resources for math and science professional development, to make these teachers qualified, to help them become qualified, that it is not a casualty of flexibility. I think that is the goal of the gentleman from Michigan (Mr. EHLERS). I think it is clearly a goal that is properly reinforced. It is a simple recitation. This is not a long, drawn out process. It simply, once again, takes the responsible public officials, puts them on the public record with respect to how they are doing and what we can expect from that State organization, from those local organizations, over the next 5 years of this legislation.

This is a program that is authorized at some \$500 million. We have decided this is important; this is what is necessary. I would hope the majority could accept this amendment because I think it is important that we keep this priority and that math and science education does not become a casualty of flexibility.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Holt amendment. I think what we are trying to say is that we do need

accountability with this flexibility. As we look at what is going on now in our schools, in 1991, the secondary schools in this country, students were less likely to have a qualified teacher in math than in any core subject. Twenty-seven percent of the students had a teacher without at least a minor in math, and for science 32 percent of the students in the seventh grade had a teacher without at least a minor in science.

Large variations in teacher skills exist among especially low poverty versus high poverty schools. Seventeen percent of the secondary students in low poverty schools were taught by math teachers without at least a minor in math, versus 26 percent in the high poverty schools.

For physics, 57 percent of the students in low poverty schools, versus 71 percent in the high poverty schools, have poorly trained teachers.

What we are asking for is for every student to be included. For chemistry, 23 percent of the students in low poverty schools, versus 37 percent in high poverty schools, have poorly trained teachers.

We must ensure that all of our students have an opportunity for a quality education, especially in the area that I represent. We must have people that can fill these jobs. We are one of the locations that had to lift the caps to bring people from other countries to take the jobs we have available.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 1 additional minute.)

Mr. GEORGE MILLER of California. Mr. Chairman, I want to respond to what the gentlewoman says because she makes a very important point. Again, going back to accountability, going back to public accountability, most parents would be shocked at the qualifications of the people who are teaching their children science and math. As just was found here, in good school districts there is a less than one in four chance that that math and science teacher is properly qualified to teach that subject. In poor schools within those districts, the odds get much worse.

Most parents believe that the teacher that is standing in front of their child is, in fact, qualified. Unfortunately, especially in this field, that is simply not the case. That is why I think it is important that when we provide for this waiver, that the person responsible for preparing the waiver is prepared to publicly state how it is they are doing and what they are doing to meet the requirements for teacher professionalism in math and science, because the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) makes a very important point, and it would be shocking to most parents but it is simply a dirty little secret about the qualifications of people teaching math and science in the United States.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members have probably observed the Chair has been rather strict in its observation of time requirements. The reason for that is the large number of amendments to be considered and the limited amount of time and the Chair's desire to consider as many amendments as possible. So the Members are admonished that the Chair expects to enforce the time limits.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the last 2½ years, we have had the opportunity in the Subcommittee on Oversight and Investigations to travel around the country having 17 hearings in 17 different states, trying to understand what is going on in education at the local and at the State level.

It is because of that background that I rise in support of the amendment of the gentleman from Michigan (Mr. EHLERS) that he is bringing forward. We have heard from the local level, from parents, from administrators, from government officials, that what they need is they need more flexibility to better serve their students.

We also took a look at how Washington today is establishing priorities. We have 760 programs spread over 39 different agencies. What do we have in math and science? Is that a priority that we have clearly established?

We have 63 different math and science programs, that is according to GAO, math and science programs. They are not all within the Department of Education. The National Science Foundation has multiple programs. NASA has three programs. EPA has three programs. The Department of Energy has three programs.

□ 1430

I think we have come far enough in mandating to school boards and mandating to officials at the local level what they need to do in their classrooms.

What this program does is it begins to step back and say that real accountability and real responsibility needs to be focused at the local level.

We have a chart here that talks about what Washington says America's schools need, and over the last number of years, that is exactly what we have been doing here in Washington. We say, we have identified this need, we are going to have a program, and we are going to mandate that you do these types of things, whether it is teachers, and we hear a lot of talk about 100,000 teachers; whether it is math and science programs. Whatever the issue, in the last number of years, the response has been, Washington will develop a program, we will give you the answer, you will implement what we tell you to do, and then you will report back to us and tell us exactly what you have done.

Mr. Chairman, what we lose in that whole dialogue is we lose the focus of

the child and the education that they are getting.

POINT OF ORDER

Mr. CLAY. Mr. Chairman, I would hope that the gentleman would confine his remarks to the amendment at hand and not be going all over the place. He is not speaking to the amendment.

The CHAIRMAN. The Chair would remind all Members that discussion should be confined to the pending amendment.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank the Chairman.

When we are talking about this amendment, we are talking about whether philosophically we believe that Washington ought to be mandating to the local school level what needs to go on in the classroom and how those dollars are spent, or whether there will be a degree of flexibility at the local level to meet the needs of the children.

POINT OF ORDER

Mr. HOLT. Mr. Chairman, point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLT. Mr. Chairman, I would like to make a point of order that there are no mandates in my bill.

The CHAIRMAN. Does the gentleman have a point of order?

Mr. HOLT. Yes, Mr. Chairman; that the gentleman is not addressing the amendment.

The CHAIRMAN. The Chair will remind all Members, once again, to confine themselves to the amendment before the committee.

The gentleman may proceed.

Mr. HOEKSTRA. I thank the Chairman.

If this amendment and the other amendments do not deal about flexibility, do not deal about the degree of latitude that a local school district has, I am not sure what the debate is about. But what we have done in Washington is said, you will do these types of things and you will not have the flexibility to do the other types of things. We have 63 math and science programs today. We can, in this one instance, perhaps allow the local level a little bit more flexibility in how they are going to spend their dollars to meet the needs of their children.

We have 63 math and science programs. Those go along with a whole range of other programs designed to meet the needs of the children. Let us move flexibility back into the local level, rather than sticking with mandates.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. Mr. Chairman, I believe that the gentleman has already interrupted me 2 times, and due to that lack of courtesy, no, I do not think that I will yield.

I would like to continue, Mr. Chairman.

The CHAIRMAN. The gentleman controls the time.

Mr. HOEKSTRA. Mr. Chairman, what we have found is that as we go to the local school districts, we find that they have lots of needs. Some have needs for professional development in the area of science and training; some have needs for special education dollars; some need computers.

What we need to do is we need to follow the Ehlers amendment.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Holt amendment. I would like to say first of all that our committee has been really enriched by the membership of the gentleman from New Jersey (Mr. HOLT) on the committee.

The amendment which he offers is extremely simple. It asks school districts to describe what professional development opportunities they are providing for math and science teachers if they waive the math and science priority under the Eisenhower program. This is certainly not a burdensome amendment, and this amendment does not restrict any flexibility provided in the bill.

As Members know, the results of U.S. children in the third International Math and Science Study were dismal when compared to children in other countries around the world. Pulling back on our commitment to improving the professional development qualifications of our math and science teachers at a time when our children are being out-performed by so many internationally seems to be misguided. I would urge all Members to support the Holt amendment.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I thank the gentleman from Michigan.

I just want to reiterate what the gentleman from Michigan (Mr. EHLERS) has called for, which is no restriction on the schools' flexibility in accomplishing their ends, and my amendment to his does not add to that, either.

I frankly am surprised that the gentleman from Michigan (Mr. EHLERS), and the others have not accepted my amendment. It seems to be very much in the spirit of his, just trying to look at this matter from the point of view of a local school and how that local school will recognize the intent of the Eisenhower funds, the intent of the legislation.

Ms. GRANGER. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment of the gentleman from Michigan. Mr. Chairman, Mark Twain observed that the greatness of our Nation comes from the soundness of our schools.

Today more than ever we need to re-dedicate ourselves to improving the lives of our children, and that is by enhancing the quality of their education.

One way to do this, I believe, is Ed-Flex. This program allows States and local school districts to spend their share of Federal education dollars in the way that serves their needs.

Texas is one of the 12 States with waivers today, so let me give an example of how this works in my hometown of Fort Worth, Texas. A few years ago the Briscoe Elementary School was the home of students who were not living up to their potential and teachers who were not meeting expectations. Thanks to Ed-Flex, this school was able to take Title I money and spend it in specific ways to specifically address their problems. A new principal was brought in, new teachers, set new standards for the children. The results: Well, test scores are up significantly. What was once considered a poor performance school by the State is now well on its way to becoming one of the best.

I personally visited Briscoe Elementary and principal Dr. Jennifer Brooks, and I know that flexibility gives this excellent principal and her teachers the tools they need.

Mr. Chairman, let us pass Ed-Flex legislation so that the schools all across America have the chance to do what the schools in my district in Texas are doing, and that is fixing their problems, finding solutions and fighting academic indifference. What a great investment in our future. Children may only represent 20 percent of America today, but they represent 100 percent of our future.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, if I were the author of the amendment and the amendment to the amendment, I think I would be deliriously happy that so many people are recognizing the importance of math and science education and doing so much to try and perfect the processes by which we are improving it through the Eisenhower Program in this particular case. I am delighted at this situation, and I have been involved in this effort for quite a few years.

As we got into this, I recalled that I was a member of the 89th Congress and the 88th, which originated this basic legislation and we have kept trying to improve it ever since. It still has not reached perfection. I doubt if we will reach perfection. Education is too complex a subject, too many variables, and we are unlikely to reach some magic solution.

I took this time in part to point out that there are other approaches to improving science and math education in addition to the very important one of improving the professional training and capability of the math and science teachers. This is vital, but it is not the whole key to success. We can have some very dumb teachers doing a lousy

job who have all the professional requirements to teach math and science in the very best possible way.

I am acquainted with 2 programs which are both privately funded doing an excellent job. One is the Challenger Program, which arose out of the Challenger space accident, which had a science teacher on board, and this Challenger Program is a tribute to science teaching, and it gives middle school students a hands-on opportunity to actually practice the techniques of science in a simulated space-controlled setting. It works well. We have seen these programs in operation, and they motivate the students.

Now, in addition to motivated teachers and good teachers, we do need motivated, excited children. They learn best this way.

We have another program called the Jason Program developed by Dr. Robert Ballard, the discoverer or the scientist who explored a lot of under-sea situations, and I participated out in California earlier this week in his current exciting science experiment. He has an experiment going on down in the rain forests of Brazil in which students participate and the activity down there is beamed to dozens of schools all over the United States. In my own district, where we have a so-called downlink site, there will be literally thousands of students participating and learning and improving their knowledge of science and technology. This again is privately funded to a very large extent.

Mr. Chairman, I am suggesting to my colleagues that we are wasting a lot of time here on 2 amendments which in my opinion are not antithetical to each other. They probably, in an ideal world, should have been combined to begin with so that we can get whatever benefits come from merging 2 good ideas. I fail to see, and I hate to differ with my good friend, the gentleman from Michigan (Mr. EHLERS), how the amendment of the gentleman from New Jersey (Mr. HOLT) puts this much of a burden on school districts, and it is certainly not for putting a Federal mandate on it. They are invited to tell the Federal Government what it is they are doing that makes it unnecessary for them to continue doing what the Eisenhower Program says that they must do. I am sure that ingenious local districts can make an adequate explanation to the Federal Government of why they can have a better program than the Federal Government has laid on them through the Eisenhower provisions.

Now, this is not to belittle the Eisenhower Program in the slightest, because it is necessary that we have this kind of enactment into law.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member of the Committee on Science for his re-

marks and his astuteness on the need to support the Holt amendment, which is really a perfecting amendment. As the gentleman has noted, they should be combined.

Frankly, I think that with the crises, I call them the crises that we have in math and science development, professional development of our teachers, as evidenced by the statistics that show the performance of our students, this is the way to go. Which is, it provides flexibility, but it also ensures accountability. So that none of our schools can borrow from Peter to pay Paul, meaning leaving out math and science national development to the chagrin of our parents, and not realizing that we must make sure these teachers can teach math and science so that our children can be prepared for the next millennium.

Mr. BROWN of California. Mr. Chairman, I thank the gentlewoman for her contribution.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with due respect to the gentleman from California (Mr. BROWN), and I do agree with much of what he just said, this debate, and I will try to confine my remarks to this amendment, but I think we cannot talk about these amendments without talking about the underlying bill.

In some respects I am reminded of the story that during the dark ages, there was a debate that raged through Europe in terms of how many teeth a mule had. Finally, one bright young man said, well, why don't we count them?

I would suggest that as we debate these amendments and ultimately the underlying bill, we ought to talk to the administrators, the school people in our districts, and find out what they think. Why do we not ask them? So we did exactly that in my office. I would like to read for my colleagues some quotes from some faxes and e-mails that we have gotten in my office from school administrators in my district.

The first one is a school administrator in a very small school in my district; in fact, it is one of those schools where they still play 9-man football. Let me read what he says. He says, "Federal mandates cost money, and the money is never offset by increased aids. While we appreciate the Federal funding we do receive, it is never and will never even begin to cover the costs incurred by the federally mandated programs we have been forced to set up. Besides, rarely is national education policy aimed at any school district smaller than Chicago, and never is there any policy aimed at helping rural schools."

□ 1445

Let me read another quote more directly to the issue we are debating now about the Eisenhower program. This is a superintendent from a slightly smaller school, but still a small school.

He said,

We receive Eisenhower funds and block grant funds. We find the regulations on the Eisenhower funds to be somewhat restrictive, as they can only be spent for math and/or science teacher training. The guidelines are so narrow that each year dollars go unspent when there are needs that relate to science and math but do not meet the guidelines.

However, if there is a seminar 150 miles away, which may be of questionable value, we can spend the money traveling to that site, spend it for meals and lodging, and then sit and listen to a dry and (of dubious value) lecture.

New methods of teaching teachers are not encouraged with the present guidelines. If we could buy software and some hardware with that money, we could have teachers teach themselves here in Gopherville, rather than by an expert in Minneapolis.

Mr. Chairman, I suggest that is what this debate is about, who knows best. Let me just close by quoting our new Governor, because a lot of people ask, what does Jesse, the Governor, have to say about some of these issues?

We had lunch with the Governor about 1½ weeks ago. He was very simple and direct. He said, listen, we do not need new fiscal Federal programs. We do not need you to subsidize 100,000 new teachers. We do not need you to help us build new schools in Minnesota. What we need for you to do is fund the programs that you have already set up. If you guys would simply fund the special education program the way you promised to maybe years ago, we could take care of the rest.

Mr. Chairman, this is a relatively simple debate. It really comes down to who knows best. I think we ought to listen to the people who are actually out there teaching our children, working in the schools as school administrators, and if we do, we will come to the clear conclusion that it is time to say that Washington does not know best.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly support the motion offered by my colleague, the gentleman from Michigan. That motion is intended to simply clarify, as I understand it. The secondary motion, as I view it, adds additional bureaucracy and mandates that we are trying to narrow.

Ed-Flex is about restoring local control over education, and in Michigan we have had Ed-Flex since 1994 with what I think are impressive results. Ed-Flex empowers local school districts to make school-specific improvements, bypass cumbersome Federal regulation, and expand accountability at the same time.

Four years ago, if anybody had been asked, what is the more difficult problem, correcting the welfare system in this country or fixing education so that we maximize the potential of every student, I think most people would say, well, probably reforming welfare is a little tougher.

Well, look, we have done that. We have said that we can reform welfare

by taking some of these decisions out of Washington and giving more flexibility to States and local governments. Again, that is what we are trying to say with helping to fix education. Let us get the solution a little closer to the problem, so that there is a greater likelihood that the solutions meet and match those problems.

The State of Michigan's success as a participant in the Ed-Flex program speaks directly to why this bill and the Ehlers amendment should pass without amendment. Ed-Flex has allowed Michigan to lower the poverty threshold at which schools are eligible to plan and implement Title I school-wide programs. Lowering the threshold has resulted in 500 additional schools qualifying for school-wide programs.

In Michigan, schools with large concentrations of low-income students are now implementing programs which improve the entire school, rather than implementing several programs that are designed to concentrate only on small groups of students. These are the types of changes that we need to encourage if we are to improve our education system.

Educational flexibility is what my local schools in the southern part of Michigan are asking for. Those schools that have already accomplished smaller classroom size do not want to be gyped, if you will, with proposals that say they can only have this Federal money if they are using it for smaller classroom size and more teachers.

My schools that have already hooked up the Internet to their classrooms do not want to be short-changed out of Federal funds if they have already taken that kind of initiative to hook up their classrooms to the Internet.

Let us allow greater flexibility, and give those local communities, those local teachers and school boards and those States more flexibility in deciding how they are going to be able to implement programs to assure that in the future every student can learn to their maximum potential.

As chairman of the Science Subcommittee on Basic Research, I know it is very important that we dramatically improve math and science education. Ed-Flex can help us achieve those goals. Ed-Flex allows States to avoid many burdensome requirements and focus on improving student performance. It allows States to make better use of Federal education improvement programs to address local needs. Expanding Ed-Flex will also assist Congress in identifying specific changes that should be highlighted when the Elementary and Secondary Education Act is reauthorized. Ed-Flex has succeeded in Michigan and we should make it available to the rest of the Nation.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very briefly, there are two major problems with this amendment to the amendment. First, we are

starting to pick away at the whole idea of flexibility, little by little by little. But this whole debate is a debate about somehow or other the local district is not going to be responsible.

Who do we think has to answer when the NAEP tests in math are not very good, the math tests are not very good? Not the Members, not me, the local school board, the local teachers, the local administrators. They are the people who have to answer to the neighbors.

Let me give one example. The most affluent school district in my district has a gentleman who attends every board meeting. There is a reason. I imagine his father left him a very nice estate. I imagine that the taxes are just tremendous on that estate.

What was the last thing he asked for? He called me and he said, I need you to get me a copy of the TIMMS test. I said, why do you need a copy of the TIMMS test? He said, I am not satisfied with what we might be doing locally. I want to know how we are doing on the national, the international level. The superintendent said, if you get the test, I will give it.

The TIMMS test is available, and many States take advantage of that to determine how their students are doing in math and science. Well, maybe the superintendent did not know that I could get him that test, but I got him that test. Now the superintendent is bound, because of public pressure, to give that test.

So we have to get off of this idea that somehow or other the local level will not do what they have to do. The bill has important programs, such as the important focus on improving math and science performance under Title II of the Elementary and Secondary Education Act of 1965, the Dwight D. Eisenhower Development Program. So we just now want to nip away at the whole idea of flexibility, and secondly, just tell the local government, you really do not have any interest in your students.

It is a terrible, broad statement to say how little math teachers or science teachers know. Again, it depends very much on the school district. Yes, there are areas where I am sure they can get away with not having people who are really qualified to teach. In my State, if you do that you lose your State subsidy.

So again, let us not pick away little by little at the whole idea of flexibility on something that is working.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. EHLERS), who authored the original amendment.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding.

Just a few closing observations. The ranking member of the Committee on Science, the gentleman from California (Mr. BROWN) commented that we should be deliriously happy to hear this much discussion about math and science on the Floor of the House. I have never been delirious, but I have to

say I am extremely happy and share his joy at hearing this debate. I am very pleased at all this interest.

Another comment regarding his statement. He is absolutely right, we need much more than just the Eisenhower Program. Developing good math and science programs is far more than just professional development. We need better curricula, better training of teachers in their higher educational institutions, we need better certification methods, et cetera. I am willing to engage in that battle and continue to work on that effort.

The final point is, as I said at the start, I agree with the intent of the secondary amendment offered by the gentleman from New Jersey (Mr. HOLT). My concern is the increased paperwork and the lack of flexibility which would arise from his amendment. I feel strongly about that simply because I have worked in local government. I have had local superintendents tell me about their problems.

In fact, a number of them said that when a new Federal program comes out they evaluate how much it is going to cost them to write the application. If it is more than a certain amount, they just forget about it. It is not worth the money they receive from us.

The intent of this bill overall is to try to increase flexibility, reduce the amount of paperwork needed, and therefore we have to honor that intent. Therefore, I oppose the Holt amendment.

Mr. GOODLING. Mr. Chairman, let me close by saying, if a student cannot read at a fourth grade level, I guarantee that he or she is going to have a difficult time doing math and science. Yet, we find that fourth grade scores were flat from 1992 to 1998 in reading. We find that 38 percent scored below basic in fourth-grade reading. That is the same as it was in 1992. We know that 58 percent who have received free and reduced price lunches cannot read at fourth grade level.

Mr. HOLT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey (Mr. HOLT) has been recognized on the amendment to the amendment. Does the gentleman wish to address the underlying amendment for 5 minutes?

POINT OF ORDER

Mr. GOODLING. Mr. Chairman, point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GOODLING. Mr. Chairman, I believe the gentleman must get someone else to get him the time.

The CHAIRMAN. The gentleman from New Jersey could be recognized to speak on the underlying amendment.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. The Chair is about to put the question to a vote.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of

words, and I am happy to yield to the gentleman from New Jersey (Mr. HOLT) to address the underlying amendment which he has not been recognized to address.

Mr. HOLT. Mr. Chairman, I thank the gentleman from Indiana for yielding to me.

Mr. Chairman, I just want to point out that I think the points with regard to the amendment and the amendment to the amendment have been made thoroughly, and a local school, in satisfying what I call for in this amendment to the amendment, in other words, an explanation of how the training of teachers in science and education will be met, would take less time than we have spent already debating this this afternoon.

Mr. Chairman, I include the following letter for the RECORD:

NATIONAL SCIENCE
TEACHERS ASSOCIATION,
Arlington, VA, March 9, 1999.

DEAR MEMBER OF CONGRESS: On behalf of science teachers nationwide, the National Science Teachers Association (NSTA) urges you to support an amendment to be offered by Representative RUSH HOLT (D-NJ) during debate on H.R. 800, the Education Flexibility Partnership Act.

One of the programs which can be waived under Ed-Flex is Part B of title II, the Eisenhower Professional Development state grants. Many science and math teachers rely on the Eisenhower grants to pursue training; in fact for many teachers, it is their only source of funds for professional development opportunities.

The NSTA is greatly concerned that the ability to waive Eisenhower grants under Ed Flex undermines the federal focus on science and math education. Rep. HOLT's amendment does not attempt to rescind the Local Education Agency's ability to waive the Eisenhower program. We believe it introduces more accountability to the bill, by requiring that LEAs which are applying for a waiver of the science/math priority under the Eisenhower Act (Part B of Title II) must first document how the professional development needs of science and math teachers in their district or school will be, or already are being, met.

As a physicist, Representative HOLT understands the critical need to keep our science teachers abreast of cutting-edge science content. Eisenhower funds do this; they also help our teachers to teach to state standards, to develop hands-on teaching techniques, and to foster a love of science in young children.

Eisenhower Professional Development state grants will be greatly weakened under H.R. 800 as reported out of the Education and Workforce Committee. We ask that you support science and math education by supporting Rep. HOLT's amendment.

Sincerely,

GERALD WHEELER,
Executive Director.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been here wanting to speak on this amendment. While the other side would like to impugn the motives of many of us, which I do not appreciate, the fact is that this is the start of a process this afternoon that I believe undergirds the whole problem with the amendment process with this

bill. That is that the purpose of this is an Ed-Flex bill. The purpose of this is to give flexibility to the local level.

I remember one time when I was in court for a traffic ticket, I was talking to one man at the beginning, and he said to me, would you help me fill out my form? He could not write his name, nor could he write his address out. All he could do was put the x. I helped with that.

I personally believe that one of the fundamental problems we have in this country is writing. If somebody cannot write, they are not going to be able to do the math and science. I remember in working, I was doing economic development with a number of people who were getting laid off from a company who had not done the basic reading. If people cannot read, they cannot do math and science.

I do not know anybody in my district, any schoolchildren, any principal, any superintendent, who does not believe that math and science is not one of the critical, if not the most critical, depending upon the school, problems facing that school.

In fact, in northeast Indiana or anywhere in the country, if we are going to compete not only within our country but within our State or internationally, we are going to have to improve the math and science programs.

The question is, if the Member from New Jersey or anyone else feels that his district has a problem in math and science, then perhaps the amendment should be oriented towards micromanaging his district, rather than my district.

Part of the whole underlying purpose of this bill is to say that we do not know what is best for each individual school, for each individual State, and how to do this.

□ 1500

I have a concern about the underlying amendment of the gentleman from Michigan (Mr. EHLERS). I do not really see the purpose of his amendment let alone the second-degree amendment to his. This is hardly a pure Ed-Flex bill. The fact is, in clause after clause, we force them to submit all sorts of plans to the Federal Government.

The Department of Education has to clear it. They are accountable for the performance of the students who are affected by such waivers. That is what the Department of Education has to do. Then the State has to show in print that they are accountable for the performance of the students who are affected by such waivers. Then the local education agency has to show that they have accounted for the students who are affected by such waivers.

For crying out loud, we are micromanaging them to death. Then the second we get a bill that the President is going to sign, that all the governors back, we have amendment after amendment printed in the RECORD today to try to micromanage them.

Math and science is wonderful. The people in Indiana can figure out how to

do math and science without this Congress telling them, oh, in addition to giving them waivers, we are going to have this report and this report and this report because we do not trust them. We think we can figure out that math and science is important, but back in the local school, they who spend all the time teaching cannot figure out that math and science is one of the most important things.

Maybe in some schools they have a literacy problem or computer problem or this type of thing in addition to math and science, because I think the people in education of this country know fully well the importance of math and science and do not need the United States Congress to micromanage their budgets.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Holt Amendment to H.R. 800, which requires that school systems that waive out of federal regulations demonstrate a commitment to science and math education for their students.

This bill simply states that "if applying for a waiver . . . the local education agency's application for [the waiver] must include a description of how the professional development needs of its teachers in the areas of mathematics and science will be, or are, being met." This is not a regulation that will stymie the change brought about by this bill. Rather, it merely means that those school systems who choose to escape the rigidity of applicable federal regulations must show, up-front, their willingness to address certain issues that are important to all of America.

This amendment specifically addresses the vacuum created by the waiver of the requirements of the Eisenhower Education program, which assists school districts in training their math and science teachers. This program is heavily relied upon around the country, and mirrors similar programs in other subject areas. Already, our country lags behind others in teaching basic science and math to our students, and we cannot allow this condition to deteriorate further.

As a Member of the Science Committee, I believe that if we are to stay a global leader, we must continue to progress in the areas of science and technology. Already, the growth in the technology industry is outpacing other market segments—and we cannot afford to lose our momentum by neglecting math and science in our schools.

I hope that you will all support this amendment, so that our children can continue our global dominance on issues of engineering, science, and technology.

Mr. RYAN. Mr. Chairman, I thank Chairman GOODLING and my colleagues Mr. CASTLE and Mr. ROEMER for their leadership on this important issue.

Mr. Chairman, by and large the education system in my home State of Wisconsin is excellent. In fact, our State ranks as one of the best in the Nation. Wisconsin Governor Tommy Thompson and our State legislature have done a wonderful job of working with parents, teachers and school board members. Students are learning in Wisconsin. But more can be done; we can grant our teachers the opportunity and the freedom to use innovative approaches to raise student achievement.

Expanding the Ed-Flex program is a great step for Wisconsin in its efforts to develop an

education system focused upon high standards for all students, flexibility, and strong accountability for results.

Mr. Chairman, as I've talked with parents, school board members, teachers and superintendents back in my district, I've asked them what can Congress do to make their jobs easier. Time and time again they've told me, "Cut the red tape. Give us the freedom to do what we know works best."

For example, I received a letter last month from a constituent of mine, John Bechler. John is a Kenosha Unified School District board member, and he wanted to share with me his concerns regarding the impact Federal education programs have had upon his local school district. In his letter, John asked me, "Did the Federal Government ever ask school districts what they needed most or did they just assume one approach fits all?"

The answer is no, they never asked. I am concerned that even today members from other States are attempting to dictate education policy for my district's public schools. Mr. Chairman, we can't have bureaucrats in Washington blindly deciding that programs that may work in Los Angeles or Detroit must also work in my district. This is simply not true. John, and his fellow school board members all across the country, should be asked, "what works?" We should let them make the decisions, and this very important piece of legislation begins the process of returning decision-making power to the local level.

John concluded his letter to me by saying, "I would hope the Federal Government would allocate the education funds to the local school districts and allow the local school boards to determine what is the best use of funds to achieve quality education."

I couldn't agree more. Mr. Chairman, this is what educators all throughout my district are saying. They're saying enough of the cookie-cutter, public relations driven education policies. Enough Federal mandates. We're here every day and we know what works best for our schools. Sound bites and press conferences do not and should not educate our children.

Mr. Chairman, the Federal Government has failed in its attempts to design a one-size-fits-all education system for our Nations' schools. I hope that the students back in Janesville, Beloit, Kenosha and Racine are paying attention to this debate today, because this legislation will greatly affect their education.

I'd ask my colleagues to support H.R. 800, and allow local decision-makers, not Washington, to determine what's best for our students.

Mrs. CAPPS. Mr. Chairman, I rise in support of this legislation.

In Santa Barbara and San Luis Obispo counties issues such as overcrowded classrooms, quality instruction, and the need for technology in the classrooms have been raised again and again as I meet with constituents and local education leaders.

Under the existing Ed-Flex program, the Department of Education gives twelve states the ability to grant local school districts waivers from certain federal requirements, if the state believes that the waiver would foster local school reform efforts. This legislation would extend that demonstration program to all fifty states.

I am a strong supporter of local control for our schools. School superintendents, teachers and parents really know what is best for the children in their communities.

And there are some excellent examples of how states currently employing Ed-Flex rules are engaging in creative educational programs. Oregon, for example, has allowed community colleges and high schools to work together in a consortium to improve their professional technical education program, rather than run separate high school community college programs. This has resulted in an increase in the number of students completing those programs and graduating from high school.

The state of Kansas has used the waiver to provide all-day kindergarten, a pre-school program for four year old children and new reading strategies for all children.

These are truly innovative education initiatives and we should encourage such innovation.

I also believe that the key to successful Ed-Flex programs is to require that states have in place a viable plan for assessing student achievement and establishing concrete numerical goals. If we have no standards and goals with which to measure achievement, we will never really know if we are helping our children or failing them by relaxing long-time federal regulations.

Certain challenges in our education system cry out for national solutions.

For example, I see a clear need for a federal role in class size reduction. Last year the President signed into law the first installment of his seven year program to hire 100,000 well prepared teachers to reduce class sizes. My own district just received over \$1.5 million dollars of this funding. This is a great start. But our priority must be to continue to address the important issue of class-size reduction in this Congress.

Additionally, after I came to Congress a year ago, I immediately undertook a comprehensive survey on the state of Central Coast schools. I held meetings with local school officials in Santa Barbara, San Luis Obispo and Santa Maria to explain the survey and distributed them to every school district on the Central Coast. The results clearly indicated that overcrowded classrooms, overuse of portable classrooms, aging buildings and a lack of access to technology for students are serious problems in our communities.

In response to these survey results I co-sponsored several school construction bills. This Congress must act now to address the critical issue of modernizing our schools.

I have also introduced my own legislation, the Teacher Training Technology Act.

My bill establishes a competitive grant program to award grants directly to local school districts that set up or have a plan to establish programs to train teachers in class-room related computer skills which can be effectively integrated into the curriculum. By the year 2005, more than a million new computer scientists and engineers, systems analysts, and computer programmers will be required in the U.S. We must ensure that our children are fully prepared to compete in our future economy and that our teachers are prepared to teach them.

In closing, I would like to again state my support for this Ed-Flex legislation and the need for high standards and accountability. I am committed to bringing Federal resources to bear to ensure that schools across the country are best prepared to educate our children.

Mr. JONES of North Carolina. Mr. Chairman, I rise today to speak on a matter of the

utmost importance to our nation's future: the quality and performance of our nation's public schools.

In the past 34 years, our nation has spent a staggering \$181 billion dollars on our education system. What do we have to show for it? Our students are consistently outperformed in mathematics and sciences by their peers in 18 other countries and nearly half fall below basic reading levels. Sadly, my own home state of North Carolina ranks in the bottom third of American education system. In the context of a world classroom, our children are at the back of the class.

Our country is accustomed to having the best: the best military, the best technology, the best athletes, and the best universities. Why then, are we satisfied with such low public school standards and performance?

It is our duty, as a Congress, to change this pattern.

I firmly believe H.R. 800, the Education Flexibility Partnership Act of 1999, is a solid step toward this goal. Currently, twelve states qualify to participate in the Ed-Flex program, which allows states the ability to grant local school districts temporary waivers from certain federal education statutes, regulations, and related state requirements (that have proven ineffective)? H.R. 800 expands this program and permits every state to participate. Expanding this program will enable states and local school districts to pursue education reforms while holding them accountable for academic achievement. Local school systems must explain to the state how they will improve education in their area, and they must follow through—if not, a state can lose its Ed-Flex eligibility.

All fifty governors support H.R. 800, as does the Council of Chief State School Officers, the National School Boards Association, the American Association of School Administrators, and a host of other education groups.

I ask my colleagues to join me today in supporting our children and our future. Support H.R. 800.

Mr. HILLEARY. Mr. Chairman, I am proud to say that I am a fervent supporter of the Ed-Flex program and H.R. 800. This bill, of which I am a cosponsor, has been put together thanks to the hard work and dedication of MIKE CASTLE. What Mr. CASTLE did that was so effective was to listen to all sides in this debate.

From the Governors and state administrators he listened and was able to deliver the flexibility that they so desire. Under Ed-Flex, the successes already shown in Maryland and Texas can now expand to other areas, such as my state of Tennessee. The added flexibility will mean the same thing it has meant in other states. Higher standards, higher scores, higher literacy rates, and a higher quality of life for our school-aged children.

Mr. CASTLE also listened to the administration and delivered the accountability that they requested. He went to them with an original copy of H.R. 800, and in response they said "let's have tougher accountability standards like Texas does." So what does Mr. CASTLE do? He rewrites the section modeling the accountability structure after Texas. I, for one, am very disappointed in the reaction of many after this rewrite. They wanted to go further and impose harsh criteria on the states that would have eliminated this program.

The accountability standards in this bill are tough and require actual measurable standards that the state must meet. If they fail to make these standards for consecutive years, they are barred from using the Ed-Flex waiver. This removal is the ultimate accountability. It is impossible to be more forceful than the complete expulsion from this waiver.

This Ex-Flex waiver hits at the very heart of what I have always believed. Our children deserve the best education and the highest priority in receiving the funds necessary for their education, and I believe that programs closed to the people generally work better. The State of Tennessee—not the federal government—will often be better at restructuring programs that do not work well into a format that does.

Let's also not forget that while we representatives go home nearly every weekend to spend time in our districts, state senators, state representatives, and local school administration officials live in our states full time. People who are concerned about education can see these officials in church, in the grocery store check out line and at little league games. We should allow these hard working people to do the job that our constituents have given them.

All of us want a better education for our kids; however, we must do what works and not hold onto past models that have been, in some cases, ineffective. Take the handcuffs off and allow our children to go forward.

Mr. VENTO. Mr. Chairman, I rise today in support of initiatives that provide flexibility and accountability in the administration of federal education programs. However, as we consider legislation such as the Education Flexibility Partnership Act of 1999, we must proceed cautiously, looking beyond the symbolism to the substance. It is vital to ensure that we don't throw the baby out with the bath water. Current restrictions and guidance on the use of instructional resources, as well as the requirements to target students and schools with the greatest incidence of poverty, are intended to focus limited federal resources on those with the greatest need, compensatory in policy and direction. It is critical that such students' needs are not forgotten and left behind.

In giving schools the flexibility and freedom to direct funds to the areas they see fit, we must ensure that the children who most need federal dollars continue to receive the programs and services they need. A fact that should not be ignored is that most of the waivers granted thus far under ED-FLEX have been for Title I school wide program eligibility requirements, or to postpone deadlines for adoption and implementation of curriculum standards. This disturbing trend must be addressed—and before expanding H.R. 800 to all fifty states, we ought to be certain as to the operation and impact in the pilot states.

It is imperative that we ensure that schools have specific goals and objectives for the use of these dollars; accountability is key. Many ED-FLEX states have done little to assess whether waivers have led to higher student achievement. To be effective, there must be a viable, consistent plan in place which will accurately assess student achievement. It would be devastating to the well being of our students to extend waivers to states which have no means in place to evaluate the outcome of their programs. I support the efforts of my Democratic colleagues to expand the scope of this legislation to ensure that accountability

provisions are strengthened. It's not surprising that states want more flexibility and more funding—but Congress must insist that accountability and the mission be embraced within such programs.

This year we ought to be debating the very important goal to reduce class size, rather than changing the topic and sweeping under the rug the positive need for more teachers to help in our public education system. It is time for the full authorization of the Class Size Reduction initiative. Our schools have been given a down payment to begin hiring new teachers which will lower average class sizes. It is time for Congress to demonstrate that we are committed to this seven-year Presidential initiative, as implied in the 1999 budget appropriation agreement, so that school districts can count on having the financial resources they need to carry out this plan.

I support providing local schools some flexibility with federal funding so that they can best serve the needs of their students and foster local reform. It sounds good, but not at the cost of cutting resources from special needs populations of low income, disabled, or immigrant children. Flexibility must be done only with proper measures of accountability in place. We must ensure that federal elementary and secondary education funding will continue to be targeted to the students who need it most. And yes, with as little red tape and regulation as possible to achieve and ensure that the focus of federal law is fulfilled.

Mr. POMEROY. Mr. Chairman, I rise in support of H.R. 800, the Education, Flexibility Partnership Act of 1999, also known as the "Ed-Flex" bill. This legislation would allow states to waive federal requirements for certain education programs and tailor federal dollars to local needs.

Mr. Chairman, the Ed-Flex authority currently operating in twelve states allows them to waive sometimes cumbersome federal regulations and has created a climate of real innovation in education. Simply put, the Ed-Flex programs allows states to decide what is best for local schools. A recent GAO report has confirmed that Ed-Flex empowers states to use flexibility to achieve real results. The state of Texas, for example, has used Ed-Flex authority to improve student performance using clearly defined numerical goals. Maryland has used Ed-Flex to reduce student-teacher ratios for students with special needs in math and science from 25 to 1 to 12 to 1. The experience of Texas and Maryland conveys a powerful message: when schools take advantage of flexibility using clear standards and objectives, students benefit. My own state of North Dakota is home to some of the finest schools in the nation, and Ed-Flex will help those schools achieve even more.

The Ed-Flex bill also contains critical safeguards that will prevent the dilution of federal program objectives. First, certain targeted education programs such as IDEA and the Bilingual Education Program are not affected by Ed-Flex. Furthermore, health, safety, and civil rights requirements cannot be waived with Ed-Flex authority. These provisions will grant flexibility while preserving the mission of federal aid to classrooms—to provide equal access to a quality education for all children.

Mr. Chairman, the Ed-Flex program grants states the freedom to use innovative strategies to improve our public schools. I believe that this program should be expanded to include

all fifty states, and I urge my colleagues to vote in favor of H.R. 800.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the legislation before us today.

LOCAL CONTROL

Decisions about our children's education should be made by teachers, not politicians. Ed-Flex gives decision-making authority and flexibility to the states in order to allow their schools and school districts to implement programs enabling them to reach their educational goals.

PREVIOUS EXPERIENCE AS A TEACHER

As a former teacher and school board member in my home community, I have always been active in the local school system. I believe that our schools are best prepared to meet the educational needs of our youth when decisions about the needs of our children are made by the local community.

LOCAL CONTROL

Let the schools and school districts be the master of their own destiny. Let's hold the schools and states to the educational priorities that they have committed themselves.

ACCOUNTABILITY

This legislation allows for States, school districts and schools to make their own decisions about how they will meet their educational goals. In its application for Ed-Flex authority a state must describe specific and measurable educational objectives. A school applying for a waiver must justify how the waiver will enable it to meet its educational goals.

FLEXIBILITY

This bill would allow schools and school districts to determine which waivers would give them the flexibility to meet their specifically defined goals.

Ed-Flex gives greater authority to states to determine their particular educational goals and coordinate local efforts to meet those goals.

The Ed-Flex application process requires States to describe their comprehensive educational goals while enabling schools and school districts to implement those goals through the waiver process.

It will be the local school that decides whether to use the waiver to reduce administrative paperwork, decrease the pupil-teacher ratio, or improve student achievement in the areas of math and science.

ACCOUNTABILITY

The accountability provisions of this legislation will not allow the schools to abandon their commitment made to the students, teachers, and parents.

First, under the monitoring provisions, states and local educational agencies must report their progress toward meeting their goals.

Second, regulations relating to parental involvement cannot be waived.

Third, by providing public notice and comment for applied waivers, Ed-Flex recognizes the importance of community input on a school's use of waivers.

These provisions emphasize that parental and community support are essential elements to a successful student.

BIPARTISAN SUPPORT

Ed-Flex has bipartisan support from the National Governor's Association, the U.S. Chamber of Commerce, and numerous other groups.

NEW JERSEY SUPPORT

My home state of New Jersey also supports the flexibility that Ed-Flex provides. In fact, New Jersey is a state that has enacted state legislation which allows for the waiver of state regulations.

New Jersey has used its flexibility by waiving nearly 300 state educational regulations.

Lets take flexibility to the next level by giving states authority to waive federal regulations.

CONCLUSION

This legislation gives authority over decisions concerning our children's education to principals, teachers, parents, and local communities—where it belongs!

I believe that Ed-Flex will prove to be a valuable tool enabling states and localities to create an end product in which all communities can be proud of—a student who possesses the necessary skills to achieve success in the academic world.

Mr. CLEMENT. Mr. Chairman, I rise today in strong support of H.R. 800, the Education Flexibility Act. As a former educator and current co-chair of the House Education Caucus, I have always made education one of my top priorities.

A great opportunity is before us today. An opportunity we must seize on behalf of all teachers, students and parents. The bill before us today is a positive step in education reform. It is my firm belief that this bill will give every state in the country the opportunities they need and deserve to reach their fullest potential. Ed-Flex will give states and school districts the flexibility and freedom to do things differently. It will allow states and schools to meet the needs of its students.

Education reform should work from the bottom-up rather than enforcing top-down mandates. The federal government should support such local initiatives. Ed-Flex allows and encourages our local school districts to implement programs that meet their specific needs. This is especially important in low-income schools and districts which need all the help we can give them to enable their students to reach their fullest potential.

All too often, federal education programs intend to do good, but fail to meet the unique needs of each state, district, and school. In fact, federal regulations often become hurdles to real school reform rather than aides. What we should all realize is that federal education programs achieve the best results when local authorities are given the flexibility to adapt them to meet their specific needs.

The 12 states which currently use Ed-Flex have achieved remarkable results. Maryland has used Ed-Flex to reduce student-teacher ratios for students with the greatest need in math and science from 25 to 1 to 12 to 1. With Ed-Flex, Kansas has better coordinated its Title 1 and special education services. Vermont reports that its greatest gain with Ed-Flex has been the ability to cut through government red tape to obtain waivers faster. And in Texas, through the use of Ed-Flex waiver authority under Title 1, test scores of underprivileged students have increased faster than the state average. This is clear proof that Ed-Flex has achieved significant positive results. And with this bill, I would like to add the state of Tennessee to this list of successes.

I urge my colleagues on both sides of the aisle to support H.R. 800. Our schools in all

50 states deserve the opportunity that schools in 12 states have enjoyed. These 12 states have proven that Ed-Flex works. Now let's expand it to every state in the country.

Ms. KILPATRICK. Mr. Chairman, I rise today in staunch opposition to H.R. 800, the "Education Flexibility Partnership Act of 1999." As a former teacher, forever parent of two children who graduated from the State of Michigan's public schools, and current grandmother of four beautiful boys, I am personally and professionally invested toward excellent public schools for all Americans. Like most of my colleagues, I support flexibility in the administration of Federal education programs. I do not support flexibility in the administration of these programs, if this flexibility results in inadequate accountability of taxpayer's dollars or an erosion of our fiscal commitment to our Nation's poorest students and school districts. H.R. 800, in its current form, provides inadequate accountability to ensure that there is accurate, valid and reliable reporting. It would also allow States to abandon the mission of title I of the Elementary and Secondary Education Act (ESEA), which is to serve our poorest schools and children first. This waste of taxpayer dollars and the abandonment of our poorest children is something that I, and most thinking Americans, should not tolerate.

I oppose this bill for the following reasons:

While H.R. 800 is being touted as a bipartisan education initiative, this bill lacks protections for how Title I funds are allocated within school districts. When the Elementary and Secondary Education Act (ESEA) was originally written in 1965, it was clear that the performance of students at high poverty schools was relatively low. Regrettably, this is still true. That is why title I was created, to help improve the gap between low and high income students. As evidenced by a recent assessment of the title I program, that gap still exists and students in high poverty schools continue to be in need of targeted assistance. This bill removes that targeted aid.

This bill does not target funding for the poorest school districts or the poorest students. School wide programs under ESEA allow the use of title I funds to be used for services to schools with a 50% or higher poverty rate. In the past, these programs in ESEA have been used to institute reform initiatives and reduce the pupil to teacher ratio at high poverty schools. Under H.R. 800, Ed-Flex states are given the authority to allow all schools to participate in school wide programs under Title I regardless of their low-income child percentages. Giving school districts the authority to use title I funds for school wide programs at any school regardless of the number children who are low-income dilutes the purpose of the title I.

This legislation does not monitor how its funds are being used to improve education. As a Member of the House Appropriations Committee, I am directed to ensure and guard over the purse of the American people. If we, as elected officials, are going to make a financial investment of \$50 billion or more in Federal education funds over the next several years for the programs included in this bill, it should not be too much to ask two simple requirements. One is that there is a viable plan in place to serve the students who are the intended beneficiaries of the programs. The second would be that States and school districts show progress in meeting their goals. This bill provides neither.

The citizens of our Nation want and deserve a decent education for all of our children. We need 100,000 more qualified instructors in our schools. We need to repair, refurbish, or build our aging elementary schools. We need to provide before and after-school programs to help our students toward the next millennium. I urge the defeat of H.R. 800 in its current form.

Mr. CAMP. Mr. Chairman, I rise in support of the bipartisan education legislation we have before us today.

Education is an issue of vital importance to our Nation. While our children are succeeding, we need to continue to strengthen our public schools and ensure that every student receives a quality education. A good first step is to expand the Ed-Flex program to all 50 States.

The State of Michigan was lucky enough to be included in the Ed-Flex Pilot Program. This designation has allowed local school officials to stop spending money on Federal programs that don't work, and instead to spend the money on programs that do.

One example is right in my district. The Montcalm Intermediate School District requested, and received, an Ed-Flex waiver.

This waiver allowed them to spend Federal dollars to train their teachers in social studies and language arts. Without this waiver, they would only receive money if they focused on math and science. The district decided the children would be better served by focusing their efforts on social studies and language arts.

I think that is what our Federal education efforts should be about. Giving local districts the flexibility to use Federal money to best educate the children, instead of forcing the children to meet strict Federal guidelines and rules.

I urge my colleagues to vote for this important legislation so that the children in their district will have the same opportunities.

Mr. DINGELL. Mr. Chairman, I rise today to discuss an issue of great importance to our Nation: education. Education has long been the key to a society's success or failure. America must always be proud of its strong tradition of public education, and we in Congress must act to ensure that our public schools have the necessary tools to provide a world-class education to all our children, regardless of race, gender, religion, or economic status.

Mr. Chairman, over the last year I have heard my colleagues on both sides of the aisle talk of the numerous problems faced by our schools. I share their concern over the soaring student enrollment and the shortage of qualified teachers. I also am deeply troubled about the acute school construction needs, with far too many schools lacking enough classrooms, let alone adequate roofing, heating, and plumbing. Our students also must have greater access to higher education and be taught the latest technology if they are going to compete in the global economy.

With our public schools—where 90% of our Nation's children are enrolled—facing these stiff but not insurmountable challenges, politicians have rushed to reform education. While reform certainly is needed, we must be careful not to hastily pass legislation that offers "reform", but does not provide the necessary accountability or guarantee positive results. Some bold education reform measures offering vague objectives, spotty accountability,

and unclear goals may prove successful. But what we gamble with in implementing them is our Nation's future.

Today, Mr. Chairman, we debate Ed-Flex. In an ideal world, the plan proposed by the gentleman from Indiana and the gentleman from Delaware would allow states and local schools to tailor valuable Federal programs to meet their particular needs. The flexibility afforded by this bill will allow education-friendly governors to work with educators to meet the challenges to today and tomorrow, and in doing so improve our schools.

Unfortunately, we do not live in an ideal world. Many governors, by their actions and rhetoric, are not friends of our public schools. They have used teachers and schools alike as punching bags to further their own political agenda. Worse than this, however, they have implemented education policies that abandon our public schools by subsidizing private schools with public tax dollars. I have very serious reservations about giving these governors more flexibility to further their agenda, and with less accountability. Given this climate are we guaranteed that flexibility will usher in positive results?

In Michigan, a state with Ed-Flex currently in place, positive results have not been proven.

None the less, I will reluctantly support the Ed-Flex bill before us today. I will also support the many strong, thoughtful, and meaningful amendments that my Democratic colleagues will introduce to guarantee a significant level of accountability.

Contrary to what my Republican colleagues say, Ed-Flex—even if successful—will not solve the many problems in education that I have enumerated. These problems demand answers far and beyond granting waivers to rules in existing federal education programs. I am hopeful that we can all work throughout the 106th Congress to solve the very serious problems in education, and protect our Nation's future.

Mr. HOBSON. Mr. Chairman, I rise in support of the Ed-Flex proposal before us today and want to thank my colleagues Mr. CASTLE, Mr. ROEMER, and Chairman GOODLING for their work on this proposal and their continuing efforts to empower our local school districts.

My mother was a school teacher, so I've always placed a high priority on our public schools. When I meet with my constituents, there is widespread support for proposals that give our teachers the tools and flexibility to better prepare our students for the challenges of the 21st Century.

Ed-Flex is an example of the type of positive solutions that Congress, the state Governors, and our local communities can work on together. This measure has the bipartism support of our nation's governors, main-street businesses, and education groups. Under this program, states can apply for waivers to burdensome Federal regulations. In exchange, the states then must remove requirements that interfere with our school's main purpose of improving academic achievement.

My home state of Ohio is one of the 12 states that participated in the initial demonstration program on which the current proposal is based. During the 105th Congress, I worked closely on this program with Ohio's former governor GEORGE VOINOVICH, who was recently elected to the U.S. Senate. I remain a strong proponent of the program, which has allowed individual schools, freed from the bur-

den of both state and Federal regulations, to focus on their core mission of teaching our children. Under Ed-Flex, communities have successfully reduced class size, expanded title I services, improved student achievement, and reduced paperwork.

Too often, the approach Washington has taken is to solve all problems simply by throwing more money at them. In the past, it has been much easier for Congress to create new programs, with new layers of administrative bureaucracy to write pages of guidelines, rules, and regulations for local schools to follow.

This program takes the opposite approach. Ed-Flex is a forward-thinking program which recognizes the importance of local control of our schools. Instead of new program rules and regulations, we free our local school boards, administrators, teachers, and personnel to concentrate on what they do best—teaching our kids.

I've worked with school boards, administrators, and teachers across Ohio's 7th district. I know firsthand that they are a capable, committed, and caring group of individuals who have dedicated their time and energies to our kids. Let's give these individuals and communities the flexibility they need to ensure our kids are prepared for the challenges of the next century.

I urge my colleagues to support this bipartisan, common-sense bill.

Mr. PACKARD. Mr. Chairman, I rise today in support of H.R. 800, The Education Flexibility Partnership Act of 1999. Under this legislation, school districts will be allowed to spend federal dollars in ways that best fit the needs of their students.

I strongly believe that local school boards and parents know what is best for their children, not Washington bureaucrats thousands of miles away. This legislation will get our education system back to the basics, send dollars back to the classroom, and encourage parental involvement.

Getting back to the basic will allow our children to achieve academic success. The painful fact is, today forty percent of our Nation's 4th-graders can't meet basic literacy standards. Our schools must raise student achievement so our children have the proper skills to succeed in the 21st century.

As a former school board member, I have seen first hand how necessary it is for schools to focus funds on the areas they find important. H.R. 800 will direct 95-cents out of every Federal education dollars to our public schools, not on wasteful Washington spending.

As a parent to seven and a grandparent to 34, I know nothing is more essential to a child's education success than parental involvement. Under the Ed-Flex bill, each school district which receives assistance will be required to involve parents in planning for the use of funds at the local level. Involved parents can hold our schools accountable so our kids come first.

Our children are this nation's most precious resource. The future of their education is essential to the future of our Nation. I encourage my colleague to support H.R. 800.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT) to the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6(f) of rule XVIII, the Chair announces that he may reduce to 5 minutes the minimum time for electronic voting without intervening business on the underlying amendment offered by the gentleman from Michigan (Mr. EHLERS).

The vote was taken by electronic device, and there were—ayes 204, noes 218, not voting 11, as follows:

[Roll No. 37]

AYES—204

Abercrombie	Gutiérrez	Napolitano
Ackerman	Hastings (FL)	Neal
Allen	Hill (IN)	Oberstar
Andrews	Hilliard	Obey
Baird	Hinchee	Olver
Baldacci	Hinojosa	Ortiz
Baldwin	Hoeffel	Owens
Barcia	Holden	Pallone
Barrett (WI)	Holt	Pascrell
Bentsen	Hoolley	Pastor
Berkley	Hoyer	Payne
Berman	Inslee	Pelosi
Berry	Jackson (IL)	Peterson (MN)
Bishop	Jackson-Lee	Phelps
Blagojevich	(TX)	Pickett
Blumenauer	Jefferson	Pomeroy
Bonior	John	Price (NC)
Borski	Johnson, E.B.	Rahall
Boswell	Jones (OH)	Rivers
Boucher	Kanjorski	Rodriguez
Boyd	Kaptur	Roemer
Brady (PA)	Kelly	Rothman
Brown (CA)	Kennedy	Roybal-Allard
Brown (FL)	Kildee	Rush
Brown (OH)	Kilpatrick	Sabo
Capuano	Kind (WI)	Sanchez
Cardin	Klecicka	Sanders
Carson	Klink	Sandlin
Clay	Kucinich	Sawyer
Clayton	LaFalce	Schakowsky
Clement	Lampson	Scott
Clyburn	Lantos	Serrano
Condit	Larson	Shows
Conyers	Lee	Sisisky
Costello	Levin	Skelton
Coyne	Lewis (GA)	Slaughter
Cramer	Lipinski	Snyder
Crowley	Lofgren	Spratt
Cummings	Lowe	Stabenow
Danner	Lucas (KY)	Stark
Davis (FL)	Luther	Stenholm
Davis (IL)	Maloney (CT)	Strickland
DeFazio	Maloney (NY)	Stupak
DeGette	Markey	Tanner
Delahunt	Martinez	Tauscher
DeLauro	Mascara	Taylor (MS)
Deutsch	Matsui	Thompson (CA)
Dicks	McCarthy (MO)	Thompson (MS)
Dingell	McCarthy (NY)	Thurman
Dixon	McDermott	Tierney
Doggett	McGovern	Towns
Dooley	McIntyre	Traficant
Doyle	McKinney	Turner
Edwards	McNulty	Udall (CO)
Engel	Meehan	Udall (NM)
Eshoo	Meek (FL)	Velazquez
Etheridge	Meeks (NY)	Vento
Evans	Menendez	Visclosky
Farr	Millender-	Waters
Fattah	McDonald	Watt (NC)
Filner	Miller, George	Waxman
Ford	Mink	Weiner
Frank (MA)	Moakley	Wexler
Gejdenson	Mollohan	Weygand
Gephardt	Moore	Wise
Gonzalez	Moran (VA)	Woolsey
Goode	Morella	Wu
Gordon	Murtha	Wynn
Green (TX)	Nadler	

NOES—218

Aderholt	Gillmor	Peterson (PA)
Archer	Gilman	Petri
Armey	Goodlatte	Pickering
Bachus	Goodling	Pitts
Baker	Goss	Pombo
Ballenger	Graham	Porter
Barr	Granger	Portman
Barrett (NE)	Green (WI)	Pryce (OH)
Bartlett	Greenwood	Quinn
Barton	Gutknecht	Radanovich
Bass	Hall (TX)	Ramstad
Bateman	Hansen	Regula
Bereuter	Hastings (WA)	Reynolds
Biggert	Hayes	Riley
Bilirakis	Hayworth	Rogan
Bliley	Hefley	Rogers
Blunt	Herger	Rohrabacher
Boehlert	Hill (MT)	Ros-Lehtinen
Boehner	Hilleary	Roukema
Bonilla	Hobson	Royce
Bono	Hoekstra	Ryan (WI)
Brady (TX)	Horn	Ryun (KS)
Bryant	Hostettler	Salmon
Burr	Houghton	Sanford
Burton	Hulshof	Saxton
Buyer	Hunter	Scarborough
Callahan	Hutchinson	Schaffer
Calvert	Hyde	Sensenbrenner
Camp	Isakson	Sessions
Campbell	Istook	Shadegg
Canady	Jenkins	Shaw
Cannon	Johnson (CT)	Shays
Castle	Johnson, Sam	Sherwood
Chabot	Jones (NC)	Shimkus
Chambliss	Kasich	Shuster
Chenoweth	King (NY)	Simpson
Coburn	Kingston	Skeen
Collins	Knollenberg	Smith (MI)
Combest	Kolbe	Smith (NJ)
Cook	Kuykendall	Smith (TX)
Cooksey	LaHood	Smith (WA)
Cox	Largent	Souder
Crane	Latham	Spence
Cubin	LaTourette	Stearns
Cunningham	Lazio	Stump
Davis (VA)	Leach	Sununu
Deal	Lewis (CA)	Sweeney
DeLay	Lewis (KY)	Talent
DeMint	Linder	Tancred
Diaz-Balart	LoBiondo	Tauzin
Dickey	Lucas (OK)	Taylor (NC)
Doolittle	Manzullo	Terry
Dreier	McCollum	Thomas
Duncan	McHugh	Thornberry
Dunn	McInnis	Thune
Ehlers	McIntosh	Tiahrt
Ehrlich	McKeon	Toomey
Emerson	Metcalf	Upton
English	Mica	Walden
Everett	Miller (FL)	Walsh
Ewing	Miller, Gary	Wamp
Fletcher	Moran (KS)	Watkins
Foley	Myrick	Watts (OK)
Forbes	Nethercutt	Weldon (FL)
Fossella	Ney	Weldon (PA)
Fowler	Northup	Weller
Franks (NJ)	Norwood	Whitfield
Frelinghuysen	Nussle	Wicker
Gallely	Ose	Wilson
Ganske	Oxley	Wolf
Gekas	Packard	Young (AK)
Gibbons	Paul	Young (FL)
Gilchrest	Pease	

NOT VOTING—11

Becerra	Frost	Rangel
Bilbray	Hall (OH)	Reyes
Capps	McCrery	Sherman
Coble	Minge	

□ 1520

Mrs. NORTHUP and Messrs. YOUNG of Alaska, WALDEN of Oregon, GIBBONS, GILMAN, SAXTON, LEWIS of California and KOLBE changed their vote from "aye" to "no."

Mr. PASCARELL and Mrs. KELLY changed their vote from "no" to "aye." So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, during rollcall vote No. 37, on agreeing to the Holt amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. EHLERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 13, not voting 14, as follows:

[Roll No. 38]

AYES—406

Ackerman	Costello	Green (WI)
Aderholt	Cox	Greenwood
Allen	Coyne	Gutierrez
Andrews	Cramer	Gutknecht
Archer	Crane	Hall (OH)
Armey	Crowley	Hall (TX)
Bachus	Cummings	Hansen
Baird	Cunningham	Hastings (FL)
Baker	Danner	Hastings (WA)
Baldacci	Davis (FL)	Hayes
Baldwin	Davis (IL)	Hayworth
Ballenger	Davis (VA)	Hefley
Barcia	Deal	Herger
Barr	DeFazio	Hill (IN)
Barrett (NE)	DeGette	Hill (MT)
Barth (WI)	Delahunt	Hilleary
Bartlett	DeLauro	Hilliard
Barton	DeLay	Hinchey
Bass	DeMint	Hinojosa
Bateman	Deutsch	Hobson
Bentsen	Diaz-Balart	Hoeffel
Bereuter	Dickey	Hoekstra
Berkley	Dicks	Holden
Berman	Dingell	Holt
Berry	Dixon	Hooley
Biggert	Doggett	Horn
Bilirakis	Dooley	Hostettler
Bishop	Doolittle	Houghton
Blagojevich	Doyle	Hoyer
Bliley	Dreier	Hulshof
Blumenauer	Duncan	Hunter
Blunt	Dunn	Hutchinson
Boehlert	Edwards	Hyde
Boehner	Ehlers	Inslee
Bonilla	Ehrlich	Isakson
Bonior	Emerson	Istook
Bono	Engel	Jackson (IL)
Borski	English	Jackson-Lee
Boswell	Eshoo	(TX)
Boucher	Etheridge	Jefferson
Boyd	Evans	Jenkins
Brady (PA)	Everett	John
Brady (TX)	Ewing	Johnson (CT)
Brown (CA)	Farr	Johnson, E. B.
Brown (FL)	Fattah	Johnson, Sam
Brown (OH)	Filner	Jones (NC)
Bryant	Fletcher	Jones (OH)
Burr	Foley	Kanjorski
Burton	Forbes	Kaptur
Buyer	Ford	Kasich
Callahan	Fossella	Kelly
Calvert	Fowler	Kennedy
Camp	Frank (MA)	Kildee
Campbell	Franks (NJ)	Kilpatrick
Canady	Frelinghuysen	Kind (WI)
Cannon	Gallely	King (NY)
Capuano	Ganske	Kingston
Cardin	Gephardt	Klecza
Carson	Gibbons	Klink
Castle	Gilchrest	Knollenberg
Chabot	Gillmor	Kolbe
Chambliss	Gilman	Kucinich
Clay	Gonzalez	Kuykendall
Clayton	Goode	LaFalce
Clement	Goodlatte	LaHood
Clyburn	Goodling	Lampson
Coburn	Gordon	Lantos
Combest	Goss	Largent
Condit	Graham	Larson
Cook	Granger	Latham
Cooksey	Green (TX)	LaTourette

Lazio	Owens	Skeen
Leach	Oxley	Slaughter
Lee	Packard	Smith (MI)
Levin	Pallone	Smith (NJ)
Lewis (CA)	Pascarell	Smith (TX)
Lewis (GA)	Pastor	Snyder
Lewis (KY)	Payne	Spence
Linder	Pease	Spratt
Lipinski	Pelosi	Stabenow
LoBiondo	Peterson (MN)	Stark
Lofgren	Peterson (PA)	Stearns
Lowey	Petri	Stenholm
Lucas (KY)	Phelps	Strickland
Lucas (OK)	Pickering	Stupak
Luther	Pickett	Sununu
Maloney (CT)	Pitts	Sweeney
Maloney (NY)	Pombo	Talent
Markey	Pomeroy	Tancred
Martinez	Porter	Tanner
Mascara	Portman	Tauscher
Matsui	Price (NC)	Tauzin
McCarthy (MO)	Pryce (OH)	Taylor (MS)
McCarthy (NY)	Quinn	Taylor (NC)
McCollum	Radanovich	Terry
McDermott	Rahall	Thomas
McGovern	Ramstad	Thompson (CA)
McHugh	Regula	Thompson (MS)
McInnis	Reynolds	Thornberry
McIntosh	Riley	Thune
McIntyre	Rivers	Thurman
McKeon	Rodriguez	Tiahrt
McKinney	Roemer	Tierney
McNulty	Rogan	Toomey
Meehan	Rogers	Towns
Meek (FL)	Rohrabacher	Traficant
Meeks (NY)	Ros-Lehtinen	Turner
Menendez	Rothman	Udall (CO)
Metcalf	Roukema	Udall (NM)
Mica	Roybal-Allard	Upton
Millender-	Royce	Velazquez
McDonald	Rush	Vento
Miller (FL)	Ryan (WI)	Visclosky
Miller, Gary	Ryun (KS)	Walden
Miller, George	Sabo	Walsh
Moakley	Salmon	Wamp
Mollohan	Sanchez	Waters
Moore	Sanders	Watkins
Moran (KS)	Sandlin	Watt (NC)
Moran (VA)	Sanford	Waxman
Morella	Sawyer	Weiner
Murtha	Saxton	Weldon (FL)
Myrick	Scarborough	Weldon (PA)
Nadler	Schakowsky	Weller
Napolitano	Scott	Wexler
Neal	Sensenbrenner	Weygand
Nethercutt	Serrano	Whitfield
Ney	Shadegg	Wicker
Northup	Shaw	Wilson
Norwood	Shays	Wise
Hunter	Nussle	Wolf
Oberstar	Shimkus	Woolsey
Obey	Shows	Wu
Olver	Shuster	Wynn
Ortiz	Simpson	Young (AK)
Ose	Sisisky	Young (FL)

NOES—13

Abercrombie	Mink	Souder
Chenoweth	Paul	Stump
Collins	Schaffer	Watts (OK)
Cubin	Sessions	
Manzullo	Smith (WA)	

NOT VOTING—14

Becerra	Frost	Rangel
Bilbray	Gejdenson	Reyes
Capps	Gekas	Sherman
Coble	McCrery	Skelton
Conyers	Minge	

□ 1529

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, during rollcall vote No. 38, on agreeing to the Ehlers amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 12 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. GEORGE MILLER of California:

In section 4(a)(2)(A)(i) (of H.R. 800, as reported), strike "or" after the semicolon.

In section 4(a)(2)(A)(i) (of H.R. 800, as reported), strike subclause (II) and insert the following:

(I) developed a system to measure the degree of change from one school year to the next in student performance on such assessments;

(II) developed a system under which assessment information is disaggregated by race, ethnicity, sex, English proficiency status, migrant status, and socioeconomic status for the State, each local educational agency, and each school, except that such disaggregation shall not be required in cases in which the number of students in any such group is insufficient to yield statistically reliable information or would reveal the identity of an individual student; and

(IV) established specific, measurable, numerical performance objectives for student achievement, including—

(aa) a definition of performance considered to be satisfactory to the State on the assessment instruments described under subclauses I, II, and III with performance objectives established for all students and for specific student groups, including groups for which data is disaggregated under subclause III; and

(bb) the objective of improving the performance of all groups and narrowing gaps in performance between those groups.

In section 4(a)(2)(A)(ii) (of H.R. 800, as reported), after "under" insert "clause (i)(IV) and".

In section 4(a)(3)(A)(iii) (of H.R. 800, as reported), after "plan" insert "consistent with paragraph (2)(A)(i)".

Mr. GEORGE MILLER of California. Mr. Chairman, the amendment that I am offering on behalf of myself and with the gentleman from Michigan (Mr. KILDEE) I think is the most important education amendment that we will address this year, not because we are the authors but because it has come time for the Congress of the United States to fish or cut bait with respect to education.

This amendment goes to the issue of what is the accountability by us, by governors, by superintendents of schools and local school districts for the education of our children. Why do we get a right to ask for accountability? Why do we get a right to ask how are our children doing? Because over more than a decade, we have spent \$118 billion in the elementary and secondary education program, and with all due respect to those expenditures, it is not all that we would like it to be. By some accounts, the results are mixed, by some accounts there are some bright spots, but the bright spots do not warrant the expenditure of \$118 billion.

We have decided to head off in a new direction, dealing with flexibility. We made this decision a couple of years ago. We made it with the Goals 2000 where we told States we would put up a couple of billion dollars so they could generate high standards and good assessments of those standards to how those children are doing. We wanted

them to do that so that every child could learn, not just some children. Then we had the Ed-Flex pilot program. We gave 10 districts the ability to go out and gain flexibility in putting their programs together at the State and local level. Then we had a GAO report. That GAO report came back and said we are doing fairly well on flexibility but we are not doing very well on accountability. Some of these districts just have not measured up in terms of being able to tell how are the children of America doing, how are the children of any State doing and how are the children of any school district and school doing.

The GAO came back and told us that in fact most of the States that participate in Ed-Flex had very vague if any standards at all. They could not really answer the questions that were asked of them with respect to accountability. They had not established any goals. But they took the money. Except one State, the State of Texas that applied for Ed-Flex that asked for flexibility in the Texas programs, the Governor and the State Superintendent of Schools there said in trading you for flexibility in how we use the Federal money under ESEA, we will tell you that these are our goals for our students and we will put them down in a numerical fashion so you can measure us 5 years from now. At the end of 5 years, they said they expected that 90 percent of the schoolchildren in Texas would pass the State exams, State exams, mind you, that are getting very high marks nationally for what they measure. They said that not only will 90 percent of the children in Texas pass the exams, I am willing to tell you, the Governor of Texas said to us, that 90 percent of the African-American children, 90 percent of the Hispanic children, 90 percent of the poor children, will also pass that exam.

Now, what have most States been telling us in exchange for Federal dollars? One of the Ed-Flex States said, rather than do what the Governor of Texas did, they said that they would have a commitment to the identification and the implementation of programs that will create an environment which all students actualize their academic potential. Absolute educational babble. Absolute educational babble. How do you hold anybody accountable and how do you ask how the students are doing? At the end of 5 years in the State of Texas, we will know whether 90 percent of the children were able to achieve the goals that the State has for the schoolchildren of Texas, or whether 80 percent or 79 percent or what have you. We also know that Texas is moving toward that goal in the interim assessments that we have of their program.

We are about, later this year, to reinvest \$50 billion in this program over the next 5 years. I ask my colleagues to think like the people ask us to think when we go to town hall meetings, because they stand up all the time and

they say, "Why can't you run the government like a business?"

Well, if a businessperson was going to invest \$50 billion in a venture, if a bank was going to invest \$50 billion in a venture, if a venture capitalist was going to invest \$50 billion in a venture, they would ask the recipients of that money, "What can I expect in return?" In this case, what can I expect in return of student achievement over the next 5 years?

Unfortunately, the bill before us does not allow that question to be answered in the proper form. We will still get back questions about how the average students are doing. This is a program that was originally designed for poor children.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, this was a program that was designed to focus on the educational problems of poor children, of educationally disadvantaged children, and we continue to get back scores about how average children are doing in school districts and in States. What have we found out? The poor children, the educationally disadvantaged children, continue to slide back.

Apparently only in Maryland, only in North Carolina and in Texas will we know how all of the children are doing. This whole program is predicated that we are not going to go the old route of attracting certain children, pulling children out of classrooms, going through all the stuff we have gone through in the last decade but we are going to make a decision that all children can learn. When the Texas Superintendent of Education came before our committee, she said one of the things that having these targets, of having this kind of data that we call for in our amendment, what this has allowed them to do is to redeploy the resources based upon where the problem is, because under the flexibility side of this bill, they are able to do that. They can go after those schools where there is a problem, they can go after those students who are not reading to grade level. That is the advantage of this legislation as authored by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER). It provides the flexibility to do that. We do not touch that flexibility. We deal with the side of accountability. I think we have an obligation to parents, to students, to taxpayers to ask these tough questions, and I think we have got to get back the answers in a form that we can hold people accountable. This is sort of just old hardheaded accountability.

Now, we do not have a whole lot of accountability in the political system and in our budget systems and all the rest of it, but apparently the Nation has told us that that is what they

want. Parents want to know how their children are doing, but in many school districts and even the Ed-Flex school districts in the pilot program, they have no data. They are not able to report how these children are doing. I think it is time, as I said, to fish or cut bait. We are going to invest \$50 billion in this program later this year. We ought to be able to get back the answers about how it is doing.

As the Superintendent of Maryland wrote to us, the underlying bill simply does not contain provisions to ensure the States receiving the Ed-Flex waivers are held publicly accountable for student achievement. Interestingly enough, the States that in many ways are doing the best, North Carolina testified that this is the way the questions ought to be asked and this is the way the data ought to be received, Texas that is living under this system said yes, they agreed with this amendment. The State of Maryland that is getting accolades under this program said yes, this is the way the data ought to be received.

There is a lot of talk about how somehow this is going to delay it. Does anybody believe that this legislation and all the rest of it is going to be ready for the next school year? We told people at the end of 5 years after \$2 billion, we wanted a system of testing and of assessments and many of the States are there. But we cannot any longer fudge with the timetables.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has again expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 1 additional minute.)

Mr. GEORGE MILLER of California. Mr. Chairman, if we continue to allow people to have interim assessments and then they can change the assessments, then we do not know how they are doing year to year, how they are doing test to test, we are right back in the same old middle we were in before. I am all for the flexibility side. I think it is a place we ought to go. But I think we should be hardheaded about the accountability side. This is not an insignificant amount of money. It may be an insignificant amount of money or some people suggest it is with respect to all educational dollars. It is still \$50 billion. Maybe it is only going to be 45 after the budget fights, but it is a lot of money in anybody's realm. I think these are the questions.

Finally let me say this. This is our only chance to find out how all students in America are doing, be they poor, be they African American, be they Hispanic, be they Asian. This is our only opportunity to do that. That is what we said we wanted to do. We said we want results. You cannot get the results necessary with the underlying legislation without this amendment on accountability. I would urge my colleagues to support the Miller-Kildee amendment.

Mr. GOODLING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, all that we heard sounds very, very good if, as a matter of fact, we had not taken care of every one of those issues that were mentioned. Keep in mind, now, that if the Miller-Kildee amendment had been in effect when we had the 12 States participating in flexibility, none of them, I repeat, none of them would have been eligible. Zero.

□ 1545

Why? Because none of them had the five necessary entities in place. In fact, one who was saying how good this amendment is does not have five in place now, our neighbor State. She would not be eligible except she is grandfathered. Well, the State would not be eligible because it is grandfathered; I think that sounds better probably.

Now what has the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) done in order to make sure that we have taken care of all the GAO concerns? The GAO said that there are wide variations existing among Ed-Flex States regarding whether they have established clearly defined goals to measure the results of waivers received by districts and schools. So what did they do in the bill? They said:

Unlike existing law, H.R. 800 requires that States set specific measurable objectives. That was not in line when the 12 who originally had an opportunity to participate. It is in this legislation.

The GAO said States also differ in the degree to which they use specific and measurable objectives to assess whether they have achieved their goals. Under existing law, that is true. But in H.R. 800 they require the Secretary to approve State applications after considering the degree to which the States' objectives are specific and measurable and measure the performance of schools or local educational agencies and specific groups of students affected by waivers.

The GAO said that Texas had the best accountability system for it set specific numerical criteria that are closely tied to both the schools or districts and the specific students affected by the waivers.

What did the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) add? They said H.R. 800 now requires the tracking of students' performance as recommended by GAO like Texas. I mean everything GAO questioned they have taken care of.

Now again, Mr. Chairman, let me remind my colleagues that very few States are participating in the 12, very few waivers have been granted by States. When we get beyond Texas and we get beyond Maryland, very few States have given waivers. Why? Because they were told when the 12 were set up that they must either have in place their plan or they must be able to show that they are moving in that direction rapidly, and if the Secretary

does not believe that, the Secretary does not even give the State the opportunity to do the waiving.

So they know that they are not in place, and so they have not given them waivers. But they are taking us at face value because we told them they had to be in place by the school year 2000-2001, all of them working rapidly to make sure that they get them all in order, and then they, too, can request waivers.

But let me again remind my colleagues that none of the 12 would have been eligible if this amendment was part of the Goals 2000 Ed-Flex of 1994, I think it might have been 5, somewhere around there. So again, let us not go back on our word. Let us not try to see whether we can preclude anybody, any State, from applying for Ed-Flex and getting Ed-Flex because that is what we are doing with the amendment. Make it very clear the amendment says that zero States will be eligible, zero States will be eligible for Ed-Flex.

Mr. Chairman, it is just as plain as the nose on my colleagues' faces. That is exactly what the amendment says, and that is not what we want to do. We want to encourage those people to move rapidly with the standards, rapidly with the assessment so that they, too, can get in line to get flexibility to do what? To make sure that programs that have failed the children we wanted to help, programs that have failed and failed and failed the very students we wanted to help, the most educationally disadvantaged students, we want to try to correct that.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GOODLING) has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Mr. Chairman, as my colleagues know, every year we try to zero in and make sure that the money goes to where it is most needed, and one of our friends in the other body and, I might say, in the other party always makes sure there is hold harmless. Not my party, not my side of the aisle, but in the other body, one of the friends from the other side always gets hold harmless so we cannot target to the very people that need it the most.

But, my colleagues, let us target something that is beneficial to the most important students, the most disadvantaged educational students. Let us not give them any more pabulum as they have had in the past. Let us make sure that \$50 billion or the \$110 billion or \$120 billion count for the most disadvantaged education students in this country.

Reject this amendment.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. BLUNT) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

EDUCATION FLEXIBILITY
PARTNERSHIP ACT OF 1999

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I join the gentleman from California (Mr. MILLER) offering this amendment, and I rise in strong support. This amendment seeks to strengthen the efficiencies in the Ed-Flex program identified in a November General Accounting Office Report. This report of the GAO said that the ability of the existing Ed-Flex program to enforce accountability is suspect. GAO said that the States are not setting required goals for increased student achievement and little is known about the actual impact of waivers.

Part of the rationale for the enactment of this demonstration program in 1994, and it was 1994, Mr. Chairman, when I was still chairman of the subcommittee; part of the rationale for the enactment was that we will be able to gauge the impact of waivers on student achievement. This is not presently possible. The Miller-Kildee amendment, accountability amendment, seeks to address these issues.

Very simply, Mr. Chairman, this amendment would require States who wish to participate in Ed-Flex to have the system of standards and aligned assessments as required in Title I in place. This amendment will mean that States participating in Ed-Flex will be able to accurately measure student performance and also produce disaggregated results based on categories of at-risk student populations. Without this type of information in place, we will not be able to accurately measure whether the student achievement is going up over time and particularly how it is going up with particular groups for whom this bill has been targeted in the rest of ESEA.

Our taxpayers who are the investors in education in this country want to know and have their right to know how their money is being used and whether that money is being used successfully. I think we have an obligation in spending those dollars that we require that assessment make sure that that money is being spent effectively. I urge all our Members to adopt this amendment. This amendment to my mind is such a perfecting amendment, my colleagues will not only gain power in this bill for education, but we will find a real bipartisan bill emerging from this House.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, and I guess I rise reluctantly, to oppose this amendment, but in a sense of the bill we are dealing with I cannot be that reluctant. The concept of putting all of these things in place; that is, content standards and performance standards and assessments that are aligned with the performance standards is clearly the way we are supposed to go in this country. I have absolutely no doubts about that whatsoever, and I think we should do it, just as there are other things are being discussed on this floor today about which I also feel good that we should be doing. The question is what should we be doing in the education flexibility bill.

Mr. Chairman, I do not know how many people listen to the chairman, the gentleman from Pennsylvania (Mr. GOODLING), and, as my colleagues know, if somebody can repudiate this, hopefully not on my time, but on their time, I would welcome them to do it. But it is my understanding that when we are talking about the final assessments, that there is not one State in the United States at the present time which has its final assessments in and approved by the Secretary. I do understand that the chief State school officers say that there are 17 that are ready to go and they just have not submitted them. Fine. That leaves 33 who are not there, and only 21 States have their performance standards done.

Why? The reason is that in the Elementary and Secondary Education Act, where this would be a very applicable amendment, in that particular act they do not have to have this completed until the school year 2000-2001, and yet we are taking this education flexibility bill in which we are trying to get States the ability to work with the local school districts to get around some of the Federal bureaucratic things that we have done, and we are getting an amendment like this, which is all of a sudden taking an incredibly overwhelming, almost crushing responsibility of getting these ready a couple years in advance or they will not be eligible for education flexibility.

That is a mistake. I mean there is nothing wrong with the amendment. There is nothing wrong with the intent of the amendment. There is nothing wrong with any of the positions that the gentleman from California (Mr. GEORGE MILLER) or anybody else has taken here today. But it is very wrong to even think about attaching this particular amendment to this bill though it is my hope that maybe the statement has been made and this particular amendment can be withdrawn because it just is so ill fitting with the legislation before us.

Now, Mr. Chairman, we have put a great deal of accountability in this bill to the extent that we can. There must be annual reports submitted to Congress. The Secretary has to approve State applications. The Secretary conducts performance reviews of State performance. We have done it at the

State level. They must have specific and measurable performance goals required to monitor local waiver recipients annually and hold them accountable for performance. We must provide public notice and opportunity for comment when waivers are approved. We must submit an annual report to the Secretary and States must submit an annual report to the Secretary that summarize the student performance and types of waivers granted and that at the local level local applicants must send specific and measurable performance goals as part of an overall reform effort. They must track the performance of schools and groups of students affected by waivers, and waivers are subject to termination, the performance declines, against objectives for 2 consecutive years.

Why did we put that into this particular bill? Because in the GAO report they said there has to be more accountability and more assessment, and so we have started that process here. But we do not leapfrog over to the demands which are in the gentleman from California's amendment which are final assessments which simply are ready and are going to cut most States out of Ed-Flex.

This is a killer amendment of killer amendments, as far as I can ascertain, and again I honestly ask somebody to try to rebut what I am saying, if they are able to do that at some point in this discussion. But I think we are making a mistake even considering this amendment. We are close to the universal agreement that this is a good bill. The only question is what amendments are we going to adopt. This is not one that we should adopt.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman for bringing forward this bill along with my colleague from Indiana (Mr. ROEMER). I think it is a good bill and one that I am very pleased that we have on the House floor today. I unfortunately have to join the gentleman in rising in opposition to this amendment because I do think it would gut the primary benefit that we receive from this bill, which is essentially to extend to 38 States the possibility to be able to participate in this waiver program that addresses the one problem that I hear over and over and over again when I talk to educators in my home State of Indiana. They tell me that they cannot focus 100 percent of their time on teaching their children and developing policies and curriculums that will make our schools the best in the world because they have to worry about rules, and regulations, and paperwork, and policies coming out of Washington that do not always make sense for their school.

One of my wife's best friends, a young teacher named Brenda Wilson, teaches in the gifted and talented program in Pendleton Schools, and she told me they thought about abolishing gifted and talented programs because

they could not fit it into their budget priorities when they met all of the different requirements in the federal programs, and that would be a sad day if that happened.

So I rise in strong support of this bill and would urge my colleagues to vote no on the amendment.

H.R. 800, the Education Flexibility Partnership Act, is our first opportunity this Congress has to reform our nation's troubled education system.

It is bipartisan legislation that the Education Committee passed by a vote of 33 to 9.

ED-FLEX is a step in the right direction for families who are concerned about the education of their children.

Why are families concerned? Because they worry, as you and I do, about poor reading skills—whether their child is reading at grade level and failing math and other test scores. And they care, like so many of us in this body, about the values their community holds dear and wishes to pass on to the next generation through education.

Why can't states fix these problems today? One of the reasons is that states have been saddled with prescriptive, top-down, Washington-knows-best approach to education that stifles local common sense and excellence.

H.R. 800, the Education Flexibility Partnership Act, satisfies many of the problems families are concerned about. Specifically, H.R. 800 allows parents to have greater input and local education agencies more control over the education priorities that matter to them. Twelve states have been eligible for this, but currently, Indiana does not have the freedom to use federal categorical aid on how they wish to support locally-designed, comprehensive school improvement efforts. They are one of the 38 who need this bill. This bill makes all 50 states eligible for greater State and local flexibility in using some federal education funds. It allows waivers from federal mandates, regulations, and requirements that rob local education agencies of their ability to solve the problems they see every day.

The complaint I hear from teachers and school administrators in my district over and over again is that federal mandates get in the way of school's ability to serve their students in the most effective way possible. Ed-Flex would address these concerns by allowing states and local school districts greater flexibility in using federal education funds in exchange for greater accountability.

National test scores place Indiana 44th out of 50 states on the SAT, and 40 to 60% of Hoosier high school students are failing basic math and English on the ISTEP tests we have in Indiana.

Because of this, people in my district want relief from the federal mandates that have a stranglehold on education in Indiana. I have discussed this legislation with teachers, administrators and parents on my Education Advisory Committee, and they support this bill.

They support it because, even in our most rural communities, different schools have different needs. Our teachers and administrators are full of ideas about how to improve education programs and how to best serve their students, but in many cases they cannot because of bureaucratic requirements. This bill will give them the flexibility to act on these ideas.

Can we do better? Should we allow states the chance to do better? Should we give parents more opportunity to help their kids learn?

Of course we should!

I urge all of my colleagues to vote for passage of H.R. 800, the Education Flexibility Partnership Act, and give families more control to improve the education of their children.

□ 1600

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment and I rise as a supporter of the underlying bill because I believe that the Kildee-Miller amendment significantly strengthens the underlying bill.

The underlying bill here is one in which we say to States and localities that if they truly believe that they have a more creative and powerful way to achieve the goals set forth in various Federal education initiatives, then try them; if they can do better than the orthodox way of doing things, then we applaud them and support them.

Implicit in that proposition is a measurement of whether the States and localities are, in fact, doing better by trying the flexible approach. I know that the words are in this bill that would measure whether the States and localities are doing better, but as the gentleman from California (Mr. GEORGE MILLER) said earlier today, educational bureaucrats in particular are masters at spinning words about what they are doing. They are not always so good about providing measurements.

I would submit that it would be technically within the definition of a meaningful evaluation under the statute if the chief school officer of a State submitted the following annual report about his or her waiver schools: We have spoken to every teacher in every school district and assessed their evaluation of the success of our waiver program. Each of those teachers has reported to us that each of their students is doing better than they were before in reading, language, arts and math. That is a specific measurable evaluation of how well the schools are doing. It is also utterly worthless, because it does not measure.

It makes four mistakes. It permits words rather than numbers. We need measurable, quantitative measures to figure out whether students are doing better under the waivers. It permits us to talk about States and not localities within those States. An aggregate State average may well show improvement but it would mask continuing deficiencies in districts with special challenges and communities with special needs.

It permits States to talk about groups of students without disaggregating or breaking out particular subcategories of students who have particular barriers of discrimination, of poverty of other reasons that they may not perform as well their peers.

Finally, it lets States report on process rather than result. We had 64 seminars last year; we sent out 321 bul-

letins; we had 5,422 meetings. That is all data. It is performance data. It can be characterized as that, but it tells us nothing about whether these students are performing better than they were under the regular orthodox programs.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) are putting the school districts to the test and saying if they think they can do better, we will give them that opportunity with our money, with Federal money, but prove it; prove that they are doing better. Give us numbers, not words. Break it down by school districts, not in the aggregate State level. Tell us about groups of students, African American students, poor students, Hispanic students, female students, others that may have particular problems.

It requires States to talk about results, not processes.

If we are investing in a company and the chief financial officer of the company says we had a great year, we had six meetings of the board of directors, we added 12,000 new employees, we had a lot of new work on our employee manual this year, but does not tell us how much money they made, what their sales were, we would not invest in that company. This Ed-Flex bill, without the Miller-Kildee amendment, is an invitation for educational bureaucrats to blather us to death.

The Miller amendment says put your results where the money is. It will strengthen the Ed-Flex concept. It should be adopted because it demands those at the local level to give their very best to the children who depend on them.

This is a good bill that could be made much better with the adoption of the Miller-Kildee amendment. I urge both Republican and Democratic supporters of the bill to support this amendment as well.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that Ed-Flex is wonderful for Wisconsin, my home State, and for our country. Unfortunately, this amendment is anti-flexibility. As proponents of this amendment discuss, it demands local control, it demands our local school board members, our local educators, do what they do in Texas.

The law of Texas is great for Texas but the law of Wisconsin should be better for Wisconsin. I believe that we have to go down the road of having more flexibility for our local schools.

As I have talked to parents, school board members, educators and our superintendents, I ask them time and time again, what is it that we can do in Congress to help them educate our children best? They tell me the same thing: Cut the red tape. Give us the freedom to do what we know works best.

I was written by a constituent of mine, a guy named John Bechler, who is a very active member in our Kenosha

School District. He is on the Kenosha Unified School District board, and I would like to quote a few things from the letter from Mr. Bechler, our school board member. He said, "Did the Federal Government ever ask school districts what they needed most or did they just assume one approach fits all?"

The answer is no. They assumed that one approach fits all. I am concerned that even today Members from other States are attempting to dictate education policy for my district's public schools. This amendment seeks to dictate education policy from other States on to our local public schools.

Mr. Chairman, we cannot have bureaucrats in Washington or in other parts of the country blindly deciding that programs that work in Los Angeles or Detroit or even in Texas must also work in southern Wisconsin. This is simply not true.

John Bechler and his fellow school board members all across this country should be asked, what works? We should then let them make the decisions, and this very important piece of legislation begins the process of returning decision-making power to the local level.

John concluded in his letter to me saying that I would hope the Federal Government would allocate the education funds to the local school districts and allow the local school boards to determine what is the best use of funds to achieve quality education.

I could not agree more. Mr. Chairman, this is what educators throughout my district are saying. They are saying enough of the cookie-cutter, one-size-fits-all public relation driven education policies. This legislation gets us toward the movement of giving more flexibility to our local school districts.

This amendment is anti-flexibility. I applaud the efforts of the members of the committee to produce the amendment, but it does go against the grain. We need more local control. I believe that the educators in our local school districts know best how to solve the problems in our local school districts. After all, they are there on the front lines of the fight, improving our education standards.

I believe we should vote against this amendment and vote for the Ed-Flex bill. It is a move in the right direction.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Chairman, I rise to applaud the authors of the amendment, who I deeply respect, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE), and also to applaud their amendment.

I think that the gentleman from Delaware (Mr. CASTLE) and I already have much of what they are requiring in their amendment in our bill. I do not

know how many times it has to be said, and then say it again, about assessments or measurement or accountability or termination, if it does not work. We do not need to get into the bureaucratic and legislative babble and blather that the people here are talking about not wanting to repeat. We do not want to get into that.

I applaud the authors of the amendment for the following reasons, because they are concerned with what we try to get at and is the very heart and soul of this legislation, and that is the nexus between increased flexibility and reliable accountability. We do not want to do that with new paperwork. We do not want to do that with handcuffing our local parents and teachers. We do not want to do that with more mandates coming from Washington. We want to do it by one rope of accountability to student achievement, and we want to be able to measure that student achievement.

Let me point out, first of all, before I get into some of their arguments, the legislation of myself and the gentleman from Delaware (Mr. CASTLE) is tougher than current law. We incorporate some of the recommendations from the GAO on eligibility, where we have changed to have this tougher eligibility from Goals 2000 to now Title I eligibility. We have tougher assessment tools than current law and we adopted tougher language in our committee on termination.

We do not want to go so far, Mr. Chairman, as to rip out the very flexibility that we are trying to extend to our States.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) talk about reliability assessments, and I agree with that. We need to have reliable assessments. On page 6 of the Castle-Roemer legislation, we talk about assessments, and I quote on lines 12 through line 19, developed and implemented content standards and interim assessments and made substantial progress, as determined by the Secretary, toward developing and implementing performance standards and final aligned assessments, and it goes on.

They talk in their amendment about being able to measure and get results on disaggregated data.

On page 10 of our bill, Mr. Chairman, we specifically talk about measuring. My good friend from New Jersey was talking about measuring these things, and we say on page 10, the State's objectives are, one, specific and measurable; two, measure, again measure, the performance of local educational agencies or schools and specific groups of students affected by waivers.

That is the disaggregated data. Those are the specific, different economic, racial, various groups of students that are going to be affected by this legislation and potentially by a waiver. We asked to have that measure.

Thirdly, we get at, on page 13, the termination; that after 2 years if you

have significantly declining scores one is terminated from the program and one has to reapply for a waiver.

Those are tough accountability standards, tougher than what we have in current law, but we do not want to overreach, Mr. Chairman. We do not want to take away the very flexibility that we are extending to the States when we say we want to give you added flexibility and we are going to hold you accountable to those students doing better in their classrooms.

I come back to the example of Maryland that I talked about in my opening statements. When they had that waiver authority for success for all, reading for all, schoolwide reform programs, scores went up in Kent County schools in Maryland. African-American scores went up in those schools.

So I think that the gentleman from Delaware (Mr. CASTLE) and I have really tried to craft this delicate nexus, this delicate and sensitive balance, between accountability for taxpayer dollars and increased flexibility to our States, and while I applaud the authors of the amendment, I would encourage us to stay with the underlying legislation and support this bipartisan bill.

Mr. ISAKSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, exactly 3 weeks ago tomorrow, I presided over my last board of education meeting as chairman of the State Board of Education of Georgia, so probably from a contemporary standpoint I am closest to the effects of this legislation and the proposed amendment than anyone.

I do oppose the amendment, but I oppose it because I think the previous speaker, the coauthors, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER), have done an outstanding job of ensuring that there is accountability without ensuring that the babble that was referred to that went from the local systems up does not also come from the Federal Government down.

In the final amendment that the committee adopted in the legislation, which was referred to by the previous speaker, there is the greatest accountability of all. That accountability is that if a system for two successive years is declining, their waiver is withdrawn.

□ 1615

Now, I understand school people about as well as anybody else. We spend \$5 billion State dollars a year in Georgia, and we appropriate it to local systems. I got appointed to the State Board of Education in a unique circumstance. The governor fired the entire board that he had appointed about 2 years prior to my service here. He did because they were fighting, they were raising accountability, they were micromanaging schools, and Georgia was hurting and Georgia was declining.

When he put in a new board, he asked us to do the following. He said, give

them the chance to succeed or fail, just make sure if they fail, you take away the latitude that you have given them.

This legislation does not just require a waiver of Federal rules, it requires a waiver of State rules as well. No waiver can be granted from the Federal level if it is also granted at the State level. And if we understand how local boards of education work or how the system works, what in fact happens is a local board of education has to first approve the request before it goes to the State Board of Education and before the Federal Government approves it. Now, that is a lot of accountability. It is a lot of accountability for the merits of the request and the intent.

The last point I want to make is not that I am opposed to accountability by any measure; I am not. But I think the authors have ensured and the committee ensured that it was there.

I want to just for a second close with why flexibility is so important. Children are taught in classrooms by teachers, not by Congressmen, not by boards of education, not by State boards of education. Our children are uniquely different from Montana to Georgia, from California to Michigan. In the programs affected by this legislation from Title I to technology, there are differences as broad in my State from one end to the other as there are in your State to my State. We are opening the door, I think, to a great opportunity, and that is to challenge our States to do better and say we trust them, and if they fail, we will pull it away. There is no greater accountability, and there is no more greater testimony to where education really takes place than to grant flexibility back to where it all begins: in the classroom where a teacher deals with one child at a time, trying to build the future of our country through an improved education.

I urge the adoption of this bill, but not the adoption of this amendment. The authors have put in the accountability. The flexibility our systems need will bring about the progress all of us hope for.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Miller-Kildee amendment.

One thing should be very clear in this debate. Flexibility is not an end, it is a means to an end. I think some of my colleagues get so wrapped up in the notion of flexibility that they think that that is really the problem.

The problem is educational attainment. We got into this business because in the recent international tests, we found American students scoring below the international average, and we said we need to get serious about improving educational performance by all American students.

We are prepared to spend \$50 billion over the next 5 years to address this problem. But the issue is not just flexibility, the issue is also accountability. How can we assure that the money we

spend actually results in improved performance?

Now, I am from one of the 12 States that had this experiment. I am from Maryland, and Maryland officials, the Superintendent of Schools for the State of Maryland supports the Miller-Kildee amendment, because we understand that we must have stringent accountability. Not just accountability in name, and not just accountability in rhetoric, but accountability with real teeth. There are several things that need to happen. There needs to be some specific assessment, goals and assessment vehicles. We use a set of tests in the third, fifth and eighth grade to accomplish this objective.

Now, I hear my colleagues saying, well, each State is different. That is true. We do not tell the State how to do it; what we tell the State is, you present us with a plan, your plan, for how you want to achieve these results, and I emphasize results. What are going to be your goals, and what are going to be your mechanisms.

Now, some people say, well, we can pull the plug in 2 years. Well, that could be 2 years of wasted money if we do not have stringent assessment tools, goals and mechanisms on the front end, and that is simply all the Miller amendment is saying, is that we need to be serious about accountability, because we are spending the taxpayers' dollars, not just for some elusive goal of flexibility, but for some real, tangible performance results.

Second, the Miller-Kildee amendment says that when we spend this money, it has to benefit all students, not just some students, or not just the overall aggregate. We need to know what black students are doing, what Hispanic students are doing, what poor students are doing, what female students are doing. It specifically says, you must aggregate your data so that even if your State is making progress, we want to see how female students are doing in math and science, we want to see how Latino students are doing in specific subject matters; are African-American students learning to read with the money the Federal Government is spending.

So this is not an outrageous or an intrusive amendment. It is a perfecting amendment that takes the concept of flexibility, which I support, and says, we need to get serious about flexibility.

I believe the Miller-Kildee amendment addresses these concerns in an effective, nondestructive way and I urge my colleagues to support this amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee.

Mr. GOODLING. Mr. Chairman, I would repeat one more time that if this amendment had been part of the Goals 2000 legislation, Maryland would not have been eligible to participate.

Mr. CUNNINGHAM. Mr. Chairman, I thank the chairman of the committee.

Mr. Chairman, this bill is about flexibility. We have had 40 years of bureaucratic control and union control of education. We are number 20, 20th in the world, for math and science. We are a Nation with the resources, more Ph.D.s, more technology, better technology than any other country in the world, but yet we are falling behind. We want to give the States and the local school districts the flexibility, not to tie them down.

When we talk about accountability, in the crux of this whole debate, the gentlewoman a minute ago said, we need to control how the dollars are spent. That is the whole issue. And their statement is, that they do not trust the States to account for the students that my colleague just talked about a minute ago. We do trust the States. We do trust the school districts. Because if anyone knows about an African-American student or a Hispanic student or young women or young men, it is the local teachers, the administrators, the community that knows, not a bureaucrat sitting here in Washington, D.C. And this is the heart of the debate: when we talk about accountability, look at why most of us fought against Goals 2000 when many on that side of the aisle tried to put government regulations in a well-meaning bill that was crafted before.

There were 24 "wills" in Goals 2000. It means to comply under legal language, and a special board in each school district had to look at the local Goals 2000 plan. It had to go to the superintendent. The superintendent had to send it back to the board. The board then sent it to Sacramento where there was a big bureaucracy. That big bureaucracy had to send that bill to Washington D.C. to the Department of Education. The bureaucracy there had the paperwork going back and forth, and that costs a lot of money and ties people up. And that means more wasteful government control in the name of "accountability." By contrast, we on this side of the aisle, just said, let us send the money to the States. Let them do a Goals 2000, without all of that paperwork, without all of that government control. Big difference, I say to my colleagues.

Look at charter schools. The NEA fought tooth and nail against charter schools, which are an attempt to take off many of the burdensome regulations. Charter schools have been a big success. Look in Washington, D.C. We fully funded charter schools, we fully funded the public education system. We got another superintendent that wanted to make change, Arlene Ackerman. And guess what? We had 20,000 students beg to come to summer school in one of the worst school districts in the United States, because they wanted to learn, not because they had to, because we are trying to improve flexibility.

But let us look at other controls. We on this side of the aisle wanted to give flexibility to the States and in this

case, Washington, D.C., under the President's goal to have more school construction. The gentleman and I talked about this the other night. If we want to give the State flexibility, let them waive Davis-Bacon, which costs 30 to 35 percent more for school construction. Let the unions compete with private contractors, and let the schools save the 30 percent for other construction or to upgrade their schools. But no, there are some here that want the union control, the government control. That's wrong. That is why we are opposed to this amendment. That is why we are opposed to all of these amendments. We want the flexibility to go forward with it.

I have 3 school board members that came to me along with 3 superintendents. They went to school for 8 days to see if they are in compliance just with the Federal regulations, not even the State regulations. They are going to get audited. Five phone books of regulations. They had to hire a lawyer. It costs \$130,000 to see if they are in compliance. That is what we are trying to get rid of, I say to my colleagues. We want the schools to be able to have the flexibility to do it better.

Look at Alan Bersin, a Clinton appointee, now Superintendent of San Diego City Schools. I am going to help Alan Bersin because he is sitting in there trying to clean up San Diego city schools. Look at Gray Davis, the new governor of California. He is trying to identify the schools that are not working within California. He has a big job, but I am going to do everything I can to help Gray Davis. But Federal regulations and the unions are trying to stop him. He wants to support the principals, make them the captain of their ship, so that they can fire or get rid of people that they do not think are performing. But do my colleagues know who is stopping that? Federal regulations and bureaucracy.

Alan Bersin said, his number one problem is special education because of the regulations that are killing the schools. Trial lawyers are ripping off the money, just like they did in the Superfund, and he cannot change it. He is having a difficult time, and we need to help him.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(By unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 2 additional minutes.)

Mr. CUNNINGHAM. Mr. Chairman, men like Gray Davis, our new governor, and Alan Bersin in San Diego, are trying to do the right things and get through the bureaucracy and get more flexibility into the school system. We need to support them.

I heard the word "bipartisan." The President will sign this bill as it is, and the saying is, "if it ain't broke, don't fix it." Because by "fixing it," in the way some on the other side want, we are going to increase the Federal regulations in the name of "accountabil-

ity." We do not want to do that. We want to help these kids. Let us go forward and let us do a good job.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

I think the gentleman who has just spoken and all of the people in this room will agree with me that at least 90 percent, or more than 90 percent of the funds we use to run our public schools with are State and local controlled. We are talking about less than 10 percent of the total funds. We are talking about flexibility on less than 10 percent of what we use to run our schools with, and if we have 10 percent of the funding by the Federal Government, it means the Federal Government only has about 10 percent of the control, if there is any control at all.

So the American people should understand that the whole flexibility argument is based on a phoney hypothesis. Our schools are in bad trouble, bad shape. We are 20th in the international arena because the States and the localities have not done a good job, and the Federal Government wants to participate. They only want to participate. They are not willing to put up even 10 percent. It is less than 10 percent participation. What we are talking about here is an attempt to destroy the Federal Government's role totally. We are back to where we were in 1995 with a call to abolish the Department of Education. It is just another approach. It is a more sanitized approach to destroying the Federal role in education.

The New York Times today has said what I said in the committee. They said it in much more succinct terms. The wise thing to do, this is an editorial of March 10, today, the wise thing to do would be to put Ed-Flex aside until later in the session when Congress reauthorizes the entire elementary and secondary education act.

What we are doing here is stampeding. Education, there is an emergency in America on education. It deserves a serious response from Congress. What we are doing here is not a serious response. This is a stampede to push us into a political posture. We want to open the door for block grants. That is what we are doing today.

□ 1630

It is trivializing the legislative process, because we have on our agenda for this year the reauthorization of the Elementary and Secondary Education Act of 1965. That is on our agenda. Why can we not wait, as the New York Times says we should, and I agree? Why can we not wait?

The New York Times editorial also says, "The Ed-Flex expansion being debated in Congress would extend waivers even to States that have no intention of innovation and no means in place of evaluating what they do." Correct.

The New York Times starts its editorial with the following: "The achievement gap between affluent and

disadvantaged children is a challenge to American education and a threat to national prosperity. Unfortunately, a bipartisan bill that is scheduled for debate and a vote today in Congress could widen that gap by allowing states to use Federal dollars targeted at the poorest students for other educational purposes. The so-called Ed-Flex proposal could damage the poorest districts, which have traditionally been underfinanced by the states and cities even though they bear the burden of teaching the least prepared students."

Why did the Federal Government get involved in education? Lyndon Johnson, what was his argument when he started the Elementary and Secondary Education Act of 1965? That we would help the poorest students in the poorest districts.

What Ed-Flex does is provide money for greedy Governors who have shown by the way they have handled the welfare reform money that they do not intend to spend money for exactly what it is intended for, they want to have the freedom to use it in various ways that do not necessarily focus on the poorest people for which the funds are intended.

We have a continuation of an effort to destroy the Federal partnership. The Federal Government only wants a role. We want to make certain that the national security, the national interests, are protected by having the most educated populace we can have.

What the majority in this Congress is seeking to do is what they sought to do in 1995, get rid of the Federal influence. It is only a tiny influence. The American people should understand that we are talking about less than 10 percent funding, less than 10 percent control. The States and the local governments are in control, and they have all that flexibility with the 90 percent of the funding that they put up. They have maximum flexibility.

With all that flexibility, they have not been able to keep up with the demands for modern education. The Federal Government needs to be involved because education is our primary means of guaranteeing the national security. We have a Navy which floated an aircraft carrier, and could not find enough personnel to run the high-tech carrier because they were not available. We need an educated population. We cannot leave it up to the States. They have not done a good job. The States should at least be willing to partner with the Federal Government.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just want to remind everyone that the law says that at the local level, they will use the money for the most educationally disadvantaged youngsters.

Mr. HAYES. Mr. Chairman, I rise to speak in opposition to the amendment.

I move against this amendment, I am in opposition to it and I vigorously want to oppose it, not because I doubt the sincerity or intent of the message. My good friend, the gentleman from New York (Mr. MAJOR OWENS) has spoken very eloquently about his beliefs.

But I would simply ask that Members not confuse the idea of accountability with Federal mandates and government control. The Education Flexibility Partnership Act of 1999 provides our teachers and our local school systems the things that they need, that flexibility within accountability to provide the education.

As I travel through my districts in North Carolina, and I have to be careful not to go back through my own career in public education, which was delightful, so delightful I probably did not achieve as high marks as I should, but I remember those principals and those teachers that worked from morning until night to give me the chance to learn about math, about science.

I think of Jessie Blackwelder in Concord, who took over a school that was suffering real problems. She got on the phone and called me up. She said, get a couple of dump trucks over here. We need to clean this place up. She started calling parents. She said, we need books. We need help. We need new desks. We need you over here. We need local support. We need those of you who know this community and these students to pour out your heart and soul into our education system.

What keeps this from happening so many times is the Federal Government, with more mandates shutting down this creativity, shutting down this support, this enthusiasm, this involvement between parents, teachers, grandparents, school boards, and those that are empowered and entrusted.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, could the gentleman give us one example of what he means by the Federal Government interfering with one's ability to be flexible with parents and run the schools?

Mr. HAYES. Mr. Chairman, it has been my experience as a legislator in North Carolina, and one who has run Statewide, that each time I move into a district, regardless of whether it is the east or west, time and time again a Federal mandate for paperwork, to make it in the simplest terms, takes away from that classroom teacher's time that she could be spending with her children to fill out forms and endless paperwork. This is one of the clearest examples.

Mr. OWENS. I would ask the gentleman, classroom teachers do paperwork?

Mr. HAYES. Yes, sir.

Mr. OWENS. Classroom teachers do the paperwork for the grants?

Mr. HAYES. Classroom teachers, superintendents, principals. It is just too

much of their time that is spent meeting Federal requirements which are not productive, and I think this bill does a fabulous job of giving them their time back to spend it in their classrooms with the children.

Mr. OWENS. Mr. Chairman, if the gentleman will continue to yield, it is not a question of flexibility, it is a question that we need more paperwork reduction.

Mr. HAYES. I have lost the gentleman's train of thought, but I appreciate the gentleman rising to talk about that.

Mr. Chairman, my point is that accountability flows from local involvement. Accountability comes from parents and teachers and school boards being involved. It does not come from the Federal Government imposing itself upon our local education system.

Again, I oppose this amendment. I vigorously support the Education Flexibility partnership. It is a commonsense proposal that will help stop the one-size-fits-all mentality that comes from Washington and the Federal Government. The bill addresses the basic fact that what works in New York City unfortunately does not always work in Rockingham, North Carolina.

Our Nation's future rests on the quality of education that our children receive. There is nothing we can do in this Congress that is more important than ensuring the quality of education in our public school system.

Mr. Chairman, I have spent a lot of time listening to parents and teachers in the Eighth District of North Carolina. What I have learned from these conversations is that the best new ideas and innovations come from the districts, and not from Washington. Unfortunately, it is the Washington bureaucracy that stifles the creativity at the local level.

Mr. Chairman, we have before us today a bill that helps cut the Federal red tape which hinders excellence in public education. This amendment works against the Ed-Flex bill, requiring more Federal mandates for local education.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. HAYES) has expired.

(On request of Mr. GOODLING, and by unanimous consent, Mr. HAYES was allowed to proceed for 2 additional minutes.)

Mr. HAYES. Mr. Chairman, the American people know that Republicans and Democrats have some differences on the issue. They accept that. But what they do not understand is why we do not move forward on the issues when we do agree.

The Education Flexibility Partnership Act of 1999 has the support and the endorsement of all 50 Governors, Republicans and Democrats alike, from all areas of the Nation. Mr. Chairman, it is time we passed this bill. It was intended to empower the people who are the true innovators in public edu-

cation, our local folks, our parents, our teachers.

Do not let those who are opposed to this flexibility speak out and hurt this great bill. Join me in a strong vote of confidence for our parents and teachers. Support the Education Flexibility Partnership Act of 1999 and oppose this amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I know the gentleman wanted to tell his friend, the gentleman from New York City (Mr. OWENS) that the great mandate that the gentleman really wants to tell him about, which is a 100 percent mandate, which destroys his school district from hiring new teachers, destroys his school district from reducing class size, destroys his school district from building new buildings, destroys his school district from maintaining the existing buildings, is the 100 percent mandate from Washington, D.C. called, called "special education."

That is the mandate that the gentleman wants to tell the gentleman from New York City about, because oh, my, if he got that 40 percent of excess costs, he could do anything under the sun in his district. He would get millions of dollars. He would get \$1 billion or more every year. That is all he needs.

Mr. HAYES. Mr. Chairman, I just did not want to be that hard on my good friend, the gentleman from New York.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, during the course of this debate I have wondered exactly where I was; whether we were really debating the reality.

I rise in support of the Miller-Kildee amendment. I believe it strengthens the basic legislation. I do not feel enacting H.R. 800 is necessary, but I believe that the Congress is probably hellbent in moving in that direction, and if we are going to do it, then it seems to me that accepting the Miller-Kildee amendment would signal to this country that we are not prepared to abandon the very core necessity for title I, ESEA.

I happen to be one of the few legislators here who served in 1965, when the great debate on how Federal aid to education was going to be provided to our communities and our States, led to Congress enacting P.L. 89-10. It was preceded by 25 years of agonizing debate on how to structure this kind of federal assistance to our public school systems.

From that time to now we are still struggling with this issue with mounting frustration coupled with our agony that our school systems still cannot produce quality education where all of our children achieve, based upon reasonable standards and assessments,

which must be a part of any legislation we accept.

PL 89-10, which is Title I of ESEA is part of this Ed-Flex legislation. Title I is geared to the idea that the very poor in our society live in districts that cannot afford to educate their children as they are able to in wealthier, richer districts in our country. We need to understand that the strength of this Nation, indeed our national security, is dependent upon lifting the educational performance of all children, wherever they live, whatever their economic background. And if we do this as a Nation, we rise and we achieve, and our society can accomplish all of the complex exercises that we have to engage in in order to prosper as a Nation, to be the leader of the world. So we fashioned Title I.

I want this body to understand that the Title I allocation of funds is based upon a head count, a census, a determination of where the poor children are located. We have a count that is provided to the Federal Government, and based upon this head count of poor children, of the poverty children of America, a formula is created and the money is distributed to the States and local agencies based on the number of poor children that live in a school district.

This money belongs to the poor in these communities. It belongs to the poor children in our communities. We have no right to count the poor children in this country, base a formula for distribution on the poor, and then when it comes time to determine how to spend this money, which is based upon a computation and calculation of these poor children, allocate it in ways that are flexible and could exclude the poor. This is pure manipulation, exploitation of the children for whom this legislation was designed. That is my basic difficulty with the legislation that is now called "flexibility".

We want to be flexible. We do not want to engineer all this heavy bureaucracy on the local communities. But remember, the Federal funds are something less than 7 or 8 percent of the total amount that is spent in our school districts. Ninety-three percent of the funding for education in our school systems is locally raised by the local communities or by the States. The Federal Government only puts in 7 or 8 percent. There is no monstrous bureaucracy here engineering the public educational system to the detriment of our children. It is a small contribution, and because it is so small, the Congress is determined to make sure that that small amount is spent for the benefit of the poor children for whom it was legislated. That is the heart of this debate.

The Miller-Kildee amendment says before we waive requirements to direct the money to the poorest of these communities, let us make sure that the States come up with a plan that sets down the assessments, the criteria for achieving these goals, so that in the

end, these States can come forward and say, the poorest of our children benefited. Their test scores must show this. These assessments by our impartial entities must determine that the poor have actually benefited.

That is all that we are doing under the Kildee-Miller amendment, and I urge this House to accept it before enacting a bill that nullifies the purpose of Title I.

□ 1645

Mr. FORBES. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I just want to remind the gentlewoman from Hawaii (Mrs. MINK), and she knows this, yes, the money does go down based on poverty. However, when the money gets to the schoolhouse, it is based upon educationally disadvantaged. That is what the law says.

I would ask the same question that the gentleman from California (Mr. MILLER) asked several times in committee, only I would say it a little differently. He has said over and over again, "What have the taxpayers gotten for \$120 billion? We should know." I say, "What did the children that we wanted to help the most get for that \$120 billion?" That is the question.

Mr. FORBES. Mr. Chairman, reclaiming my time, I rise reluctantly but necessarily in opposition to the Miller-Kildee amendment. I believe that this amendment would be a killer amendment and would underscore, unfortunately, the loss of this great Ed-Flex legislation. The President has suggested that he supports Ed-Flex. The 50 governors have suggested they support Ed-Flex. I think we should not mix apples and oranges on this occasion.

Frankly, there are going to be many opportunities for those of us who want to see education and the fixing of what I believe is the despair in our schools, fixing of the problems in our schools.

We are going to be dealing with the reauthorization of the Elementary and Secondary Schools Act, and I think, at that time, we have a great opportunity to stand up for smaller class, to stand up for construction and doing away with some of the overcrowded conditions, to stand up for voluntary testing.

I happen to support all of those worthy goals because I believe there is no greater issue, no greater issue facing the American people and us as problem solvers, as legislators, than making sure that our children are adequately prepared for the 21st Century.

Our praise in the world depend on adequate education for our children. Unfortunately, our schools are in disrepair and despair. They are in despair because we are seeing, for example, in this great sophisticated age, this Inter-

net age, that more and more of our kids, particularly in the inner cities, are not getting the kind of education that they need because they are coming from poor districts, from districts that do not have the wealth to meet these challenges.

So I believe that Ed-Flex is a very good piece of legislation. It needs to be passed but unencumbered at this point by some of the other worthy goals that we talk about here.

So I would urge my colleagues to think long and hard. If we do nothing else in the 106th Congress, I would implore my colleagues, let us dedicate ourselves to this most pressing problem, the problem where our children are not learning, despite in places like my own suburban Long Island districts where we are spending more money than we have ever spent.

The scores are down. They are lower than they have ever been. SAT scores are down. Why? Because we are not doing in our classrooms what we need to be doing.

So I would hope that Congress, which understandably wrests local authority, the States and local authorities must have policy-making, decision-making authority that should never be compromised. But we in Washington should do a greater job of standing by those schools. Yes, we have got 7 percent of national effort helping our local schools, over \$120 billion.

But let us deal with some of the most outstanding problems, like the idea of special education. We mandate upon the school districts that they deal with special education, that they fully fund it. But we in Washington are not sending the dollars. We are sending a very embarrassing proportion of those dollars.

The first thing we ought to do as a Congress, 100 percent of funding should come from Washington, because 100 percent of the mandate comes from Washington. That is absolutely necessary. We need to do that if we are going to provide for our schools.

We also need to, as has been suggested here, address the size of our classrooms. We should do that but under another venue, as I have suggested. We have plenty of time in this Congress to do it.

But to sidetrack the Education Flexibility Partnership Act, a most important measure, a bipartisan measure authored by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) would be wrong.

So I would urge my colleagues, let us deal with these issues. Let us make the 106th Congress the place where we deal with these many problems. We assist the State and local governments in meeting the needs of our children, but let us not sidetrack Ed-Flex in that worthy goal.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Miller-Kildee amendment. I rise in support because it is about accountability.

This amendment says that States must show the progress or the lack of progress that students are making from year to year. We are not telling local schools how. We are asking them what. What are the expected results? What are the measurement criteria?

The Miller-Kildee amendment requires States to show what they want their students to learn and how they will measure if the students are actually learning what they intended. In the State of Texas, this information will be broken down by race, gender, and income, giving special attention to the students who are the most at risk.

The funds that the Federal Government sends to the States and schools are, as many of us have said today, and I have heard it on the other side of the aisle, too, and I am grateful for that, these funds are not enough. I would like to work with the other side of the aisle to put together a plan to fully fund IDEA.

But whatever the funding, that funding is in place so that we will be clear that there will be outcomes. The use of Federal funds is in place to ensure that our children in America, all of our children, rich or poor, black, brown, or white, girl or boy, has access to a good quality education. I know this is what all of the supporters of Ed-Flex want. The Miller-Kildee amendment makes this possible.

We still do not really know what the effects of the demonstration programs will have on education. If we are going to extend waivers further, we must have accountability. We must measure whether students are learning in schools. We must measure that Ed-Flex has reached the goal that States have intended. After all, in the end, is not the purpose of Ed-Flex and all of our education programs to enable our students to learn more?

Mr. Chairman, I want to vote for Ed-Flex, but do not ask me to without accountability. I cannot do it.

Mr. FLETCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment. This amendment changes the accountability standards of H.R. 800, and it does it in such a way that it is so restrictive that really none of the States currently participating in the Ed-Flex program would be eligible for waivers under the Miller amendment. It also tells the States what their goals must be, again decreasing flexibility.

The following example is the requirements that are in the current Ed-Flex, and this puts exactly the kind of burden we need on schools and exactly the kind of accountability that we really need without going too far and returning to some of the old ways of doing things, the mandates that we have had for years that really have not produced the kind of progress that we really desire and I know all of us desire.

But there is monitoring required. Every year, States must monitor the activities of the local educational ad-

ministrators. Schools receiving waivers must send an annual report to the Secretary. Two years after being designated as an Ed-Flex State, States must submit performance data as part of that report. After 3 years of being an Ed-Flex State, the U.S. Department of Education can terminate a State's Ed-Flex status after notice and opportunity for a hearing if it has failed to make measurable progress toward its stated goals.

Also, the local education agencies and the school district's waiver application must describe specific measurable goals for schools or groups of students affected by waivers and must be part of the local reform plan.

States can apply to be an Ed-Flex State for up to 5 years. When they re-apply for Ed-Flex status, the Secretary must review their progress toward meeting the objectives described in their application. So I think there is plenty of accountability in this bill.

Someone mentioned what the New York Times says and what they want to do, and they recommend a delay. Let me say this, my folks back home in Kentucky do not read the New York Times. I think they should be more concerned probably with the schools in New York City than they are necessarily about those across the Nation.

I have had the chance of visiting a lot of schools in the last few weeks, and I can think of two principals of elementary schools. One is Edwina Smith and the other is Elaine Farris. They are in schools that deal with primarily a lot of low-income students, a lot of disadvantaged students.

When I talk to them, the teachers there, as well as the principals of these schools, and some of the superintendents in the districts, they want flexibility. They are tired of having mandates coming down without the funding.

Yes, maybe it is only 6 percent, but what have we done? We have spent \$118 billion in educational dollars over Title I the last 34 years. Yesterday, our 12th graders were out-performed in mathematics by their peers in 18 other countries. Sixty percent of our children in urban school districts failed basic tests on reading and math. Forty percent of our Nation's fourth graders fell below the basic reading level.

So I think we really need to look and say, the way we have done things in the past has failed. We do not need to return to that. I think that is what this amendment begins to do is to return to old, failed policies of government mandates, of 6 percent, the tail wagging the dog, 6 percent, dictating what is to be done back in our States.

Yet we have seen in those States that have exercised the flexibility given, which they would not have under this amendment, that they have increased the progress of minorities, of the economically challenged children.

So I think we need to oppose this amendment because it reduces flexibility and goes back to some policies that have failed in the past. It is a new day.

I think we ought to start in new policies, in new ways, the flexibilities, things that are proven to work here recently, and give the opportunity of the flexibilities back to the State to take this progress further so that we can see these low-economic students achieve the kind of achievements that they can have to renew their hope and allow them to be all that they can be.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment and rise in support of this legislation. I think we all can agree that local educators and parents are closest to our children and are closest to the impact that our policies are having in the elementary and secondary setting.

But here is another reality. When one goes to a bank to borrow money, particularly when one looks like me, the bank asks for a business plan or some other sources of income to determine if one can pay the loan back. Provided one puts forth a good plan, they will loan one the money.

Business people, when they own businesses and ask for money from shareholders and ask for investors to invest, they have to present a plan. If they are able to make a reasonable return on the person's investment or the investor's investment, they will continue to have folks invest in their plan.

What we are asking for here is even less. We are just asking for States to put up a plan. It does not have to necessarily be a cogent plan. But give us some sense of how they are going to go, what goals they are trying to achieve, some sense of how they are going to evaluate, how far they are coming, and where they would like to go.

That is all the Kildee-Miller amendment seeks to do. No new regulations, I say to the gentleman from California (Mr. CUNNINGHAM), my good friend. It does not strengthen the unions, I say to my good friends on the other side. It does not line the pockets of trial lawyers.

I have searched and searched and searched in the legislation for the last half an hour to an hour to find out how this legislation could line the pockets of trial lawyers, but I have yet to find out. But I am open to a conversation if some of my friends on that side can identify that.

We have paid a lot of lip service today to this notion of local control. We have paid a lot of lip service to this motion that the Federal Government somehow or another has come in and intruded and trampled and usurped the powers of our local school boards and local officials. Let us stop deluding ourselves.

We have heard speaker after speaker. The other side gets up and has speaker after speaker. Virtually all of the education policy setting authority in America rests with local authorities. One cannot deny it. It is a fact.

Ninety-four cents of every dollar raised and spent on local education on

education is raised and spent at the local level. When one criticizes the Federal Government, and my good friend, the gentleman from Kentucky (Mr. FLETCHER), and I respect his comments about the New York Times, they do not read them in Memphis either, they read the Commercial Appeal, sometimes I wish they read the New York Times, but my friends in Memphis, those folks that are graduating, those seniors that are graduating who might have participated or benefitted from Title I funds, Mr. Chairman, what about the 94 cents that were spent on those children throughout their time in elementary and secondary schools. We have to blame everybody if we are going to begin to point fingers.

□ 1700

What Ed-Flex seeks to do is to give States the flexibility to make these decisions. But I think it is rational, I think it is sensible to ask them just to provide a plan as to how they are going to spend this money. If the local authorities and local school boards had all the answers, why are our schools falling down? Why are our kids dropping out of school? Why do the international math and science tests over and over and over again demonstrate our kids are failing?

We can argue all day, Democrat, Republican, unions, no unions, lawyers, no lawyers, but the people that are losing are our children. Sure, local educators and parents, give them the authority, but like my colleagues, when I go home, what my parents and teachers and local educators are saying we need to build new schools. We can debate how we are going to do it. Let local authorities decide that. Let us provide incentives for them to do it.

My colleagues cannot deny what this President has done, saying we will end social promotion, we will provide monies to school districts to hire new teachers and build new schools; if they close or address under-performing schools, more money to build new schools. That is what they do in the business community. That is what the Republican Party has been yelling year after year after year.

I am only in my second term, 28 years old. I watched the Republicans growing up. This is what the Republican Party has been talking about. This is the Republican mantra. Why abandon it now?

All we ask for is that these school districts be held accountable. If they do a good job, give them more money, I would say to my good friends, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Pennsylvania (Mr. GOODLING), the chairman. But if they do not, close them. That is what taxpayers want, that is what shareholders want, that is what we all expect.

All this partisan rancor, unions, lawyers, State authority, local authority, Federal authority. The national government has a role in how kids are

being educated. These are our future workers, these are our future congresspeople, our future pastors, our future teachers. We have an obligation to ensure that kids are educated in Kentucky and Tennessee and New York and Delaware, I would say to the former governor, the gentleman from Delaware (Mr. CASTLE). All we want on this side, I think all we want in this body, is to ensure that Delaware is doing a good job, that Tennessee is doing a good job, Nevada, Texas, California, Michigan, New York. All we would like to do is see a plan.

The gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. MILLER) are absolutely right. This is not about black kids, white kids, or Hispanic kids. This is about children. This is about a new generation of Americans. We have an opportunity in this House to do something truly historic; reform Title I in a way that gives States that flexibility.

But understand, Ed-Flex is not going to solve all of our problems. We in this Congress must have the courage to do the right thing, and I hope Democrat and Republican can find common ground.

The CHAIRMAN. The time of the gentleman from Tennessee (Mr. FORD) has expired.

(On request of Mr. CASTLE, and by unanimous consent, Mr. FORD was allowed to proceed for 2 additional minutes.)

Mr. FORD. Mr. Chairman, I would only hope we would do the right thing in this Congress. We have our differences. I heard someone stand up and say they want to support this bill because the President supports it. There was something the President supported a few months ago that the other side did not support, but I am glad to see we are on the same page on this one. So let us do what is right for the kids.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. My only question, Mr. Chairman, and I do not have a problem with anything the gentleman said, and he says it extremely well, I might add, at any age, but I go back to the original question I posed on this particular bill about an hour ago, and I do not know if the gentleman was on the floor, but I pose it again, and if the gentleman does not know the answer, somebody can answer over there at some point.

My view is, based on what our knowledge is, that if the Miller amendment passes, that we have only 21 States that have performance standards in place and we have no States that have their final assessments in place, and that means that no States will get education flexibility. That is the problem.

It is also true that in the year 2000 and 2001 all these things will be done under ESEA. I do not know how that can be repudiated. That is a fact, not a wandering statement. I would be curi-

ous to hear the gentleman's answer or anyone else's.

Mr. FORD. Mr. Chairman, reclaiming my time, my reading of it does not suggest that.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, the gentleman wants to suggest that under his bill everyone is going to qualify. We know there are about 17 States that are prepared to go. If a State is going to do this right, let us not pretend like they are going to do it this school year. They will be making applications for 2000, 2001. That actually coincides with what we told them 5 years ago to be ready to do.

The fact is most of the States have not been ready because they thought they could slide by again. That is what this accountability is about saying enough is enough, we have made a decision, and we now want standards of accountability that we can measure how the students are doing. So there is nothing inconsistent with that at all.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. The bottom line is that they have to do these things by 2000-2001 anyhow under ESEA, and the gentleman is moving up the time.

Mr. MILLER of California. If the gentleman from Tennessee will continue to yield to me, under the gentleman's waiver they do not have to do it.

The CHAIRMAN. The time of the gentleman from Tennessee (Mr. FORD) has again expired.

(By unanimous consent, Mr. FORD was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. MILLER of California. The problem with the bill, and why we have the amendment, is that under the gentleman's they do not have to have it done, they have to make substantial progress toward it. They can have interim assessments, so we will not be able to judge how the progress is from year to year because we may have different assessments on that, and we are right back into all the excuses why we cannot finally find out how the children are doing, how they are progressing, and whether or not this investment is worth making or not. That is the difference.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. It is my understanding, Mr. Chairman, that under ESEA all the things the gentleman is talking about have to be in place by the school year 2000-2001 one.

Right now, although 17 schools may be ready for it, right now none have

their final assessments in place, a lot of them do not have their standards in place. The gentleman is saying that they cannot have Ed-Flex at all.

We are saying Ed-Flex is a relatively simple bill. We have worked with the gentleman and put a lot more accountability in here than was in before, which the GAO report wanted, but now I think the gentleman is extending it to a level that none of us want to live up to.

I give the gentleman credit for a good presentation, but I was wondering if we really have to go forward with the amendment. I think this amendment would be counterproductive to those of us, including maybe the gentleman, who are supporting the underlying bill.

Mr. MILLER of California. If the gentleman will continue to yield, it is not counterproductive at all. The question is are we going to fish and cut bait. We all talk about we do not want social promotion of children; I do not want social promotion of school districts in States that are not prepared to meet the standards. And the standards ought to be that they can tell us whether or not children are in fact making advancement and on achievement and meeting the goals of that State and whether they are not.

So far what we have found out from the pilot program, we have not learned from the pilot program, is that essentially 8 out of the 10 States could not tell us that. Could not tell us that.

Mr. FORD. Reclaiming my time, Mr. Chairman, I thank both the gentlemen. I would just close by simply saying that I hope perhaps we can work this out in the interim here. And I would hope if we cannot, I say to the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. MILLER), I do not think anything is wrong with asking these local school districts that want this authority to rise up to the occasion and to be able to live up to these standards today.

I would close by merely saying to all my colleagues in the Congress, particularly on the majority side, the \$100 billion infrastructure problem we have in America, the Federal Government did not cause that problem; the 2 million teacher shortage we have in America, the Federal Government did not cause that problem. Let us work together to get the job done. Support the Miller-Kildee amendment.

Mr. DEMINT. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. DEMINT. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I tell my friend from Tennessee that there is no question if they did not require a plan, if Castle-Roemer did not require a plan, I would not support it. If they did not meet what the GAO said they needed to meet, I would not support it.

And when the gentleman says if they do not produce, kick them out, that is

what the legislation says. They have 2 years to show, and they better show. They better produce. And then at the end of 5 years, this secretary down here says, they are out.

So everything that the gentleman wanted in the bill is in the bill, and that is why I can support the bill.

Mr. DEMINT. Reclaiming my time, Mr. Chairman, I rise to speak against the amendment as well. Ed-Flex is a great bill, and the amendment takes the flex out of the whole bill.

This bill does what I think we have been talking about for years. It begins to take dollars, decisions and freedom out of this House and moves it back to houses in our districts. It restores freedom. To me, this bill, flexibility, means more freedom, and I believe that the true accountability comes to teachers and parents and local communities.

Last week I had the opportunity to help present an unprecedented fourth national blue ribbon award to Spartanburg High School in South Carolina. This is the only school in America that has won this four times. So my discussions with the principal, administrators and teachers were very interesting to me, because it seems the Federal regulations that we think are helping to build our schools are, to them, just obstacles that they have to dance around to do what they know really works.

When I talked to the superintendent, he said, quit funding 5 percent of these programs and demanding 100 percent of the control. We have talked about the fact that it is just 10 percent, and that is right, over 90 percent of the funding for these schools comes from local school districts. But when we tie them up with the type of amendment we are talking about today, this type of control invades all aspects of our public school system.

I had a chance to visit Berea Elementary School in Greenville, South Carolina. They had a brand new school. They do not want the Federal Government to build them a new school; they want some new technology. But we will not know what they need from here.

I had a chance to walk up the steps with the class from Berea on my way in here today. They are probably watching what we are doing right now. They know that we cannot manage their school from here, and after meeting their principal, I am glad that Ed-Flex will help to keep us from trying.

I also visited an elementary school that had an old building but plenty of teachers. We cannot decide for them that they need more teachers when they need something else.

I have a son who was playing on a JV basketball team in a public high school. They practiced for about 2 months, but then they had to cancel their game because the girls JV team had not been able to schedule enough games to match theirs and they were afraid of Federal regulation. It is just a little bit, but it invades every aspect of management.

I have learned as a quality consultant that one of the biggest obstacles to quality improvement, that we talk about here for education, comes from multiple levels of authority. There is no way we will ever have quality education in America with local control, State control, and Federal control. This bill recognizes that we need to send dollars, decisions and freedom back to the people who are truly accountable.

It is really a little insulting, I think, to think that we are more accountable here than governors and mayors and county councils and school boards. Actually, we are a lot less accountable because we can hide here away from them and they cannot blame any one of us. We are not talking about accountability with this amendment, we are talking about control, control that we need to relinquish.

I have to take special exception to this idea that our local governments and our States have not done a good job with education. If we track education and our test scores since the Federal Government got involved in the 1970s, there is a direct relationship to the fall of our test scores and the increase in funding from the Federal Government. With every dollar we send them, we send more control.

In my State, about 50 percent of the paperwork has to match only about 5 to 7 percent of the funding.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. DEMINT) has expired.

(On request of Mr. GOODLING, and by unanimous consent, Mr. DEMINT was allowed to proceed for 2 additional minutes.)

Mr. DEMINT. Mr. Chairman, in my State they tell me, with only about 6 to 7 percent of their funding coming from the Federal Government, that the Federal regulations count for about 50 percent of the paperwork. This is what we are trying to do away with, and adding regulation, restrictions and more reports to this bill is not going to help.

The real threat to our education system is coming from us, because the innovation, the trials are being hindered by them trying to keep up with our paperwork and our regulation. I believe that we can secure the future of every child in America if we recognize that freedom does work when it is in the hands of parents and teachers and local communities; when we give more local control.

This bill has the accountability that we need to make sure that we have the plans to match the Federal dollars, but it does not have control that is out of proportion to the funding that we are sending back to the States. I hope all of us will think and vote against this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment, and I do so because I believe that we must try and

create equal educational opportunity. We must try and make education available for all of the Nation's children, no matter where they live, no matter where they come from, and no matter who they are.

Mr. Chairman, 80 percent of the schools in the City of Chicago's public school system receive and use title I funds to support the educational needs of disadvantaged children. This means that 80 percent of the schools in the Chicago public school system have over 50 percent of their children from low-income families. We have a responsibility to ensure that these children, that each and every one of them have the greatest amount of educational opportunity that we can provide from all levels of government, whether it be State, local or Federal. That is why I cannot support the Ed-Flex bill as it is.

□ 1715

Ed-Flex in its current form lacks the efficiency and accountability needed to protect what took decades to correct. The Ed-Flex bill will allow local school authorities to redirect funds from special educational programs as well as dismantle professional development for teachers. In fact, this bill may exempt schools and districts from complying with Federal standards that have been set for student performance.

I am aware, Mr. Chairman, that there have been 12 demonstration programs, and yes, my State, the State of Illinois, is one of them. However, these States have not been totally examined. Therefore, I am not sure that all the potential implications of a nationwide expansion are really known.

Mr. Chairman, it is the responsibility of this Congress as we approach a new millennium to ensure that our Nation's children are educated with whatever resources are needed. And so I call upon us to build a new era of equality for all Americans, an era where African Americans, Latinos, poor children, Native Americans and other minorities who have long lived with the highest poverty schools and in the highest poverty communities will have guaranteed access to resources to try and catch up, to try and come from behind, to try and realize the potential that they have, to try and know that before resources that perhaps are not as greatly needed are put in other places and in other areas, that they would have access to those resources.

And so I appreciate the concept of flexibility. I appreciate the latitude that teachers, principals, and administrators need in order to do the work that they have set out to do. But I do not believe at this time that we can risk these greatly needed resources missing their mark. Therefore, I would urge all of us to vote in favor of the Kildee-Miller amendment.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Michigan.

Mr. KILDEE. I thank the gentleman for yielding. The gentleman from Dela-

ware (Mr. CASTLE) has mentioned that under the Miller-Kildee amendment certain districts would not qualify. But those districts who do not meet the requirements of the Miller-Kildee amendment by the school year 2000 do not lose their Federal dollars. They only fail to achieve that flexibility which must be linked to accountability. There is no loss of Federal dollars at all, but we say if you are going to have flexibility, we have to have accountability. The Kildee-Miller amendment does not penalize them by taking away their Federal dollars, it merely does not give them the flexibility unless there is a nexus with accountability.

Mr. DAVIS of Illinois. Flexibility and accountability must go hand in hand.

Mr. TANCREDO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I want to make sure that everybody understands. Nobody said anybody loses money. What we said is you lose the opportunity to participate. That is what you lose. You do not lose money. No one ever said you lose money. You lose the opportunity to participate. That is what you lose.

Mr. TANCREDO. Mr. Chairman, I rise to speak in opposition to this amendment, as if it were passed we would have to change the name of the Ed-Flex bill to the Education Inflexibility bill because, of course, that is exactly what happens here.

I was a former public school teacher, I was the regional director for the U.S. Department of Education for 11½ years, and I have certainly experienced firsthand the Federal Government's bureaucratic overregulation of our country's educational system.

While I was with the U.S. Department of Education, we published a document called "What Works" in which we identified all of the activities, all of the programs that apparently had some positive impact on the educational experience of children. What we also could have done, however, is write another book that was called "What Doesn't Work." We could have identified the hundreds of elementary and secondary education programs at the Federal and State level, thousands of Federal program administrators and State agencies, millions of hours of paperwork requirements produced by the Department every year. We could have identified all of those things as being examples of what does not work and we could have pointed to all of the children who had not learned as a result of all of this bureaucratic intervention.

We know what does not work. It is fascinating to me, because I have been a strong supporter of school choice programs, including vouchers and tuition tax credits. I have said what the gentleman from Tennessee said a little bit ago. I was astounded, as a matter of

fact, to hear the gentleman from Tennessee use this very language when he said that he wants schools to either do a good job or be closed. Public schools, he was talking about. He wanted to see that kind of accountability. He wanted to make sure that if they were not operating and actually producing the kind of educational experience that would be best for the kids, that they would close. Those were his words. Great words. Absolutely accurate words.

Mr. Chairman, that is one of the reasons why I can support this Education Flexibility Act and oppose this amendment, because in fact there are a lot of things happening around the country today that do give pause to public school administrators and teachers in the realm of choice because we now know what works, we now know that charter schools and giving parents the ability to make selections from a wide variety of educational opportunities works. We know that works. And so there is accountability in the public school system today. The only reason why we are seeing as much concern expressed on the part of public school administrators today is because in fact there is a little more choice in the system. So I certainly support the concept of choice, and I support the ability of schools to make a lot of decisions here because in fact there are consequences if they do not make those correct decisions. Children do go other places. That is okay. We can watch and see what exactly is going to happen here. I certainly hope that we do not pass the Miller-Kildee amendment as it will, as I say, change the whole concept of this bill to the Education Inflexibility Act.

Mr. GOODLING. Mr. Chairman, if the gentleman will yield further, I just wanted to mention in relationship to Chicago, for instance, the beauty of what is happening there, if they are going to be successful, is the fact the State said, "Hey, all these years you have failed the children in Chicago. Now, Mr. Mayor, you take over. Forget the State regs, forget all these things. You take over." They did not say, "You must have in place everything you are going to do, Chicago," because, of course, this was all new to them. But they are putting everything in place. And from everything we can gather, what they are doing is helping children. All these years they did not help children in Chicago. And so the State said, "Forget us. Forget these regs. Make it work. Make it work your way, but we want the children to learn, to do better," and it appears that they are having success. Flexibility is what they gave them.

Mr. TANCREDO. Also, Mr. Chairman, let me say that it has been my experience that for ages now we have been debating whether or not we should have any confidence in the local administrator, in our local schools, in the local teachers who confront our children every single day. Really what this bill does is it tests that theory.

My friends on the other side of the aisle, I know, believe that people in the system are doing their level best, that everybody is trying as hard as they possibly can.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. TANCREDO) has expired.

(By unanimous consent, Mr. TANCREDO was allowed to proceed for 2 additional minutes.)

Mr. TANCREDO. Does anyone really believe that a majority of the teachers out there, a majority of administrators out there today are looking for ways around doing a good job? That they are trying to figure out what they can possibly do not to have children succeed? In fact, we know that is not true, that in most cases, in 90 percent or more certainly of the cases out there, everybody is working as hard as they possibly can to make sure that children learn.

Something is wrong in the system. We are going to give people the ability to address those problems and come back to us and say, "Here is how we can make this work. You gave us the freedom, here is now what we have been able to show as the success." That is all we are suggesting happen here, give them the freedom to make this thing work.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, it really amazes me that there is more in common with our commitment to education than maybe the voices on this floor would seem to acknowledge.

I applaud the Miller-Kildee amendment, and I believe that if we were to pause for a moment, we would find more opportunity to agree to this amendment and to have this amendment passed and to move on to do what is best for our children.

Let me simply say to the parents of America, and ask the question whether you would agree or disagree, and the children, with this very simple proposition. The Miller-Kildee amendment simply says that if we are going to waive requirements issued by the Federal Government on educational excellence, then the States must have in place a viable plan for how student achievement will be assessed. Nothing more, nothing less. It simply says that if you are going to move forward to change requirements to enhance the educational standards of our children, tell us how you will still maintain student achievement.

Everybody seems to get it. I do not know why some do not. The New York Times said that the Miller-Kildee amendment provides the answer to the threat of impoverished schools. What it says is that simply there is a gap between affluent and disadvantaged children and it is a challenge in the Amer-

ican education system to bridge that gap. This amendment to what we have all come to accept as a reasonable understanding of the educational leaders of our respective States, that they do know education, I do have a degree of confidence in what they do, but what is wrong with maintaining the fact that they must be accountable?

I am somewhat puzzled again about this whole accusation against the Federal Government, that it should not be in education. I agree it should be a partner, not someone who dictates to our local communities. But I am gratified that the Federal Government moved into this whole idea of the educational realm in looking at math and science issues and saying that we needed more money to provide for professional development for our teachers, for Title IX when there was a discussion about parity between boys and girls and providing dollars to ensure that boys and girls had equal athletic opportunities and other opportunities. What is wrong with that?

And might I simply say, in a time in our country where many went to segregated schools, unequal schools, I am gratified for the, if you will, involvement of the Federal Government. It is interesting to note that the Federal funds are only 8 percent. However, in underprivileged and rural communities, Federal funding, especially under Title I, can account for almost a third of a local school system's budget. We must ensure that those moneys continue to go to those school districts in a manner that helps those students achieve. There is no accusation to my friends on the other side of the aisle. But there is a recognition that there is nothing wrong with the amendment that says be accountable, prove to us if you do a waiver that you will in fact be doing the right thing for our children.

Let me say, finally, my home State of Texas has been very successful in implementing the Ed-Flex program, but it has adopted rigorous standards that makes sure that all students, including minority and economically disadvantaged students, rural students, urban students, receive the benefit of Federal funds. For instance, Texas school districts that waive Federal regulations must still show that 90 percent of the African-American students, 90 percent of the Hispanic students and 90 percent of the economically disadvantaged, that means all of those who find themselves in a position where they have to go over a hurdle to learn, they must show that those students are improving in their studies.

I would say, Mr. Chairman, we have an opportunity to show America that we can work together. The Miller-Kildee amendment clearly says that all we want is accountability.

Mr. Chairman, I would like to ask the gentleman from Michigan (Mr. KILDEE) a question, if I could. There was a comment made that this is an inflexible amendment, that his amendment is inflexible, and I believe that this gives

more flexibility. To me it provides flexibility to the extent that it helps us be accountable.

Mr. KILDEE. If the gentlewoman will yield, I think it is a reasonable amendment. The amendment really is patterned basically on the structure that Texas put into place. Texas is the most successful State so far. We were just asking them, if we are going to give them that flexibility, which we will give them, we are not going to deprive them of their money, that they have to have some accountability. Texas was willing to give that accountability. I think our flexibility amendment is very flexible.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, the proof is in the pudding. This is a good amendment and we need to pass it.

I rise in support of this Amendment, which requires that state and local school districts that are able to obtain waivers under this bill must closely monitor their students to make sure that at-risk populations are continuing to achieve academically.

This amendment substantially improves this bill, because it prohibits school districts from taking the additional discretion given to them under the Ed-Flex program, and using it to further disadvantage children from minority and lower-income families.

Federal funds are scarce and highly sought after by the states, but they make up only 8% of all education spending. However, in underprivileged and rural communities, federal funding, especially under Title I, can account for almost a third of a local school system's budget. We must make sure that if federal funding is to be had, that it should be used to benefit all students, and not just a select few.

Federal funds often help finance necessary supplemental programs that substantially improve the quality of education in all regions of the country. These supplemental services include remedial math and reading classes, and career counseling. All schools need these services, and this amendment guarantees that all schools will receive them.

My home State of Texas has been very successful in implementing Flex-Ed because the State has adopted rigorous standards that make sure that all students, including minority and economically disadvantaged students, receive the benefit of federal funds. For instance, Texas school districts that waive federal regulations must still show that 90% of the African-American students, 90% of their Hispanic students, and 90% of the economically-disadvantaged students are improving in their studies.

This type of self-imposed criteria should be lauded, and hopefully they will be emulated by all the 50 states if this bill is passed. However, because we cannot rely on each state to do so, this amendment is necessary if we are to pass H.R. 800. I hope that you will all support it.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Kildee-Miller amendment. But I wanted to say at the very beginning that I have known both of those gentlemen for many years as a staffer and as a Member and while we may have disagreements as to how to implement

education policy, never in my career as a staffer or a Member have I ever seen Members more committed to the interest of kids than the two authors of this amendment.

□ 1730

I disagree with how they do that, and I think that sometimes they want to do what is best not only for their own kids, but other kids, but their heart is right, and it is important when we are debating things to understand those fundamental principles that one can disagree and still want to have what is best for education.

This is not just about process. This is about what is the best way to educate the kids in America, and is it best through the Federal Government or moving it closer to the parents?

But I want to go through this amendment in particular.

In the third clause it says the assessment information is disaggregated by race, and ethnicity, sex, English proficiency status, migrant status and social economic status for the State, each local education agency in each school unless it does not meet the statistical reliable information level.

Now it is important here, as we have been arguing whether this is flexible or inflexible, but let us just think about all these different standards: race, ethnicity, sex, English proficiency, migrant status and social economic status. Now I understand the value of accountability, and I understand about the value of having information. But here we are not block granting everything; it is only within the limits of small changes within certain programs. After all, this is a bill backed by every Governor and by the President of the United States.

In Indiana terms, it is an itty-bitty flexibility. It is not a flexibility like this or a big light. It is a little tiny flexibility, and there becomes a question of proportionality here because there is lots of information that we would like to have that would be useful. I, for example, would like to have family composition information. I think it would be helpful to know how kids are doing in two-parent families, single-parent families. We all know that children of divorce, particularly in those first periods, have a decline in educational standards. Why not have a report to see what the kids are doing there?

How about mobility? Nobody has ever visited an urban school where they are having trouble with their test scores, or even suburban schools, but particularly highlighted in urban schools where kids are moving between these different schools. Often they will move four times in a given year. Maybe we should have data tracking kids by whether they moved in 3 months, 6 months, 1 year or 2 years, and we might find that that data has more meaning than a lot of the particular breakouts here.

Now furthermore, the President's proposed policies on social promotion

and school uniforms where maybe we ought to have data on that to see whether, if they put school uniforms in school, stop social promotion, to see whether the President's initiatives are, in fact, working, and maybe that ought to be part of it, so enough that we ought to be passing a bill, we ought to have measurement standards.

Now the problem here is, is that in addition to this, let us look at the actual terms. Ethnicity is a difficult statement here. How many breakouts are we going to have? I have the largest concentration of Macedonian Americans in my district. Does this mean that we have to break it out by Macedonian Americans if there is a statistical reliable subgroup, and how many years in the U.S.? I assume that that has a technical meaning with larger subgroups, but the principle is still there, and we argue that all the time in the census right now of forms and even how to do ethnicity and background.

What about by subject matter? One Member from the other side of the aisle came down to the floor and said that he would like to know how math kids are doing by race.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I do not think I could support the gentleman's amendment. It sounds far too complex and restrictive for myself, but the gentleman should go ahead, if he would.

Mr. SOUDER. Mr. Chairman, I thank the gentleman from California.

But what about having science by sex? What about English proficiency and social economic for reading? Because, in fact, the subcategories, that would be useful information and really is information that is useful in English proficiency if we do not know the differences by whether they are a current migrant or whether they, in other words, we start to multiply the variations in what is already there.

All of this is important data. Are we going to data the districts to death?

Furthermore, in addition in this subsection 4(a)(A) it says that there has to be assessment instruments in performance objectives for every subgroup that is disaggregated. So that means, for example, if we have female and male Macedonian American students by income, unless they come in the current migrant status, then we would have to have them in a different subgroup, and then we say this is giving schools flexibility for this itty-bitty, tiny flexibility that we are seeking here. This is a massive potential even without my proposed additional information. This is a potential massive paperwork problem, and I urge that we reject this amendment, but we in effect gut Ed-Flex.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(On request of Mr. KILDEE, and by unanimous consent, Mr. SOUDER was allowed to proceed for 1 additional minute.)

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, as my colleague knows, the language that we have in our amendment and the language which the gentleman quotes is not new language at all. It is the language that is in the Title I reauthorization of 1994, the standards that should be put in place, and it is the language which is in the Texas model. So it is not something that the gentleman from California (Mr. MILLER) and I dreamed up; it is something that we voted on, the gentleman from Pennsylvania (Mr. GOODLING) voted for it in 1994, and it is the same language in the Texas model.

Mr. SOUDER. Reclaiming my time, Mr. Chairman, what I would like to point out is, is that while that may be true in a Title I massive grant, the smaller the flexibility becomes, it becomes a proportionality question, and, furthermore, I would suggest that if we want to do this much detail, that is why we run for local school boards, not become Members of the United States Congress.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but as we come to a conclusion on this debate after almost 5 hours, it is and should be fairly clear to all of us and certainly to the American people that the American education system needs reform, it needs changing, it needs improving, and I do not think we can get any disagreement at all from Democrats or Republicans that that is a true statement. But, as usual, we come down to how do we implement that, how do we achieve that goal, and, as usual, we do have different ideas about how one might do that.

Today's bill is about being flexible. It is about allowing people back home, who do very much understand the need for good training and good education, people who actually know the names of some of the children that we wish to educate, people who have a great deal riding on the education system for their State, and indeed, and most importantly, for our country. I listened to a debate a day or two ago where it was pointed out, and I think it has been pointed out this afternoon in numerous occasions, that all 50 Governors support this Ed-Flex.

I oppose the amendment of the gentleman from Michigan (Mr. KILDEE), and I do not really like doing that especially because of my respect for Mr. KILDEE, but I oppose all these amendments simply because every amendment is based on taking away what we started out to do 5 hours ago, which was to be flexible in our funding for education.

The 50 Governors that support this particular bill happen to be Democrat

and Republican. My Democratic Governor in Georgia I am very confident believes in education, and is very concerned about education in our State and is going to make the right decisions to the best of his ability. A lot of times some of the Governors, Republican and Democrat, who are trying to make decisions about education back home cannot do so because of the rings of red tape, and that goes back to the philosophy, and maybe the basic difference in us here is the philosophy in many people up here that only education, only the problems in education, can be solved in Washington. Only we care. Nobody back home could possibly care about our children, and their training and their education as much as we care here in Washington.

Mr. Chairman, that is not the contest. The contest is not who cares the most. The contest is what must we do in order to improve their training and improve their education.

I think that the 50 Governors are right. I think there is accountability in this in the sense that there is only one thing we are asking the States to be accountable for: Are they better or are they not? Have they improved, or have not they? And that is the question, and if my colleagues have not solved that within 2 years, then they are not eligible for Ed-Flex.

So with that in mind, let us give it a try. Let us see how we do. We have given it a try in 12 States. Let us try all 50 States, and let us look, I say to the gentleman from California (Mr. MILLER), and see what the results is. Let us look and see if the test scores are going up, if they are learning better, if they are preparing for life through education better, and if they are, let us do a lot more of this, and if they are not, then let us draw back and say, well, maybe they care back home in Georgia, but gosh, they just are not as smart as we are. We are going to have to take back over.

Mr. WATTS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I would like to wrap up by indicating what I said at the beginning of this entire debate, and I do not know how I can say it any more sincere.

The well-intended legislation of the 1960s failed the very people we wanted to help the most. We have to admit that. All the results indicate that. Every study has indicated that. So what I am asking my colleagues to do is we have lost 30 years. How many generations of young children have we lost who have not gotten a decent education because we would not admit that we had a problem? We always said if we had more money, we could cover more children, and somehow or other things would be beautiful. It did not work out.

Now that does not hurt us, but it sure does hurt all of those millions of

children that we had hoped that we could give them a good start in education so that the life would be far better for them, and that is why it is so important that the accountability that is put in this bill is there.

I want to review that so that everybody understands exactly what the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) have done. Accountability at the federal level, the annual report to Congress; Secretary must submit a report to Congress of State use of Ed-Flex waivers and their impact on student performances. The Secretary on the Federal level approves the applications, Secretary evaluates the State application for Ed-Flex and determines whether they will receive Ed-Flex authority. The Secretary conducts performance reviews. The Secretary must conduct a performance review of States with Ed-Flex.

Then we go to the State level, accountability at the State level. We must set specific and measurable performance goals. In order to qualify States must set measurable performance goals, agree to hold schools and districts accountable for performance. They are required to monitor local waiver recipients annually. States must monitor local waiver recipients and terminate waivers after 2 years of declining performance.

Public notice and comment. States must notify the public when they grant waivers and provide them with opportunities to comment. They must submit an annual report. States must submit an annual report of how Ed-Flex waivers have been used. This report must include information on the types of waivers granted and how they have helped to implement reform and improve student performance.

Now we get down to the local level. They must set specific and measurable performance goals, specific and measurable performance goals. They must track the performance of schools and groups of students affected by waivers. The waivers are subject to termination if performance declines against objectives for two consecutive years.

This is far more than any of the 12 at the present time are asked to do, far more, and as I have said many times, they could not qualify any of the 12 for the Miller-Kildee if the Miller-Kildee amendment were part of that Goals 2000 proposal.

So again I plead with all of my colleagues. Think not about sound bites, think not about politics. Think about how we have failed the most needy children in this country and what is it we are going to do to make sure that changes and make sure as we do, as I said as the State does, with Chicago. They give them time to get everything in place. It is a new ball game for them, but they are given that opportunity, and, as I said, it appears they are working. It appears that children are benefitting in Texas. It appears children are benefitting in Maryland

from this opportunity. Now let us give all 50, and let us stick to our commitment which basically says all must be in order by the school year 2000-2001.

Mr. Chairman, let us think strictly about children. Let us make sure that every child has a golden opportunity for a good quality education.

□ 1745

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding.

I would just say that I would follow on to what the gentleman from Pennsylvania (Mr. GOODLING) has said. We ought to learn from the 30 years. For 30 years, the Federal Government has been enabling very sloppy tactics, a lack of accountability. We have simply evaporated on accountability.

We ought to do it right this time, because we are making a dramatic change in direction with respect to flexibility. I think it is the right change to make, but we ought to be able to look our constituents and parents and teachers and students in the eye and say that we have in here public accountability, to try to assure that, in fact, we do it right, because we have not done it right in the past.

I only wish that so many people who spoke against this amendment would have in fact read the amendment because they characterized it in so many ways it has nothing to do with what this amendment does.

I would ask, for the first time, to put teeth into accountability. Let us find out how all of our children are not doing, it is not just some of the children, and vote for the Miller-Kildee amendment. I urge the passage of this amendment.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. I rise today in strong support of the Miller-Kildee amendment, which ensures that meet our intended education goals: improving public schools, improving student achievement, and making sure our children are well prepared for the future.

Of the 12 states which are currently participating in the Ed-Flex pilot program, only Texas has set specific numerical criteria for student achievement. The GAO found that many participating states have only vague objectives that don't allow us to measure how students are progressing under the program.

The Texas plan has shown results. It has allowed the state the flexibility to identify problems and allocate resources where they are needed the most. School districts which have received waivers have made tremendous gains on state tests. This is the essence of Ed-Flex—the flexibility for states to make their own plan while showing measurable improvement in our student achievement that proves to parents that this money is being put to good use.

Democrats believe that local school districts should have flexibility when they administer federal education programs. But we also believe that flexibility should be coupled with accountability to ensure that our teachers, students, and parents receive the support they deserve. This Congress should: Authorize 30,000 more teachers on our way to 100,000; ensure that the neediest schools are protected; and hold schools accountable for student performance.

We can't just turn this money over to states and say, do with it as you will. States must set measurable goals and show progress in meeting those goals. Vote yes on the Miller-Kildee amendment.

Mr. BALLENGER. Mr. Chairman, Mike Ward, North Carolina Chief School Official said before the Committee, we wanted Ed Flex as soon as possible. This postpones it.

As a former county commissioner, I was able to see the actual effect of federal funding of local education along with the rules and regulations that tell you what you have to do and how you have to do it. One size fits all—like it or not. Same for my poorest or richest schools. Now we have a chance to free local schools from the restrictions and red tape that go with not only federal but also state monies. Let's keep it simple and Ed Flex does that.

Twelve states are currently able to waive certain federal education regulations, giving schools within these states the ability to use federal education funds to support innovative, comprehensive school improvement measures. I feel that it is imperative that we give all 50 states such waivers—including my state of North Carolina—so that students all across America may benefit from locally-designed school improvements.

Only approximately six percent of the funds needed to educate our K-12 students are provided by the federal government. However, countless regulations and requirements are tied to the use of these funds. Again, the education environment in each state and local school district is different, so why should the federal government operate under the assumption that one set of universal program requirements fits all circumstances? States and schools must be flexible in addressing local school matters and the federal government should aide in this effort rather than obstruct positive reforms. And, for the record, H.R. 800 does contain provisions that ensure states are on the way to adopting educational content standards, performance standards, and accountability standards for local education agencies before being granted waiver authority. Under the bill, the Secretary of Education will conduct performance reviews and can revoke a state's waiver authority if a state educational agency fails to make measurable progress in meeting their stated objectives.

Like the existing 12 "ed-flex" states, North Carolina and every other state deserves the right to participate in this program. As we all know, education in this country is at a crisis point. We must let go of limited thinking in terms of education improvement and let the states and local governments use every tool at their disposal in finding new solutions—including non-traditional uses of federal education funds. We need to formulate some new thinking in education and passage of this bill is one step towards that goal.

Some of our colleagues from the other side of the aisle have said that they are in full sup-

port of this bill but feel it should only move if it is part of the reauthorization legislation for the Elementary and Secondary Education Act which we hope to pass in the upcoming months. Well, if Congress were to wait for the ideal vehicle to move all legislation, we'd never get anything done. And maybe as some people look to the 2000 election—that's the point.

Two or three weeks ago the minority leader in the Senate said this was the ideal bill to show how bipartisanship works and that probably all 100 Senators would vote for it. Additionally, all 50 governors endorse it. So what happened? Last week the minority decided to hold up that bill in the Senate by offering partisan amendments. Does it appear that our Democratic brethren have decided to stop all constructive efforts in hopes to produce a "do nothing Congress" and in doing so, gain control of the House and forget the needs of the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 228, not voting 9, as follows:

[Roll No. 39]

AYES—196

Abercrombie	Doggett	Larson
Ackerman	Dooley	Lee
Allen	Doyle	Levin
Andrews	Edwards	Lewis (GA)
Baird	Engel	Lofgren
Baldacci	Eshoo	Lowe
Baldwin	Etheridge	Lucas (KY)
Barcia	Evans	Luther
Barrett (WI)	Farr	Maloney (CT)
Bentsen	Fattah	Maloney (NY)
Berkley	Filner	Markey
Berman	Ford	Martinez
Berry	Frank (MA)	Mascara
Bishop	Gejdenson	Matsui
Blagojevich	Gehardt	McCarthy (MO)
Blumenauer	Gonzalez	McCarthy (NY)
Bonior	Gordon	McDermott
Borski	Green (TX)	McGovern
Boswell	Gutierrez	McIntyre
Boucher	Hall (OH)	McKinney
Brady (PA)	Hastings (FL)	McNulty
Brown (CA)	Hilliard	Meehan
Brown (FL)	Hinche	Meek (FL)
Brown (OH)	Hoefel	Meeks (NY)
Capuano	Holden	Menendez
Cardin	Holt	Millender-
Carson	Hooley	McDonald
Clay	Hoyer	Miller, George
Clayton	Inslee	Mink
Clement	Jackson (IL)	Moakley
Clyburn	Jackson-Lee	Mollohan
Condit	(TX)	Moore
Costello	Jefferson	Moran (VA)
Coyne	John	Murtha
Cramer	Johnson, E. B.	Nadler
Crowley	Jones (OH)	Napolitano
Cummings	Kanjorski	Neal
Danner	Kaptur	Oberstar
Davis (FL)	Kennedy	Obey
Davis (IL)	Kildee	Olver
DeFazio	Kilpatrick	Ortiz
DeGette	Kind (WI)	Owens
DeLauro	Kleczka	Pallone
Deutsch	Klink	Pascroll
Dicks	Kucinich	Pastor
Dingell	LaFalce	Payne
Dixon	Lampson	Pelosi
	Lantos	Peterson (MN)

Phelps	Serrano	Towns
Pickett	Sherman	Trafficant
Pomeroy	Shows	Turner
Price (NC)	Sisisky	Udall (CO)
Rahall	Skelton	Udall (NM)
Rangel	Slaughter	Velazquez
Rivers	Spratt	Vento
Rodriguez	Stabenow	Visclosky
Rothman	Stark	Waters
Roybal-Allard	Stenholm	Watt (NC)
Rush	Strickland	Waxman
Sabo	Stupak	Weiner
Sanchez	Tauscher	Wexler
Sanders	Taylor (MS)	Weygand
Sandlin	Thompson (CA)	Wise
Sawyer	Thompson (MS)	Woolsey
Schakowsky	Thurman	Wu
Scott	Tierney	Wynn

NOES—228

Aderholt	Gilman	Pease
Archer	Goode	Peterson (PA)
Armey	Goodlatte	Petri
Bachus	Goodling	Pickering
Baker	Goss	Pitts
Ballenger	Graham	Pombo
Barr	Granger	Porter
Barrett (NE)	Green (WI)	Portman
Bartlett	Greenwood	Pryce (OH)
Barton	Gutknecht	Quinn
Bass	Hall (TX)	Radanovich
Bateman	Hansen	Ramstad
Bereuter	Hastings (WA)	Regula
Biggert	Hayes	Reynolds
Bilirakis	Hayworth	Riley
Bliley	Hefley	Roemer
Blunt	Herger	Rogan
Boehlert	Hill (IN)	Rogers
Boehner	Hill (MT)	Rohrabacher
Bonilla	Hilleary	Ros-Lehtinen
Bono	Hobson	Roukema
Boyd	Hoekstra	Royce
Brady (TX)	Horn	Ryan (WI)
Bryant	Hostettler	Ryun (KS)
Burr	Houghton	Salmon
Burton	Hulshof	Sanford
Buyer	Hunter	Saxton
Callahan	Hutchinson	Scarborough
Calvert	Hyde	Schaffer
Camp	Isakson	Sensenbrenner
Campbell	Istook	Sessions
Canady	Jenkins	Shadegg
Cannon	Johnson (CT)	Shaw
Castle	Johnson, Sam	Shays
Chabot	Jones (NC)	Sherwood
Chambliss	Kasich	Shimkus
Chenoweth	Kelly	Shuster
Coble	King (NY)	Simpson
Coburn	Kingston	Skeen
Collins	Knollenberg	Smith (MI)
Combest	Kolbe	Smith (NJ)
Cook	Kuykendall	Smith (TX)
Cooksey	LaHood	Smith (WA)
Cox	Largent	Snyder
Crane	Latham	Souder
Cubin	LaTourette	Spence
Cunningham	Lazio	Stearns
Davis (VA)	Leach	Stump
Deal	Lewis (CA)	Sununu
DeLay	Lewis (KY)	Sweeney
DeMint	Linder	Talent
Diaz-Balart	Lipinski	Tancredo
Dickey	LoBiondo	Tanner
Doolittle	Lucas (OK)	Tauzin
Dreier	Manzullo	Taylor (NC)
Duncan	McCollum	Terry
Dunn	McHugh	Thomas
Ehlers	McInnis	Thornberry
Ehrlich	McIntosh	Thune
Emerson	McKeon	Tiahrt
English	Metcalf	Toomey
Everett	Mica	Upton
Ewing	Miller (FL)	Walden
Fletcher	Miller, Gary	Walsh
Foley	Moran (KS)	Wamp
Forbes	Morella	Watkins
Fossella	Myrick	Watts (OK)
Fowler	Nethercutt	Weldon (FL)
Franks (NJ)	Ney	Weldon (PA)
Frelinghuysen	Northup	Weller
Gallegly	Norwood	Whitfield
Ganske	Nussle	Wicker
Gekas	Ose	Wilson
Gibbons	Oxley	Wolf
Gilchrest	Packard	Young (AK)
Gillmor	Paul	Young (FL)

NOT VOTING—9

Becerra	Conyers	McCrery
Bilbray	Frost	Minge
Capps	Hinojosa	Reyes

□ 1805

Messrs. SIMPSON, HANSEN, BURTON of Indiana, EWING and LIPINSKI changed their vote from "aye" to "no."

Ms. KAPTUR changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MINGE. Mr. Chairman, during rollcall vote No. 39, on agreeing to the Miller amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, pursuant to the rule, I offer amendment number 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CASTLE:

In section 4(a)(4)(A)(iii) (of H.R. 800, as reported), strike "or" and insert "and".

In section 4(a) (of H.R. 800, as reported), strike paragraph (5) and insert the following:

"(5) OVERSIGHT AND REPORTING.—

"(A) IN GENERAL.—

"(i) OVERSIGHT.—Each State educational agency participating in the education flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section. Such monitoring shall include a review of relevant audit, technical assistance, evaluation, and performance reports.

"(ii) REPORTING.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and its impact on the improvement of education programs.

"(B) PERFORMANCE DATA.—

"(i) STATE REPORTING.—Not later than 2 years after a State is designated as an Ed-Flex Partnership State, each such State shall include, as part of their report to the Secretary under clause (ii) of subparagraph (A), performance data demonstrating the degree to which progress has been made toward meeting the objectives outlined in section 3(A)(iii). The report to the Secretary shall, when applicable, include—

"(I) information on the total number of waivers granted, including the number of waivers granted for each type of waiver.

"(II) information describing the types and characteristics of waivers granted and their relationship to the progress of local educational agencies and schools toward meeting their performance objectives; and

"(III) an assurance from State program managers that the data used to measure performance of the education flexibility program under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data."

"(ii) SECRETARY REPORT.—The Secretary shall—

"(I) make each State report available to Congress and the general public;

"(II) submit to Congress a report, on a timely basis, that addresses the impact that the education flexibility program under this section has had with regard to performance objectives described in paragraph (3)(A)(iii). The Secretary shall include in the report to Congress an assurance that the data used to

measure performance of the education flexibility program under this section are complete, reliable, and accurate or a plan for improving the reliability, completeness, and accuracy of such data."

□ 1815

Mr. CASTLE. Mr. Chairman, the amendment is offered by myself, the gentleman from Indiana (Mr. ROEMER), the cosponsor, the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. MILLER), and the gentleman from Pennsylvania (Mr. GOODLING).

This is a relatively simple amendment. I will take very little time to explain it. It pertains to oversight and reporting requirements, as sort of a follow-up on some of the earlier discussions about GAO.

It strengthens accountability by clarifying reporting and oversight requirements. It ensures that when States monitor the performance of local waiver recipients, they use all information available to them to hold them accountable for using Ed-Flex to improve students' performance.

It clarifies what States must submit to the U.S. Department of Education in their annual Ed-Flex reports. States need only to provide performance data and information about the types and characteristics of the waivers granted. No unnecessary burdensome paperwork requirements, just what Congress needs to evaluate the success of the program and how it is helping reform at the local level.

Finally, it will enable Congress to better understand how Ed-Flex waivers are being implemented, a concern raised by the GAO. It requires States to provide an assurance that their data is complete, reliable and accurate, which is in accordance with standard accounting procedures, and it clarifies that the Secretary should report the information they receive to Congress and the general public on an annual basis.

Included in this report will be an overall assessment of the impact of Ed-Flex waivers on student performance. That is the heart and soul of what this amendment is.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the coauthor of this amendment. I support this amendment very strongly. The gentleman from California (Mr. MILLER) originally came up with this language in committee that was modified and hopefully improved on by the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Delaware (Mr. CASTLE) and the gentleman from Missouri (Mr. CLAY).

We believe it is very important to get good information about how these waivers are being used. We believe it is very important to get specific information, and not just accumulate a phone book, but get specific data, for in-

stance, on how the Ed-Flex waivers are being used for the Eisenhower Program.

And if a particular program is still keeping scores up and they are still using the waiver, but their science and math scores are maintaining as high or if not higher than the rest of the State, we want them to share that information with other States that are applying for the waiver.

So we strongly support this language. We thank the gentleman from California (Mr. MILLER) for the discussion we had on this in our committee, and I would propose to my good friend, the gentleman from Delaware, the co-author of the amendment and the bill, that we have a unanimous consent agreement at the present time to limit the debate on this particular amendment, which is an agreed-to amendment, to just two or three speakers, maybe just the managers of the bill, and then move on to the Scott amendment, which is an important and substantive amendment.

Mr. CASTLE. Mr. Chairman, I have no problems with the gentleman's offer, but I have the chairman of the committee standing here. Maybe I should get his wise advice.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I think that would be a good idea, Mr. Chairman. Basically, after the last discussion we had for hours and hours and hours, no one should oppose this, since it strengthens accountability by clarifying reporting and oversight requirements. So I would think it is a unanimous vote, and if the gentleman needs a recorded one to see that it is unanimous, the gentleman can ask for one.

Mr. ROEMER. No, we do not want a recorded vote.

Mr. CASTLE. Mr. Chairman, I realize there is a time problem here. We have one or two people who want to speak. Can we have two speakers of 3 minutes, or something of that nature?

Mr. ROEMER. Mr. Chairman, I ask unanimous consent now that we have two speakers; that the gentleman has 5 minutes of debate and we have 5 minutes of debate, and we would yield back our 5 minutes on this particular amendment.

Mr. CASTLE. Yes. I would agree to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Delaware?

Mr. CASTLE. Mr. Chairman, let me restate it, 5 minutes on each side?

Mr. ROEMER. That is correct.

Mr. GOODLING. On this amendment?

Mr. ROEMER. That is correct. Then we would move on to our side, and the gentleman from Virginia (Mr. SCOTT) would be eligible to offer an amendment.

Mr. CASTLE. That is 5 minutes total for our speakers?

Mr. ROEMER. Five minutes on each side, and we would probably yield back our 5 minutes.

Mr. CASTLE. Yes.

The CHAIRMAN. The unanimous consent request, as the Chair understands it, is 5 minutes on each side for this amendment and any amendments thereto.

Mr. ROEMER. No, just this amendment.

Mr. CASTLE. Just this amendment, and amendments to this amendment, yes. Sorry.

The CHAIRMAN. That is what the Chair said.

Mr. CASTLE. Sorry, Mr. Chairman.

The CHAIRMAN. For this amendment and any amendments thereto, 5 minutes on a side, the time to be controlled by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER).

Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to thank my colleagues from the other side. I came to this debate fully expecting that there would be a donnybrook and battle. I think it has been a very healthy debate, showing differences on the issues itself. It did not get personal. There was very little partisanship that went through. I think that is very, very good.

Mr. Chairman, I would also like to thank the gentleman from Michigan (Mr. KILDEE). Of anybody I have worked with in Congress, both when he was my chairman on the committee and then when I was his chairman on the committee, there is no other one on the other side of the aisle that I have ever worked better with on education issues.

Mr. CASTLE. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. I thank the gentleman for yielding time to me, Mr. Chairman.

I think it is constructive that earlier this afternoon the Pennsylvania delegation met with Governor Ridge, a former member here. The first question that our Governor asked is, When are you going to move this Ed-Flex bill? We absolutely have to have it.

This is what he said was the primary reason, that 40 percent of the bureaucrats working in the State Department of Education are employed filling out Federal forms, only to qualify them for 7 percent of their total educational package.

So the notion that the Castle amendment, joined in with the Ed-Flex bill, will give the Governor of Pennsylvania the opportunity to put some of those 40 percent of the educational bureaucrats to work doing something productive is reason enough for both the Castle amendment and the bill.

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

I strongly support the Castle-Roemer amendment, and thank the gentleman from California (Mr. MILLER) for his excellent contributions.

Mr. Chairman, I yield back the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. SCOTT:

In section 4(c) (of H.R. 800, as reported), after "Secretary", insert "or a State educational agency".

At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike "and".

After subparagraph (H) of section 4(c) (of H.R. 800, as reported), insert the following:

(I) in the case of a school that participates in a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, the eligibility requirements of such section if such a school serves a school attendance area in which less than 35 percent of the children are from low-income families; and

Mr. SCOTT. Mr. Chairman, historically, when it comes to educating the most difficult and challenging portions of our society, it has always been the Federal Government that has been forced to act because of the States' inability or unwillingness to act.

For example, it was the United States Supreme Court in *Brown vs. Board of Education* which forced States to provide an equal education for African American students.

It was Congress, through the Individuals with Disabilities Education Act, which required States to afford free and appropriate education to children who are physically and mentally challenged. For low-income children, Title I was fashioned by Congress to focus resources on a population whose needs were not being met.

Today it seems that we are prepared to abrogate our responsibility to make sure that those who are in need of educational services continue to receive focused Federal educational assistance. In the name of increased flexibility, the bill before us allows States and school districts to shift targeted Federal educational assistance away from the most educationally and economically disadvantaged students.

This amendment, which I am offering today with my colleague, the gentleman from New Jersey (Mr. PAYNE), guarantees that we will continue to focus on children most in need of assistance.

Mr. Chairman, without this amendment we would allow schools to shift funds designed to improve educational opportunities for those who are eco-

nomically and educationally disadvantaged in favor of those who are not in as much need. The purpose of Title I is to focus funding on low-income students, because we recognize that they are educationally at risk and because we recognize that the States were not addressing these needs. Funds must be focused on those children who are most at risk.

But there is an exception to those who are in schools where the majority of the students are poor. In those schools, Title I funds can be used for school-wide programs, not targeted purposes. Although the funds are thereby diluted, the dilution is offset by the administrative efficiencies in the school-wide programs, rather than having to serve only those children who are technically eligible for services, and not others. This amendment will prevent schools with low poverty rates from diluting the funding to the point where the needy students are not helped at all.

Members of Congress should be reminded of why Title I was funded in the first place, because States were ignoring the educational needs of the poor. If we trusted the States to adequately fund the educational needs of the poor, we would not have funded Title I in the first place. Therefore, I offer this amendment to avoid unnecessary dilution of Title I funds, and to maintain our commitment to those educationally at risk.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Chairman, the gentleman from Virginia (Mr. SCOTT) and I feel that this amendment is extremely important.

When the Elementary and Secondary Education Act was originally written in 1965, it was clear that the performance of students at high poverty schools was relatively low. The Federal Government decided to commit resources to ensuring those schools receive program funds specifically targeted to schools that had large numbers of children who lived in poverty. That program is now called Title I, and it was created to help improve the gap in achievement between low- and high-income students.

We all know that today the gap of achievement still exists. That is why it is important that we maintain our commitment to reaching out to those schools in the form of targeted assistance. But under H.R. 800, States are given the authority to allow schools to participate in school-wide programs under Title I, regardless of their low-income child percentages.

Let me give an idea of what Title I school-wide programs do and how they are funded. Funds are currently given to individual schools with a student population that is 50 percent or more below the poverty level. They are able to use the school-wide funds to institute programs that benefit all students

at a high priority school. Such examples include hiring more teachers, instituting reform plans.

This bill will allow waivers to be issued to schools so they may give these funds to any school, regardless of their poverty level. This is wrong. Giving school districts the authority to use Title I funds for school-wide programs at any school, regardless of the number of children who are low-income, dilutes the purpose of Title I. It is wrong.

Over the years, when the program first started, we had to demonstrate 75 percent of the students. It was dropped to 50 percent. Now we are saying it is unimportant about the level.

Now we stand here today, about to vote on a bill that will give the States the authority to waive this poverty level requirement and allow schoolwide program funds to be allocated to schools that do not have one child who lives below the poverty level. We can argue all we want about the effectiveness of the Title I program over the years. But make no mistake about it, Title I was created to give high poverty, low performing schools a better chance at improving student achievement. We cannot take away our commitment to these schools by allowing waivers to be issued to schools that have low levels of poverty to be eligible for Title I funds. Diluting Title I funds for school-wide programs so that any school can use them defeats the entire purpose of the program. This amendment will simply make sure that only schools with over a 35% poverty rate are eligible for schoolwide project funds. It will keep low poverty schools from capitalizing on a program meant for high poverty schools. This amendment is consistent with the actions of the Secretary of Education who has only issued waivers for schoolwide programs to schools with poverty levels of above 35%. Without accepting this amendment, we will find that we have spread the funds too thin to see any real gains in achievement at schools using Title I funds for schoolwide programs. And we will most certainly find that disadvantaged schools will see less of the Title I funds originally created to bridge the gap between high and low poverty schools. The Title I program was created as a program for disadvantaged students. You can keep some semblance of that intention if you vote for this amendment.

Mr. HOEKSTRA. Mr. Chairman, I rise to oppose this amendment. Let me explain why.

Over the last few years, as we have taken a look at education around the country, we have visited a lot of different types of school districts, but one constant remains, that people at the local level are focused at meeting the needs of the kids in their schools. They want more flexibility. Washington has stood in the way too often of schools helping kids in their community.

What Ed-Flex does is it steps back and it says, we recognize that at the local level the teachers, the parents, and the school districts are best-equipped to make the decisions to improve the lives and the education of their students.

If we take a look at the facts, Ed-Flex, in the 12 States where it has been

operating, has been helping and not hurting Title I students. It just reinforces the direction here that says, let local people make local decisions. We have had lots of cases where school-wide programs have been more effective at improving student performance than traditional targeted programs.

In both Texas and Maryland, Ed-Flex States, Ed-Flex has enabled school districts in each State to improve the test scores of their poorest children. In return for greater flexibility, both States have produced solid academic outcomes.

An example, in Kent County, Maryland, a 60 percent poverty school that utilizes Ed-Flex, it now has the third highest test scores in the State. In Texas, through the use of Ed-Flex waiver authority for school-wide projects under Title I, test scores of poor and educationally disadvantaged students have increased significantly.

I think these are just a couple of examples of when we empower people at the local level, they take that flexibility and they make the decisions that are right for that school district and for the kids in their schools.

□ 1830

We saw that over and over again. Whether we were in New York, whether we were in Cleveland, whether we were in Milwaukee, when we give the flexibility, people at the local level embrace it and put together some truly exceptional programs. They do focus on results, and they do focus on the most needy students within their school districts.

We do not need Washington to dictate. We ought to place some confidence in people at the local district. I think what we have seen and the examples that we have out of Texas and Maryland show that that is exactly what happens.

Some would argue that Ed-Flex shortchanges high poverty schools. Again, that is not true. Since 1994, the year that both Ed-Flex and schoolwide projects under Title I became law, the percentage of high poverty schools receiving Title I funds rose from 79 percent in 1993, 1994 to close to 95 percent in 1997, 1998. Poor students are continuing to benefit under Title I.

The question that we have is, when Governors, school administrators, teachers, State boards of education, local boards of education, and chambers of commerce, all experts at improving education, they all support more flexibility for the States, why is it that we continually see amendments here in Washington that are trying to dictate to them what they should do?

We know flexibility works. Local school principals, local teachers, local administrators like having the schoolwide option. The national assessment of Title I shows that, by 1997, 1998, 82 percent of eligible schools were using the schoolwide option, and an additional 12 percent were considering implementing schoolwide programs.

We know that this type of an approach works. We know that the flexibility works. We know that, when we enhance the capability of people at the local level within a set of parameters to improve education, they make the right kinds of decisions. Let us leave this decision making at the local level within those parameters and oppose this amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at the end of this debate, when we have 15 or 20 minutes left in this 5-hour debate, to again salute my coauthor the gentleman from Delaware (Mr. CASTLE), who has worked so hard and with so much integrity on this legislation. I have enjoyed working with him very much on this legislation, and I hope to work with him in conference on this legislation.

We have agreed virtually on everything over the last 8 months. Accountability and how, in the sensitivity of enhanced flexibility, but strong accountability, we work through that nexus and that synergy. I think we have accomplished that.

We have worked through a host of other very, very difficult yet bipartisan issues. This is the one issue that I come down in disagreement with my good friend, the gentleman from Delaware (Mr. CASTLE). I come down on this on the side of the amendment of the gentleman from Virginia (Mr. SCOTT).

When we look at this bill and we see how we must maintain accountability, we also have to maintain the integrity of Title I programs. When we look at the genesis of Title I under the SEA Act of 1965, we look at why we formulated this program in the first place, that different children come to school from different families with different incomes.

Some of these children come to schools where they are eligible for free or reduced lunch programs, where their parents or parent are making under the poverty line. We put together the program that tried to compensate some of these school districts that base their tax system on State and local taxes, but they may have high poverty rates and may have high percentages of children on free and reduced lunches.

The Title I program is specifically designed to help these children that attend some schools in some of our inner cities where we do not have adequate access to technology and computers, we do not have adequate textbooks, textbooks are missing pages in algebra in science, where we have children walk through gang-infested neighborhoods, and we have to employ out of those funds in the school full-time police officers. What about equal access to education for these children?

All the Scott amendment does, it says that we are going to try a new way of delivering Title I programs, but there should be a floor as we experiment here. The floor should be at 35

percent. I think the State of Michigan has voluntarily agreed to set that standard at 35 percent.

We must, and I implore my colleagues on the other side, where Democrats have come across the aisle today on several amendments to join with Republicans, that Republicans join now with Democrats; that we look at the genesis of Title I; that we maintain the integrity of helping the poorest of the poor students; that we consider that some of these children come from very different backgrounds and very different incomes and very different families.

Some of these children do not get hot lunches and hot dinners and hot breakfasts if it were not for our hot lunch and hot food program. They would not have access to the kind of education that every son and every daughter should have in this country if it were not for equal distribution or fair distribution or the integrity of the Title I program.

I encourage my colleagues not to let that floor be set any lower than 35 percent and support the Scott amendment. It maintains that integrity in the Title I program. I thank the gentleman from Virginia (Mr. SCOTT) for offering this amendment.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak to this as sincerely as I possibly can. Sometimes we get awfully tangled up with numbers on this. I respect the gentleman from Virginia (Mr. SCOTT) in so many ways because we have worked together on a lot of different issues. But I am perplexed by Title I.

I have watched Title I for many, many years in many capacities in the State of Delaware. Quite frankly, while money goes into the system, I have never seen a measurable output that would tell me that Title I is actually doing better. Now one could argue it is, but it is all anecdotal at this point.

We are now seeing under the Ed-Flex legislation, when schools are going to schoolwide projects, which means that they take the whole school and try to have a rising tide with respect to that school, that, all of a sudden, the Title I kids are doing better.

I am not going to sit here and tell my colleagues this is the best thing since sliced bread because it is not absolutely proven yet, but it seems to be working. To put a floor on this and to say, if one does not have 35 percent or more poverty, one cannot get a waiver in this case I think would be a mistake.

I think we should let the local school district and the schools and the States make the decision as to which way we should go. We have this particular chart, which shows that Ed-Flex boosts student performance, Texas uses flexibility to improve reading scores. It shows statewide scores. Then it shows higher scores for Hispanic Ed-Flex schools, for African-American Ed-Flex schools, and for economically disadvantaged Ed-Flex schools.

So we actually can show, we can document improvement in State reading scores in the State of Texas as a result of what they have been able to do with Ed-Flex, with the schoolwide programs, and with the waivers.

I spent time in a school in Dover, Delaware, I guess 3 days ago now, and talked to the principal there. We are not an Ed-Flex State, but she is not sure about whether to go to something like a schoolwide program at this point. That is fine. That is her decision. I do not have a problem with that.

In Kent County, Maryland, right over here on the Eastern Shore, if you go to Rehoboth Beach, Delaware, you drive through it, a 60 percent poverty school there that utilizes Ed-Flex has the third highest test scores in the Nation.

I do not know this, but I would imagine there are not too many Title I programs across this country which can have documentation such as that. They of course are using the schoolwide projects to carry out what they have to do in order to help these young children.

The people who are doing this care a great deal. These are not people who are trying to throw money away. As a matter of fact, in the Ed-Flex bill, one cannot change the money. The money goes to the school district. They get it, and they cannot give it away to another school district. But they can make decisions in their school district, just as Texas has done.

Maybe a school that is a little bit higher income can do better than a school that is a little bit lower income, needs more help than a school that is a little bit lower income, and, therefore, adjusts the flow of their funds accordingly in order to accommodate those problems.

The governors, the school administrators, the teachers, the State boards of education, the local board of education, and the Chamber of Commerce, among others, have all looked at this and believe that it is a positive step going in the right direction.

We also have plenty of accountability in this bill now thanks to some of the discussion today and some of the things we were able to do in committee. Indeed, we can make determinations if these programs are working.

But, again, I am trying to discourage any amendments today, tonight, that are going to, in some way, discourage flexibility. Of all the areas that concern me the most, Title I is the one I am most interested in seeing what we can do, to see if we can have documentable improvement of our students in those particular programs.

The one thing that I see and which truly has worked is the schoolwide programs which we have talked about here today. By the way, schoolwide waivers and the Title I programs are almost the most sought after in some ways of these various waivers under Ed-Flex as well, because a lot of schools are seeing that opportunity.

I personally shy away from arbitrarily putting in some sort of a floor and say, well, if one is below that then one cannot have the schoolwide program. Others might argue, well, if one gets below that level, one is going to have so little money one has to do it for individuals or whatever it may be.

I do not necessarily believe that. I believe that educators in America today are beginning to really understand that people in elected office, parents, and people across this country are beginning to demand better education. That is the best thing that has ever happened.

The next best thing that has ever happened is the fact that we are taking this long to discuss a bill of this importance on the floor of the House of Representatives. As was said at the very beginning, I hope we do it once a week. I am not sure the staff hopes for that. But I hope we do it once a week so we can improve the education of our children.

I would hope, even though I want to help Title I in every way we can, that tomorrow, when we vote on this amendment, that we would defeat the amendment; after we have done that, that we would rally together to pass Ed-Flex.

We have had a good debate on the amendments. I understand there is a good chance it will pass in the other body tomorrow. They have worked some things out apparently. The chairman has given strong support for this. This is really an opportunity for us to join together to move education forward.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Scott amendment and wish to cite improvements in the District of Columbia as one good reason this amendment is minimally necessary if we are really going to pass this Ed-Flex bill at all.

I hope we will not throw poor children into a power struggle to get money, Title I money, and that is what we are doing if we do not safeguard this flexibility, if you will, for those who need it more.

If one asks any parent, any child, any teacher what could the Congress most do that would help you, I do not think they would say give us flexibility. I think they would say give us results.

I implore my colleagues to look at the question: If we are freeing up funds, for what and for whom? No government spends money so well that we should want to give it a blank check. If my colleagues do not think much of the way the Federal Government spends money, I hope they do not believe that the State governments are paragons of fairness and of efficiency in spending money. The problem, as usual, is that one has to watch government and to make sure government spends its money wisely where it is most needed.

We have had an extraordinary thing to happen in the District of Columbia,

a turnaround in test scores. Every grade, test scores have significantly gone up. How do we do it? We did it by giving individual attention to the children most in need, because they are with children who are pulling down the test scores for everybody else.

□ 1845

We did it by our Summer Stars program, where children were in classes of 15 children to 1 teacher. We do it now with a Saturday Stars program, with the children most in need going to school on Saturday for special attention.

We have not spread the money all around the city and said that whether the children needed it or not, here is some money. We do not need to shoot in the dark, nor do we need to say, here is the bank, come get it, and whichever of them are most powerful, and we know who they are, they will be sure to get it.

Moreover, we have learned something finally about education. Essentially we have learned that if a child is going to learn to read at all, they had better learn to read in those early grades. It becomes very, very difficult afterwards.

Who is having trouble reading? It is the 35 percent that the amendment of the gentleman from Virginia (Mr. SCOTT) would set aside money for. Mr. Chairman, there is a direct correlation between test scores and income. The evidence there is irrefutable. There is a direct correlation between income and IQ. So we do know that if income, which means access to education, goes up, that we do improve what happens to a child.

The gap between the poor and the middle class is not going to erase itself by "flexibility". If we want that gap to be erased, then we have to make sure that at least some of the money is targeted where it is most needed.

Why did we pass this bill in the middle of the war on poverty in the first place? We passed it because there were children who were not getting the attention that was needed. If we must pass this bill, and I have grave problems with this bill, it seems to me that the other side owes us some continuing guarantee that we are not simply blowing the lid off of Title I, telling poor children that they and their parents are now in the mix and may the most powerful and most outspoken win.

We have an obligation to, at the very least, if we must pass this bill, to make certain that the flexibility that we all seek redounds especially to those most in need.

Mr. CUMMINGS. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Maryland.

Mr. CUMMINGS. I thank the gentlewoman for yielding, Mr. Chairman, and I stand in support of the Scott-Payne amendment.

The CHAIRMAN. The time of the gentlewoman from the District of Columbia (Ms. NORTON) has expired.

(On request of Mr. CUMMINGS, and by unanimous consent, Ms. NORTON was allowed to proceed for 1 additional minute.)

Mr. CUMMINGS. Mr. Chairman, if the gentlewoman will continue to yield, I stand in support of the Scott-Payne amendment. And the reason why, Mr. Chairman, is I would have been one who would have come under Title I.

Many years ago I was placed in special education and told that I would never be able to read or write. And as I look at this whole bill, the safeguards are not there to address accountability. When the Kildee amendment was defeated, accountability went away.

In my district, in many of my schools, most of the children are Title I children, and I am very, very concerned about them. I would just ask the House to support this amendment.

Title I is the federal government's way of assuring disadvantaged children have the opportunity to receive the supplemental services they need to succeed, school as reading and math. We must continue this effort to close the academic achievement gap between disadvantaged children and their schoolmates. Unfortunately, the Ed-Flex bill does not include the safeguards to ensure that this happens. With the defeat of the Miller/Kildee amendment this bill will go forth without substantial accountability mechanisms in place. Moreover, the bill itself will allow states to waive the current 50% requirement for Title I. Conceivably, a school could use their Title I funds on a school-wide project that did not take into account special needs of poorer children.

My state of Maryland is one of the 12 states that is currently implementing Ed-Flex, with measured statewide success. The majority of children in my District of Baltimore City are Title I eligible. I have serious concerns that with no accountability with regards to Title I funds, monies could possibly be diverted away from disadvantaged students. As my colleague Sheila Jackson-Lee pointed out in the earlier debate, Title I funds can account for up to one-third of a local school system's budget in a disadvantaged area. That is a lot of money with no accountability.

That is why I stand here today to support the Scott/Payne amendment which would require that only schools in which at least 35% of the students come from low-income families may seek a waiver to use their Title I funds to operate their school-wide programs. We must not reduce targeted resources available to disadvantaged children. It is a risk we cannot take. I urge my colleagues on both sides of the aisle to join me in voting in favor of this amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) is entitled to 5 minutes, but under the rule, there is only 3 minutes remaining. The gentleman may have those 3 minutes.

Mr. GOODLING. I can do it in 3 minutes, Mr. Chairman.

I want to, first of all, indicate to the gentlewoman from D.C. that, as a matter of fact, they are turning it around

under present existing law. There does not have to be a change. They are turning it around under the 50 percent existing law that is there now.

Now, I have been wanting to, for many, many years, give the gentlewoman an extra \$12 million a year. I have been wanting to give the gentlewoman from D.C. an extra \$12 million a year. All the gentlewoman has to do is help me. All she has to do is get the special education funding that the gentlewoman's side promised 23 years ago, and we would give her an extra \$12 million every year. Boy, could the gentlewoman ever reduce class size; could the gentlewoman ever do a lot of repairs. She could do all sorts of things with that \$12 million.

The important thing is that the changes are being made under existing law. All the scores that have gone up in Texas have gone up under the school-wide effort. That is the beauty of it. We are pulling everybody up. So we do not need any changes because it is now working.

So, again, I would ask everyone to oppose this amendment, allow Texas to continue to raise African American students 11.9, when the State average is only 11.4; Hispanic students 9.4, the average is only 9.2; the economically disadvantaged student, 10.3, the average is only 10. They are doing all those wonderful things to help every youngster improve their opportunity for a piece of that American dream. Math, same story. Every one in the Ed-Flex schools have increased, and they have done it with school-wide effort.

So, again, Mr. Chairman, things are improving under existing law, finally. Finally, after 30 years in this program and 23 years in the Head Start, and so on, those youngsters are finally getting an opportunity to get a piece of that American dream.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this Amendment, which recognizes the need to utilize flexibility to administer programs while protecting resources targeted to disadvantaged children.

The Scott amendment would add a finding to the bill encouraging the use of flexibility in administering Federal Education programs while not reducing resources to schools with the highest concentrations of poor children.

This amendment sends the message that flexibility and targeting of resources should be coupled together in the effective administration of Federal education programs. It also recognizes that the concept of flexibility and targeting do not have to be at odds.

With this amendment, this body sends an important message that targeting of Federal resources is vital to the success of disadvantaged children, even in efforts to advance flexibility. Focus the use of Ed-Flex in expanding flexibility that recognizes the need to target resources.

I urge my colleagues to support this amendment which recognizes the need to utilize flexibility to administer programs while protecting resources targeted to disadvantaged children.

The CHAIRMAN. Time for consideration of the bill for amendment under the 5-minute rule has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 100, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

Mr. GOODLING. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOSSELLA) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 800) to provide for education flexibility partnerships, had come to no resolution thereon.

REQUEST FOR VOTE ON AMENDMENT NO. 3 DURING FURTHER CONSIDERATION IN THE COMMITTEE OF THE WHOLE OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. CLAY. Mr. Speaker, I ask unanimous consent that when the House resolves into the Committee of the Whole House for the further consideration of H.R. 800, that amendment No. 3, printed in the RECORD, be considered ordered for a vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. CASTLE. Mr. Speaker, reserving the right to object, I would ask the gentleman from Missouri (Mr. CLAY) to please explain.

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

Mr. CASTLE. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, the Members are being asked to vote on, without debate, amendment No. 3, which would authorize the hiring of 100,000 new teachers to deal with the problems that exist in some of these communities and would be able to reduce class size for the lower grades, K through 3.

I think it is a very important amendment, Mr. Speaker.

Mr. GOODLING. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REQUEST FOR PERMISSION TO EXTEND TIME FOR DEBATE AND OFFERING OF AMENDMENTS FOR 2 ADDITIONAL HOURS DURING FURTHER CONSIDERATION OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the time period established on H.R. 800 for consideration

of this bill or amendments under the 5-minute rule be extended for 2 additional hours.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. GOODLING. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 42, PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106-48) on the resolution (H. Res. 103) providing for consideration of the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 819, FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 1999

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106-49) on the resolution (H. Res. 104) providing for consideration of the bill (H.R. 819) to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001, which was referred to the House Calendar and ordered to be printed.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) is to continue in effect

beyond March 15, 1999, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities. The last notice of continuation was published in the *Federal Register* on March 6, 1998.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 10, 1999.

TRIBUTE TO BUCKNER HINKLE, SR.

(Mr. FLETCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLETCHER. Mr. Speaker, today I rise to recognize the life and accomplishments of Mr. Buckner Hinkle, Sr. of Bourbon County, Kentucky.

Mr. Hinkle will be missed deeply by his family and community, but his memory will live forever in a place he loved so dearly and worked so hard to preserve. He was a leader in his community and worked tirelessly to make sure Bourbon County was the best it possibly could be.

Mr. Hinkle was a dedicated friend, neighbor and citizen, who showed an ongoing interest for people around him and for the community in which he lived. He gave unselfishly of himself and asked for nothing in return.

I know he will be missed by his loving family and friends, however his memory and many contributions to those around him will live forever. It is an honor to recognize the life of an outstanding American who truly made Bourbon County, Kentucky, a better place.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOSSELLA). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ARMEY) is recognized for 5 minutes.

(Mr. ARMEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO URBANA HIGH SCHOOL'S CONCERT CHOIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the Urbana High School Concert Choir is scheduled to appear in Rome, Italy during this week of March 12 through March 19 as a representative of the State of Illinois in an American Celebration of Music in Italy 1999.

The Urbana High School Concert Choir is under the directorship of Mr. Willie T. Summerville who hails from Crossett, Arkansas, attended the T. W. Daniels High School, Arkansas AM&N College at Pine Bluff, and earned a master's degree in music education from the University of Illinois at Champaign. The choir will sing during the mass on the 16th of March in St. Peter's Basilica in Rome. They will sing one selection at the beginning while the priests enter, one selection during the offertory, two selections during communion, and one selection at the end of the mass.

Mr. Summerville and his 40 Urbana High School advanced concert choir members are to be commended and congratulated for being among the best in the world. But all of the Champaign-Urbana community are to be commended for their spirit of generosity and cooperation in contributing the \$70,000 needed for the group to make the trip.

The choir was selected on the basis of recommendations from State music officials, past accomplishments and superior ratings. All of the \$70,000 came from donations, many as tributes to Willie T. Summerville, an outstanding teacher for more than 30 years.

This letter, which I will read, contained the first \$1,000 contribution and says it all.

To Mr. Summerville:

Twenty-nine years ago, in the fall of 1969, I was a student in Mrs. Bryan's sixth grade class at Robeson Elementary School in Champaign, Illinois. In September of that year my father was killed as a result of injuries he sustained in a brutal beating that took place at Par 3 Golf Course. As you can imagine, it was a very difficult time for me. I found few things capable of lifting my spirits back then. Fortunately, the one exception was you, your music class and the time spent in the Robeson Chorus.

I can still remember walking into your music class. You greeted many of us with the silly names that you had made up for us. Music class was always an enjoyable, fun time. We traveled to many countries, many cultures and many people thanks to you and your piano. You taught us about racial equality and racial harmony. I still remember the words to the songs you taught us, like Marching to Pretoria, Walk on By and Good Old Days, to name just a few. On a more personal level, for a boy who had just lost his father, you served as a male mentor

and for the time we were together helped to fill some of the void left behind.

Even outside the classroom, you were an influence in my life. As you may recall, I learned to play trumpet from the band teacher, Phil Garringer, and at his insistence participated in two statewide annual solo music competitions. You were my accompanist for both of those contests, and each time I took home medals. But you were more than an accompanist. You were my coach, my conscience and the driving force behind my success in those contests. You taught me that you play like you practice. You taught me about goals and challenged me to set high standards for performance. You taught me how to work to achieve them. Most of all you taught me to believe in myself at a time when my confidence was shaken. In so many ways, you helped to shape my life and teach me lessons that I still use and practice today. In short, you touched my life.

I am so pleased to learn that you are still shaping and touching young lives. A trip to Rome for your students will no doubt be a life-changing experience for many of them. They will never be the same again for having gone to Italy or for having had you as their teacher. I am thankful that it is finally my turn to help you, and in a very small way repay you for all that you have done for me. I have no doubt that you will succeed in raising the funds you need for the trip. To you and your students, I say learn and enjoy. And thanks again for the memories and lessons on life.

Tim Miller, Vice President, General Counsel, Crane Plastics.

Again I say congratulations to the Urbana High School Concert Choir, to the Champaign-Urbana community, and all of those who made this opportunity possible for 40 outstanding young people to make a trip that they otherwise never would have experienced.

Again I say congratulations to my cousin, Willie Summerville and his wife Valeria, both outstanding teachers, outstanding parents, parents of the year, humanitarians, and I say thanks to you for looking out for the young people from Chicago who come to Champaign-Urbana to attend the University of Illinois. I am certain that Moses and Lenora Summerville are proud of your work and the impact that you have had on the lives of others.

Again, congratulations to you, all of the people of Champaign-Urbana, and certainly to the 40 outstanding young people who will get the opportunity to sing at St. Peter's Basilica.

The SPEAKER pro tempore (Mr. PETERSON of Pennsylvania). Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

(Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INTRODUCTION OF MILITARY FAMILY FOOD STAMP TAX CREDIT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, approximately 11,000 of our military families are on food stamps. Let me repeat that. Eleven thousand military families are on food stamps. The men and women who volunteer to protect and defend the citizens and freedoms of this Nation are struggling to make ends meet. Our troops accept the most awesome responsibility, yet they are so severely underpaid that many must take on second jobs. Others are forced to accept food stamps in order to feed their families. Still many others out of pride refuse government assistance and their families suffer silently.

Mr. Speaker, I find this absolutely inexcusable. These men and women are willing to defend and die for this Nation and yet our troops are paid so little that thousands can barely afford to feed their own families. Unfortunately, the problems that face our military extend well beyond pay levels. Today's average soldier, sailor, airman and marine is both overworked and undercompensated, and it is not surprising. Defense spending has been cut nearly in half under the current administration. President Clinton will not pay for the increased operational needs of the armed services, but he continues to deploy our forces at a rate greater than any other President in peacetime since World War II. These deployments, which often have no direct bearing on our national security, have cost our Nation over \$13 billion. Frequent deployments are taking their toll on our aging equipment, they are separating our troops from their families, and are quickly wearing out our forces.

I have the honor of representing a district with four military bases, Cherry Point Marine Air Station, Camp Lejeune Marine Base, Seymour Johnson Air Force Base and the Elizabeth City Coast Guard Base. I have spent many hours meeting privately off-base with dozens of pilots, commanders and enlisted personnel. They will tell you, Mr. Speaker, the current state of our military is cause for concern. We cannot continue to do more with less, nor can we expect to continue to recruit and retain men and women to an all-volunteer force until we address the issues that affect the quality of life of our troops.

Mr. Speaker, at this point our military has all but hit the bottom of the barrel. Over the last few years, Congress has continued to bring this serious discrepancy between civilian and military pay to the attention of this administration. As a result, the administration has finally started to consider a pay increase to combat the growing problem. This is a good first step, but we need to build upon this momentum.

Today I introduced a bill to curb what I consider one of the most unacceptable situations that faces our military families, and that is that our military families need food stamps. The bill I filed today, the Military Family Food Stamp Tax Credit Bill of 1999,

will extend a tax credit to military families to ensure that they no longer have to depend on the government to put food on their table. The tax credit also helps our enlisted troops overseas who currently cannot participate in the food stamp program. With the anticipated increase in basic pay and this tax credit, we can look forward to raising the income level of our Nation's military so they will no longer be forced to rely on food stamps.

I hope that my colleagues on both sides of the political aisle will join me in honoring the important role of our United States military and support this bill.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

(Mr. SHIMKUS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

QUESTIONS THAT MUST BE ASKED REGARDING OUR NATION'S COMMITMENT OF GROUND FORCES TO KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Mexico (Mrs. WILSON) is recognized for 5 minutes.

Mrs. WILSON. Mr. Speaker, tomorrow this House will debate whether the United States ground forces should be deployed to Kosovo as part of a NATO force to oversee the implementation of an agreement negotiated by a group of countries led by the United States. This body does not often debate foreign policy. Under our Constitution, foreign policy is generally the responsibility of the executive branch. But there are some limitations to that power. It is up to us to ask the tough questions, to oversee, to be the check in a system of checks and balances that generally works in the people's best interests.

We are the People's House. And while professionals might sometimes decry our provincialism, collectively we bring a perspective, an important and different perspective, to these decisions. The troops that will go to Kosovo to us are not unit designations or blocks on an organization chart. They are kids, the sons and daughters of members of our Kiwanis Clubs. They played football at our high schools and sang in the church choir. They are the kids who delivered our newspapers and struggled with math homework. They decided to go into the service because their dads did, or because they really have not decided what they want to do

with their lives, or because they wanted to earn money for college, or see the world a little bit before they settled down, or because of duty to country.

There will be 4,000 names and faces with families from our hometowns who will be asked to go to a province most of them probably could not have found on a map a few months ago, and before we send them overseas, we need to ask ourselves some tough questions. I know that, because I used to be one of them. I am the first woman veteran in the history of the United States to serve in the House of Representatives. I have friends and classmates who serve tonight in the Gulf, in Korea, in Europe, and all over the United States. I also know a little bit about NATO and European security policy, having served as a member of the United States Mission to NATO and as a director on the National Security Council staff at the White House during the period of the fall of the Berlin Wall and the collapse of the Warsaw Pact. I am a strong supporter of NATO and of American engagement in the world. But my support is not unconditional or blind, nor should it be for any of us.

Let us not underestimate how profoundly serious our vote tomorrow will be. We will endorse or reject the indefinite assignment of 4,000 American men and women as part of a 30,000-person NATO deployment into the territory of a sovereign country, with which we are not at war and over the objections of that country, on the grounds that the administration of the province of Kosovo is not in accordance with international humanitarian standards. While we may have come to this point by small steps, the policy we will debate tomorrow is an extraordinary departure from what was envisioned in the NATO charter, and I would argue a departure from much of American diplomatic history.

I rise tonight not to argue with you for or against the Kosovo resolution, that will be for tomorrow, but to suggest to my colleagues some of the questions we must answer and ask on behalf of our constituents.

□ 1915

First, what is the threat to U.S. security or a vital U.S. national interest? We need to be able to answer this not in vague and rhetorical ways, but very specifically.

Second, what is the political objective we are trying to achieve, and is the deployment likely to achieve that political objective? In Kosovo, the purpose seems to be to stop oppression of the Kosovars and begin a process that will lead to a referendum on autonomy, but not independence.

Third, is the size and structure of the proposed force, their rules of engagement, their lines of command, clearly defined and adequate to the task so that risks are mitigated? Who do our forces report to, and who decides what they can and cannot do? Whom do they shoot at and for what causes? Do they

have the armored vehicles and the air support they will need if everything does not go exactly as planned? And it will not. How are forces to react when KLA members refuse to disarm, as many will? How should they react to outside intervention, unlike Bosnia where there are enclaves that different ethnic groups claim? In Kosovo, the Serbs and the Kosovars are claiming the same territory, and we are led to understand that Serbs and Kosovars and NATO forces will be all in the same area. How do we protect our troops in that situation? And what are they allowed to do?

Mr. Speaker, tonight we have a lot to think about as we prepare for the debate tomorrow.

The SPEAKER pro tempore (Mr. PETERSON of Pennsylvania). Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RATIFY CEDAW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to ask my colleagues, my colleagues in the House of Representatives, to take a stand for women. In honor of Women's History Month, I am reintroducing a resolution urging the Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women known as CEDAW, C-E-D-A-W. The convention holds governments responsible for first condemning and then working to eliminate all forms of discrimination against all women. This agreement establishes rights for women not previously subjected to international standards including political laws, including employment law, including education and health care.

CEDAW was approved by the United Nations General Assembly 19 years ago to codify women's equality, 19 years ago. Since then more than 160 nations have ratified CEDAW. Also, more than two-thirds of the U.N. members have gone on record dedicating themselves to ending state sanctioned discrimination against women and girls. The one glaring exception is the oldest democracy in the world, the United States.

Mr. Speaker, since 1994 the President has repeatedly submitted this treaty to the Senate where it has languished in the Committee on Foreign Relations. The position of the United States as an international champion of human rights has been jeopardized by its failing to consider and ratify CEDAW. Worse yet, our failure to act strips the United States of its ability to sit on an international committee established in the treaty to ensure that nations are

adhering to the treaty's guidelines. This action sends a message loud and clear to women in this country and all over the world. The message is that we are unwilling to hold ourselves publicly accountable to the same basic standards of women's rights that other countries apply to themselves. This is despite the fact that since federal and state laws already prohibit many forms of discrimination against women, the United States could ratify the convention without changing domestic law.

The President, the Secretary of State, Madeleine Albright, and national and international women's groups have expressed their commitment to CEDAW. Let us ratify CEDAW this year and make the 21st century the first century in the history of humanity where women do not know government sanctioned discrimination.

I encourage my colleagues to join me on this resolution with 41 other original cosponsors and make our desires known loud and clear that we want CEDAW, we want it ratified and we want it now.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

(Mr. MCINNIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. HOYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO CHICAGO POLICE OFFICER JAMES H. CAMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I solemnly rise today in tribute to a Chicago police officer who has fallen victim to the senseless violence that is suffocating far too many of our Nation's neighborhoods. Just today we are now mourning the death of Officer James H. Camp, a 35 year old gang tactical officer who

was gunned down during a routine traffic stop made across the street from the Albert Einstein Elementary School located in my district.

When Officer Camp approached the vehicle and ordered the driver out, the driver refused. As Officer Camp began to remove the driver from this vehicle, a struggle ensued. The driver grabbed Officer Camp's gun and fatally shot him in his face. Just like that Officer Camp lost his life and became the second Chicago police officer to die in the line of duty this year.

Mr. Speaker, many of his colleagues described him as a young, aggressive, effective police officer whose focus and whose hard work produced many good arrests. Others of his colleagues, his fellow officers, say that he was a polite man who was friendly, he was well liked and he was dependable. These are all wonderful descriptions of this man who committed his life and who contributed quality to his service to the citizens of Chicago.

Today I would like to also add another personal characteristic to this list describing Officer Camp. Officer James Camp was heroic. Every day for the last 4 and-a-half years he bravely and unselfishly served the citizens of Chicago. Yesterday his efforts cleared the way for the children of Einstein Elementary School so that they could walk home in peace. His efforts brought that neighborhood closer to a community that is free of drug activity. His efforts made the first congressional district of Illinois specifically and the City of Chicago in general a much better and a much safer place to live.

It is very important for us, Mr. Speaker, to remember at this time that Officer James Camp's service and dedication is duplicated a thousand times by brave members of the Chicago Police Department. Their bravery, which is exhibited day and night, should never ever be taken for granted. They literally risk everything that they have, including their lives, for our protection.

In closing I would like to reiterate that Officer James Camp in his short life of 35 years made quite a difference to the city, to our Nation. Indeed the Nation should thank Officer Camp for his service, for his commitment and for his dedication, and we as a Nation should extend to his widow of just three months our continued prayers for God's strength and God's grace during her time of bereavement.

HUNGER IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlelady from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the Senate has proposed that the emergency supplement appropriation bill, a bill to help those ravaged by storm in Central America, be offset by hurting those ravaged by hunger in North

America. This proposal, inappropriately so, requires offset from the food stamps to pay for it. This proposal fails to recognize a hunger in America is more than just a word. It is a harsh and cruel reality that affects millions and millions of Americans, including children.

According to the Catholic charities, the demand for emergency food assistance increased by 26 percent in the first half of 1998. The United States Department of Agriculture and the Census Bureau report that one in eight families in America remain on the edge of hunger. We are in an economic boom, but many working people, their families, their children, far too many, face a food crisis and a hunger burst. Indeed the U.S. Conference of Mayors tells us that close to 40 percent of those seeking food aid in 1997 were members of families where at least one person in the household was working.

That is why I support allowing participants in the Food Stamp Program to own a reliable car. Under the current law, food stamp participants cannot own a car valued at more than \$4650. This limit in the law discourages progress and promotes poverty. A reliable car is essential for daily necessity, but more importantly, this is essential for getting to work. It is important, lifting the artificial cap on rent, mortgage payments and utility bills that are used in calculating food allowance for food, also indeed is addressed. Nearly a million households, the vast majority of which include children, receive low food allowance because a cap on their housing expense is there.

In addition, the food stamp program should be available to all legal immigrants, including elderly legal immigrants, especially those that were in the country before the welfare reform was enacted, and the WIC program should be fully funded so that the nearly 10 million women, infants and children who are now eligible can be covered by this vital program. Children Nutrition, the School Lunch Program, is very, very important.

It seems to me that if there is any Federal program that has worked consistently throughout the years and has stood the test of time, it is our National School Lunch Program. Nearly 26 million children are served every day. Through this program children have a healthy meal, a healthy start so they can be alert in school, thereby giving them a chance, a chance for a change, a chance for improvement in their lives.

□ 1930

One does not have to be a rocket scientist to know that a child needs to eat to function. To educate our workforce, we must have a good school system and good teachers. That is why I believe we should fully fund the school breakfast program authorized in the 1998 child nutrition authorization program.

Whether this Congress will make the substantial and significant investment

in the school breakfast program is yet to be seen. The debate over how to use this Nation's resources now, fortunately centers around what we do with the surplus.

Now that the deficit has been eliminated, we want to use our resources to help people, especially our children.

I urge my colleagues in the House to reject the Senate proposal to help those in Central America by hurting those in North America.

Everyday, twenty-six million children are served.

When a child has breakfast, that child is going to be more attentive, more alert, and his grades will improve.

When a child has breakfast, he will not have to visit the school nurse or the school principal for discipline as often.

It doesn't take much to understand that.

If America is to be competitive in the world market, we must educate our workforce.

But, good teachers can only be effective if our children are fed and not hungry in the classroom.

As you know, the President, in his budget, has requested Thirteen million for Fiscal Year 2000 for the School Breakfast Pilot Program.

It is very important that we fight for these funds. We must not take them for granted. School breakfast is not a welfare program. It is an education program. School breakfast is not charity. It is a chance for our children

Thirteen million dollars is a modest amount. But, for the children who will eat, it is an amount that will have a major impact. It seems strange that we must fight for food for those who can not fight for themselves. America is a strong Nation, and we are strong because we can provide quality food at affordable prices. There are many places in the World where the same can not be said.

But the real strength of America is not due to our advanced technology, our economic base or our military might.

The real strength of America is its compassion for people, those who live in the shadows of life.

The real strength of this Nation is its compassion for the poor, the weak, the frail, the disabled, our seniors, our children—the hungry.

America's compassion makes us strong.

It really is time to stop picking on the poor.

Less than three percent of America's Budget is targeted for feeding the hungry. Nutrition programs are essential to the well-being of millions of our children. They do not ask much. Just a little help to sustain them through the day. Nutrition programs, in many cases, provide the only nutritious food that millions of our Nation's children receive on a daily basis.

The SPEAKER pro tempore (Mr. PETERSON of Pennsylvania). Under a previous order of the House, the gentleman from South Carolina (Mr. DEMINT) is recognized for 5 minutes.

(Mr. DEMINT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

(Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COMMON CONCERN AND ENTHUSIASM FOR THE PROSPECTS OF REDUCING THE TAX BURDEN ON THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, I am joined here on the floor by a number of Members from the Republican Conference, and those of us in particular tonight are gathered out of common concern and enthusiasm for the prospects of reducing the tax burden on the American people. There are many of us here in Congress who believe very firmly and passionately that the size of the Federal Government not only is too big but that this government collects far more income and revenue from the American people than is necessary.

Furthermore, we are united in the firm belief that this surplus, this additional revenue that the Federal Government collects, confiscates from the American people and transports here to Washington, D.C., would be better utilized and in fact more powerful if left in the hands of those who work hard to earn this income in the first place.

Very, very clearly, what President Kennedy and President Reagan as well, have shown the Nation is that by reducing the effective tax rates on the American people, through economic growth and productivity of the American people, that the Federal Government actually generates more revenue.

Again, it is the entire distinction between growth in a strong vibrant economy and strengthened family budgets as opposed to slower economic growth and larger government budgets that divides the Congress, quite frankly, and it is the ultimate basis and difference between the Republican Party and the Democrat party.

We do stand squarely for a smaller Federal Government, for a lower tax burden, for stronger family budgets, and for economic prosperity through a deliberate plan to grow the economy of the United States of America.

We are joined and honored to be joined tonight by the majority leader, and I yield the floor to him immediately, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, let me thank the gentleman from Colorado (Mr. SCHAFFER) for yielding and let me thank the gentleman from Colorado for reserving this hour for us to discuss this.

We are joined by a good many of our colleagues here. I thought it might be

interesting to sort of set the stage, for the American people to have a look at where it is we have brought this budget situation to, since we took over in the elections of 1994 and, of course, commencing in 1995.

Remember, in 1995 we had deficits for as far as the eye could see, and obviously because we were successful in restraining government spending, we have transformed this situation. The fascinating thing, the gentleman from Colorado (Mr. SCHAFFER) made a reference to it earlier, we have now in just these few short years, moved from the public policy discussions of deficits for as far as the eye can see to the current discussion of budget surpluses for as far as the eye can see.

Yet it seems like the terms of the debate between the two major political parties have not changed a bit. Republicans are still saying essentially that the Federal Government is too big and takes too much of your money and that we ought to use the surplus to fulfill our obligation to the American people. Whereas the Democrats seem to say, no, the problem is we really need to grow the government larger and we ought to do so by further prevailing upon the American people for tax increases.

This really centers around this next fiscal year, fiscal year 2000, the first new year of the millennium. We have now, as we look forward to next year, a \$137 billion surplus in the Federal budget; that surplus in the budget comes almost exclusively from payroll taxes that are paid in excess of current, particularly Social Security outlays.

Let me just talk about that a little. My daughter, who is a young working professional in her early thirties, who probably represents that generation of Americans that is most worried about their own retirement security in America today, wears a little pin on her lapel and the little pin says, who in the devil is FICA and why is he taking my money?

I think that question is being asked by a lot of our young working people starting their new families and trying to get started in their life.

FICA, or the payroll taxes that we all have withdrawn from our check, is the money that the Federal Government takes for the purpose of fulfilling our obligations to our senior citizens for their retirement.

The youngsters, who are feeling the burden of this tax, are indeed a very loving and generous generation of Americans. We will hear them talk, and I hear them across the country, and they will say, look, these taxes are tough on us, they are tough on our young families. We have our own hopes for our children and our own retirement, but if it is for grandma's and grandpa's retirement, we will pay the taxes.

Now what these youngsters are discovering is, in just next year alone, they will pay \$137 billion more in those taxes to that entity called FICA, in

their payroll taxes, than what is necessary next year for grandma's and grandpa's retirement.

The young people are quite correctly coming to us and saying, let us have an accounting on that. The first thing they will say is we owe that to grandma's and grandpa's retirement, and bless their little hearts they are saying do not spend it on other government programs like has been done; put it aside for grandma and grandpa. That is what they intended.

This is what we have done. We set aside the entire \$137 billion for our seniors. The President has \$52 billion of new government spending, growth in the government, and only \$85 billion set aside for the seniors.

If one translates this over the next 5 years, what the Republicans are saying to our youngsters on behalf of their grandma and grandpa is, look, we will take \$768 billion of your hard earned taxes and for the first time in the history of Social Security we will actually lock that away to make sure that grandma and grandpa are taken care of. The kids, bless their heart, are the first to demand that.

How many times have we heard a 20 or 30 year old youngster, starting their own family, look at that tax and say, this is a moral obligation to grandma and grandpa? It just warms the heart to see the generosity and the love.

President Clinton and Vice President Gore, on the other hand, they are saying, well, only \$569 billion, because we need the rest of that for these government programs of growth.

We have also said that to the youngsters, we understand your concern that government grows out of control and it costs too much money. Look down the road. Take a young married couple today with a two or three year old baby, and they are thinking about now where will I get the money, when that youngster is 15 and 16, for the braces and so forth? They feel the burden of the taxes imposed on them to support the government, and yet what the Clinton-Gore people are saying is, we are going to continue growing the government even in these times.

What we have said is, look, in 1997, the Republican majority in the House and the Senate, every one of the gentlemen who are here, made an agreement with the President, and that agreement was that we would hold the line against further growth in the government. That is known as caps on spending, to stop the growth.

What the Clinton and Gore budget says is, let us increase that budget spending each of those years.

We believe that is wrong. We think a deal is a deal. We think we should hold those caps and we should do so in regard to those young people.

Then finally, the Clinton-Gore budget says they are going to raise taxes on those very same young people over the next 5 years, while we say not only can we hold the caps, not only can we set aside every bit of that Social Security

payroll tax that these young people are paying for their grandma and grandpa, but we can get them a \$146 billion tax reduction. So we find ourselves back to where we were.

The President and his party look at these tax cuts that we are trying to get for the American people. They throw up their hands with despair and they say, oh, that is just Republicans getting tax cuts for the rich. They, in turn, want to have tax increases.

Let us just stop for a moment. Where would their tax increases fall? Look again at that young married couple just trying to get their life together, finally out of their mom's and dad's home, into their own home. They have got a wonderful Tax Code that they work within. We know how generous our Tax Code is, that gives every one of those a home mortgage deduction so they can buy their own home and then they hit them with a marriage penalty so they are tempted to live out of wedlock, but the youngsters are dealing with that tax, doing the best they can. When we take a look at this and say, my gosh, the largest number of people hit are who, it is those people making \$24,000 or \$25,000. That is the young folks just getting out of college, just finally getting on with their lives. They are the people that bear the burden of this tax; those people who so desperately need the most take-home pay they can get right now because they have a new baby on the way. They want to redecorate that one extra room they have in that house that they managed to put together at the lower interest rates because of the budget deficit being eliminated, so that they can build a nursery.

Yet the other side is saying that money which would be put into redecorating that room for that nursery we need to, what, build some new government program.

Then after that, the \$25,000 to \$50,000 income category. So once again, relatively low income, younger people struggling to make ends meet, trying to build their family, are being asked by President Clinton and Vice President Gore to pay the tax increase so we can have the new government programs, and that is where we want to focus our attention tonight.

I believe when the gentleman from Colorado (Mr. SCHAFFER) contacted me and talked about this special order and invited all these other folks, he wanted to focus the Nation's attention on this question. When we have this area where finally after all the years we have struggled, where we can get to surpluses, where we can honor our commitment to grandma and grandpa on their retirement, and hold the line on the growth of government, and literally give these young people starting their young families a chance to have a little relief from the burden of this taxation that they feel so heavily, we feel like we have an obligation to all of these generations to step up and do our best. I think we have done that with our budget.

What have the President and Vice President said? Let us put big government first.

□ 1945

That is where we are, and that is what this debate is all about.

I know I have gone on too long, but it seemed to me, and I know the gentleman from Illinois (Mr. WELLER) had been looking at these charts and perhaps might want to use these charts and I want to leave them for the gentleman to use. But I think we ought to have a real candid discussion about that matter.

To the gentleman from Colorado (Mr. SCHAFFER), I again appreciate the gentleman yielding me this time, and perhaps if we have a few questions we can talk about it and get some of the rest of us involved.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, let me say, because our leader is a modest man and is not going to brag about one of the things that he has done, but I think it is important that we bring this forward and let people know what we are doing to try to reduce that tax burden.

One of the things I want to commend the majority leader on is his America Deserves A Refund campaign that the gentleman launched here in the Capitol, bringing a family with, I believe it was 6 children who were able to benefit from the prime tax cut that Republicans put into the 1997 agreement, the \$400 this year and \$500 in future years tax credit per child. For that family, that is \$2,400 more in their paycheck that they get to keep this year because of that Republican initiative that we were able to put into law.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, it is so neat to see the 6 daughters, the family had 6 daughters, and when they realized as mom and dad were sitting there working out their taxes that gee, this meant \$2,400 more take-home pay for mom and dad because of that new provision we put in the law, I believe it was in 1995 or 1996, and in 1997 we finally got the President to sign it, the girls had a lot of fun thinking, gee, what can be done with mom and dad's new \$2,400, and I kind of laughed, and they all kind of thought it might be a good idea to put that money away and save it for a new baby brother. That was a good consensus for the girls.

Mr. MCINTOSH. Mr. Speaker, the other thing that struck me about that was a statement the majority leader made about using a hypothetical family, the Smiths. What does this tax burden mean in our everyday life? When they get up in the morning, they flip on the lights and they pay a utility tax. They run the water to brush their teeth or take a shower, and they pay the water and the sewage tax. They have breakfast and everything that they bought for breakfast they paid a

sales tax on. Then when Mr. Smith gets in his car to head to work, he pays a gas tax and, in most States, a car tax which Republicans here in Virginia are working to eliminate. Then, when he gets to work, he pays an income tax, a FICA tax that the majority leader discussed earlier on this payroll, and if he is investing any of that money in a savings account or in the stock market, he pays a capital gains tax on the returns of his investments.

Mr. Smith comes back home, and the gentleman was kind enough to mention a bill that my colleague the gentleman from Illinois (Mr. WELLER) and I have been working on to eliminate the marriage tax, because he and Mrs. Smith have decided to stay married, in spite of the fact that they pay on average \$1,400 more just because they are married. Then, they pay property tax on their home, and if they then reach the end of their lives and want to pass that on or the other assets on to their children, they pay a death tax. That is just 11 taxes, but it is a huge chunk, as much as 50, 60 percent of many people's incomes that go to taxes at all levels of government.

Mr. Speaker, I want to commend the gentleman for taking the initiative and focusing our effort here in Washington on engaging the American people for this campaign of America Deserves A Refund, rather than using those taxes to grow the size of government. I thank the gentleman for doing that.

Mr. SCHAFFER. Mr. Speaker, this is a topic that as a Republican majority we care about, not only from the perspective of managing government and trying to run a more efficient and leaner government, but from the perspective of our concern for middle class Americans. I want to share a couple of sentences here from a letter, and then I will yield to the gentleman from Illinois.

This is a letter I received from a constituent from my district, and I will point out that what we are hearing here in Congress are the concerns of average American people who are realizing that the \$52 billion in tax increases that are being proposed by the President of the United States and the White House is not consistent with the best interests of average American families. Average American families want to see tax relief. Here is a good example.

"Dear Congressman Schaefer: The administration's 2000 budget plan presented to Congress on February 1 imposes new taxes that will make it harder for millions of American families to save for their own retirement needs and will seriously jeopardize the financial protection of families and businesses. Providing for retirement and securing your family's financial security should not be a taxing experience," the writer claims.

"Americans are taking more responsibility for their own financial futures and they have made it clear that they oppose both direct and indirect tax

bites that jeopardize their retirement security and their ability to protect their families. Congress, on a bipartisan basis, soundly rejected a similar approach last year, and I strongly encourage you to do the same this time around. Please oppose any new direct or indirect taxes like those that commonly are referred to as DAC or COLI on annuities or life insurance products."

Here is a letter from an average American family in Colorado urging us here in Congress to avoid the kinds of tax increases that the Clinton administration is proposing. They are looking to somebody here in Washington, and I am proud to say that the Republican Party is listening to things like this.

Mr. Speaker, I will now yield to the gentleman from Illinois (Mr. WELLER) to help assure not only this constituent, but others like him around the country who are looking to us for real leadership and guidance on trying to shrink the size of the Federal government and provide real meaningful tax relief for families just like his.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Colorado for yielding and organizing tonight's discussion on some of the issues that are so important for us.

Mr. Speaker, think about it. I have been here now 4 years, I have had the privilege of serving in this body, and we were told time and time again that there was so much that we wanted to do that we could not do it, it could not be done, we could not accomplish it. We balanced the budget for the first time in 28 years; we cut taxes for the middle class for the first time in 16 years; we reformed welfare for the first time in a generation, and we tamed the tax collector, reforming the IRS for the first time ever. Those were all accomplishments that we were told we could not do. It had never been done before, so you cannot do it, but we did.

As a result of that, we have a big challenge and opportunity before us that is something new in Washington. That is, we have some extra money. We have a projected \$2.8 trillion surplus of extra tax revenue that is burning a hole in Washington's pocket. And the debate this year is what are we going to do with it?

Of course, the President came in and gave a great speech on his State of the Union and basically promised to spend it all. He says, we will save Social Security and we will spend it. I went back home after that, because I stood up and applauded several times, because it sounded great. But folks back home said, well, wait a second. If we have all of this extra money, why is the President asking for \$176 billion in new tax increases in his budget? And then they said, but he says he wants to save Social Security, but he raids the Social Security Trust Fund by \$250 billion. I do not understand that. Wait a second here. We have a surplus; why do we need a tax increase? We have a surplus; why do we need to dip further into the Social Security Trust Fund?

That is why I appreciate the leadership that the majority leader and others have shown with the decision that has been made just in the last few days to do something that the seniors back home in Illinois have told me they would like to see done, and that is that we are going to wall off the Social Security Trust Fund, that we are going to put an end to a practice that has gone on since LBJ was President, and that is, hands off Social Security. For once and for all, we are going to wall off the Social Security Trust Fund, and we can no longer spend it on anything other than Social Security. That will also put a stop to the President's idea of raiding the Social Security Trust Fund.

I think that is an important issue, and I really want to salute the Republicans in the House and Senate who took that issue on over the last 4 years, because it is a big victory, and I see it as a bright light at the end of the tunnel as we go through the budget process, doing something this year that seniors have asked us to do.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, talking about that increased spending the President has before us, in his budget he proposed 120 new government programs. Not expansions of existing programs, but 120 new Federal Government programs. I just have to ask Mr. and Mrs. America, when you see where all you find the Federal Government in your life and in your community with this program, that program and the other program, does anybody in America believe that America today needs 120 new government programs? It seems to me that is just wanton growth, almost as if for the sake of the government alone.

Mr. WELLER. Mr. Speaker, in response to the majority leader, the President wants to pay for these 120 new programs by dipping into the Social Security trust fund. We see the young men and women many of us know back home in our home communities, just graduating from high school, they are in college or entering the workforce and they are paying 12.6 percent of their income into the Social Security Trust Fund with little hope, many of them tell me, of ever receiving Social Security benefits.

So unless we wall off the Social Security Trust Fund and stop Washington from dipping into the Social Security Trust Fund to spend on new government programs, our young people may never see Social Security. That is why it is so important that we make this change in how we budget the process.

Mr. ARMEY. Mr. Speaker, bless the hearts of kids. I love listening to the young people today. They are so good. They are paying these taxes for grandma and grandpa's retirement. They know that is an obligation and responsibility. They are happy to fulfill it. It is just that they cannot understand why then would we take that money that they work so hard for, that they are so willing to give up for grandma

and grandpa and give it to 120 new programs they have not even heard of before. It is a fundamental thing, the families that we know and love and trust and we feel responsible for, putting them ahead of new ventures in life, and the kids understand that.

Mr. WELLER. Mr. Speaker, in yielding back my time to the gentleman from Colorado, perhaps I could pose a question to the my colleagues, and that is a question that was posed to me at an union hall back in Joliet, Illinois just a few days ago. This gentleman said, you folks in Washington, you have so much extra money right now, that surplus, over \$2 trillion over the next 10 years in extra money, why does the President want to increase taxes? Why does the President say we need \$170 billion in new tax increases on the American people and the American economy?

I think that is an important question, and we should be asking the President, but we should also be asking the Congress, why in the world would anyone consider new taxes in a time when we already have all of this extra money.

Mr. SCHAFFER. Mr. Speaker, it is very clear, we do not need new taxes.

Let me again refer to another real American who wrote to me from Fort Collins, Colorado.

"Last year, we withdrew an additional \$1,000 from our IRA and found it increased our Federal income taxes by \$515. That's right. We only had \$485 left. President Clinton's tax increase to 85 percent of Social Security for affluent seniors," and she puts affluent seniors in quotes, "is what did it."

She goes on, she says, "In the 28 percent bracket, each additional dollar is of course taxed at 28 cents, and it also makes an added 85 cents of each Social Security dollar taxable at that rate. So the tax is 28 cents plus 24 cents, or 52 cents on each dollar."

She asks, with exclamation marks, "Who else pays at that marginal rate?" She says, "If we are wrong about any of this, please let us know. But if we are right, please help."

Well, we are pleased to be joined here this evening by the gentleman from the great State of New York (Mr. FOSSELLA) who is here to help, and I yield the floor to him.

Mr. FOSSELLA. Mr. Speaker, she should go see her Congressman from Colorado. He is going to give them all the money back.

Let me just commend the gentleman from Colorado as well for putting this together, and also the majority leader, and the gentleman from Illinois (Mr. WELLER), and the gentleman from Indiana (Mr. MCINTOSH); we are joined also here by the gentleman from Wisconsin (Mr. RYAN) of Wisconsin and the gentleman from South Dakota (Mr. THUNE), all of whom are speaking for the American people who feel that they are overtaxed.

The gentleman from Illinois (Mr. WELLER) posed the question about how

can we be doing this? How can the White House be making these statements about a so-called surplus and yet spending more money.

I would like to refer folks back to the movie the Wizard of Oz. Remember Oz, the wizard who would say, do not look behind the curtain. Well, in a way, that is what happens here in Washington. Just do not ask those questions. Trust us. Trust the White House spending your hard-earned money. And if the gentleman from Illinois (Mr. WELLER) goes back home and sees that gentleman again and he asks him the question, does he trust people in Washington or the President to spend the money he earns every single day of the year, or would he prefer the freedom and the opportunity and the liberty to spend that?

Mr. WELLER. Mr. Speaker, if the gentleman will yield, that is really an important fundamental question we should be really answering here in Washington and the Congress, and that is who can better spend the hard-earned dollars of the folks back home, those of us here in Washington, or real people trying to meet their own family's needs? When we think about it, if we allow people to keep more of what they earn, and of course I would like to eliminate the marriage tax penalty that punishes 21 million married working couples an average of \$1,400 each just because they are married. Now, \$1,400 in the south side of Chicago and the south suburbs, that is a year's tuition at a local community college. It is 3 months of day care at a local day care center. It is a washer and a dryer in the utility room.

The point is, it is real money for real people, and if we allow people to keep more of what they earn, they can also make choices themselves, because we in government really are not in the best position to make the best decisions for folks back home, for families. Because if they have more money in their pockets, they can choose whether or not to take care of their children's needs or set a little aside for Johnny's college education fund or give a little extra money at the church or the temple or for a charity that is important to their community.

□ 2000

That is an important choice. That is a fundamental decision that we are really going to be deciding this year, is whether or not we let folks keep more of what they earned, or do we spend more here in Washington.

That is why I am so concerned about the President's \$250 billion raid on the social security trust fund and his \$176 billion in new tax increases, because that is taking more money out of the pocketbooks of hardworking folks back home in Illinois, New York, and other States.

Mr. FOSSELLA. Mr. Speaker, the interesting point here is we are from all parts of this country: New York, Illinois, Wisconsin, South Dakota, Colo-

rado, Texas. I think we represent really what the heart and soul of what the American people want from us.

That is, those are the folks who work hard every single day to send that money back home, because ultimately in life we have a choice. We have a choice here in Washington, by sending people who want to spend that money, much of it unnecessarily, or send it back home where it belongs, and at the same time set aside money where it belongs in the social security trust fund so it is not treated as a slush fund instead of a trust fund. That is the decision that is going to be made every single day of this Congress and the next.

I believe strongly, despite what the polls say, despite what the pundits say, that the people at home in my district on Staten Island and Brooklyn, and in that of the gentleman from Illinois (Mr. WELLER), feel they pay too much in taxes. I say we give them that \$1,400.

Would they prefer to spend it back in Illinois? People I represent would rather have that \$1,400 in Staten Island to spend how they see fit, whether it is education, a vacation, a new car, whatever it is, because we believe in what this country is all about: the fundamentals of freedom and liberty, and the notion that if you provide the incentives to go out there and work hard we will see economic growth, we will see new jobs created, we will see new innovation, we will see the creativity, we believe in the American spirit.

I want to thank all my colleagues for taking time out to really be the voice of the American people here in Congress, and I thank again the gentleman from Colorado (Mr. SCHAFFER) for putting this together.

Mr. SCHAFFER. From Erie, Colorado, I received this note: Dear Representative, please cut taxes. The proposed 10 percent tax rate cut is so little, but at least it is a cut. Please cut taxes, sincerely, and the writer or the author of this e-mail was from Erie, Colorado. I mention this just to let this woman from Erie know that somebody is listening from Washington, cares, and is interested in moving in that direction. Mr. Speaker, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I want to thank my friend, the gentleman from Colorado, for yielding, and my other colleagues on the floor this evening for participating in this dialogue.

I think it is fair to say that a tax cut of a \$1,000 probably goes farther in South Dakota than it does in Long Island, but in South Dakota, that is a lot of money.

I think the basic question we are all talking about here in Washington right now is who are we going to trust to fix social security, to save Medicare, to pay down the debt, and to see that the American people get to keep more of what they earn. Are we going to trust the group that for 40 years was in charge of this institution and did not do anything to protect social security,

or the people who in 1994 came to this town, were elected, the Republican majority in the Congress, and the gentleman from Illinois (Mr. WELLER) was part of that group, and we were able to join him later, who said we are going to reform welfare and then did it; who said, we can balance the budget, and then did it; who said, we can cut taxes, and then went ahead and did it? Or are we going to trust the other group, that for years and years and years continued to squander the taxpayers' money?

Just to give an example of this, if we look at 1995 and what the projection was, and we have seen a lot of numbers out here this evening, but in 1995 the Congressional Budget Office projected 10 years out into the future. They projected that we would have a \$3 trillion deficit, year after year of deficits accumulated. Now the Congressional Budget Office is projecting out for the next 10 years \$2.6 trillion in surplus.

The American people I think can do the arithmetic on that and see how far we have come in a very short period of time, 4 year's time. I think it is a great tribute to the hard work and fiscal responsibility of the Republican Congress when they came to this Congress and said that we were going to change business as usual.

I think the ironic thing is that now we have the President of the United States coming up here and saying, we have to pay down debt. We need to invest more in national security. We have the leadership in the Congress on the Democrat side saying that, one, we need to live within the budget caps; and two, we need to look at what we can do to cut taxes.

That tells me we are winning the argument. When we are winning the argument, I think the American people are winning, because it means we are getting more control and more of their hard-earned money back into their hands.

All of us come from different parts of this country. I think we are all a product of those we represent. Where I come from, we have a lot of farmers, a lot of ranchers, a lot of small business people, a lot of hardworking families. It is a place where your word is your bond. It is a place where business deals are still conducted with a shake of the hand. I am proud to represent a place like that.

But they are people who understand that the big hand of big government in Washington is choking them and their existence, if we look at the cost of regulations and the cost of taxes to people who work hard in farming and ranching, and all the ways they get hit. Many of the proposals we are talking about that would reduce the tax burden on people of this country would be directed at people like those I am talking about.

The gentleman from Illinois (Mr. WELLER) has talked about, for example, putting a package together that allows for the deductibility of health insurance premiums for self-employed peo-

ple. That is critical to farmers and ranchers.

Talk about the death tax, one of the concerns that we have in rural America is how can we keep the family farm and the ranch together? How can we pass it on to the next generation? One of the ways we can do that is to make it easier, so when it comes time and you want to make that transition, and the young person wants to stay on the ranch or the farm, that we do not confiscate it from them through taxes.

If we could do something about the death tax, we would go a long way to preserving the fabric of family farming and ranching in America, which I think strikes at the very heart and soul of the value system of this country. We want to preserve that, and we are not making it easy for them to do that.

If we could address the death tax, if we could address deductibility of health insurance premiums and the burden that we place on hardworking people in this country, the gentleman from Illinois (Mr. WELLER) has been a leader on the marriage penalty.

I think, again, that is something that has been in the tax code for a long number of years, that we have had this notion that somehow if people get married, they are going to be penalized through tax policy. That is just asinine. It is high time we changed it.

The proposals that we are talking about, one, walling off social security and seeing that we preserve that program, and again, I think it is the hard work of the American people and the hard work of this Congress in trying to control spending that has given us the opportunity to say we are going to set the FICA tax aside. We are not going to spend it. The other side, the President, the administration, and the other side of the House, want to, again, raid that social security trust fund.

We are going to set it aside, take that issue off the table, and then let us have a debate, an honest debate in this country about when that is done, are we going to spend more money in Washington on bigger government and more programs, or are we going to give it back to the American people? I think that is one that we win with the American people.

Mr. WELLER. Mr. Speaker, if the gentleman from Colorado (Mr. SCHAFER) will yield further, that is an important question the gentleman is raising that we probably should ask as we go through the budget process this year. When the President is calling for 120 new government programs, maybe the question we should ask is, who is going to pay for that?

Clearly, in his budget he says that we should take \$250 billion out of the social security trust fund and we should increase taxes on top of that another \$176 billion. That tells us where the money is coming from, from the pocketbooks of hardworking folks in South Dakota, and also the social security money for young people down the road, as well. I think that is an important

question we should ask, where is that money coming from? If they propose a new government program, clearly they are raiding social security to pay for that new government program.

Mr. THUNE. I thank the gentleman for making that point. The irony is that in all of this, we hear an awful lot of demagoguery and an awful lot of rhetoric about what they want to do to protect social security, and yet the numbers bear out. The numbers do not lie.

If we look at the commitment that is made in terms of the rhetoric that comes out of the White House, and then if we look at how this thing actually goes when we read the fine print, it is a very different story.

I would simply say that I think we have a responsibility as guardians of the public trust and as those who defend the people who work hard in this country and pay taxes to see that we do not take any more from them than is absolutely necessary.

If we look at the tax burden, the regulatory burden, and the gentleman was reading some letters, the gentleman from Colorado (Mr. SCHAFER), from people. We got one the other day. We have a situation in South Dakota where there is a small business deal where a city is taking gravel out of a pit, putting it on the back of a pickup, but because they used a conveyer belt to do it, they fall under the Mine Safety and Health Administration of the Department of Labor. It is considered mining, because they used a conveyer belt.

Under the regulations for mines, one has to have a porta-potty, so they had to put a porta-potty out there for 2 weeks' time, and it costs them \$300. It did not get used once, not once. Then they were fined for other things, because they were not complying with some silly regulation because they were trying to move some gravel to the back of a pickup. This is just how ludicrous and ridiculous some of the stuff becomes.

I am not saying for a minute that there is not a need for health and safety type regulations, but there are an awful lot of people in this town who I think have way too much time on their hands who come up with some very ridiculous things.

That is what really this debate is about; again, how do we come up with a government that is more user-friendly, that is modernized, and that sees that because of the hard work of the American people, that we are not taking any more from them than is absolutely necessary.

If we look at what they can spend, if we take a \$1,200 tax cut and think about how America could spend it, 15 weeks of child care, 24 weeks of grocery bills, 3 months of rent and housing, three car payments. This is real stuff. This hits people where they really live.

I welcome the opportunity to participate in this debate and talk about what we can do to preserve the way of life

where I come from, which is rural America, and how we address some of these agricultural issues, and the tax issues and big government come right into that debate. So I appreciate the chance to visit this evening with my colleagues here.

Mr. SCHAFFER. Mr. Speaker, I ask Members to brace themselves for this. This is a woman from Fort Morgan, Colorado, who writes that she needs to know that there is a Republican Party back here in Washington who cares about her.

She writes, "This January I resigned my job and retired early at the age of 50 to cut our taxes. We are penalized for being married and we have no children, so you guys really sock it to us," she says. "The higher fees on everything we buy or use are taxed at higher rates."

She says, "We have been putting almost the maximum allowed into our 401(k) to help cut our taxes, but I may not live long enough to spend that money, because you look at my retirement dollars as your money," and she is speaking about Washington, D.C. and the Federal Government, of course, "and are determining for me how and when I can spend it."

She says, "When I watched the Senate hearings of Mr. Clinton's budget, it became apparent to me that the era of big government is back. The felon"—her letter may not be compliant with our House rules. Let me skip to the bottom.

"I do not want to hear you guys in Washington say one more time, we have to save social security. Do it now and do it right." She says, "Give us our money." Well, Members can hear the frustration and just the tone of the letter from an average constituent. I would suspect that the sentiments that are expressed in this letter are also expressed in the great State of Wisconsin.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. RYAN) to elaborate further on what he is hearing from the people in his home district.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Colorado for yielding to me. I am a new Member from Wisconsin, and I was very honored and privileged to serve on the Committee on the Budget. What we have been doing in the Committee on the Budget has been two things, analyzing the President's budget proposal, taking it very seriously, and crafting our own budget proposal.

It was my first time to sit in this well of this House to watch the State of the Union Address. When the President stood right behind me here and talked about his plans to save social security, everybody remembers that 62 percent number, saving 62 percent of the surplus for social security, well, I was wondering and scratching my head at the time, why 62? Why not 100 percent? Where did the 62 number come from?

We have been analyzing that in the Committee on the Budget. It looks like

actually he is not saving even that much for social security. But what that policy that the President has subscribed to allows the President to do is to continue raiding the social security trust fund.

Where I come from in Wisconsin, people believe that if they pay taxes for social security off of their payroll taxes, their FICA taxes, it ought to go to social security, not to other government programs. For 30 years our Congress, our presidency, this Nation has been raiding the social security trust fund. We have been taking money out of the social security trust fund that we have been paying every paycheck in our FICA taxes and spending it on other government programs.

I had thought that we would be able to end that process. Today we have two surpluses coming in Washington. We have a social security surplus and we have an income tax surplus, a surplus from non-social security taxes. In my opinion, what we have to do, and in fact what this Republican Congress is going to do, is to end that 30-year practice of raiding social security.

This chart right here beside me shows the differences that exist between our emerging budget plan and the President's budget plan. It shows that this year we have a \$137 billion surplus, this year, 1999. It is all from social security.

The President wants to take \$85 billion and put it toward social security. Some \$52 billion of social security dollars are going to go to new spending. We are putting all of social security dollars back into social security. We are putting a firewall in our budget back in place that simply says that from now on, Congress can no longer raid the social security trust fund; that every ounce of FICA taxes we pay for social security plus interest will be dedicated solely to social security. Then when Washington starts running other surpluses from non-social security parts of the budget, from our income tax overpayment, we should get our money back.

□ 2015

The good point about the Social Security surplus is that that is part of our national debt as well. We have been raiding our Social Security for so long that we owe over \$700 billion back to the Trust Fund. The Trust Fund contains nothing but a bunch of IOUs.

But our budget plan is going to pay down that debt. We are going to pay down our publicly held national debt. The President's plan actually increases the national debt by about \$1.6 trillion.

The gentleman from Illinois (Mr. WELLER) talked about the new tax increases in the President's budget. It is very clear that what is emerging here is a sharp division of philosophy, a difference of opinion on the role of the Federal Government, on whose money is whose. Are we the stewards of the taxpayers' money, or does the government own their paychecks? That is the difference.

I think the President did a very good service to the Nation when he was speaking about the budget in Buffalo, New York about 4 weeks ago. I want to quote him, because I do not want to put words in the President's mouth. In talking about the surplus, the other 38 percent of the surplus he planned for other programs, he said this, "We could give you your money back in the surplus, but we would not be sure that you would spend it right." Therein lies the difference. Therein lies the difference of philosophy.

We are going to take all the money that people pay in Social Security taxes and dedicate it to Social Security. We are going to stop the raid on Social Security from now on. Then we are going to pay back the money that was stolen out of there in the first place. Then when people start paying overpayments in income taxes over the next 10 to 15 years, we are going to let them have their money back.

Mr. WELLER. Mr. Speaker, if the gentleman will yield, the point the gentleman from Wisconsin (Mr. RYAN) is making, I appreciate the gentleman from Wisconsin discussing this, because I serve on the Subcommittee on Social Security. The President has had a series of town meetings, televised town meetings around the country. His very first one was in Kansas City. He asked four of us to participate in satellite TV hookups with groups in our districts to talk about Social Security.

So I was in South Holland, Illinois with about 400 senior citizens. We had a discussion before we hooked up with the President. It was almost like the Wizard of Oz. There was this big screen, and there was the President's big smile. But they said, "Congressman, when you ask the question of the President for us, would you ask this one that is really important?" This gentleman said, and he is very sincere, "Ask the President when the politicians in Washington are going to stop raiding the Social Security Trust Fund."

Of course all the seniors broke into applause because they all agreed with that question. So when I had the opportunity to ask the President some questions on behalf of those in attendance at this televised town meeting with the President, I said, "Mr. President, the first question they want me to ask of you is they want me to ask, and let me quote this gentleman, when are the politicians in Washington going to stop raiding the Social Security Trust Fund?"

The President just kind of paused and put on a real sincere look and said, "We are not raiding the Social Security Trust Fund. We are just borrowing it. We are going to pay it back again someday."

Well, all the seniors laughed because they do not believe it is going to be paid back. I am proud to say that this Congress, this Republican Congress is answering that question from those 400 seniors at the South Holland, Illinois town meeting.

We are saying, "You are right. We are going to stop that practice. This Republican Congress is going to wall off the Social Security Trust Fund and ensure that 100 percent of Social Security dollars go to Social Security." That is a big victory once we get that done this year.

That is why I am just so excited that, finally, after those of us, like the gentleman's predecessor, Mark Neumann, who really was a leader in this effort, and all of us that worked on the Social Security Preservation Act wall off the last few years, to save the Social Security Trust Fund, to wall off the Social Security Trust Fund, that the light is at the end of the tunnel.

By the time we finish this budget process, we want to stop raids in the Social Security Trust Fund. When the President proposes taking another \$250 billion out of the Social Security Trust Fund in the next few years, that tells us why our effort is so important this year, and we want to win this effort.

I really hope that our friends on the Democratic side will join with us to protect Social Security because this is an important fight. The President says 62 percent. We say 100 percent of Social Security dollars must go to Social Security.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield, I think it is important to look at why were they raiding the Trust Fund in these early years. I wanted to find out why could they possibly justify taking FICA taxes and spending it on other government programs when they were dedicated to Social Security in the first place.

What we found out is that we have been running these massive deficits on the general revenue side of the government, the general fund. To pay for this deficit spending, rather than Congress passing the balanced budget amendment, which we have passed out of this House in prior Congresses but the President will not sign into law, rather than balancing the budget and cutting spending when we have deficits, they raided the Social Security Trust Fund to pay to these other deficits on the other side of the government ledger book.

But now we are even running surpluses over there. So there is absolutely no conceivable justification for continuing to raid the Social Security Trust Fund, no justification whatsoever.

What we are simply saying is this, from now on, under this Congress and under the budget we are going to present, every dollar coming from Social Security will go to Social Security plus interest. Then when we start overpaying our taxes on the other side of the government ledger book through income taxes and other types of taxes, one should get one's money back.

We are going to accomplish three historic goals that have not been accomplished here in my lifetime, which is this: we are going to stop the raid on the Social Security Trust Fund. We are

going to pay that money back. We are going to give people their money back when they overpay their income taxes, and we are going to pay down our debt. We are going to start paying down massive payments of our publicly held national debt.

For the first time, because of the fiscal discipline of this Congress, we made the first down payment on our national debt last year to the tune of about \$60 billion.

But here is the question that is being posed to all of us, and here is the question and the alternatives that America is facing: Do we want to continue to go down the road where Congress still plays this shell game, where they continue to raid the Social Security Trust Fund, as the gentleman mentioned, the President continues to raid it by \$252 billion; or do we say enough is enough, stop the raid, put the money back that was taken out?

Then when Americans start overpaying their taxes for the next 15 years in income taxes and other areas, do we plow that money into new spending as the President has asked for for these 120 new programs he is proposing in this budget, or do we let people have their money back? That is the difference.

Mr. THUNE. Mr. Speaker, if the gentleman will yield, I want to commend the gentleman from Wisconsin (Mr. RYAN) for taking this issue on. The freshman class that joined us here as sophomores now, and the gentleman from Illinois (Mr. WELLER) as junior, I would like to think at least that we have had a lot to do with trying to get this thing switched around.

I want to elaborate on one point the gentleman makes. I think the American people should not miss this. Make no mistake about it, the President is going to continue spending out of the Social Security surplus. That is simple fact.

What we are saying tonight is in the budget that will be presented here, that that is going to be walled off. What I would like to do is elaborate on one point the gentleman made earlier about what he said in New York, because I think it ties in, it links to what is also being said by the administration and by the leadership, the Democrat leadership in the Congress.

That is that, once we have done that, once we have gotten a surplus, the Social Security is walled off, we have paid that back, and we are starting to generate a surplus in the other aspects of the budget, the question then becomes, are we going to have this debate about whether or not to spend it in Washington on new programs or give it back to the American people?

It is interesting what they say about that. Because what they have been saying in the quotes I have been reading, at least from the Democrat leadership that I have been reading, "We cannot afford to spend the surplus on tax cuts." Now think about what that means. I mean right there they are

making a basic assumption that it is Washington's money. They are essentially saying that we are going to spend your money giving it back to you.

See, I think that the mentality which we are trying to crack around here is that it is not Washington's money. It is not the government's money. It is the American people's money. That is a fundamental difference in the way that we approach these issues.

I hope that we get to the point where we actually have a surplus beyond Social Security so we can engage this debate and talk about whether or not we build new bureaucracies in Washington or we get the money back. It is not spending the surplus on tax cuts, it is giving the people back their money in the first place.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield to me, in going down the same direction the gentleman from South Dakota was, what our budget plan is going to include is, we are going to make sure that Social Security is walled off, 100 percent of Social Security goes to Social Security. We then use that money to pay off the Social Security debt and our publicly held debt. So we get our national debt going down, the debt held by the public.

All those bonds that are out there by individual Americans, we are going to start retiring those bonds. But in the non-Social Security side of the surplus, that is what we are trying to spend. These surpluses are growing very rapidly over the next 10 years.

Our budget is going to include a budget mechanism, a trigger mechanism which simply says, we are going to save us from ourselves, we are going to save Washington from itself by making sure that these non-Social Security surpluses, when they materialize, that that money can only be used for reducing our debt or reducing our tax burden, not for new spending. Because if we do look at the President's budget, he is dedicating all of those new surpluses for more spending. Our budget is going to protect against that.

Mr. FOSSELLA. Mr. Speaker, if the gentleman will yield, I think one of the benefits of tonight's discussion, and I really appreciate my colleagues bringing out all they are, because I think the American people deserve the truth, and what my colleagues are doing tonight is presenting them with the truth, is we are having a healthy conversation about tax cuts as well.

Now there may be differences of opinion, for example, within the Republican Party as to what tax cuts should be. I support Mr. WELLER's efforts to eliminate the marriage penalty tax. Mr. THUNE's constituents in South Dakota as well as mine would benefit from a reduction in the death tax. The constituents of the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Colorado (Mr. SCHAFFER) will benefit from a reduction in the capital

gains tax. I happen to believe that we need a reduction in marginal rates across the board.

The important thing to note is it is not just a simple choice between what we are discussing in terms of tax cuts for the American people, and none at all on the other side and what the White House is saying, we are talking about saving Social Security, strengthening Social Security, and tax cuts as opposed to more spending and higher taxes. That is what we are hearing from the other side.

I think the more the American people look at the details of what the Republican Congress is doing, what it has done up until now when given the ability to do so, despite the rhetoric, despite the fear, despite the sky is going to fall from the other side, ultimately, at the end of the day, the American people are going to place their trust in the people who are true to them.

I want to congratulate all my colleagues again.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield, I just want to bring up one more point, and that is the question that I get asked in a lot of my town hall meetings. What if these surpluses never materialize? What if the money does not come? We have to do everything to assure that it does materialize.

But by creating 120 new government programs in Washington, that can become and will become tomorrow's tax increases above and beyond the \$176 billion of tax increases in the President's current budget. That becomes tomorrow's debt increases.

One thing that is very important that we need to keep in mind as we look at these budgets is we need these surpluses to materialize so we can pay off these obligations, so we can get ready for the baby boom generation on Social Security, so the money is there in the Trust Fund to pay out benefits when the baby boomers begin to retire, when younger generations begin to retire.

The best thing that we can do to assure strong economic growth which gives us more jobs, produces more taxpayers paying more taxes, giving us the surpluses that they are projecting is to reduce the burden of taxation on the working families of Wisconsin, Colorado, New York, South Dakota, and Illinois.

The best thing that we can do, in addition to keeping our interest rates low by reducing our national debt, which we are doing, is to let people keep more of their own money time after time. Every time we have done that in this century, cut tax rates under Hoover, under Kennedy, under Reagan, we increased economic growth.

We actually increased revenues from those taxes which are going to help us keep the economy growing, produce more jobs in this country, keep these surpluses coming in, so we can pay off our debt, so we can fix Social Security. Because if these surpluses do not mate-

rialize, if we go into a recession, all bets are off, and we are stuck with these new government programs. So that is why it is so important to make sure that we pay these obligations down and let people keep more of their money.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, in the remaining 2 minutes that are left, I yield half of that to the gentleman from Illinois (Mr. WELLER) to wrap things up for us.

Mr. WELLER. Mr. Speaker, let me first salute my colleagues here for talking about an important subject tonight, and that is what are we going to do this year in the budget? How are we going to save Social Security? How are we going to lower the tax burden? How are we going to meet our financial obligations and pay off the debt?

The President says that extra money that is burning a hole in Washington's pocket, that \$2.6 trillion surplus, he wants to spend it on new government programs and raid Social Security to the tune of \$250 billion over the next 10 years.

We have a different approach. The Republican Congress says, look, we are going to stop something that has gone on in Washington for 30 years. We are going to stop the raid on the Social Security Trust Fund and end that practice that President Clinton wants to continue.

We are going to lower the tax burden by eliminating the marriage tax penalty. We are going to pay down the national debt. That is our goals.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I want to thank the Speaker for recognizing a representative sample of the Republican majority here in Congress during this special order.

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In Fort Collins, CO, a woman writes, "Although our family is not wealthy, it makes sense to me to give the extra money back to the people who paid it." That is the operative sentiment that drives us here in Congress.

We, as a Republican majority, ultimately believe that any surplus that this government manages to acquire is better reinvested back into the people who earn that money in the first place. That is a far more profitable prospect than what the Democrats prefer, which is to invest other people's cash into the government charity of the Democrats choice. We stand for something very different. We stand for all these constituents who believe that they should come first; that people should come before bureaucracy.

THE REPUBLICAN AGENDA

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I represent a pretty diverse district. I rep-

resent the south side of Chicago and the south suburbs in Cook and Will Counties, bedroom communities like the town of Morris, where I live, as well as a lot of corn fields and farm towns. Representing such a diverse district, city and suburbs and country, I have learned to listen, and to listen for the common concerns that the people ask their elected representatives to look out for.

One clear message that I have heard over the last 4 years that I have had the privilege of serving in this House of Representatives is that the folks back home want us to work together, they want us to get things done, and they want us to come up with real solutions, solutions that meet the challenges that we face. I am pretty proud that we have met that request.

When I was first elected in 1994, I was told it would be too difficult to balance the budget, and surely we could not cut taxes, let alone reform welfare or tame the IRS. I am proud to say in the last 4 years we did just that. By working together, by staying focused, by keeping our eye on the ball and working hard, we balanced the budget for the first time in 28 years, we cut taxes for the middle class for the first time in 16 years, we reformed welfare for the first time in a generation, and we tamed the tax collector, reforming the IRS. That is pretty good. Those are real accomplishments, major changes in how Washington works.

When I am back home in Illinois folks say, that is pretty good, but what is the Congress going to do next; what is the challenge? When I listen to the concerns back home, I hear several things. The folks back home in Illinois tell me they want low taxes and good schools and they want a secure retirement, and that is the Republican agenda this year.

We want to ensure that our local public schools and private schools are strong, and that our public schools are run by locally elected school boards and local teachers and local parents and local school administrators, and that dollars we provide actually reach the classroom to help kids learn.

We also want to save Social Security by walling off the Social Security Trust Fund and ensuring that 100 percent of Social Security dollars go for Social Security. And we want to lower taxes.

Now, that also means we have some big challenges ahead of us. How are we going to accomplish that? There is a big challenge and an opportunity, and my colleagues and I have participated just in the last hour talking about some of those challenges, but the biggest opportunity and challenge is what are we going to do with the so-called surplus, \$2.8 trillion in extra tax revenue, most of which is Social Security?

Well, the President says we should take 62 percent of it for Social Security and spend the rest. Republicans say we want to do it differently; we want to ensure that 100 percent of Social Security dollars go for Social Security, and

what is left over, the incomes tax revenue surplus, we want to use to lower the tax burden on working families and pay down the national debt. That is a big challenge.

Our goal this year is to do something that has not been done for a generation. We are going to stop a practice that began with President Johnson, back in the 1960s, when he was looking for a way to finance the Vietnam War and to finance the great society programs and grow government. President Johnson and the Congress in the late 1960's began the practice of raiding the Social Security Trust Fund. Our number one goal this year, as we work to save Social Security is to put a stop to that, to stop the raids on Social Security.

Let me point out something here. This coming year there will be about \$137 billion in surplus Social Security revenues. Republicans say let us give 100 percent of that to Social Security. The President, because he only wants to take 62 percent of the surplus, wants to spend a big portion of the Social Security Trust Fund. In fact, he wants to spend about \$52 billion of the Social Security Trust Fund revenues this coming year. Over 5 years that is \$250 billion raided from the Social Security Trust Fund. We want to put a stop to that.

While we put a stop to the raid on the Social Security Trust Fund, we also want to pay down the national debt. And with money that is left over, after we protect the Social Security Trust Fund dollars, when it comes to those income tax revenues, the extra tax revenue that comes from the income tax, the real surplus beyond Social Security, we want to use that to give back to the people who sent it here.

Some ask, well, how will we lower the tax burden? Taxes are at their highest level in history. Twenty-one percent of our gross domestic product today goes to the Federal Government. The average Illinois family sends 40 percent of their income to local, State, and Federal Government. Clearly, that tax burden is too high. Well, I suggest, as we look for ways of lowering the tax burden on working middle class families, that we work to simplify the Tax Code; to address the fairness issues in the tax codes.

When I am back home, whether at a union hall or the VFW, clearly they identify the need to eliminate the marriage tax penalty, the need to eliminate the death tax and to eliminate the earnings limit. We can save Social Security. Let us wall off the Social Security Trust Fund and bring fairness to the Tax Code.

COUNTRY FACES EDUCATION EMERGENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, several of the previous speakers have mentioned education, and today's agenda in the Congress focused primarily on education.

We had before us the bill which is commonly known as the Ed-Flex bill, H.R. 800, and the rule for that bill allowed for only 5 hours of debate. We need some additional time to discuss it. Why, when the American people have stated that education is one of the highest priorities, do we have only 5 hours in the United States Congress to discuss an important education bill?

It must be important, if it is the first bill that the majority has seen fit to bring to the floor. It is important to them. It is an important proposal that they are making. Some of us contend that what they are doing should not be done in this fashion; that we should have this particular proposal about flexibility considered at the time of the reauthorization of the Elementary and Secondary Education Assistance Act.

We reauthorize the Elementary and Secondary Education Assistance Act every 5 years, and it is up for reauthorization this year. So if we are doing that, why not consider these very important components of that bill all at once?

They are taking a part of the bill, a part of the funds that go into that bill related to Title I, and proposing that a greater portion of it be used in an experiment which grants greater flexibility to the States and localities as to how they spend the money. They are rushing to do that. Already it is suspect, that kind of action. Why are we being stampeded into a consideration of one particular aspect of the Elementary and Secondary Education Assistance Act? What is the hurry?

Why, if we are going to treat education as an emergency, why not bring the entire Elementary and Secondary Education Assistance Act to the floor earlier this year instead of waiting until later? Why not bring it all together instead of Balkanizing it, fragmenting it, as the Republican majority expects to do? The education emergency faced in this country deserves a serious response from Congress. The emergency is real, and we should go forward in a very serious way to deal with that emergency.

One of the things we should do is to listen to what my Republican colleagues were saying a few minutes ago; that the money that is in the Federal Treasury does not belong to the Federal Government. It does not belong to the Congress, it does not belong to the White House, it belongs to the people. It is the taxpayers' money.

All taxes are local. Tip O'Neill used to say all politics are local. Well, all taxes are local. They come from the pockets of all taxpayers. The biggest tax, of course, is the income tax. It is not only local, it is right into the family, right into the individual's pocket. It is taxpayers' money. If it is taxpayers' money, why can we not match

the money up with the priorities the public has set?

In poll after poll we keep hearing that, after Social Security, education is the number one priority. There was a time when education was just one of the top five. There were other things that people wanted done. Crime was a big concern, and it competed with education as one of those top priorities. But it is clear now in all the polls that education is the number one priority, after taking care of Social Security.

If education is the number one priority, then the proposals that the President has made in his budget that he submitted to Congress ought to reflect that priority. The proposals that the Republican majority is making ought to reflect the concern of the public.

We all look at the same kinds of polls. We had a Democratic retreat, we went away and we spent days, and a large part of the time was examining polls, public opinion polls and studies of the voters' attitudes. I am certain that in the Republican Caucus retreat they did the same thing. There is going to be a bipartisan retreat next week. They will probably spend some time with some polls also. The polls repeatedly say the same thing. Pollsters are very good. They take a very scientific approach to things and they do a basically good job. They all come up with the same answers; that, clearly, education is the number one priority of the American people, the American voters.

Why do we not respond? I do not think a single poll has shown that one of the top priorities for consideration by the American voters is defense. The American voters may be concerned about defense, as they should be, but it is not one of their top priorities. It is nowhere near education as a priority. There are a lot of other things that take priority over defense.

The common sense of the American people is amazing. While we stumble around and make problems and create needs to expend greater amounts of money on defense here in Washington, they clearly see that we have other priorities that ought to be taken care of. They see that there is no more Cold War. There is no more nuclear threat from another superpower. They clearly see that we have the most modernized armed forces anywhere in the world. They clearly see we are big enough to handle most real threats to our national security.

So they have the common sense, the people's wisdom to say, look, education is what we are concerned about. They may even be far ahead of the military strategists, because they recognize what military strategists know when questioned closely; that more than a need for weapon systems, more than a need for additional military hardware, we have a need for manpower capable of operating the modern weapon systems that we have now.

We have systems that are very complicated. We have systems that require

people, men and women, who have some training, some knowledge of how to deal with this digitalized cyber world that we are living in. I have cited several times the fact that the Navy floated a super aircraft carrier recently, state of the art in aircraft carriers, state-of-the-art in every respect, and for that reason they had a shortage of personnel. They were 300 personnel short of the necessary number of people needed to man that aircraft carrier.

□ 2045

Why were they short? Are there not plenty of young people who want to go to sea? Are there not plenty of young people in America, men and women, who would like to be in the Navy? Yes, there are. But they want people with a certain kind of training and aptitude, people who have been developed to the point where they can learn how to operate very sophisticated weapons systems, very sophisticated energy systems.

That aircraft carrier is probably loaded with systems that many of us would consider systems of the future, kinds of things that we do not see every day. They need young people who are already trained to the point where they can easily pick up and be trained specifically for the duties required in that piece of sophisticated floating city with a lot of sophisticated operational systems that deserve the very best.

In general, our military is complaining about a lack of manpower, that they are short of people. Well, they are short of people because they are not willing to take anybody off the street. They need young people who have some kind of training, some kind of prerequisite preparations that allow them to see that they can train these people to run the systems that we have.

So wherever you look, in the military, the answer is in education, a greater need to train young people so that they can deal with the systems that are necessary to make us secure. Education should be the number-one concern of people who care about our defense. And, of course, our economy, it is obvious that our economy has moved into a high tech economy and that we are almost standing alone in this global economy with sophistication in terms of the operation of a cyberworld for business and it is likely to increase, that we are going to have to carry that load. The Japanese, the second or third largest economy in the world, is way behind this country now in terms of digitalized systems in the business world, and there is probably no other country or area that is going to catch up with us. In Europe they are still far behind in terms of the kind of computerized and digitalized systems that are going to carry us forward into the future. We are going to be the leaders in the world for a long time if we are able to man it. The science is there, the technology is there, but where is the manpower? Where are the person-

nel? How much longer are we going to have to rely on India and other countries to bring over or send over here the information technology workers? How much can they fill for us? How much longer are we going to ship contracts over to places like Bangalore, India and have the income absorbed by people there that ought to be going into our wage structure here so that the workers who get those jobs in information technology can pay into the Social Security fund.

We are going in a circle. Even Social Security would be greatly benefited if we were to focus more on investing in education. The primary problem with Social Security is that we see that the wage earners paying into Social Security in the future is going to decline in proportion to the number of people who are retired and need to be paid out of the Social Security fund. A very simple problem. Very complicated answers are being offered. One of the answers is that we must keep a wage-earning population out there that pays as much as possible. It may not be the only answer. Some other source of funding is going to have to be found, probably, I think, a Social Security tax on unearned income would be one of those ways that we should seek more revenue to put into the Social Security fund. But I am not going to talk about that in detail here. The number-one source of revenue for the Social Security fund for a long time will be the wage earner. We need more wage earners earning the wages in the high tech areas. We do not need foreigners absorbing that portion of our economy. We do not need overseas contractors absorbing great amounts of money that ought to be going into the economy to pay the wage earners who pay into Social Security.

So education becomes the number-one issue even if you look at it from the point of view of the military or the economy. It just again shows the tremendous wisdom of the American people. Tremendous wisdom. They understand what it is hard for us to understand or respond to here in Congress.

What kind of response have we gotten? We have the Ed-Flex bill that is on the floor now. We dealt with two amendments today, we are going to move forward and finish the final hour of discussion tomorrow. I think at least 3, 3½, most of those hours are gone. The question everybody who is listening out there ought to put to their Congressperson is why do we only have 5 hours to discuss the first education bill on the floor? I mean, why only 5 hours? This bill is not just a simple adjustment to the existing Elementary and Secondary Education Assistance Act. It is not a simple adjustment. It is not a little amendment that is going to make things move faster. We are taking an experiment which involved 12 States, and most of those States failed in that experiment according to the General Accounting Office. They did not do very well. Yet we

are going to go and broaden the experiment and cover all 50 States. In the process what we are doing, and the reason the Republican majority has put it on the floor and is pushing us into a stampede mode is they want to set a precedent. They want to open the door for the block grant process. They want block grants to be the way of the 106th Congress. What we are going to see is more and more talk of block granting, giving the money in one block, just take the money and give it to the States. Take the money and give it to the governors. Dollars to the governors. They talk about dollars to the classrooms. It is dollars to the governors. The governors never get enough. They want more and more.

The governors have welfare reform money falling out of all their pockets. They have a great welfare reform windfall that they are supposed to spend on job training, day care and other areas related to dealing with the welfare reform situation. The recent surveys have shown that most of the States are not using the money properly. The governors are just using that money to take care of needs that they consider their own special needs or pet needs. They are not following the general mandate of law. They are not going to do it. Why are they not going to do it? I am not sure I know why they are not going to do it, but here is the history of education funding.

The States and the localities have always had the premier responsibility for education. They still do. Most of the funding for education comes from the States and the localities right now. Less than 10 percent of the funds for education, elementary and secondary education, is provided by the Federal Government. I am being generous. It is more like 7 or 8 percent. Only 7 or 8 percent is provided by the Federal Government. If we are only providing 7 or 8 percent, then we only have 7 or 8 percent of the control and the influence. The other money is being provided by the States, and they have always provided it, and the localities. The States and localities presently have responsibility for education. They have always had responsibility for education.

We heard speeches today which were fantastic on the floor blaming the Federal Government for the state of education in America. Education is in a poor state, they say, because the Federal Government has saddled the States and localities with bureaucratic mandates, paperwork, they have interfered with innovation, et cetera, et cetera. Well, what is happening with the 93 percent of the funds that are strictly State and local funds? They have total flexibility, total flexibility. They have had flexibility since the dawning of this Nation. The Constitution has never seized responsibility for education. It has always been a State matter. The States have that responsibility.

Why did the Federal Government get involved in the first place? The States

were not doing a good job. The States were not placing us in a position to be able to mount the kind of technological drive and scientific drive to keep up with the Soviet Union, which is a backward country in many ways but scientifically they put the first sputnik into space and they showed that when they concentrate on a particular area, they could go forward and leave us in the lurch, leave us behind. For a long time our policies were driven by the fact that we wanted to help improve education in order to create the kinds of minds and the kinds of body of expertise in this Nation that would allow us to do the job. We did that. Large amounts of Federal aid went into the defense, the National Defense Education Act, and later on Lyndon Johnson proposed the Elementary and Secondary Education Assistance Act and other Federal aid to education, because the States were not able to do the job, partially because the complexity of the world had run off and left the States. That is only a small part of the problem. The larger part of the problem is that the States have never shown great vision in terms of investing in their populations. Before World War II they were not doing anything to help the total population just stay alive and healthy. When World War II came along, we had a lot of recruits that were unhealthy, a great majority of the recruits and the people who were drafted were just unfit to fight and they had to be put in condition with special procedures in order to just be able to carry a rifle. The States had neglected their populations to that point in basic matters like health care and providing decent, nutritious food to eat. The Federal Government understood that lesson and began to deal with health care and nutrition programs.

We have an act which provided for school lunches, recognizing that the first thing the Government can do for our young people is to make sure that the poorest youngsters get a decent meal at least once a day at school. They also discovered at the time of sputnik that a nation like Russia, the Soviet Union, had left us behind. Japan in terms of industrial development, technological achievements there, had left us behind. So it has been clear that whatever the States have been doing for the last 300 years with respect to education is not enough just to keep up.

But also the States do not show any great compassion and humanity for their total populations. Large portions of State populations, the people without power, have always been left behind. The poor whites; certainly in the South the African Americans; in the Far West and the West the Hispanics. Anybody who belongs in a group that does not have power, left out of power, they have been consistently neglected and abandoned by the States. That has been true historically and it is still true now. The Federal Government's

role was to step in and try to compensate for the fact that the States were not doing what they should be doing.

Now we have a situation where the Federal Government has stepped in, its role is still minor, it is not a major player, it is a minor partnership where they are only providing 7 to 8 percent of the funds, leaving the States to take care of the other 93 percent, and they are being accused, the Federal Government is being accused of ruining the public education system in America.

We have a body of 435 people who are among the most talented people in America. You do not get here without being talented in one way or another. Most of the Members of Congress have a great deal of vision. Maybe the vision does not see exactly what I see, the liberals see one way and the conservatives see another, but they have vision and they have a great deal of education. They know how to use data. It is a highly qualified body here, the United States House of Representatives, and the Senate also. We have highly qualified leaders capable of doing great things. But we have allowed ourselves to be driven into a corner where we are discussing really relative trivialities on education. Our first great debate is focused on a charge that the Federal Government must give more flexibility to the States for the small amounts of money that the Federal Government is supplying. They must supply more flexibility for the States in order for us to improve education in America. That is a hypothesis that has no support in fact. It has no support in fact. Again the American people show they have more common sense than this talented body that we have here in the House of Representatives, more common sense.

Common sense will tell you, if you have 93 percent of the control, you are at fault if it goes wrong. Whatever is happening with education in America that is wrong, the States and localities must accept the blame for. What the Federal Government has said is that we want to be partners. We would like to supply some small amount of money, we would like to supply some advice from a national perspective, from an international perspective.

□ 2100

We are the only industrialized Nation that leaves the greater proportion of the decision-making about education up to regions or States or localities. Most other nations have national policies and national education administrations that have much more influence than we have. We defer to the States. The Constitution does not give the Federal Government the responsibility for education, and therefore it defers to the States and has done that traditionally.

So while we in 1999, in the 106th Congress, which has wasted a lot of times with matters that really were not that important, but finally we have gotten moving, why are we debating a bill

which is based on the assumption that the problem in America in education is that the States need more flexibility? The Federal Government is preventing the States from doing a good job. That is totally erroneous. The Federal Government is not the problem. The Federal Government is begging to be a partner, the Federal Government is taking certain initiatives to try to move the States beyond their inflexibility. States are inflexible in their incompetence, some States are inflexible in their corruption, inflexible in their cronyism.

Mr. Speaker, as my colleagues know, State government is not a model of government in America. They operate in areas where there are more shadows than there are in respect to the Federal Government. I say that at every level of State government. I was of government. I served at every level. I was a commissioner in New York City of an agency, I was a State senator in New York State, and now I serve here in the Congress. I have served at every level of government, and I think that the level of government which needs the most light shined upon it, the most exposure, who should be held up mostly and examined and critiqued is State government. State government is the in-between. They do not have a constituency like you have, of the kind you have in city government where the constituency is real, they are living, they are breathing, and they are right there, and they are pushing for real responses from their government. They do not have the kind of problem that the Federal Government has where the whole Nation is looking at what we do here, and the spotlight is on us, and we are dealing with matters at a high policy level that are complicated and deserve a long and intense discussion and will be picked up on by the media, will pick up on what we are doing, and there are a number of reasons why we cannot operate in shadows here.

But State government operates in shadows in State governments and bureaucracies. They do not have the pressure of a constituency, so state government is the least efficient form of government, least efficient area in government, and it should not be glorified. I have said that many times. We should not be here wasting our time debating a bill which is focused primarily on removing Federal involvement, removing Federal wisdom, in my opinion. What the Federal Government is doing is far superior to anything that most States have offered. They do not want to be told you got to do systematic planning. They do not want to be told you got to have real goals. You cannot drop the burden of education totally on the backs of the students and say we are going to test them and kick them out of schools if they do not do well. When they close down schools they do not do well. What are you doing as a government to provide opportunities to learn? They do not like that concept. Governors hate the concept, the opportunity to learn, because it is all related

to the whole approach of necessary accountability.

Everybody else is held accountable. Why cannot Governors and local school boards be held accountable? They do not want to deal with that. They want the flexibility not to be accountable. They want the flexibility of never being held responsible for systematic planning, never to be questioned in their arbitrary decisions about sex in personnel, never to be questioned about the fact that they are always making new laws to put more burdens on the backs of students, but they do not guarantee that students are going to have a safe place to study, they do not guarantee the students are going to be able to have decent laboratories and equipment for science, they do not guarantee the students have enough books. They will not do the things that are necessary for education, and they do not want the Federal Government to say, well, we think you ought to show us how you are going to do that before we give you more money on top of the money you already have.

It is all right to give the money back to the States and localities. I began with the assumption it is our money, give it back to us. Give it back to us for school construction. Give it back to us for whatever needs are identified by the people. The people have identified education as a major need. Do not take our money and spend it on defense or spend it excessively somewhere else and neglect the requests we have made that you provide more federal assistance to education.

Let me just conclude about today's Ed-Flex bill today's Ed-Flex bill, H.R. 800. As my colleagues know, there are many of my colleagues who have amendments to offer which are very useful amendments. We had an amendment offered by the gentleman from California (Mr. MILLER) today which was very useful and would have made it possible for many more Members to vote for the Ed-Flex bill if it had passed because it called for accountability. It says if we are going to give the Governors, the States and localities more flexibility as to how they spend a portion of the Title I funds; that is what this is all about; if you are going to do that, then let us have an agreement that they are going to be held accountable in certain specific ways. They refuse to accept that.

We are discussing that there are other amendments that my colleagues on the Committee on Education and the Workforce: the gentleman from New Jersey (Mr. PAYNE), the gentleman from Hawaii (Mrs. MINK), the gentleman from Virginia (Mr. SCOTT) have to offer in order to improve the bill. Most of them are going to be rejected, and many of them are never going to be considered because all we have is 5 hours to discuss this bill. Now you say why do you only have five hours? We have a system of rules here that determine how every bill will be processed on the floor, and the Committee on Rules at the request obviously of the leadership and the people

on the majority party, members on the Committee on Education and the Workforce, they decided to limit the debate to 5 hours. It is as simple as that. So, if people want to change things right away, why not you call your Member of Congress and ask why we are debating this important bill for only 5 hours.

But let me make my final comment by reading from the New York Times editorial page today, March 10, 1999. The New York Times had an excellent editorial, and it says many of the things that the Democratic members of the Committee on Education and the Workforce education said at the time the bill was up for consideration in our committee, and I will read the entire editorial and submit it also for the RECORD so that it will be clearly known that all the parts are here and there will be no mistakes. It is entitled "A Threat To Impoverished Schools". This is a New York Times editorial page of March 10, 1999, and I quote:

The achievement gap between affluent and disadvantaged children is a challenge to American education and a threat to national prosperity. Unfortunately, a bipartisan bill that is scheduled for debate and a vote today in Congress could widen that gap by allowing States to use Federal dollars targeted at the poorest students for other educational purposes. The so-called Ed-Flex proposal could damage the poorest districts which have traditionally been underfinanced by the States and cities even though they bear the burden of teaching the least prepared students.

Let me reread the last sentence from the New York Times editorial. The so-called Ed-Flex proposal could damage the poorest districts which have traditionally been underfinanced by the States and cities even though they bear the burden of teaching the least prepared students.

To continue reading the second paragraph of the editorial:

Title I of the Elementary and Secondary Education Act was the Federal government's way of assuring impoverished children a chance at the supplemental services they need to succeed. Title I money, about \$8 billion a year, pays for special courses like remedial reading and math as well as services like counseling. Over all Federal dollars make up only about 8 percent of the public school budgets, but in the poorest schools in the deep rural south Title I can account for more than a third of school spending. The Ed-Flex proposal would allow States to apply for waivers to do what they wish in education with the poverty money on the premise that the States might use it more wisely than federal law allows. The proponents of this process point to ongoing Ed-Flex experiments conducted under the Clinton administration in 12 States. But a report from the General Accounting Office suggests that the experiments have been sloppily handled and should not be duplicated without careful guidelines and performance criteria. The GAO found that of the 12 experimental States only Texas had established clearly-defined goals for employing the waivers and laid out criteria for evaluating the experiment. The Ed-Flex expansion being debated in Congress would extend waivers even to States that have no intention of innovation and no means in place of evaluating what they do.

Let me repeat what the New York Times editorial of today, March 10 says.

The Ed-Flex expansion being debated in Congress would extend waivers even to States that have no intention of innovation and no means in place of evaluating what they do.

Congressman GEORGE MILLER, and I am continuing to read from the New York Times editorial,

Congressman George Miller, Democrat of California, and Dale Kildee, Democrat of Michigan, have proposed an amendment to the plan that would allow waivers only if the States employ serious assessment plans and commit themselves to closing the achievement gaps between disadvantaged students and their peers. The wise thing to do would be to put Ed-Flex aside until later in the session when Congress reauthorizes the entire Elementary and Secondary Education Act.

Let me reread the last sentence.

The wise thing to do would be to put Ed-Flex aside until later in the session when Congress reauthorizes the entire Elementary and Secondary Education Act.

But if Congress insists on moving forward now, to do so without the Miller-Kildee amendment would be socially irresponsible. The Miller-Kildee amendment was defeated on the floor of the House today as a last act of Congress.

Mr. Speaker, I will enter this editorial in its entirety into the RECORD:

[From the New York Times, March 10, 1999]

A THREAT TO IMPOVERISHED SCHOOLS

The achievement gap between affluent and disadvantaged children is a challenge to American education and a threat to national prosperity. Unfortunately, a bipartisan bill that is scheduled for debate and a vote today in Congress could widen that gap by allowing states to use Federal dollars targeted at the poorest students for other educational purposes. The so-called Ed-Flex proposal could damage the poorest districts, which have traditionally been underfinanced by the states and cities even though they bear the burden of teaching the least prepared students.

Title I of the Elementary and Secondary Education Act was the Federal Government's way of assuring impoverished children a chance at the supplemental services they need to succeed. Title I money, about \$8 billion a year, pays for special courses like remedial reading and math as well as services like counseling. Over all, Federal dollars make up only about 8 percent of the public school budgets. But in the poorest schools in the deep, rural South, Title I can account for more than a third of school spending.

The Ed-Flex proposal would allow states to apply for waivers to do what they wish in education with the poverty money, on the premise that the states might use it more wisely than Federal law allows. The proponents of this process point to ongoing Ed-Flex experiments conducted under the Clinton Administration in 12 states. But a report from the General Accounting Office suggests that the experiments have been sloppily handled and should not be duplicated without careful guidelines and performance criteria. The G.A.O. found that of the 12 experimental states, only Texas had established clearly defined goals for employing the waivers and laid out criteria for evaluating the experiment. The Ed-Flex expansion being debated in Congress would extend waivers even to states that have no intention of innovation and no means in place of evaluating what they do.

Congressman George Miller, Democrat of California, and Dale Kildee, Democrat of Michigan, have proposed an amendment to the plan that would allow waivers only if the states employ serious assessment plans and commit themselves to closing the achievement gaps between disadvantaged students and their peers. The wise thing to do would be to put Ed-Flex aside until later in the session, when Congress re-authorizes the entire Elementary and Secondary Education Act. But if Congress insists on moving forward now, to do so without the Miller-Kildee amendment would be socially irresponsible.

Mr. Speaker, I contend that the only reason we are considering the Ed-Flex bill at this time is because it is a Trojan horse designed to open the way for a block grant process. What they really want to do is to block grant the entire Title I program. They want to give it all to the States. This is an experiment; they put it on the floor early. If they set a precedent by passing this, it greases the wheels, and it makes it more likely that we are going to be able to get a block grant where you just pick up the education money and hand it to the States.

Well, Congressman OWENS, why should you object to that if you think that all money comes from the States and localities and it ought to be back to the States and localities?

I object to it because this money ought to go back to the States and localities. It ought to go back with some instructions, some wisdom from the Federal Government, some wisdom gleaned from national experience, some wisdom based on the understanding of where we exist in the global economy, some wisdom based on the fact that our military needs are highly sophisticated, population in order to operate. All of these considerations which States do not seem to care about, the Federal Government must be concerned with.

Give the money back, but why not give it back in ways that are going to promote some new approaches? The States have mostly failed up to now in meeting the needs of education, of students in this 20th century. As we go into the 21st century, let us at least end the arrogance of the States or the arrogance of the Republican majority here in Congress. Let us do away with the ideological addiction which says that States must have the money back and can do far more than the Federal Government.

□ 2115

Why not have a partnership? All the Federal Government is asking is this small amount of money that is being given back to the States should do a few things differently, be more flexible, be more flexible in the approach to education; do not do it the way it has been done for 300 years, and failing.

Let us do it a little differently. Why cannot we have that kind of approach for the benefit of the entire Nation? The States refuse to accept this and the goal is to remove the participation of the Federal Government totally from education.

We are back to 1995. We are back to the Newt Gingrich Congress, the majority, Republican majority, which came into this Congress in 1995. They barnstormed in and said they wanted to eliminate the Department of Education. They barnstormed in and said they wanted to cut education by at least \$4 billion. We are back to the process of removing the Federal Government from the process of education reform in America. That is the goal.

I do not know what the motivation is really, because we are not allowed to impugn the integrity of the individuals. I do not care to waste my time describing fully why the party is acting this way. I suspect, however, that if we remove the Federal Government's role in education, it appears to the Republican majority that we have removed another piece of competition in the budget, a valid competitor in the budget, for funds and they can pour more funds into tax cuts and into lucrative defense projects that do not pay off for the American people.

I suspect that the drive to get the Federal Government out of the business of education is based on the assumption that one can make the budget safer for Republican priorities. Why are not Republican priorities the same as the priorities of the American people? Why do not they care about education? I do not know.

They pretend to care about education. When election time rolls around, they bow to the facts that the public opinion polls show us. In 1996, after 2 years of threatening to eliminate the Department of Education, of cutting back on school lunch programs, of threatening to cut the education budget by \$4 billion as we approached the 1996 elections in October, at the very last minute the Republican majority went into the Committee on Appropriations process and increased the education budget by \$4 billion in response to the overwhelming expression of need that came from the public.

So they are willing to pretend to care about education. When the chips are down and the election is approaching, they pretend to be champions of education, but they really would like to get the Federal Government out of the business of education for their own purposes.

Now we are engaged in a process of wrangling in these discussions about minor matters. The really big issue that ought to be on the table here in this Congress is what will the 106th Congress do about the two primary problems facing our public schools? The Federal Government alone has the resources to deal with the number one problem faced by the schools, and that is school modernization, construction; school acquisition of the technology needed to prepare the students of the day for the cyber civilization that is coming tomorrow.

That is what we need. We need a Federal Government assistance program which can do what most States and lo-

calities cannot do fast enough. Yes, there are funds that are available to States and localities which they could use in greater proportion to provide funds for school construction and modernization. They could do it, but they are not doing it.

Certainly New York City and New York State, New York City had a surplus last year of \$2 billion. They did not spend a penny on school construction or modernization, even though they have more than 250 schools that have coal burning furnaces. Of the 1,200 schools in New York City, at least 250 still have furnaces that burn coal, polluting the air, immediately threatening the health of children in that vicinity.

We have a great asthma drive on. City Hall is pushing to do something about asthma in dramatic ways but they do not talk about their failure to provide funds for the conversion of the coal burning furnaces. So they could do more.

Every State, most States, could do more. Many have surpluses. Even if they were to put a great proportion of the available funds at the State and local level, they would have to take a long time to catch up with the needs that have accumulated over the years because of the deferring of maintenance and deferring of capital projects.

The General Accounting Office said in 1995 that we needed \$110 billion to stay even, to provide adequate schools for the enrollment that existed at that time. Now we have galloped on and there are some estimates that the need is way up at the level of \$170 billion to stay even and keep up with the enrollment, to modernize so that we can actually wire schools for the Internet; \$170 billion is needed.

We have on the table only the proposals that have been offered by the President with respect to school construction. We should not be debating ed-flex and how to take a portion of the existing title I funds and give them to the governors. We should be debating how we are going to meet the need for space out there in our school districts.

Some districts just need plain space that is clean, that is well lighted, that is safe. Other districts need improvements in existing buildings so that they can wire to be able to bring in technology that is needed to teach students and prepare them for the jobs of tomorrow.

Some districts have a critical need of funds to eliminate health hazards. If the health department of New York City were to be objective and to treat the school system the way it treats private business, they would close down some schools because of the health hazards they pose. We have problems, first, of pollution by coal burning furnaces, asbestos problems, lead poisoning in the pipes, lead poisoning in the paint, and we have schools that have roofs that leak. No matter how much you fix them, the damage keeps occurring. Walls are collapsing.

We have all kinds of health problems that ought to be addressed first. So we need not what the President has proposed. We need far more. The President has proposed \$25 billion that would be bonds floated by State and local governments. The Federal Government would pay the interest on those bonds. We are offering to pay the interest on \$25 billion in bonds, bonding authority. The interest would amount to about \$3.7 billion over a 5-year period. That means that the Federal Government is offering to cope with the construction problem that we have, the need for new schools and modernization of schools. We are offering \$3.7 billion over a 5-year period.

The public has said we want the Federal Government to provide more assistance in education to meet the needs of education. The response of the Federal Government in the area construction is \$3.7 billion. The need is for \$110 billion. The response is \$3.7 billion over a 5-year period.

Now, there is something wrong with our democracy if the people, through the polls, keep telling us that we need more Federal assistance and all we get is the \$3.7 billion response in the area of construction and modernization.

It is said that is just in the area of construction and modernization. What about in the other areas? We are going to increase the after-school centers to the tune of \$400 million. We are going to go from \$200 million to \$600 million. That will allow us to take care of the after-school center needs, tutoring, counseling, et cetera, for about 1.1 or 1.2 million young people.

We have a policy of no more social promotions that we are proposing, and one of the answers we say to the social promotion is that instead of social promotion, give kids more help through the after-school centers. Do not promote them unless they are ready with the after-school centers. The summer schools will allow them to catch up, but the \$600 million to serve the 1.2 million children is all we are offering in that endeavor.

There are 53 million children in the public schools of the Nation right now, 53 million children. If only one quarter of those need help, then one can see how far we are from meeting the needs of that one quarter of 53 million if we are only going to take care of the needs of 1.2 million.

If one adds up all of the increases in education that are being proposed and say that we will be successful, the majority party in the Congress will cooperate, we would get less than \$10 million in increases for education, less than \$10 million. If we add them all up from the President's budget, then the President is proposing far more than anybody else. So we certainly endorse what the President proposes, but we argue that it is not enough.

We must have a response from the President and from the Congress, which is closer to the need that has been expressed, the priority that has

been set, by the public. We have not heard from the public in terms of defense. Nobody has asked for \$100 billion over a 6-year period or 5-year period for defense and yet we are proposing to spend \$110 billion for defense while we are proposing to spend for school construction only \$3.7 billion.

Now tell me what sense that makes. The common sense of the American people has to be brought to bear on this process in order to make the Members of Congress, as well as the President, understand that something is radically wrong. Why not spend \$100 billion on construction? When that kind of proposal is made, over a 5-year period, I propose that we spend \$100 billion on school construction, \$20 billion a year over a 5-year period, we would still not meet the need that the General Accounting Office identified in 1995 but we would be realistic about it. We would be responding to what the American people have said is a priority in a far more responsible way.

The immediate answer we get is that the Federal government cannot spend that kind of money for school construction. We have never done that before. Well, there are many areas where we have never been before. Before Sputnik, we were not in education at all. Before we saw ourselves falling below other industrialized nations, we did not have assistance to education. We recognize that as we go into the 21st Century, the complexities of a high tech economy and a global economy dictate that we need a more educated population so we are going to do things differently.

Why not spent what is necessary, starting with school construction? School construction is the clearest need. School construction is the need that ought to be the least controversial because school construction does not involve tampering with the curriculum. It does not involve telling local school boards what to do. It does not involve a lot of paperwork. One builds a school and they leave it, and local education authorities will run the school.

We could do a great service in an area where only the resources exist at the Federal level to do the job that is needed; \$100 billion over a 5-year period. Where is the money going to come from? Well, we could close some loopholes, of course, in the corporate welfare structure. We could raise taxes on unearned income. We could do a number of things.

The simplest thing to do is to take it from the surplus. The surplus, according to the President, and nobody is disputing his priorities here, 62 percent of the surplus should go for Social Security, 62 percent. Fifteen percent he wants for Medicare. We don't argue with that. The next 20 percent, let us have it go for school construction. That is where the money is, the next 20 percent go for school construction. Twenty percent of the surplus each year, or \$20 billion, whichever is the

smaller amount, let that be the way we deal with the American people's stated priority that education assistance from the government is a great need.

□ 2130

We are going into a cyber civilization. We need an education system which will prepare students for that cyber civilization. We have nothing near that at this point. We are falling further behind as we go along at this point. We have real needs for health and safety. The first priority is to go to those schools that have health and safety problems.

I think that maybe a fair way to do this is to have a per capita distribution of the money for school construction. That is, all districts would get money based on the number of students they have, per capita. Those that do not need to build new schools would modernize their schools for wiring. Those that are modernized and ready for wiring could use the money to buy equipment for technology. The way to deal with it in terms of the money going back to meet needs may be to have a per capita formula.

However, the per capita formula ought to also have, the law should have a provision that in the distribution of the per capita formula, the first priority goes to those areas, not more money, but they get the money first, those areas which have health and safety needs that ought to be met. That is, the money in the first year would be dedicated first to meet the needs of schools that have coal-burning furnaces, lead poisoning, asbestos problems, roofs that are decaying and falling in. Anything that threatens the health and the safety of a child would be the first priority, and we could easily find that out and get that certified.

They would get the first funding, but in the end, when it is all over, they would get no more money, those areas would get no more money than other areas, according to their per capita needs. We would not distribute it the way the Title I formula is distributed, which is fairer in terms of Federal Government helping the poorest districts. We will not get into that. There is a claim that everybody needs help, so let us help everybody at whatever level. They could have the flexibility of spending it on school construction or on school modernization, or on the purchase of technology, they could have that flexibility. But let us understand that we need larger amounts of money. We need \$20 billion at a minimum over the next 5 years.

There is a title already in the Elementary and Secondary Assistance Act, I think it is Title XII, it is sometimes stated as Title XI. Title XI or XII, I forget which it is, but it is called the Education Infrastructure Act. It is already in the law. It is already in the law. Carol Moseley-Braun, the Senator from Illinois, and myself, we put it in the law in the last reauthorization of the Elementary and Secondary Assistance Act. It is in the law. The Senate

actually helped Carol Moseley-Braun appropriate \$100 million to get it started, but the Republican majority came in the following year and took out \$100 million, so it never been funded. But it is in the law. It is authorized. Only the Committee on Appropriations needs to act. We could leave it as it is and the Committee on Appropriations could act and begin to take care of the problem.

Mr. Speaker, I am not going to leave it as it is. I intend to amend the title in order to provide for a \$20 billion authorization, at a minimum. Mr. Speaker, \$20 billion will be less than we are proposing to spend for defense; it will be far less than we authorized last year for highways and transportation. Most of the Members of Congress voted for a bill which provided \$218 billion for highways and transportation; \$218 billion, because they felt it was needed. There was a general feeling out in the public that it was needed. The public had not said that transportation was a high priority. The public had not said that highways were a priority, but they had no objection.

When we voted on that kind of bill, \$218 billion of over I think a 6-year period, there were no objections by the editorial boards, there were no demonstrations, there were no letters; everybody accepted it, that this is a need. Always, we need highways and sidewalks and in New York we need help for our subway system and bus system, so that expenditure was accepted because it made sense, to expend \$100 billion over a 5-year period on school construction makes sense.

We have no problem with the general public and the voters out there who are asking us everyday to give education more help. The public must look with great disgust on debates like the one that took place today where the Members of Congress are wasting their time debating a bill which is designed to hand governors more dollars. The greed of the governors knows no end. All kinds of roadblocks are offered when we try to do realistic approaches to meeting the response of the public that they have placed upon us when they ask for more assistance for education.

We have some people who have repeatedly said, we do not want to build more schools because Davis-Bacon will drive up the cost of the schools, and in order to get Davis-Bacon, they do not want to build schools. They are going to punish the children, because two Republicans, one named Davis and one named Bacon, authorized a law some time ago which made a lot of sense that one could not bring contractors from outside an area and lower the standard of living of the people who were workers there by bringing in cheaper labor. If we had a government job involving the Federal Government and we brought in outside labor or used local labor, either way, you are going to have to pay the prevailing wage. The prevailing wage means no more than whatever brick layers, carpenters, whatever they are being paid in that

area, you pay it. It makes a lot of sense. Davis and Bacon, Republicans.

Now they are objecting to building more schools because they do not want Davis-Bacon to be utilized because it drives up the cost. We have study after study that shows that we can build schools at basically the same cost or a lower cost when we use the Davis-Bacon contractors.

So let me conclude by saying that I hope the public, the voters who have made it clear that they want education to be a priority will focus intensely on what is happening here in this Congress. It looks as if only the people can turn around the madness that is occurring here, the endless debates about trivialities, the endless debates about changes in the law, rerouting the money which will have minimal effect on the improvement of education, and may have a dangerous impact because it will take the money away from those who need it most.

Mr. Speaker, we need more money for construction, and we should get it as soon as possible.

HONEST SPENDING, HONEST BUDGETING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes.

Mr. COBURN. Mr. Speaker, I find it very interesting that the issue of education and the issue of Social Security, not wanting to spend Social Security money for anything other than Social Security, is described as trivial.

What we are going to talk about tonight is one of the most important aspects of the future of this country, and that is called honest budgeting, honest numbers, so that the American public actually knows what is going on in Washington. So what we hope to describe for you tonight are the issues surrounding the Social Security Trust Fund, the problems associated with it, how the real problem has been covered up by the Washington habit of spending more money when we do not have it.

I have with me tonight, and I would like to recognize, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Minnesota (Mr. GUTKNECHT), and the gentleman from Minnesota is going to spend a few minutes talking about where we have been, where we are today, and where we are going.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding.

I think it is important to note that for too long in Washington, the name of the game was how can we spend more of the public's money. In fact, the unwritten rule of Washington always was, no good deed goes unpunished. There was no real reward for trying to save money, because back in the 1960s, in order to cover the cost of the Vietnam War, they created a whole new system of counting here in Washing-

ton. What they did was they took in all of these 66 different trust funds we have, they put them all in the same category, and it made it look like the deficit was smaller than it was.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman from Oklahoma will yield, if we are talking about history, the one thing I appreciate is taking a reference point of 1995, which is when the two of you joined us here in Washington. As my colleagues may remember, I came in 1993, and if my colleagues think the picture was ugly in 1995, they should have been here in 1993, because in 1993 when we came and when I came here with 110 new freshmen and we had a new President, the mentality of Washington was, let us increase spending. Remember, that is when some of my colleagues were maybe motivated to run for Congress, because the message was the economy may be going into a downturn or whatever, when actually the economy was recovering because of what President Bush had done early in the 1990s. But it was like government spending is going to stimulate the economy.

We did not, or the powers that be at that time did not care about the deficits. The deficits were \$200 billion per year, as far as the eye could see, and growing. The belief was that to attack some of these issues, it was not to return money back to the American people, but was to take more of their money and to increase taxes. So in 1993, we had deficits as far as the eye could see, growing deficits as far as the eye could see; \$200 billion deficits, increasing taxes, increasing spending, saying, that is the new model for this new presidency.

The good thing about it was that that agenda I think spurred many of my colleagues to say, wait a minute, that is the wrong model, so my colleagues came and got elected in 1994, and in 1995 really set a very, very different tone.

So my colleagues recognize what we have done since 1995. I go back two years previous to that and say, boy, if my colleagues had not come here in 1995, we would have continued that trend of 1993 of more spending and higher taxes. I think my colleagues are going to lay out how ugly the picture was in 1995, but it was much worse in 1993, and a very different solution to the problem in what my colleagues helped introduce and helped pass in 1995.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman from Oklahoma will yield, the gentleman from Michigan is absolutely correct. Obviously, we would certainly like to take some credit for what has happened since 1995. But the truth of the matter is, what the American people finally said was, enough is enough. I mean, higher taxes were the answer to every one of our problems, and the American people understood that higher taxes were not the problem. They certainly were not the solution. The problem was too much spending.

I remember when the gentleman from Oklahoma (Mr. COBURN) and I came as freshmen and we looked at what the President proposed, and this is not according to the House Republican Conference, this is according to the Congressional Budget Office. We should have this on a bigger chart, but I think the chart, if people at home or in their offices can see this, can recognize that what was happening was the deficit was bad, but worse, it was going to get worse every single year, and we were looking at potential deficits by the year 2009. This is using the old accounting standard. We are going to talk about the differences and what we really think the next step ought to be. But we were looking at deficits by the year 2009 approaching \$600 billion a year.

The Congressional Budget Office came out shortly after we came to Washington in 1995, and the American people said, enough is enough, and they sent 73 new Republican freshmen, including the two of us, to Congress. But they understood, the American people understood that that was not the answer. The Congressional Budget Office told us that if we did not do something about controlling the rate of growth in Federal spending, about eliminating some of the needless duplicative bureaucracy here in Washington, the real problem was that by the time our children reached middle age, and I hate to admit it, but I am approaching that age myself.

Mr. COBURN. Mr. Speaker, I am well past it.

Mr. GUTKNECHT. By that time, Mr. Speaker, they would be paying a tax rate of upwards of 82 percent just to meet the ongoing needs of the Federal Government and the obligations to Social Security.

Now, that is the situation we confronted in 1995. The American people said, that is unacceptable, we said it is unacceptable. We started about eliminating needless waste. We eliminated 400 programs, we reformed the welfare system, we tackled the entitlements, and we have made enormous progress since then.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman from Oklahoma (Mr. COBURN) will yield, just to put this in reference, because we are talking about 1998, we are going to be talking about performance of 1999 and performance of 2000.

Mr. COBURN. Mr. Speaker, CBO is the accounting estimating firm that is part of the Congress that is bipartisan that studies these numbers and makes an estimate.

□ 2145

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for clarifying that.

In 1998 the Congressional Budget Office projected a deficit of somewhere in the neighborhood of \$225 billion, the President's plan. In 1999, that number would have been about \$250 billion. In the year 2000, it would be about \$290

billion. This is a year. We would be in debt \$290 billion more.

Mr. COBURN. Mr. Speaker, it is important for everybody to understand when we hear those numbers that that includes spending social security trust fund money to offset even further a worse situation, to the tune of anywhere from \$80 billion to \$100 billion. So if we had been protecting our seniors' money and protecting our grandchildren's future, in those years the deficit would have been at least \$100 billion higher.

Mr. HOEKSTRA. Yes. That brings us to 1999. If we would have treated social security honestly, and we are going to be talking about that later tonight, that number would have been \$350 billions of deficit, and for spending of about \$1.7 trillion we would have had a deficit of \$350 billion.

In the year 2000, we would have been approaching \$400 billion. If we would have put in the social security numbers, roughly 20 to 25 percent of our spending would have been deficit-financed, would have been new debt that we would have stacked onto our children, which would have jeopardized the future of social security, either in terms of benefits or eligibility or increasing taxes.

In 1995 the President said that that was good enough. He said, that is where I am going to lead the country. That is when people like the gentlemen here came in and said, wait a minute, that is maybe good enough for this administration, but it is not good enough for the American people, and financing our spending with 20 to 25 percent of debt is just plain wrong. In 1995 we changed the course of this town.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will yield, and it is important to talk about these numbers, because if we add social security, which is about \$100 billion a year, we are looking at deficits of \$350, \$450, \$500 billion a year.

Those are just numbers. Most of us do not know what \$1 million is, let alone \$1 billion. It is hard to imagine what \$450 billion is. But let us put that in very simple terms. What does that mean to the average American family? What it means is that we are virtually guaranteed that our children will have a lower standard of living than we have enjoyed.

We can put this in any kind of terms we want, but I think every one of us recognizes that one of the cornerstones of the American dream is leaving our kids a legacy so they can expect to have a better standard of living than we had. That has been part of the American dream I think since the first Pilgrims came to this country, that they wanted to build a better future for their kids.

Unfortunately, because of the deficit spending, because of profligate spending of previous Congresses, because of the basic attitude that deficits do not matter, we had literally begun a process that guaranteed the next genera-

tion that they would have a lower standard of living. That is the thing that had to stop.

It is not just about numbers, because I think sometimes when we talk of numbers, I think all of our eyes start to glaze over. We can look at our children and say, do we really want to leave our kids a lower standard of living than we have enjoyed? I think the answer for every American parent is a resounding no.

Mr. COBURN. Let us move in a little bit and just have a discussion about where we really stand on social security, because too many people I find do not have a realistic expectation of how big the problem is; and number two, unfortunately, the Congress in past years has not been honest with the American public about the problem, so part of our goal tonight is to really kind of dive into that.

Each year this government takes in billions and billions of dollars of social security money. Last year it was about \$580 billion. We paid out about \$480 billion to people who were on social security, receiving social security as a benefit. What that means is that we paid in an excess amount of actually about \$86 billion last year that were excess payments of social security.

As we look at this chart here on the left, and notice what the source of this, this is not a Republican or a Democrat chart, this is the Social Security Administration's numbers, what we saw in this area, and we continue to see until the year 2013, more payments coming into social security than are going to be paid out. But in 2013 something big is going to happen. We are going to pay out more money in social security than is coming in.

The purpose of this exercise is to get everybody to realize the size of the problem, because when we start paying out more money for social security than we take in, what will happen is one of three or four things. We will talk about that in a minute.

The fact is, people who are working every day are paying money in for a social security benefit that the Congress is then taking and spending on something besides social security. So as we see past the year 2013, what happens is the area in blue is the amount of tax revenue that either has to come from the general budget or increased taxes, just to meet the obligations.

If we have a 5-year-old at home this year, when they are 35, that deficit is going to be almost \$800 billion per year, one and one-half times the total that we take in.

The problem is big. How does the social security trust fund work now? How is it supposed to work, and what is really happening? What is really happening now is the money comes in, comes in, a paper IOU goes in, the government takes the money and uses it for a multiple of other things.

Last year we did take \$69 billion worth of social security money and buy off external debt, so we did lower the

external debt, but it is not a true lowering of the debt, because we still have an interest obligation and we still have to pay the money back. So we did not lower the debt any. What we did was take social security money out of the trust fund and use it for something other than what it was intended for.

What is going to happen in the year 2013? The money is going to come in, but we are not going to have enough money to pay. So we are going to do one of three or four things. Most likely, somebody's taxes are going to get raised to be able to meet that.

How do we stop doing that? The first way we stop doing that is to be honest about what the numbers are, be honest about what the situation is with social security, and get our hands off of the social security money. Not any portion of it should go to be spent for anything other than for social security. We should not grow the government with new entitlement programs, new programs. I have not found anybody in this country who can tell me that they actually believe that this government runs efficiently.

If we need to increase spending in one area, there are more than enough areas for us to decrease spending in areas that are inefficient. We eliminated 400 programs in 1995 and 1996. There are another 400 programs that need to be eliminated that do not accomplish what they were intended to, that spend more than what they were intended to spend, and have never been measured to see if they are effective. Yet, the Congress has not been able to do that because of this disguised budgetary problem. They have not seen the essence of it.

Mr. HOEKSTRA. If the gentleman will yield, Mr. Speaker, I think what we really want to reinforce tonight is that we are going through various stages of addressing these issues because of the magnitude of the problems we are facing.

In 1993, when I came here, getting to a surplus was a critical issue. In 1995, when these two gentlemen joined us here, we were actually able to move to a surplus. We talked a lot about getting to a surplus. That was only a step in a series of steps that we needed to take.

We reached that last year where we got a surplus, but we used the social security surplus to help us get there. Now we are talking about taking the next step, which is, all right, now let us strive for a genuine surplus, or what some of us would describe as a more genuine surplus by taking social security off-budget and walling that money off.

Mr. COBURN. Mr. Speaker, let me say to the gentleman, I am a doctor by trade. I practice on the weekends. I delivered 97 babies last year. I fly home every weekend.

But my first degree was in accounting. There is no such thing as a genuine surplus. There is either a surplus or a deficit, and one of the things we have

to do is to be clear to the American public that we have not had a surplus in this country, we do not have a surplus, and we will not have a surplus unless we quit spending more money. That message has to go out.

One of the main reasons that we are coming to this problem to start addressing it is because America is working, and Americans are paying a ton of tax right now. Through their hard efforts and their work, we have government revenues that are rising.

We did cut \$70 billion the first year we were here in spending that would have been spent. That has been extrapolated each year. That is probably worth about \$150 billion that would have been spent this year that we cut, so we have done the cutting part that we could do. We need to do more to be able to get there.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, just like there is only a surplus or not, not a genuine and a phony, there is either a real surplus or not a real surplus, the other thing is there is either a real cut or not a real cut.

I think we have to be very clear that when we talk about cuts in Federal spending, that I do not believe in any year since the gentleman has been here, since 1995, that our spending in any year, say for 1996, even though we cut spending, we are not spending less than what we spent in 1995.

Mr. COBURN. That is a great point. The government still grew.

Mr. HOEKSTRA. There is only one cut, and that is when the number goes down. What we have done is we have slowed the growth. The government is still growing, it is still getting bigger. We are spending more money on a number of different issues which this Congress and the President have identified as priorities. In no given year, however, can we go through and say that government is smaller in 1996 than it was in 1995.

This is why I think it is so upsetting when so often we go out and hear about all of those cuts in Congress, that Congress has made on government spending, and we sit there and say, no, we are spending more than what we did last year. The only thing is we have slowed the growth and tried to demonstrate some restraint, because of the issues we were dealing with. We were looking at \$300 billion deficits.

It is a great thing that somebody finally came here and exercised some restraint so we can get to a surplus, or that we will get to a surplus, and all we did was slow the growth. We did not cut. Sure, we eliminated some programs, but we are spending more than what we did.

Mr. COBURN. Let me just jump in here for one second. I want to make sure the American people understand. We do not really care who gets the credit. Right now what we are concerned about is our grandchildren, because if we steal social security money and we allow the government to grow

in terms of new programs, our children, our grandchildren have very limited futures.

So it does not matter. We did our job and we worked hard to try to slow the growth, but I want the American public to know that we do not have to have credit for it. The thing we want credit for is for our children a generation from now to be able to have an opportunity to have a standard of living at least to the level of the average standard of living in this country today.

Mr. GUTKNECHT. If the gentleman will yield, both gentlemen have made a couple of very important points. To a lot of average Americans, the language of Washington is very difficult to understand.

We heard about these draconian cuts in education programs, in student loans, when in fact student loans were going up at greater than the inflation rate, but we were slowing the rate of growth. In Washington a lot of people talk about cuts in spending, when all we are really talking about is slowing the rate of growth in spending.

I think one of the greatest Washingtonspeak expressions that was created many years ago is this comment or term "trust Fund." It has a nice ring to it. In fact, if we talk to our constituents and use the term "trust fund," they think, trust, fund, that there must be a fund there somewhere.

What they do not understand, and particularly with social security, and perhaps we need to do a better job ourselves of explaining it to our colleagues, because I think when they think of social security, they think of a pension fund. Frankly, it is not a pension fund in the classic sense, it is a pay-as-you-go system.

I think, Dr. COBURN, you have talked earlier about when it was first started we had 41 people working for every person who was retired. In 1950 we had 16 workers for every person who was retired. Today that number is slightly over 3 people working for every person who is retired. When the baby-boomers start to retire, that number is going to drop to two workers for every person retired. It is a pay-as-you-go system.

In fact, rather than think of it as a pension fund or even as a trust fund, in some respects I think we need to think of it as a checking account, and that right now there is more money coming into the checking account than is being paid out in benefits. But in 2013 that is going to change.

One last thought. When I graduated from college, I happen to remember who the speaker at our commencement address was. He was Director of the United States Census. I was born in 1951. He told us something interesting that day, that there were more babies born in 1951 than any other single year. We represented the peak of the baby boom.

□ 2200

When we start to retire at about 2012, 2013, that is when we begin to draw so

deeply on that "trust fund." That is the real issue that is confronting us. It is demographics because of this huge bulge of 81 million baby boomers that start to retire in the year 2010.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I was going to say, I think that if you take a look at two charts, we will outline how critical it was that we made the types of decisions that we made in 1995.

When you combine the chart of deficit outlooks, which the gentleman from Minnesota (Mr. GUTKNECHT) showed us earlier, here is the dynamics that were going on in 1995 when he came here. The deficit was going down. By 2009, the deficit was going to be \$600 billion per year. All right. So that is one. Think of it. We are going to spend \$600 billion more than what we are going to collect in revenues.

Look at the trend line. The trend line is that this number is going down. So by 2013, we are probably going to be at \$700 billion with the accelerating rate.

If we combine that with what was going to happen in Social Security, because right here, 2013, this was going to become a negative. So we have got the deficit on the general fund being a huge number. Then we are going to compound it with this flow from Social Security. There were people saying that is good enough. We take a look at it and say there is no way we can survive.

Now we have taken care of the one chart, which is just the deficit numbers. We have got that under control.

Mr. COBURN. Mr. Speaker, reclaiming my time, by the way, that is the false deficit.

Mr. HOEKSTRA. The false deficit. Mr. Speaker, that is right. But we still are facing this crisis. So we, with the plan now to wall off the Social Security dollars, say, number one, we are getting a handle on it. But it does not take care of these deficits yet. We are going to have to come up with a plan to reform Social Security. I think that leads into your options.

Mr. COBURN. Absolutely.

Mr. HOEKSTRA. Mr. Speaker, we still have this issue to deal with over the next couple of years.

Mr. COBURN. Mr. Speaker, so what are our options? Three are listed here, but there is four. The first is we can save 100 percent of seniors' money. Remember, when we do that, when we save 100 percent of seniors' money, we are doing two things. We are following the obligation that we really have to the American public because they are paying Social Security taxes for their Social Security. But, number two, we are relieving a tremendous burden on their grandchildren.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I mean that is the one thing, the point that I missed on these two charts. The gentleman from Oklahoma brings it out at exactly the right time.

When the deficit is increasing, and we have got that liability coming up on Social Security. The Federal Govern-

ment going out and borrowing huge sums of money means potentially increased taxes for our kids and our grandkids. It means that the government is going out and borrowing probably billions, hundreds of billions of dollars per year.

As we went through the Committee on the Budget, Alan Greenspan came in and said, "If you get to a surplus budget or close to a surplus budget, I expect interest rates to drop by 2 percent." Do my colleagues know what? He was absolutely right in 1995. That is not a cost. That is a direct benefit to the American people.

The biggest tax cut that we have given American families is to get close to surplus, because that has kept interest rates down on mortgages, on cars, on student loans and all kinds of things.

Mr. COBURN. Mr. Speaker, what we can do is we can save 100 percent of the money and start working on a program that allows some flexibility in the options for the younger generation. We can do that by never threatening and never putting at risk any seniors' Social Security or any near seniors' Social Security. So we can meet the obligations that we have. We can devise a plan where we can work our way out of the Social Security quagmire that we have.

I want to make one other point before I go to option two. Why are we in the problem we are in? It is not all just demographics. This body has the habit of doing things that are politically pleasing but not asking people to pay for them. So we vote increased benefits and programs but say it is not ever going to cost.

What that is, it is a half truth. A half truth, my daddy always told me, was a whole lie, because all these increased benefits are going to be paid for by my grandchildren and my colleagues' grandchildren. All these benefits that have been passed and increased without accounting for a way to pay for them was an untruthful thing to do to the next two generations.

It got a lot of people reelected because reelection was more important than being truthful with the American public. That is what this debate is all about, absolutely making sure they understand where we are on Social Security.

Second option, we can repay the money taken from the Trust Fund, and we can raise everybody's income taxes. In 2013, the graph that you have up there, something is going to have to happen.

Number three, we can decrease the benefits. We can delay the retirement age. We can raise the payroll taxes. The estimate is, if we do not do something, that the payroll taxes are going to be near 30 percent, just the payroll taxes, counting the employer's contribution in 2015 to account for this large, large deficit in the Social Security system.

Then of course there is the fourth option.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, maybe the gentleman from Minnesota (Mr. GUTKNECHT) can help us out here. But when we take a look at the FICA taxes or the Social Security taxes when an employee at the end of the year gets their W-2 which shows how much income they have made, and it shows how much they have paid in tax, is the full Social Security tax displayed on their W-2 form?

Mr. GUTKNECHT. Mr. Speaker, the answer obviously is no.

Mr. HOEKSTRA. Mr. Speaker, what does the gentleman mean "obviously?" It is all the money that they have made. It is all the money that is excluded that is taken out of their check by taxes. Would not it all be covered?

Mr. GUTKNECHT. Mr. Speaker, the average American does not understand that. Not only do we take 6.2 percent of their income, but their employer matches that to a total of 12.4 percent.

What is worse, because a lot of people think of this in terms of a pension plan, if the average American knew what their rate of return was on these funds, they would be outraged.

I think our colleague from South Carolina (Mr. SANFORD) is joining us. But the numbers that I have seen for the average American today, the average rate of return in fact we hear often, and I talk to a lot of groups, I say, "How many of you heard the expressions Americans do not save enough?" Most of them raise their hands. The truth is Americans save a lot when we take that 12.4 percent that they and their employer put in Social Security. We are saving an enormous amount of the average worker's income.

The problem is we get such a lousy rate of return. The number that I have seen is 1.9 percent on average. It varies depending on one's age and when one started putting it in. But the rate of return is terrible on Social Security.

Mr. COBURN. Mr. Speaker, actually the Social Security Administration, since 1955, gives a real rate of return of 0.6 percent.

Mr. GUTKNECHT. Mr. Speaker, I am being generous then.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield for just a second, because I think it is going to be a bill that I think I am going to introduce tomorrow. What I do encourage each and every person to do is to take a look at their W-2, to take a look at their FICA number, which is their Social Security tax, and remember that that number, whatever it is, is matched by what their employer paid to the Federal Government. That could have been used for salaries or whatever, but that is money that is coming to the Federal Government. So it is not 6.2. It is 12.4.

Tomorrow I believe we are going to introduce a bill. It say that is the employer, I know we do not like mandates, but that the employer on their W-2, on an employee's W-2 has to put in the employer's share of the tax that they have paid to the Federal Government so that the employee sees that,

when they are working, their employer not only pays their salary and their taxes, but there is a hidden 6.2 percent tax that is going to the Federal Government based on the salary that they are making. It is full disclosure. It is truth in budgeting.

Mr. COBURN. Mr. Speaker, reclaiming my time, let me reemphasize first, if I can, four options. One, save the money. Do not spend any of the seniors' Social Security money by growing the government. Number two, raise taxes. Number three, cut benefits. Number four, and that is do nothing. That is what the politically expedient would say, do not do anything with Social Security because one cannot get reelected if one does it.

The fact is we have an obligation to save Social Security. We have an obligation to save 100 percent of the money that is going into it now for Social Security. Then we have an obligation to fix the system for the generations to come.

Mr. Speaker, I yield to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, just following up on the comments of the gentleman from Minnesota (Mr. GUTKNECHT) on rate of return, because I have heard the same 1.9 percent rate of return. I saw a UCLA study that showed that, for a person born in 1970, earning \$30,000, they would have to live 110 years just to get their own money back, not a return on the money, but just to get their own money back.

So the bottom line is it is a low rate. What is interesting is, in contrast, I jotted down some numbers here.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will yield for one second, remember, this is a low yield on 12.4 percent of one's income.

Mr. SANFORD. Mr. Speaker, which one earns every week, which one earns every month, and which one earns every year. What is interesting is, in contrast, last year, the Fidelity Contra Fund, for instance, which is a huge mutual fund, earned 32 percent. The Van Camp and Capital B Fund, which is the oldest mutual fund in the United States, it was actually started in 1945, earned 28 percent. The T. Rowe Price Tech Fund earned 9 percent. CDs earned 6.5 percent. Even a checking account earned 2 percent.

The point that I am making here is, one thing I think we need to be watchful for as policy folks in Washington is we do not have two different retirement plans, one retirement plan for wealthy people that is earning 30 percent or 28 percent, and clearly these are not sustainable numbers, those numbers will go down, but the point is one group is earning a lot on their retirement plan, and then this other group, because Social Security taxes are the largest tax that 73 percent of Americans pay and consequently the largest investment that basically 73 percent of Americans make, and another group earning a negative number or 1 percent number, and that really

creates a problem in our society that I think needs to be addressed in the Social Security issue.

Mr. COBURN. Mr. Speaker, reclaiming my time, let me jump in here, because one of the solutions to the problem, the first solution is to restrain our spending. I have a graph up here that I want my colleagues to compare.

It is, if we restrain spending, what that means is if we live within the caps that we agreed to with the President in 1997, what my colleagues will see in terms of real numbers, not hokey numbers, not supposed surplus, but real surplus and deficit, what my colleagues see is, in the year 2001, that under the CBO estimated numbers right now, we come to a real surplus just by living to the agreement that we made with the President in 1997.

In contrast to that, and my colleagues also will note over here in the green that these are real surplus dollars, dollars that we can in turn turn back towards Social Security, turn back towards Medicare, turn back towards education if we get there.

There is no absolute guarantee that those numbers are going to be right because we have had the longest nonwar peacetime expansion that we have had since World War II. These are estimates. So if we have a system that is going broke, we dare not trust just estimates. What we dare do is restrain our spending.

Now I want to contrast that with what the President has proposed in his budget. These numbers come from his budget numbers. What my colleagues will see is, under his plan, all this red is new spending. Under his plan, with the same revenue projections, we do not come to a true surplus until 2004.

So if we restrain spending between now and 2004 by living up to the agreement that we had with the President in 1997, all of this becomes all of this.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, all the stuff below the line on the President's proposal is new debt for our children.

Mr. COBURN. Mr. Speaker, reclaiming my time, it is stealing money from Social Security is what it is. We are taking money that is Social Security money and spending it for new programs which will be paid back by my grandchildren and my colleagues' grandchildren at a much higher rate and at a tax rate higher than what we are experiencing today.

Going to the first point of the gentleman from Minnesota (Mr. GUTKNECHT) is one of all the desires of the seniors in my district is to make sure their children have at least the same standard of living as they have had, not worse, and hopefully the opportunity.

What stealing Social Security does and what running a deficit does is takes opportunity away from our children. We are stealing their opportunity. We have to be honest that, with this plan, we are going to be taking money out of the Social Security, we

are going to be borrowing that money, and spending it on new programs to be paid back by our children and grandchildren.

□ 2215

Mr. HOEKSTRA. If the gentleman will continue to yield, we can take a look at those two charts, and the chart on the top is what happens if we wall off the Social Security dollars. If we protect the Social Security dollars, it says that by 2001 we will be able to sustain some type of change in economic conditions. The further out we get, if we have an economic downturn or if we have some emergency spending requirements, that we have some room in there that we could still have a real surplus, even with some difficulties in the budget.

The bottom one says that under the best of circumstances, by 2004 we will have a small surplus.

Mr. COBURN. It will look just like that. We will be back to those original numbers.

Mr. GUTKNECHT. If the gentleman will yield. In effect, the top chart is essentially what the congressional leadership budget plan has been agreed to; that we will abide by the spending agreement that we made with the President back in 1997. Even if the President will not, we will abide by the spending caps.

Mr. COBURN. This is what the President agreed to in 1997.

Mr. GUTKNECHT. Exactly. Now, what the President has proposed, though, is about \$30 billion a year of additional spending above and beyond the spending caps that he agreed to.

Now, one other point that needs to be made about those two charts. If we abide by those spending caps, it will mean we will have lower interest rates, because the government will not be borrowing so much. And as a matter of fact, we will begin to pay down some of that debt, so we will have lower interest rates. That means that we will have a stronger economy, and a stronger economy is good for everybody.

Mr. COBURN. I would just like to make a correction to make sure we understand. If we borrow the money from Social Security and we buy off treasury bills, we really do not lower our debt. We still pay the same amount of interest, we are just paying it to ourselves, but our children are still going to have to pay it back. So the floated public debt actually does decline, but the amount of money and the lost opportunity for our grandchildren goes up.

It is important the American public knows that, because we do want to pay off the debt. We would like to leave our children debt free, but we also want to leave them debt free with opportunity.

Mr. HOEKSTRA. What the top chart enables us to do, if we stick to the spending caps and we pass our budget, is to really focus on what our colleague here has been working on, which is to seriously take a look at Social Security reform.

Because we have to be honest here, we do not save Social Security. What we do is we position ourselves to save Social Security for our kids and for our grandkids. But that is the next step, again. We get to a surplus, then we get to a point where we have sufficient surpluses to save Social Security but we still have to do a Social Security reform proposal.

Mr. SANFORD. I agree, but I think, if the gentleman will yield, what is interesting is that before we can get to any Social Security plan, and the gentleman is right, I have been a big proponent of a number of different things on that front, we ultimately have to have trust in government.

Mr. COBURN. Absolutely.

Mr. SANFORD. That begins with straightforward and honest accounting, which is what the gentleman from Oklahoma (Mr. COBURN) is getting at.

Looking at the numbers, by any family definition, if we had somebody living on our street that had to borrow from their retirement reserves to put gas in the car or food on the table, we would say that family was not running a surplus. Similarly, in the business world, if a businessman borrowed against his retirement reserves to pay for the current operations of the company, he would go to jail, based on Federal law. Yet that is what the Federal Government has been doing.

So what is being talked about here is a first step of restoring confidence so that people will trust government and they will listen when we propose to them things about Social Security.

Mr. COBURN. One of the things we want people to understand about this is this concept of surplus. I have a little history for us and a little proposal for what we have today. It makes sense, if we have a surplus, that the national debt should not go up; correct?

Mr. HOEKSTRA. Right.

Mr. COBURN. Now, supposedly we had a surplus, yesterday. That is what the politicians in Washington are saying. We had a surplus. Why, then, did the debt go up \$120 billion for our children and grandchildren to repay if we had a surplus?

The American public should know this. If they want to know if we have a surplus, we will have a surplus the first time the actual debt goes down. And we will not have a surplus until the American people hear that. So if anybody says we have a surplus, people should ask them at the same time, does that mean a surplus with the debt rising or a surplus with the debt going down. Because the only way we can measure if we have a surplus is if the debt goes down.

We can see in 1997 we had a small deficit, but the debt rose significantly. In 1998 we claimed, politicians, a \$69 billion surplus; right? What happened to the debt? It rose from \$5.330 trillion to \$5.445 trillion, another \$115 billion increase in the national debt. Yet the politicians in Washington said we had a surplus. We did not have a surplus. It is totally dishonest to speak of a surplus.

We had more money coming in than we paid out, but we borrowed all that plus the 44 trust funds that the gentleman from Minnesota (Mr. GUTKNECHT) talked about, the airport trust fund that we pay \$2 each way on every ticket; the inland water trust fund. We took money from all those trust funds, plus Social Security, to run the government, and we have not been honest in the accounting of it.

So it is important for people to understand the only time that we have a true surplus is when the debt goes down or taxes go down.

Mr. HOEKSTRA. What the gentleman is pointing out is that with as much progress as we have made since 1995, there is still a lot of reason to be cautious. There is still a lot of work to do.

There are people here in Washington who are saying, wow, look, \$60 billion surplus going up to \$110, let us go spend. Let us spend it on this program or let us spend it on that program. I think my colleague, perhaps in his next chart or one of the charts coming up, is going to talk about when the President came here for his State of the Union speech and spent most of the surplus that we really do not have.

There is still a lot of work to do to get to a real surplus and to begin preparing for the deficits that we are going to be facing in 2013 in Social Security. So there is still a lot of reason to show restraint as it concerns spending here in Washington.

Mr. COBURN. This next chart kind of brings it home. Every man, woman and child in 1997 owed \$19,898. That is the debt divided by the population. In 1998 it went up to \$20,123. This year, under the budget that we are operating now, the appropriation bills that have been passed, the debt for every man, woman and child in this country is going to go up over \$500.

The debt is rising, as we speak, \$275 million a day. A day. We are adding \$275 million. We are taking \$275 million worth of lost opportunity for our children and grandchildren each day that we continue to run under a dishonest accounting system. I think that is something that the American public can relate to.

So a surplus is only a surplus if an individual's portion of the debt is going down. It is only a surplus if the debt is going down.

Mr. HOEKSTRA. If we really think about it, a debt of \$20,000 per person, and I am a family of five, meaning that my share of the national debt is greater than my mortgage.

Mr. COBURN. Correct.

Mr. HOEKSTRA. There are five of us, so our share of the national debt is \$100,000, and next year it is going to be \$103,000. It is going the wrong way.

Mr. COBURN. The three babies I delivered this weekend owed \$20,000 at the time I spanked their bottom to get them to start breathing. That is a heck of a legacy for us to leave those children. They are born, they come into

this world, and we are going to strap them with a \$20,000 debt.

I have here a little chart based on what is happening right now under the budget we are under and under the proposal of President Clinton. I want to carefully choose my words here as we go through this. I think the American public can understand.

The excess payments in Social Security last year, this year, are expected to be \$127 billion. More comes into the trust fund than will be paid out. If we had kept the 1997 spending caps and not, with a gun at our heads, passed an omnibus reconciliation package last year, we would have had a deficit this year of \$1 billion. From \$220 billion, \$350 billion, to \$1 billion. But we did not, we gave up \$15 billion above the caps in October-November last year.

Then we have the proposal from the President to spend a billion dollars for the disaster in South and Central America, which had no recommendation that we pay for it. That money has to come from somewhere. So we will borrow it from the Social Security Trust Fund. So what is happening right now is, already this year \$17 billion of the excess has already been stolen for 1999, leaving \$110 billion.

But that is not the important point of this. We can fix that, if we will restrain spending this year and move that \$15 billion back up in this next year. But look at what the estimates are from the bipartisan, that is Democrat and Republican, Congressional Budget Office. We are going to get \$138 billion in excess payments in the year 2000. That is what they are estimating right now. The Congressional Budget Office estimates right now that the Congress is going to spend \$5 billion of that, just on the track that they are on right now with the 1997 agreements. If we add the new programs that President Clinton has in his budget, we steal another \$20 billion. Then, if we take what the President said, which is even technically misleading, that he wants to reserve 62 percent, and we spend the rest on the programs that he wants to spend, what we actually do is spend all but 59 percent of the Social Security money.

So the important thing is that, if we look at the green here, we went from \$110 billion of savings in Social Security, and now we are looking at a, quote, politician's surplus. And what is happening to it? It is getting spent. So the politician's surplus is going to decline to \$81 billion. It is not a real surplus, just how it is measured in Washington.

So not restraining spending means that \$57 billion of our seniors' money, of our grandchildren's futures are going to be spent this year in new programs, growing the government and stealing opportunity from our children.

Mr. SANFORD. If the gentleman will yield, I think what is important about that point is that people remember, and, in fact, we all have heard that one simple fact about real estate, where

the equation is location, location, location. Well, in Washington the equation is politics, politics, politics. That is not a bad thing; that is not a good thing, but that is certainly the way this city works.

Therefore, I think the real issue to be thought about here is that it is the squeaky wheels that get greased in politics. It is important for people to speak out at town meetings across the country, in writing their Congressmen, in writing their Senators, to say if they are given the choice between spending their children's inheritance or not which one they want done. People really need to be making noise about this, because otherwise the immediate is what gets taken care of in Washington and the money gets spent.

Mr. HOEKSTRA. I think that is exactly right. That is the problem that we are facing. We have had the debate within our own conference, where we talk about debt reduction and getting our fiscal house in order, and people say, well, that does not sell.

□ 2230

In reality, I think when you lay out some of the charts that we laid out earlier that talk about the burden that we are facing, that we are placing on our children, I think when you go back to the chart that the gentleman from Oklahoma (Mr. COBURN) has up there and you start saying, wait a minute, we had \$138 billion within our grasp, and in one year we took it away from Social Security and we pile it back on to new debt for our kids, I think the American people would embrace saying, "Wait a minute, let's restrain the spending. We see this bubble coming up on Social Security. Now is the time to act." They understand these kinds of issues. They understand the crisis that we can face with the baby boomers. I think they look very positively at starting to set some of this money aside and getting our fiscal house in order. Again, this is \$57 billion of new spending. This is not to get to \$138 billion, you are going to cut spending by \$57 billion. This is \$57 billion of growth beyond what we already are planning on growing the Federal Government. This is brand new growth, brand new growth, brand new spending.

Mr. COBURN. Above the spending caps agreed to in 1997. I would like to make a point. Our country is rightly worried about education. We are going to have a lot of debates on this House floor on how we do that. But to assume that we cannot reprioritize the spending of the Federal Government to direct more money to education by eliminating waste, eliminating duplication, by doing the oversight to make sure that the programs that are out there are working means that we are lazy and we are not willing to do our job. Nobody feels that this government is efficient. It is not efficient by any standard. We can exact more efficiency from this government. If we had a crisis today in this country, if we were to

go to war or some other, we would come in here and we would make the cuts that we need to make to still offer the services but we would ensure that it was done efficiently. That is what we have to do. We have to restrain spending. We can direct more money to education, but that money should not be stolen from Social Security. It should come from the wasteful programs that this government funds today. For us to do something less than that means that we violate the very oath for the reason that we came up here.

Mr. SANFORD. We were talking a little bit earlier, and I want to go back for just one second, on possible cures for Social Security. One of the things that the President proposed in his plan was to invest about a fifth of the, quote, trust fund in equities. While that sounds very alluring, I think it is a very dangerous thing, because as Chairman Greenspan pointed out, you need to create a firewall between Social Security money and political forces in Washington.

Mr. COBURN. That is exactly what we are trying to do. We are trying to say, it is time to be honest, it is time to be straight, it is time to get the hands off the Social Security money that is there and start working on a solvable solution for it but not use it to expand the government and compound the problem associated with Social Security for the future. Remember, in 2013 we are going to be coming back, somebody is going to be coming back—I am not—to the American public and if we have not done our job in this Congress about walling off the Social Security money, we are going to be asking people to cough up a ton more money, regardless of what the economic conditions are. We are going to have to do it to meet the commitments to the seniors that are out there at that time. So we have to start. We have to start today. We have to start this year, this session of this Congress and not let anybody steal the first penny from Social Security for any program.

Mr. HOEKSTRA. The gentleman just brought up education. As he well knows over the last 2 years we have had the opportunity to go to 17 different States and take a look at the Department of Education, 760 education programs, 39 different agencies. For every dollar we spend on education, 30 to 35 cents of it stays in Washington, never gets to a child, never gets to a classroom, never gets to the local level where a parent, a school board, a teacher can say, "Let's spend this money in this way to help our kids achieve academic excellence, to get them to be able to do reading and writing and math." The problem is not that we do not have enough money here in Washington for education. The problem is that we are keeping too much of that money here in Washington. We debated a bill today that just said we are going to give some level of flexibility to local school boards, to State governments,

to take this money to get rid of red tape, to get rid of the abuse and to make this system more efficient so that rather than throwing more dollars into an inefficient system, let us make the system efficient so we can get 95 cents of every dollar into the classroom rather than the current 65 to 70 cents.

Mr. COBURN. Let me just summarize. We have about 30 seconds left. A surplus is a surplus is a surplus if it reduces the debt, reduces the debt, reduces the debt. We need to not allow anyone to spend the first dollar of Social Security on anything other than Social Security. I hope the American public can understand what we are trying to do here is to get truth-in-government back in terms of the budgeting process, so that we can start the process of saving Social Security. We will never start that process until we make the firewall and get our hands off the money that is coming in today.

Does the gentleman from South Carolina have any closing comments?

Mr. SANFORD. No, but I will see the gentleman back on the floor tomorrow morning.

Mr. HOEKSTRA. I thank the gentleman for taking the time to do this and look forward to continuing this dialogue.

Mr. COBURN. I appreciate the gentleman's help.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of family illness.

Mr. FROST (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of surgery.

Mr. SHERMAN (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. MINGE (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. BILBRAY (at the request of Mr. ARMEY) for today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina)

to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mrs. WILSON, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and on March 11.

Mr. FOSSELLA, for 5 minutes, today.

Mr. DEMINT, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELLER, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which were thereupon signed by the Speaker:

H.R. 882. An act to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, March 11, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:
[Omitted from the Record of December 17, 1998]

A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to Rule III, clause 2, of the Rules of the House. (H. Doc. No. 105-330); to the Committee on House Administration and ordered to be printed.

[Omitted from the Record of January 6, 1999]

A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to Rule III, clause 2, of the Rules of the House. (H. Doc. No. 106-37); to the Committee on House Administration and ordered to be printed.

[Submitted March 10, 1999]

958. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 1998-99 Marketing Year [Docket No. FV99-982-1 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

959. A letter from the Administrator, Agricultural Marketing Service, Department of

Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Additional Option for Handler Diversion and Receipt of Diversion Credits [Docket No. FV99-930-1 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

960. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Assessment Rate [Docket No. FV99-989-2 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

961. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Relaxations to Substandard and Maturity Dockage Systems [FV99-989-1 FIR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

962. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary of Defense, transmitting the Office's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Provider Certification Requirements—Corporate Services Provider Class (RIN: 0720-AA27) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

963. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules Concerning Private Land Mobile Radio Services [WT Docket No. 97-153] (RM-8584, RM-8623, RM-8680, RM-8734) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

964. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Publication or Submission of Quotations Without Specified Information [Release No. 34-41110; File No. S7-5-99] (RIN: 3235-AH40) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

965. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Registration of Securities on Form S-8 [Release No. 33-7646, 34-41109; File No. S7-2-98] (RIN: 3235-AG94) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

966. A letter from the Secretary, Department of Agriculture, transmitting the Management Report of the Inspector General for the 6-month period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

967. A letter from the Chairman, Board of Governors, Postal Service, transmitting the Semiannual Report of the Inspector General and the Postal Service management response to the report for the period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

968. A letter from the Executive Director, Securities and Exchange Commission, transmitting the SEC's Government Performance and Results Act Annual Performance Plan for fiscal 2000; to the Committee on Government Reform.

970. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Utah Abandoned Mine Land Reclamation Plan [SPATS No. UT-032-FOR] received Feb-

ruary 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

971. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Sturgeon Fishery; Moratorium in Exclusive Economic Zone [Docket No. 990119023-9023-01; I.D. 111898B] (RIN: 0648-AL38) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

972. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea [Docket No. 981021264-9016-02; I.D. 021799A] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

973. A letter from the Marshal of the Court, Supreme Court, transmitting the Annual Report of the Marshal of the Supreme Court; to the Committee on the Judiciary.

974. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Amendments to Regulations Governing Restrictive Foreign Shipping Practices, and New Regulations Governing Controlled Carriers [Docket No. 98-25] received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 774. A bill to amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program (Rept. 106-47). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 103. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement (Rept. 106-48). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 104. Resolution providing for consideration of the bill (H.R. 819) to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001 (Rept. 106-49). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JACKSON of Illinois (for himself, Ms. WATERS, Mr. WATT of North Carolina, Ms. LEE, Ms. PELOSI, Mr. KILDEE, Ms. LOFGREN, Mr. CUMMINGS, Mrs. MINK of Hawaii, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. DAVIS of Illinois, Ms. VELÁZQUEZ, Ms. KILPATRICK, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, Mr. SANDERS, Ms. CARSON, Mr. GUTIERREZ, Mr. WYNN, Mr. SERRANO, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. RUSH, Mr. THOMPSON of

Mississippi, Ms. MCKINNEY, Mr. HILLIARD, Mr. FALCOMA, Mr. OWENS, Mr. PAYNE, Mr. BLAGOJEVICH, Mr. FATTAH, Mr. STARK, Mr. DEFAZIO, Mrs. CLAYTON, Mr. MCGOVERN, Mr. BONIOR, Mr. TOWNS, Ms. SANCHEZ, and Ms. BERKLEY):

H.R. 1048. A bill to amend title VII of the Civil Rights Act of 1964 to make such title fully applicable to the judicial branch of the Federal Government; to the Committee on the Judiciary.

By Mr. BLAGOJEVICH:

H.R. 1049. A bill to authorize an individual or the estate of an individual who has suffered damages from the discharge of a firearm to bring a civil action in a district court of the United States against the manufacturer, distributor, or retailer of the firearm for such damages if the firearm had been in interstate commerce and the firearm's manufacturer, distributor, or retailer was negligent in its manufacture, distribution, or sale and also to bring such action on behalf of the political subdivision and State in which such individual resides to recover the healthcare and law enforcement costs of the State or political subdivision arising out of the discharge of firearms; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. BROWN of California, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HINOJOSA, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. KILPATRICK, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. MARTINEZ, Mr. MCDERMOTT, Mrs. MINK of Hawaii, Mr. NADLER, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Ms. PELOSI, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mr. TOWNS, Mrs. JONES of Ohio, Mr. OLVER, and Mr. FILNER):

H.R. 1050. A bill to establish a living wage, jobs for all policy by instituting overall planning to develop those living wage job opportunities essential to fulfillment of basic rights and responsibilities in a healthy democratic society; by facilitating conversion from unneeded military programs to civilian activities that meet important human needs; by producing a Federal capital budget through appropriate distinctions between operating and investment outlays; and by reducing poverty, violence, and the undue concentration of income, wealth, and power, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on the Budget, Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COYNE:

H.R. 1051. A bill to eliminate the fees for Federal administration of State supplementary SSI payments; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 1052. A bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers; to the Committee on Transportation and Infrastructure.

By Mr. FRANK of Massachusetts:

H.R. 1053. A bill to amend the Higher Education Act of 1965 to repeal the provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; to the Committee on Education and the Workforce.

By Mr. GOODLING (for himself, Mr. METCALF, Mr. CUNNINGHAM, Mr. BRADY of Texas, and Mr. BAKER):

H.R. 1054. A bill to prohibit certain foreign assistance to countries that consistently oppose the United States position in the United Nations General Assembly; to the Committee on International Relations.

By Mr. JONES of North Carolina (for himself, Mr. JENKINS, Mr. SHOWS, Mr. UNDERWOOD, and Mrs. MYRICK):

H.R. 1055. A bill to amend the Internal Revenue Code of 1986 to allow a \$500 refundable credit to certain low-income members of the uniformed services; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 1056. A bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. MARKEY (for himself, Mr. MCDERMOTT, Mr. FROST, Ms. KAPTUR, Mr. MOAKLEY, Ms. ROYBAL-ALLARD, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. CROWLEY, Mr. GREEN of Texas, Mr. MCGOVERN, Mr. LUTHER, Mr. SANDERS, Mr. MASCARA, Mr. BROWN of California, Mr. ROMERO-BARCELO, Mr. DELAHUNT, Mr. DEFAZIO, Mr. CAPUANO, Mr. STARK, Mr. STRICKLAND, and Ms. LOFGREN):

H.R. 1057. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida:

H.R. 1058. A bill to promote greater public participation in decennial censuses by providing for the expansion of the educational program commonly referred to as the "Census in Schools Project"; to the Committee on Government Reform.

By Mr. MINGE:

H.R. 1059. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the pay-as-you-go requirements; to the Committee on the Budget.

H.R. 1060. A bill to amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business to locate or remain within the government's jurisdiction shall be taxable to such business, and for other purposes; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1061. A bill to amend the Internal Revenue Code of 1986 to provide that ministers may elect at any time not to be covered by Social Security with respect to future services as a minister; to the Committee on Ways and Means.

By Mr. PORTER (for himself and Mr. CONYERS):

H.R. 1062. A bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mrs. LOWEY, Mr. OLVER, Mr. BROWN of California, Mr. FALCOMA, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, Mr. ENGLISH, Mr. UNDERWOOD, Mr. FILNER, Mr. MCGOVERN, Mr. BARRETT of

Wisconsin, Mr. KENNEDY of Rhode Island, Mr. PORTER, Mr. TANCREDO, Mr. ROHRBACHER, Mr. CLAY, Mr. GARY MILLER of California, Ms. SCHAKOWSKY, Mr. VENTO, Ms. MCKINNEY, Mr. SANDERS, Mr. GOODLING, Mr. LUTHER, Mr. WYNN, Mr. LATOURETTE, Mr. RUSH, Mr. BLAGOJEVICH, Mr. ABERCROMBIE, Ms. PELOSI, Mr. BROWN of Ohio, Mr. MARKEY, Mr. STARK, Mr. OBERSTAR, Ms. KAPTUR, Mr. MOAKLEY, Mr. CUMMINGS, Mr. LANTOS, Mr. THOMPSON of California, Ms. RIVERS, Mr. WOLF, Ms. LEE, Ms. BALDWIN, Mr. SERRANO, Mr. HALL of Ohio, Mr. KUCINICH, Mr. TIERNEY, Mr. STRICKLAND, Mr. BERMAN, and Mr. DEFAZIO):

H.R. 1063. A bill to prohibit the provision of defense services and training under the Arms Export Control Act or any other Act to foreign countries that are prohibited from receiving international military education and training or any other military assistance or arms transfers; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. HOYER, Mr. PORTER, Mr. ENGEL, Mr. BURTON of Indiana, Ms. SLAUGHTER, Mr. ROHRBACHER, and Mr. MORAN of Virginia):

H.R. 1064. A bill to authorize a coordinated program to promote the development of democracy in Serbia and Montenegro; to the Committee on International Relations.

By Mr. STUPAK:

H.R. 1065. A bill to require the Attorney General to add to schedule III of the Controlled Substances Act, the "Date Rape" drugs ketamine hydrochloride and gamma y-hydroxybutyrate; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 1066. A bill to establish an independent nonpartisan review panel to assess how the Department of State can best fulfill its mission in the 21st century and meet the challenges of a rapidly changing world; to the Committee on International Relations.

H.R. 1067. A bill to amend title 10, United States Code, to improve the access to military treatment facilities for retired members of the uniformed services, and their dependents, who are over 65 years of age, to provide for Medicare reimbursement for health care services provided to such persons, and to permit such persons to enroll in the Federal Employees Health Benefits program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Armed Services, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Mr. BROWN of Ohio):

H.R. 1068. A bill to amend title XIX of the Social Security Act to include a definition of audiologist; to the Committee on Commerce.

By Mr. BLUMENAUER (for himself, Mr. OBERSTAR, Mr. COOKSEY, Mr. BOEHLERT, Mr. HOUGHTON, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. SABO, Mr. BAIRD, Mr. THOMPSON of California, Mr. NADLER, Mr. BROWN of California, Mrs. CAPPS, Mr. FORBES, Mr. SHAYS, Mr. DEFAZIO, and Mr. TRAFICANT):

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of New Jersey:

H. Con. Res. 50. Concurrent resolution authorizing the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Ms. SANCHEZ (for herself, Ms. LOFGREN, Mr. SMITH of New Jersey, and Mr. DAVIS of Virginia):

H. Con. Res. 51. Concurrent resolution expressing the sense of the Congress that Dr. Doan Viet Hoat is to be praised and honored for his commitment to fight for democratic change in Vietnam; to the Committee on International Relations.

By Mr. SHUSTER (for himself and Mr. OBERSTAR):

H. Con. Res. 52. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. KENNEDY Center for the Performing Arts; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL (for himself, Mr. ACKERMAN, Mr. HINCHEY, Mr. GILMAN, Mr. HOUGHTON, Mr. LAFALCE, Mr. OWENS, Mr. WEINER, Mr. SERRANO, Mr. KING of New York, Mr. LAZIO, Mrs. LOWEY, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. CROWLEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. BOEHLERT, Mr. MCHUGH, Mr. FOSSELLA, Mr. REYNOLDS, Mr. QUINN, Mr. SWEENEY, Mr. NADLER, Mrs. MCCARTHY of New York, Mr. WALSH, Ms. SLAUGHTER, Mrs. KELLY, Mr. MEEKS of New York, and Mr. ENGEL):

H. Res. 105. A resolution recognizing and honoring Joe DiMaggio; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania (for himself, Mr. DELAY, Mr. CUNNINGHAM, Mr. HOLDEN, Mrs. MORELLA, Mr. SAXTON, Mr. TRAFICANT, Mr. UNDERWOOD, Mr. NEAL of Massachusetts, Mr. CROWLEY, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. SHOWS, Mr. SALMON, Mr. WOLF, Mr. PETERSON of Pennsylvania, Mr. BARRETT of Nebraska, Mr. STUMP, Mr. FRANKS of New Jersey, Mrs. KELLY, Mr. NEY, Mr. GREEN of Texas, Mr. LOBIONDO, Mr. LARGENT, Mr. BARR of Georgia, Mr. MCGOVERN, Mr. LUTHER, Mr. COYNE, Mr. ENGLISH, Mr. TANCREDO, Mr. LATHAM, Mr. FOLEY, Mr. CALVERT, Mr. BALLENGER, Ms. LOFGREN, Mr. REYES, Mr. SESSIONS, Mr. BLILEY, Mr. GIBBONS, Mr. RAMSTAD, Mr. WALSH, Mr. WATTS of Oklahoma, Mr. STEARNS, Mr. MCNULTY, Mr. EWING, Mr. GONZALEZ, Mr. GOODE, Mr. WYNN, Mr. PORTMAN, Mr. MEEHAN, Mr. DAVIS of Florida, Mr. FOSSELLA, Ms. KILPATRICK, Mr. SENBRENNER, Mrs. CHENOWETH, Ms. KAPTUR, Mr. FROST, Mr. HYDE, Mr. HAYWORTH, Mr. ROGAN, Mr. DAVIS of Virginia, and Mr. COLLINS):

H. Res. 106. A resolution expressing the appreciation and thanks of the House of Representatives for the extraordinary efforts of the United States Capitol Police during the impeachment proceedings; to the Committee on House Administration.

By Ms. WOOLSEY (for herself, Ms. NORTON, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Ms. MILLENDER-MCDONALD, Ms. DEGETTE, Ms. LEE, Mr. SANDERS, Mr. MARKEY, Mr. GEORGE MILLER of California, Mrs. MORELLA, Ms. KAPTUR, Ms. PELOSI, Ms. JACKSON-LEE of Texas, Mr. TIERNEY, Mr. OLVER, Mr. SHAYS, Mr. ABERCROMBIE, Ms. WATERS, Mr. FILNER, Ms. DELAURO, Mr. CONYERS, Mr. UNDERWOOD, Mr. PAYNE, Mr.

SERRANO, Mr. LAFALCE, Mr. WAXMAN, Mrs. JONES of Ohio, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Ms. STABENOW, Ms. ESHOO, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Mrs. NAPOLITANO, Mr. THOMPSON of California, Mr. FARR of California, Ms. RIVERS, Mr. GEJDENSON, Ms. MCKINNEY, Mr. VENTO, and Mr. LAMPSON):

H. Res. 107. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on International Relations.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. RAMSTAD, Mr. DUNN, Mr. TRAFICANT, and Mr. HEFLEY.

H.R. 25: Mr. QUINN, Mrs. KELLY, Mr. ACKERMAN, Mr. FORBES, Mr. MCNULTY, Mr. HOUGHTON, and Mr. TOWNS.

H.R. 38: Mr. SAM JOHNSON of Texas.

H.R. 44: Mr. WOLF, Mr. GALLEGLY, Mr. GOODLING, Mr. WYNN, Mr. MALONEY of Connecticut, and Mr. MCGOVERN.

H.R. 45: Mr. ETHERIDGE, Mr. GARY MILLER of California, Mr. BARR of Georgia, and Mr. EVERETT.

H.R. 49: Mr. LUTHER.

H.R. 50: Mr. SHOWS.

H.R. 53: Mr. HALL of Texas, Mr. SHOWS, Mr. RAHALL, and Mr. NEY.

H.R. 65: Mr. GALLEGLY, Mr. MALONEY of Connecticut, and Mr. DEFAZIO.

H.R. 89: Mr. MCINTYRE.

H.R. 116: Mr. HILL of Indiana, Mr. JENKINS, and Mr. GRAHAM.

H.R. 119: Mr. REYES and Mr. MCHUGH.

H.R. 152: Mr. MARTINEZ, Mr. STUPAK, and Mr. HINCHEY.

H.R. 170: Mr. CARDIN, Mrs. MYRICK, Ms. CARSON, Ms. MILLENDER-MCDONALD, Mr. UNDERWOOD, Mr. GILMAN, Mr. WELDON of Pennsylvania, Mr. QUINN, Mr. COOKSEY, Mr. KASICH, Mr. BILIRAKIS, Mr. BARRETT of Wisconsin, Ms. DANNER, Mr. HILLIARD, Mr. OLVER, Mr. CASTLE, Mr. GILCREST, Mrs. KELLY, Mr. FRANKS of New Jersey, Mr. WAMP, Mr. STENHOLM, Ms. SLAUGHTER, Mr. SALMON, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. FROST, Mr. BISHOP, Mr. BILBRAY, Mr. GREENWOOD, Mrs. THURMAN, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. SAXTON, Mr. HINCHEY, Ms. PELOSI, Mr. LAFALCE, Mr. FALEOMAVAEGA, Mr. STARK, Mr. KUCINICH, Mr. BALDACCIO, Mr. TANNER, Mr. WISE, Mr. BENTSEN, Mrs. CHRISTENSEN, Mr. BOYD, Mr. ANDREWS, Mr. SHOWS, Mr. WYNN, Mr. TAYLOR of Mississippi, Mrs. CAPPS, Mr. GIBBONS, Mr. FRELINGHUYSEN, Mr. INSLEE, Mr. MCGOVERN, Mr. UPTON, Mr. GANSKE, Mr. RAMSTAD, Mr. DEAL of Georgia, Mr. COOK, Mr. FORBES, Mr. GEKAS, Mr. GILLMOR, Mr. HORN, Mr. WELLER, Mrs. BIGGERT, Mr. BEREUTER, Mr. BORSKI, Mr. DEFAZIO, Mrs. JOHNSON of Connecticut, Mrs. MORELLA, Mr. WEXLER, Mr. BATEMAN, Mr. OXLEY, Mr. FOLEY, Mr. KOLBE, Mrs. EMERSON, Mr. WATKINS, Mr. LUTHER, Mr. EWING, Mr. LATOURETTE, Mr. EHLERS, Mr. TRAFICANT, Mr. SWEENEY, Mrs. ROUKEMA, Ms. PRYCE of Ohio, Mr. EDWARDS, Mr. HILL of Indiana, Mr. YOUNG of Alaska, Mr. SHAYS, Mr. GARY MILLER of California, Mr. HALL of Texas, Mr. HOLDEN, Mr. DOYLE, Mr. SMITH of New Jersey, Mr. MENENDEZ, Mr. PASCRELL, Ms. NORTON, Mr. MOAKLEY, Mr. BROWN of California, and Mr. BLAGOJEVICH.

H.R. 206: Mr. ETHERIDGE.

H.R. 216: Mr. GRAHAM and Mr. ANDREWS.

H.R. 218: Mr. KING of New York, Mr. RYAN of Wisconsin, and Mr. BAIRD.

H.R. 237: Mr. HANSEN and Mr. INSLEE.

H.R. 274: Mr. BALDACCIO and Mr. ROTHMAN.

H.R. 275: Mr. SHOWS.

H.R. 303: Mr. CALLEGLEY, Mr. HUTCHINSON, Mr. LOBIONDO, Mr. MALONEY of Connecticut, and Mr. DEFAZIO.

H.R. 351: Mr. WALDEN of Oregon, Mr. TURNER, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. BENTSEN, Mr. FLETCHER, Mr. OSE, and Mr. SWEENEY.

H.R. 355: Mr. STRICKLAND, Mr. WYNN, Mr. ENGEL, Mr. HILL of Indiana, Mr. LATOURETTE, Mrs. MEEK of Florida, Mr. OBERSTAR, Mr. BARR of Georgia, Mr. INSLEE, Mr. KLING, and Mr. BOEHNER.

H.R. 357: Mr. CLYBURN, Mr. RAHALL, and Mr. MOORE.

H.R. 358: Mr. WATT of North Carolina.

H.R. 408: Mr. LARSON, Mr. OLVER, Mr. BLUNT, Mr. GUTKNECHT, Mr. MARTINEZ, Mr. CUNNINGHAM, Mrs. EMERSON, Mr. TANNER, Mr. KIND of Wisconsin, and Mr. EVANS.

H.R. 415: Mr. WEINER.

H.R. 483: Mr. WELDON of Florida.

H.R. 528: Mrs. MYRICK and Mr. GRAHAM.

H.R. 531: Mr. FORD, Mr. BEREUTER, and Mr. JENKINS.

H.R. 541: Mr. PALLONE, Ms. LEE, Mr. PASTOR, Ms. BROWN of Florida, Mr. BLAGOJEVICH, Mr. FRANK of Massachusetts, and Mr. CAPPS.

H.R. 555: Mr. SANDERS and Mr. HINOJOSA.

H.R. 556: Mr. MALONEY of Connecticut.

H.R. 551: Mr. ANDREWS.

H.R. 573: Mr. BARR of Georgia, Mr. TAYLOR of Mississippi, Mr. PALLONE, Mr. SANDERS, Mr. BENTSEN, Mr. MOORE, Mr. MASCARA, Mr. KANJORSKI, Mrs. JOHNSON of Connecticut, Mr. BACHUS, Mr. JOHN, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADERHOLT, Ms. BALDWIN, Mr. BERRY, Mr. BISHOP, Mr. BOSWELL, Mr. CRAMER, Mr. STRICKLAND, Ms. DUNN, Ms. STABENOW, Mr. TOWNS, Mrs. TAUSCHER, Mr. EVERETT, Mr. NADLER, Ms. ROYBAL-ALLARD, Mr. ETHERIDGE, Mr. DINGELL, Ms. WOOLSEY, Mr. HYDE, Mr. SCARBOROUGH, Mr. LARGENT, Mr. EVANS, Ms. DEGETTE, Mrs. EMERSON, Mr. BLUMENAUER, Ms. SANCHEZ, Mrs. MCCARTHY of New York, Mr. OBEY, and Mr. SAXTON.

H.R. 574: Mr. PETERSON of Pennsylvania.

H.R. 582: Mr. SISISKY, Ms. BROWN of Florida, and Mr. PALLONE.

H.R. 585: Mr. HAYWORTH and Mr. CUNNINGHAM.

H.R. 586: Mr. SMITH of New Jersey.

H.R. 590: Mr. GOODLING.

H.R. 599: Mr. WYNN and Ms. MCKINNEY.

H.R. 610: Mr. BARRETT of Wisconsin and Mr. SHOWS.

H.R. 611: Mr. MEEHAN, Mr. MALONEY of Connecticut, Mr. SKELTON, Mr. TURNER, Mr. DOOLEY of California, Mr. DEMINT, and Mr. DEFAZIO.

H.R. 612: Mr. EDWARDS, Mr. BORSKI, Mrs. JONES of Ohio, Mr. WISE, Mr. OBERSTAR, Mr. LUTHER, and Mr. DAVIS of Illinois.

H.R. 614: Mrs. NORTHUP, Mr. GOODE, and Mr. GRAHAM.

H.R. 621: Mr. GOODE, Mr. SHOWS, and Mr. SMITH of Washington.

H.R. 625: Mr. ENGLISH.

H.R. 640: Mrs. JOHNSON of Connecticut.

H.R. 641: Mr. THOMPSON of Mississippi, Mr. BONIOR, and Mr. SWEENEY.

H.R. 654: Mr. HOBSON and Mr. UDALL of Colorado.

H.R. 664: Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Ms. WOOLSEY, Ms. MCCARTHY of Missouri, and Mr. RUSH.

H.R. 697: Mr. DELAY, Mr. LARGENT, Mr. SHADEGG, Mr. PAUL, Mr. REYNOLDS, Mr. STEARNS, Mr. ADERHOLT, Mr. PICKERING, Mr. SHOWS, Mr. GUTKNECHT, Mr. DEAL of Georgia, Mrs. MYRICK, and Mr. GRAHAM.

H.R. 698: Mr. GOSS, Mr. EHRlich, Mr. ENGLISH, Mr. BORSKI, Ms. RIVERS, Mr. BOEHLERT, Mr. DELAHUNT, Mr. LAHOOD, Mr.

WAMP, Mr. BARRETT of Wisconsin, and Mr. ANDREWS.

H.R. 775: Mr. STENHOLM, Mr. ROEMER, Mr. FOLEY, Mr. KNOLLENBERG, Mr. GILLMOR, and Mr. OSE.

H.R. 783: Mr. FARR of California, Mr. TALENT, Mr. BUYER, Mr. KILDEE, Mr. DICKS, Mr. PICKETT, Mrs. CUBIN, Mr. LATOURETTE, Mrs. EMERSON, Mr. NETHERCUTT, Mr. ADERHOLT, Mr. HOBSON, and Mr. OXLEY.

H.R. 784: Mr. ROMERO-BARCELO.
H.R. 792: Mr. NUSSLE, Mr. GARY MILLER of California, Mr. COMBEST, Mr. SMITH of Texas, Mr. CRANE, Mr. DUNCAN, Mr. BAKER, Mr. COX, Mr. LUCAS of Oklahoma, Mr. ROYCE, and Mr. BILBRAY.

H.R. 796: Mr. BATEMAN, Mr. SESSIONS, Mr. FOLEY, Mr. BARTLETT of Maryland, and Mr. RAMSTAD.

H.R. 815: Mrs. NORTHUP, Mr. JONES of North Carolina, Mr. PETERSON of Pennsylvania, and Mr. BROWN of California.

H.R. 826: Mr. ENGLISH, Mr. PETERSON of Pennsylvania, Mrs. MORELLA, and Mr. WOLF.

H.R. 828: Mr. SCOTT and Mr. GOODE.

H.R. 833: Mr. BLILEY, Mr. BURTON of Indiana, Mr. CRANE, Mr. HOYER, Mr. PICKETT, Mr. WELLER, Mr. BOEHNER, Mr. BLUMENAUER, Mr. FOLEY, and Mr. HOLDEN.

H.R. 845: Mr. FRANK of Massachusetts and Mr. STRICKLAND.

H.R. 846: Mr. SANDLIN and Mr. MCGOVERN.

H.R. 847: Mr. SANDLIN, Ms. BROWN of Florida, and Ms. LOFGREN.

H.R. 850: Mr. HALL of Ohio, Mr. FORBES, Mr. HOLT, and Mr. GIBBONS.

H.R. 868: Mr. GILLMOR.

H.R. 872: Mr. FRANK of Massachusetts, Mr. NADLER, Mr. MALONEY of Connecticut, Mr. HINCHEY, Mr. HILLIARD, and Mr. ROMERO-BARCELO.

H.R. 884: Mr. GUTIERREZ, Mr. SWEENEY, Ms. DELAURO, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. OBERSTAR, Mr. DELAHUNT, and Mr. GILMAN.

H.R. 894: Mr. HOSTETTLER.

H.R. 901: Mr. SWEENEY.

H.R. 906: Mr. WATT of North Carolina, Ms. NORTON, and Mr. FALEOMAVAEGA.

H.R. 933: Mr. JENKINS.

H.R. 975: Ms. WOOLSEY, Mr. FARR of California, Mr. EVERTT, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Ms. SLAUGHTER, Mr. WEYGAND, Mr. FATTAH, Mr. HEFLEY, Mr. RILEY, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Ms. WATERS, Mr. KASICH, Mr. WATT of North Carolina, Mr. WAMP, Mr. TOWNS, Mr. PETERSON of Minnesota, Mr. CONYERS, Mr. CROWLEY, Mr. GIBBONS, Mr. MARKEY, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. WHITFIELD, Mr. HOSTETTLER, Mr. MARTINEZ, Ms. BALDWIN, and Mr. MENENDEZ.

H.R. 981: Mr. GILMAN and Mr. GEORGE MILLER of California.

H.R. 1032: Mr. BAKER, Mr. SAXTON, Mr. JONES of North Carolina, Mr. BACHUS, Mr. RILEY, Mr. DEAL of Georgia, Mr. DOOLITTLE, and Mr. TIAHRT.

H.R. 1035: Mr. CLEMENT.

H.R. 1040: Mr. CALLAHAN.

H.R. 1042: Mr. MCCOLLUM, Mr. BOEHNER, and Mr. CHAMBLISS.

H.J. Res. 9: Mr. GREENWOOD, Mr. TALENT, Mr. PORTMAN, Mr. BLUNT, Mr. BASS, Mr. GOODLING, Mr. COLLINS, Mr. FOLEY, Mr. UPTON, Mr. WALDEN of Oregon, Mr. SAXTON, Mr. HILL of Montana, Mr. BOEHNER, and Mr. CHABOT.

H.J. Res. 35: Mr. TIAHRT, Mr. SWEENEY, and Mr. HUNTER.

H. Con. Res. 24: Mr. COLLINS, Mr. DEAL of Georgia, Mr. SIMPSON, Mr. MANZULLO, Mr. GALLEGLY, Mr. GEPHARDT, Mr. BARTON of Texas, Mr. TAYLOR of North Carolina, Mr. GRAHAM, Mr. ROEMER, Mr. BILIRAKIS, Mr. VISLOSKEY, Ms. BROWN of Florida, Mr. BOYD, and Mr. REGULA.

H. Con. Res. 34: Mr. MCGOVERN, Mr. GUTIERREZ, Mr. INSLEE, and Ms. KILPATRICK.
H. Con. Res. 39: Mr. BARTON of Texas.

H. Res. 35: Mr. OBERSTAR, Ms. MCCARTHY of Missouri, Mr. BARRETT of Wisconsin, Mr. GEPHARDT, Mr. PASCRELL, Mrs. MEEK of Florida, Mr. NADLER, Mr. UNDERWOOD, Mr. GILMAN, Mr. WALSH, Mr. LAFALCE, Mr. KING, Mr. PASTOR, Mr. HOLT, Mrs. MORELLA, Mr. BOYD, and Mrs. MCCARTHY of New York.

H. Res. 41: Mr. FILNER, Mr. GONZALEZ, Mr. HAYWORTH, Mr. HOYER, and Mr. PALLONE.

H. Res. 89: Ms. PRYCE of Ohio, Mr. MOAKLEY, Mr. CUNNINGHAM, Mr. HORN, Mr. BLAGOJEVICH, Mr. GONZALEZ, Mr. ETHERIDGE, Mr. COOKSEY, Mr. BACHUS, Mr. OSE, and Mr. FRANK of Massachusetts.

H. Res. 94: Mr. SCHAFFER, Mr. WALSH, and Mr. FROST.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H. CON. RES. 42

OFFERED BY: MR. COX

AMENDMENT NO. 1: On page 2, after line 14, insert the following:

SEC. 4. CONDITIONS PRECEDENT TO DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

Nothing in this resolution shall be deemed to authorize the deployment of United States Armed Forces to Kosovo, and such action shall not be authorized, unless and until the President has first transmitted to the Congress a report as described in section 8115(a) of the Fiscal Year 1999 Defense Appropriations Act (Public Law 105-262) that consists of the following:

(1) The President's certification that the presence of those forces in Kosovo is necessary in the national security interests of the United States.

(2) The reasons why the deployment is in the national security interests of the United States.

(3) The number of United States military personnel to be deployed to Kosovo.

(4) The mission and objectives of forces to be deployed.

(5) The expected schedule for accomplishing the objectives of the deployment.

(6) The exist strategy for United States forces engaged in the deployment.

(7) The costs associated with the deployment and the funding sources for paying those costs.

(8) The anticipated effects of the deployment on the morale, retention, and effectiveness of United States Forces.

H. CON. RES. 42

OFFERED BY: MR. ENGEL

AMENDMENT NO. 2: Page 1, line 8, strike "has caused" and insert "", caused by Slobodan Milosevic's brutal policies, has resulted in".

H. CON. RES. 42

OFFERED BY: MR. ENGEL

AMENDMENT NO. 3: Page 2, line 1, strike "The" and insert "The Government of Serbia-Montenegro, the".

H. CON. RES. 42

OFFERED BY: MRS. FOWLER

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 4: Strike all after the resolved clause and insert the following:

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Limitation on Peacekeeping Operations in Kosovo Resolution".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) President Clinton is contemplating the introduction of ground elements of the United States Armed Forces to Kosovo as part of a larger North Atlantic Treaty Organization (NATO) operation to conduct peace-making or peacekeeping between warring parties in Kosovo, and these Armed Forces may be subject to foreign command.

(2) Such a deployment, if it were to occur, would in all likelihood require the commitment of United States ground forces for a minimum of 3 years and cost billions of dollars.

(3) Kosovo, unlike Bosnia, is a province of the Republic of Serbia, a sovereign foreign state.

(4) The deployment of United States ground forces to enforce a peace agreement between warring parties in a sovereign foreign state is not consistent with the prior employment of deadly military force by the United States against either or both of the warring parties in that sovereign foreign state.

(5) The Secretary of Defense, William Cohen, has opposed the deployment of United States ground forces to Kosovo, as reflected in his testimony before the Congress on October 6, 1998.

(6) The deployment of United States ground forces to participate in the peacekeeping operation in Bosnia, which has resulted in the expenditure of more than \$10,000,000,000 by United States taxpayers to date, which has already been extended past 2 previous withdrawal dates established by the administration, and which shows no sign of ending in the near future, clearly argues that the costs and duration of a deployment to Kosovo for peacekeeping purposes will be much heavier and much longer than initially foreseen.

(7) The substantial drain on military readiness of a deployment to Kosovo would be inconsistent with the need, recently acknowledged by the Joint Chiefs of Staff, to reverse the trends which have already severely compromised the ability of the United States Armed Forces to carry out the basic National Military Strategy of the United States.

(8) The Congress has already indicated its considerable concern about the possible deployment of United States Armed Forces to Kosovo, as evidenced by section 8115 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2327), which sets forth among other things a requirement for the President to transmit to the Congress a report detailing the anticipated costs, funding sources, and exit strategy for any additional United States Armed Forces deployed to Yugoslavia, Albania, or Macedonia.

(9) The introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities may occur, clearly indicates authorization by the Congress when such action is not required for the defense of the United States, its Armed Forces, or its nationals.

(10) United States national security interests in Kosovo do not rise to a level that warrants the introduction of United States ground forces in Kosovo for peacekeeping purposes.

SEC. 3. PROHIBITION ON DEPLOYMENT OF UNITED STATES GROUND FORCES TO KOSOVO.

(a) IN GENERAL.—The President is not authorized to deploy ground elements of the United States Armed Forces to Kosovo as part of a North Atlantic Treaty Organization (NATO) operation to implement a peace agreement between the Republic of Serbia and representatives of ethnic Albanians living in the province of Kosovo.

(b) RULES OF CONSTRUCTION.—Nothing in this concurrent resolution shall be construed—

(1) to prevent United States Armed Forces from taking such actions as the Armed Forces consider necessary for self-defense against an immediate threat emanating from the Republic of Serbia; or

(2) to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 5: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".
Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

At the end of the resolution, add the following new section:

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 6: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".
Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

(c) DECLARATION OF POLICY RELATING TO SUPPORT FOR ARMED FORCES.—The Congress unequivocally supports the men and women of the United States Armed Forces who are carrying out their missions in support of peace in the Balkan region, and throughout the world, with professional excellence, dedicated patriotism, and exemplary bravery.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 7: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".
Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

(c) DECLARATION OF POLICY RELATING TO SUPPORT FOR ARMED FORCES.—The Congress unequivocally supports the men and women of the United States Armed Forces who are carrying out their missions in support of peace in the Balkan region, and throughout the world, with professional excellence, dedicated patriotism, and exemplary bravery.

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 8: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

(c) DECLARATION OF POLICY RELATING TO SUPPORT FOR ARMED FORCES.—The Congress unequivocally supports the men and women of the United States Armed Forces who are carrying out their missions in support of peace in the Balkan region with professional excellence, dedicated patriotism, and exemplary bravery.

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 9: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".
Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DECLARATION OF POLICY.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 10: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike "(3)" and insert "(5)".
Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges

the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) **AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.**—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT No. 11: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement, but any such deployment may be made (1) only after the signing of a peace agreement by the President of the Republic of Serbia, representatives of the Kosovo Liberation Army, and the six member nations of the Contact Group, and (2) only for a period not to exceed one year from the date of the adoption of this resolution.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT No. 12: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) **IN GENERAL.**—Subject to the limitation set forth in subsection (b), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) **LIMITATION.**—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed statement in writing explaining the national interest of the United States at risk in the Kosovo conflict.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT No. 13: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) **IN GENERAL.**—Subject to the limitation set forth in subsection (b), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) **LIMITATION.**—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report, in classified and unclassified form, that addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT No. 14: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) **IN GENERAL.**—Subject to the limitation set forth in subsection (b), the President

shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) **LIMITATION.**—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Congress a detailed report, in classified and unclassified form, that addresses the impact on military readiness of such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT No. 15: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) **IN GENERAL.**—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) **LIMITATION.**—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate and detailed report that addresses—

(1) any intelligence sharing arrangements that have been established as a result of the Kosovo peace agreement;

(2) the intelligence sharing arrangement that currently exists within NATO and how such arrangement would be modified, if at all, in the Kosovo context; and

(3) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO forces would affect, impede, or hinder any such intelligence sharing arrangement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT No. 16: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) **IN GENERAL.**—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) **LIMITATION.**—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report outlining and explaining the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT No. 17: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) **IN GENERAL.**—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) **LIMITATION.**—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Secretary of State outlining and explaining

the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT No. 18: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) **IN GENERAL.**—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) **LIMITATION.**—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Secretary of State outlining and explaining the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be determined.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT No. 19: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) **IN GENERAL.**—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) **LIMITATION.**—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress—

(1) a definitive statement as to the chain of command for any such deployed United States Armed Forces personnel; and

(2) a certification to the Congress that all United States Armed Forces personnel so deployed will be under the operational control only of United States Armed Forces military officers.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT No. 20: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) **IN GENERAL.**—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) **LIMITATION.**—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the percentage of United States Armed Forces participating in any NATO deployment in the Kosovo peace keeping operation, including ground troops, air support, logistics support, and intelligence support, compared to the other NATO member nations participating in that operation.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT No. 21: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) **IN GENERAL.**—Subject to the limitation set forth in subsection (b), the President

shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a certification as to the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 22: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed and unambiguous explanation of the rules of engagement under which all United States Armed Forces participating in the Kosovo NATO peace keeping operation shall operate.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 23: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress in classified and unclassified form, a detailed report on the budgetary impact for fiscal year 1999 and each fiscal year thereafter for the next five fiscal years on the Department of Defense, and each of the military services in particular; on the Intelligence Community; and on the Department of State as a result of any such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 24: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the scope of the mission of the United States Armed Forces personnel.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 25: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President

shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit, in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee of the Senate, a detailed report that addresses the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 26: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed report prepared by the Secretary of State explaining the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict. Such report should include—

(1) a detailed discussion and explanation of any side agreement, whether or not all parties to the overall peace agreement are aware of the side agreement;

(2) a detailed discussion and explanation of any obligations of the United States arising from the peace agreement, including any such obligations with respect to the introduction of weapons into Kosovo and Serbia;

(3) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States has agreed to undertake as a result of the Kosovo peace agreement;

(4) a detailed discussion and explanation of the funding source for any future plebiscite or referendum on independence for Kosovo; and

(5) a detailed discussion and explanation of any requirement for forces participating in the NATO peace keeping operation implementing the peace agreement to enforce any provision of such peace agreement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 27: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—The President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel to Kosovo if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 28: Strike section 3 in its entirety and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitations in subsections (b) and (c), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) REPORTS TO CONGRESS.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo do each of the following:

(1) Personally and in writing submit to the Congress—

(A) a detailed statement explaining the national interest of the United States at risk in the Kosovo conflict; and

(B) a certification to the Congress of the United States that all United States Armed Forces personnel so deployed pursuant to subsection (a) will be under the operational control only of United States Armed Forces military officers.

(2) Submit to the Congress a detailed report that—

(A) in classified and unclassified form addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment;

(B) outlines and explains the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(C) certifies the chain of command for any such deployed United States Armed Forces personnel; and

(D) provides the percentage of United States Armed Forces participating in any NATO deployment in the Kosovo peace keeping operation, including ground troops, air support, logistics support, and intelligence support, compared to the other NATO nations participating in that operation.

(3) Submit to the Congress a detailed report that—

(A) in classified and unclassified form addresses the impact on military readiness of such deployment;

(B) certifies the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo;

(C) in classified and unclassified form provides an unambiguous explanation of the rules of engagement under which all United States Armed Forces personnel participating in the Kosovo NATO peace keeping operation shall operate;

(D) in classified and unclassified form provides the budgetary impact for fiscal year 1999 and each fiscal year thereafter for the next five fiscal years on the Department of Defense, and each of the military services in particular; on the Intelligence Community; and on the Department of State as a result of any such deployment.

(4) Submit in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee on the Senate, a detailed report that addresses the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

(5) Submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate a detailed report that addresses—

(A) any intelligence sharing arrangement that has been established as a result of the Kosovo peace agreement;

(B) the intelligence sharing arrangement that currently exists within NATO and how such arrangement would be modified, if at all, in the Kosovo context; and

(C) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO forces will affect, impede, or hinder any such intelligence sharing arrangement.

(6) Submit to the Congress a detailed report on the scope of the mission of the United States Armed Forces personnel.

(7) Submit to the Congress a detailed report prepared by the Secretary of State that—

(A) outlines and explains the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(B) outlines and explains the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be determined;

(C) in classified and unclassified form, explains the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict. Such report should include—

(1) a detailed discussion and explanation of any side agreement, whether or not all parties to the overall peace agreement are aware of the side agreement;

(i) a detailed discussion and explanation of any obligations of the United States arising from the peace agreement, including any such obligations with respect to the introduction of weapons into Kosovo and Serbia;

(ii) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States has agreed to undertake as a result of the Kosovo peace agreement;

(iii) a detailed discussion and explanation of the funding source for any future plebiscite or referendum on independence for Kosovo; and

(iv) a detailed discussion and explanation of any requirement for forces participating in the NATO peace keeping operation implementing the peace agreement to enforce any provision of such peace agreement.

(c) LACK OF AUTHORIZATION IN CERTAIN CIRCUMSTANCES.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel in Kosovo, if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 29: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed statement in writing explaining the national interest of the United States at risk in the Kosovo conflict.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 30: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report, in classified and unclassified form, that addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 31: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Congress a detailed report, in classified and unclassified form, that addresses the impact on military readiness of such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 32: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate a detailed report that addresses—

(1) any intelligence sharing arrangements that have been established as a result of the Kosovo peace agreement;

(2) the intelligence sharing arrangement that currently exists within NATO and how such arrangement would be modified, if at all, in the Kosovo context; and

(3) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO forces would affect, impede, or hinder any such intelligence sharing arrangement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 33: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report outlining and explaining the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 34: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Secretary of State outlining and explaining the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 35: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Secretary of State outlining and explaining the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be determined.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 36: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress—

(1) a definitive statement as to the chain of command for any such deployed United States Armed Forces personnel; and

(2) a certification to the Congress that all United States Armed Forces personnel so deployed will be under the operational control only of the United States Armed Forces military officers.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 37: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the percentage of United States Armed Forces participating in any NATO deployment in the Kosovo peace keeping operation, including ground troops, air support, logistics support, and intelligence support, compared to the other NATO member nations participating in that operation.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 38: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a certification as to the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 39: Strike section 3 and insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed and unambiguous explanation of the rules of engagement under which all United States Armed Forces participating in the Kosovo NATO peace keeping operation shall operate.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 40: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress in classified and unclassified form, a detailed report on the budgetary impact for fiscal year 1999 and each fiscal year thereafter for the next five fiscal years on the Department of Defense, and each of the military services in particular; on the Intelligence Community; and on the Department of State as a result of any such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 41: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the scope of the mission of the United States Armed Forces personnel.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 42: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo

pursuant to subsection (a), submit, in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee of the Senate, a detailed report that addresses the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 43. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed report prepared by the Secretary of State explaining the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict. Such report should include—

(1) a detailed discussion and explanation of any side agreement, whether or not all parties to the overall peace agreement are aware of the side agreement;

(2) a detailed discussion and explanation of any obligations of the United States arising from the peace agreement, including any such obligations with respect to the introduction of weapons into Kosovo and Serbia;

(3) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States has agreed to undertake as a result of the Kosovo peace agreement;

(4) a detailed discussion and explanation of the funding source for any future plebiscite or referendum on independence for Kosovo; and

(5) a detailed discussion and explanation of any requirement for forces participating in the NATO peace keeping operation implementing the peace agreement to enforce any provision of such peace agreement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 44. At the end of section 3 insert the following:

LIMITATION.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel to Kosovo if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 45. At the end of section 3 insert the following:

REPORT TO CONGRESS.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo do each of the following:

(1) Personally and in writing submit to the Congress—

(A) a detailed statement explaining the national interest of the United States at risk in the Kosovo conflict; and

(B) a certification to the Congress of the United States that all United States Armed Forces personnel so deployed will be commanded by United States Armed Forces military officers.

(2) Submit to the Congress a detailed report prepared by the Secretary of Defense that—

(A) in classified and unclassified form addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment;

(B) outlines and explains the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(C) certifies the chain of command for any such deployed United States Armed Forces personnel; and

(D) provides the percentage of United States Armed Forces participation in any NATO deployment in Kosovo, including ground troops, air support, logistics support, and intelligence support when compared to the other participant nations involved in the NATO deployment.

(3) Submit to the Congress a detailed report prepared by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff that—

(A) in classified and unclassified form addresses the impact on military readiness of such deployment;

(B) certifies the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo;

(C) in classified and unclassified form provides an unambiguous explanation of the rules of engagement under which all United States Armed Forces personnel deployed in Kosovo shall operate;

(D) in classified and unclassified form explains the budgetary impact for Fiscal Years 1999, and every year thereafter, on the Department of Defense, and each of the military services in particular; the Intelligence Community; and the Department of State as a result of any such deployment.

(4) Submit in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee of the Senate, a detailed report prepared by the Secretary of Defense and the Director of Central Intelligence that addressing the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

(5) Submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate a detailed report that addresses—

(A) any intelligence sharing arrangement that has been established as a result of the Kosovo peace agreement;

(B) the intelligence sharing arrangement that currently exists within NATO and how this would be modified, if at all, in the Kosovo context; and

(C) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO troops will affect, impede, or hinder such intelligence sharing arrangements.

(6) Submit to the Congress a detailed report prepared by the Secretary of Defense and the Secretary of State on the scope of the mission in which the United States Armed Forces personnel so deployed shall be engaged.

(7) Submit to the Congress a detailed report prepared by the Secretary of State that—

(A) outlines and explains the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(B) outlines and explains the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be adjudged;

(C) in classified and unclassified form, explains the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict, including:

(i) a detailed discussion and explanation of any and all side agreements, whether or not

all parties to the agreement are aware of such;

(ii) a detailed discussion and explanation of the obligations of the United States with respect to the flow of weapons into Kosovo and Serbia;

(iii) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States would be bound;

(iv) a detailed discussion and explanation of who will fund any future plebiscite or referendum on independence for Kosovo; and

(v) a detailed discussion and explanation of the obligations of the NATO troops to enforce any provision of such peace agreement.

(a) LACK OF AUTHORIZATION IN CERTAIN CIRCUMSTANCES.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel in Kosovo, if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. NETHERCUTT

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 46: Strike all after the resolved clause and insert the following:

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Limited Authorization for Peacekeeping Operations in Kosovo Resolution".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The conflict in Kosovo has caused great human suffering and, if permitted to continue, could threaten the peace of Europe.

(2) The Government of Serbia and representatives of the people of Kosovo may agree in Rambouillet, France, to end the conflict in Kosovo.

(3) President Clinton has promised to deploy approximately 4,000 United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation implementing a Kosovo peace agreement.

(4) The mission in Bosnia has become an open-ended military commitment for the United States and shows no signs of ending, as evidenced by the following:

(A) In 1996, the United States stationed approximately 16,500 troops in Bosnia and President Clinton insisted that the mission would end in December 1996.

(B) In November 1996, President Clinton extended the commitment of United States Armed Forces in Bosnia until June 1998.

(C) In December 1997, President Clinton extended the commitment of United States Armed Forces in Bosnia indefinitely.

(D) In March 1998, NATO allies agreed that the NATO-led Stabilization Force (SFOR) would remain in Bosnia until significant progress has been made in the implementation of the Dayton Peace Agreement.

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—The President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATIONS.—

(1) TERMINATION OF AUTHORITY.—The authority to deploy Armed Forces personnel to Kosovo under subsection (a) shall terminate on March 15, 2000.

(2) PROHIBITION ON NON-NATO COMMAND.—The authority to deploy Armed Forces personnel to Kosovo under subsection (a) is subject to the limitation that the Armed Forces personnel participating in a deployment described in such subsection may not be placed

under the operational control, at any level of the chain of command, of an officer of a non-NATO member country.

SEC. 4. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall transmit to the Congress reports on the following with respect to the deployment of United States Armed Forces to Kosovo under section 3(a):

(1) The reasons why the deployment is in the national security interests of the United States.

(2) The number of Armed Forces that are participating in the deployment and the number of personnel participating in support of the deployment.

(3) The mission and objectives of the Armed Forces.

(4) The functions of the Armed Forces and the relation of those functions to the mission, including the objectives of the mission.

(5) The effects of the deployment on the overall readiness of the Armed Forces, with specific information on frequently utilized military specialties, spare parts and equipment, morale, and retention.

(6) The expected schedule for accomplishing the objectives of the deployment.

(7) The exit strategy for Armed Forces engaged in the deployment, including consideration of the expected transfer of United States responsibilities to NATO allies.

(8) The estimated cost of the deployment to date and the estimated cost of the deployment for the remainder of the fiscal year.

(b) REPORTING DATES.—The first report under this section shall be transmitted not later than 60 days after the date on which the first United States Armed Forces are deployed to Kosovo and each subsequent report shall be transmitted not later than 60 days after each immediately preceding report is required to be transmitted.

(c) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The reporting requirements of this section do not supersede the reporting requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 5. DEFINITIONS.

In this resolution:

(1) DAYTON PEACE AGREEMENT.—The term "Dayton Peace Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, and associated annexes, negotiated in Dayton, Ohio, and signed in Paris, France, on December 14, 1995.

(2) FUNCTIONS.—The term "functions", used with respect to the United States Armed Forces, means the specific actions or activities performed on a regular basis by the United States Armed Forces.

(3) KOSOVO PEACE AGREEMENT.—The term "Kosovo peace agreement" means a signed agreement between authorized representatives of the Kosovo Liberation Army and the Government of Yugoslavia.

H. CON. RES. 42

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 47: Page 1, line 4, before "Peacekeeping" insert "Limited Authorization for".

Page 2, after line 8, insert the following:

(4) The mission in Bosnia has become an open-ended military commitment for the United States and shows no signs of ending, as evidenced by the following:

(A) In 1996, the United States stationed approximately 16,500 troops in Bosnia and President Clinton insisted that the mission would end in December 1996.

(B) In November 1996, President Clinton extended the commitment of United States Armed Forces in Bosnia until June 1998.

(C) In December 1997, President Clinton extended the commitment of United States Armed Forces in Bosnia indefinitely.

(D) In March 1998, NATO allies agreed that the NATO-led Stabilization Force (SFOR) would remain in Bosnia until significant progress has been made in the implementation of the Dayton Peace Agreement.

Page 2, after line 14, add the following:

SEC. 4. LIMITATIONS.

(a) TERMINATION OF AUTHORITY.—The authority to deploy United States Armed Forces personnel to Kosovo under section 3 shall terminate on March 15, 2000.

(b) PROHIBITION ON NON-NATO COMMAND.—The authority to deploy Armed Forces personnel to Kosovo under section 3 is subject to the limitation that the Armed Forces personnel participating in a deployment described in such section may not be placed under the operational control, at any level of the chain of command, of an officer of a non-NATO member country.

SEC. 5. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall transmit to the Congress reports on the following with respect to the deployment of United States Armed Forces to Kosovo under section 3:

(1) The reasons why the deployment is in the national security interests of the United States.

(2) The number of Armed Forces that are participating in the deployment and the number of personnel participating in support of the deployment.

(3) The mission and objectives of the Armed Forces.

(4) The functions of the Armed Forces and the relation of those functions to the mission, including the objectives of the mission.

(5) The effects of the deployment on the overall readiness of the Armed Forces, with specific information on frequently utilized military specialties, spare parts and equipment, morale, and retention.

(6) The expected schedule for accomplishing the objectives of the deployment.

(7) The exit strategy for Armed Forces engaged in the deployment, including consideration of the expected transfer of United States responsibilities to NATO allies.

(8) The estimated cost of the deployment to date and the estimated cost of the deployment for the remainder of the fiscal year.

(b) REPORTING DATES.—The first report under this section shall be transmitted not later than 60 days after the date on which the first United States Armed Forces are deployed to Kosovo and each subsequent report shall be transmitted not later than 60 days after each immediately preceding report is required to be transmitted.

(c) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The reporting requirements of this section do not supersede the reporting requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 6. DEFINITIONS.

In this resolution:

(1) DAYTON PEACE AGREEMENT.—The term "Dayton Peace Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, and associated annexes, negotiated in Dayton, Ohio, and signed in Paris, France, on December 14, 1995.

(2) FUNCTIONS.—The term "functions", used with respect to the United States Armed Forces, means the specific actions or activities performed on a regular basis by the United States Armed Forces.

(3) KOSOVO PEACE AGREEMENT.—The term "Kosovo peace agreement" means a signed agreement between authorized representatives of the Kosovo Liberation Army and the Government of Yugoslavia.

H. CON. RES. 42

OFFERED BY: MR. PAUL

AMENDMENT NO. 48: Page 2, after line 14, add the following:

SEC. 4. RULE OF CONSTRUCTION.

The authorization in section 3 meets neither the requirements of Article I, section 8 of the Constitution nor the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.) and therefore any deployment of United States Armed Forces personnel described in that section lacks the proper legal authority.

H. CON. RES. 42

OFFERED BY: MR. PAUL

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 49: Strike all after the resolved clause and insert the following:

SECTION 1. PROHIBITION OF USE ON DEPARTMENT OF DEFENSE FUNDS FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment of United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation implementing a Kosovo peace agreement.

(b) EXCEPTION.—The prohibition against the deployment of United States Armed Forces personnel to Kosovo in subsection (a) shall not apply if such deployment is specifically authorized by a law enacted after the date of the adoption of this resolution.

SEC. 2. REPEAL OF WAR POWERS RESOLUTION.

The War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541 et seq.) is hereby repealed.

H. CON. RES. 42

OFFERED BY: MR. PAUL

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 50: Page 2, strike line 9 and all that follows and insert the following:

SECTION 1. PROHIBITION OF USE ON DEPARTMENT OF DEFENSE FUNDS FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment of United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation implementing a Kosovo peace agreement.

(b) EXCEPTION.—The prohibition against the deployment of United States Armed Forces personnel to Kosovo in subsection (a) shall not apply if such deployment is specifically authorized by a law enacted after the date of the adoption of this resolution.

H. CON. RES. 42

OFFERED BY: MR. SKELTON

AMENDMENT NO. 51: Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President shall not deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation unless a Kosovo peace agreement has been reached.

H. CON. RES. 42

OFFERED BY: MR. SKELTON

AMENDMENT NO. 52: Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President shall not deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation unless—

(1) a Kosovo peace agreement has been reached; and

(2) such deployment is specifically approved by the Congress.

March 10, 1999

CONGRESSIONAL RECORD — HOUSE

H1171

H. CON. RES. 42

OFFERED BY: MR. TURNER

AMENDMENT NO. 53: At the end of the resolution, add the following new section:

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO

force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.