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% Assininboine-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 authority 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 lockstep 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 children 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, sunsetting 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 cosponsor of this bill. The so-called Ed-Flex legislation, or H.R. 800, will provide our local school districts with the lattitude 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 gentlewoman 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 schoolyear. 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 protections 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 community. 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 cosponsor, 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 waivered 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-Kildee 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)(iii) 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.

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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 ever 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 gentlewoman 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 rededicate 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 gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member of the Committee on Science for his remarks 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 rerestrictive, 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 gypped, 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. HOLTs 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 cosponsored 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 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 statues, 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. Lets 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 qualifed 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 burden 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
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—218

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

NOT VOTING—11

Becerra
Bilbray
Capps
Coble
Frost
Hall (OH)
McCrery
Minge
Rangel
Reyes
Sherman

□ 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. PASCRELL 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
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
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
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
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
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
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)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
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)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—13

Abercrombie
Chenoweth
Collins
Cubin
Manzullo
Mink
Paul
Schaffer
Sessions
Smith (WA)
Souder
Stump
Watts (OK)

NOT VOTING—14

Becerra
Bilbray
Capps
Coble
Conyers
Frost
Gejdenson
Gekas
McCrery
Minge
Rangel
Reyes
Sherman
Skelton

□ 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:

(II) developed a system to measure the degree of change from one school year to the next in student performance on such assessments;

(III) 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 muddle 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.

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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.