EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

SPEECH OF

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 800) to provide for education flexibility partnerships:

Mr. SALMON. Mr. Chairman, I rise today in support of the Education Flexibility Partnership Act (H.R. 800). This legislation, as the title implies, empowers states with greater flexibility in administering certain federal education programs. When one considers that federal dollars represent only about seven percent of total primary and secondary education funds, but 50 percent of the time districts spend on paperwork, common sense demands a more flexible process of distributing federal resources.

Federal education programs have been more successful in creating jobs for bureaucrats—over 25,000 a year—than in improving the educational performance of America's children. The results of the Third International Mathematics and Science Study (TIMSS), released last year, emphasize this point. TIMSS revealed that U.S. 12th-graders scored next to last in advanced math and dead last in physics. Reading scores, which were not measured by the international tests, were equally disappointing. Forty percent of fourth graders can't even read at the basic level. Unfortunately, the increased federal contribution in education over the past 30 years has not resulted in a corresponding improvement in the quality of the education our children receive. Hopefully, passage of Ed-Flex will mark the first of many steps taken by the 106th Congress to reform antiquated federal education programs.

Only 12 states currently participate in Ed-Flex. As constructed, Ed-Flex provides greater state and local flexibility in utilizing federal dollars. The legislation before us provides for the expansion of this program to all 50 states.

In a letter to me dated March 9th (which I will have included in the CONGRESSIONAL RECORD) Arizona Superintendent of Public Instruction Lisa Graham Keegan expressed support for H.R. 800 and stated that Arizona will apply for Ed-Flex status. There is one potential glitch that needs to be resolved so that Arizona can participate. A November 1998 GAO report on Ed-Flex concluded that Arizona did not qualify for this program because the state did not have the authority to waive state statutes or regulations—a prerequisite to participate in the program. I have been assured by the Education Committee that report language to accompany the bill will clarify that Arizona is eligible to participate in Ed-Flex.

Passage of Ed-Flex marks progress in the effort to loosen the federal strings that have strangled innovative and effective education programs. We've taken a positive step today and I look forward to working on additional legislation that will remove administrative burdens so that schools can spend more time teaching kids.

DEPARTMENT OF EDUCATION,
Phoenix, AZ, March 9, 1999.

Hon. MATT SALMON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SALMON: Later this week, the U.S. House of Representatives will begin its debate on H.R. 800, the Education Flexibility Partnership Act of 1999. While this legislation still falls short of giving State and local education agencies the full flexibility they need to deliver the best education to children, it is, nevertheless, a step in the right direction. For this reason, the Arizona Department of Education (ADE) urges you and your colleagues to support this legislation.

Given the opportunity afforded by this legislation, Arizona will apply for Ed-Flex status. According to the General Accounting Office's November 1998 report on Ed-Flex, Arizona did not qualify for the Ed-Flex program because the State did not have the authority to waive State statutes or regulations. While the Arizona State Board of Education has never asserted its right to waive State statute, Arizona Administrative Code R7–2–801 clearly gives the Board the authority to issue waivers from administrative rules. I have enclosed a copy of this rule for your reference.

We are uncertain if whether upon review of Arizona's administrative structure it was determined that the State Board of Education's authority to waive regulations did not sufficiently meet the Ed-Flex Act requirement that the ''State'' have such waiver authority. As our State Board has the authority to act as the ''State'' when it comes to accepting federal dollars, we feel its ability to waive state regulations should also clearly mean that the ''State'' has such an authority when it comes to meeting the requirements of Ed-Flex. We therefore support including report language to clarify that, in states where a State Education Agency is defined as the State Board of Education, the authority of the State Board to waive regulations should be considered adequate authority to qualify for Ed-Flex.

While ADE will, as mentioned above, apply for Ed-Flex status, I must bring to your attention one provision of this legislation that is still of serious concern to Arizona

Under Section 4(c)(1)(E) of H.R. 800, States are prohibited from waiving any statutory or regulatory requirements relating to the distribution of funds to States or to local education agencies. There are a number of reasons this explicit prohibition will directly obstruct our efforts to improve the quality of education in Arizona.

As you know, Arizona is home to more charter schools than any other state in the nation, with 311 schools serving more than 30,000 students across our State. New charter schools are being created and chartered regularly, and it is our policy to provide to the charter school the federal funding that its attending students generate as soon as the charter school comes into existence. This is what we call ''real time'' funding. We do not wait for the charter school to report is student data to us at the end of the year, and then fund the school based on prior year data. However, in order to ensure that we will have funding on hand to provide to these charter schools that crop up, it is ADE's policy to reserve a portion of its Title I funding at the State level to be used specifically for this purpose.

The federal government recently changed the way it allocates Title I funding, so that these dollars now flow directly to the existing LEAs. In most circumstances, I strongly support efforts that leave the SEA out of the equation and provide as much funding as possible to the local level. However, this allocation method does not take into account any charter schools that might come into existence at a later date. That means that these new charter schools, and the children attending them, are left holding the bag without any funding—and that, I can tell you, I do not support.

For this reason, ADE would like the flexibility to continue with its unique policy of reserving funds at the State level for the sole purpose of funding newly-created charter schools. However, even Ed-Flex, with its explicit prohibition on waiving requirements related to the distribution of funds, will not allow us to do this. The current proposal will not allow us to fund charter schools in a way that is consistent with our state policy and which aligns itself with our philosophy of sending funding directly to the school where that student is being taught as quickly as possible.

I find it ironic, and a bit discouraging, to know that even as the President and the Administration are encouraging the creation of 3,000 charter schools by the year 2000, they are, at the same time, impeding the efforts of states to fund them. Nonetheless, even with the prohibitive language included in this bill, we plan to include a request to waive some restrictions on the allocation of federal funds in our Ed-Flex proposal. As I understand it, flexibility and accountability are at the heart of Ed-Flex. It is our intention, then, to allocate dollars in a manner consistent with Arizona's philosophy of funding students while at the same time remaining fully accountable for these funds. I know we can count on your support for these efforts, and I hope we can count on the Congress' support as well.

The Arizona Department of Education prides itself in helping educators across our State concentrate on the task of teaching students, not conforming with burdensome regulations and reporting requirements. For this reason, we are supportive of any efforts by the Congress to give schools and State and local education agencies the flexibility they need to do their jobs well. H.R. 800 is a good start, and deserves the support of Congress.

I urge swift passage of this legislation.

Sincerely,

LISA GRAHAM KEEGAN,
Superintendent of Public Instruction.

THE HEALTHY KIDS 2000 ACT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mrs. EMERSON. Mr. Speaker, today I join my colleague, Senator KIT BOND, in introducing legislation that addresses one of the greatest challenges of our Nation: assuring quality health care for pregnant women and appropriate pediatric care for infants. Our bill, the Healthy Kids 2000 Act, builds upon the Birth Defects Prevention Act signed into law last April, by consolidating programs and providing more funds for local initiatives to prevent birth defects and maternal mortality.

The idea behind our proposal is simple: we want pregnant women to be healthy, and we want children to be healthy. To accomplish this, we must remove some of the barriers women and children encounter in receiving adequate, appropriate health care.

The Healthy Kids 2000 Act will allow States greater flexibility in ensuring quality prenatal care by allowing States to enroll eligible pregnant women in the State Children's Health Insurance Program (CHIP), for which Congress

provided $25 billion in 1997 to assist 10 million uninsured children in receiving the most basic health care. A recent study by the March of Dimes estimates that 45,000 uninsured pregnant women who are not eligible for Medicaid could be covered by S–CHIP if States were given the flexibility of extending coverage to income eligible pregnant women age 19 or older.

Additionally, the bill increases enrollment of Medicaid-eligible pregnant women. Currently, approximately 77 percent of uninsured pregnant women are eligible for Medicaid but are not enrolled. The bill also ensures direct access to obstetric care for women, and direct access to pediatric care, since children have health needs that are very different than those of the adult population.

Another crucial element of our bill allows our Nation's independent children's hospitals to receive Federal funding for graduate medical education. Currently, children's hospitals receive almost no Federal GME funding. With few Medicare patients, these children's hospitals receive less than $400 in Federal funds for each medical resident they train, while other teaching hospitals receive on average more than $79,000 for each resident—creating a serious inequity in the competitive market for these children's hospitals. As these hospitals try to fulfill their teaching missions, competitive market pressures provide little incentive for private payers to contribute toward teaching costs.

In an effort to reduce our Nation's infant death rate and to improve the chances of healthy birth outcomes, the Healthy Kids 2000 Act establishes a National Center for Birth Defects Research and Prevention, and strengthens local initiatives for drug, alcohol, and smoking prevention and cessation programs for pregnant mothers. An estimated 150,000 infants are born each year with a birth defect, resulting in one out of every five infant deaths. More children die in the U.S. from birth defects in the first year of life than from any other cause. Effective locally-based programs will prevent these horrific outcomes by equipping mothers, families, and health care providers with information and approaches needed to ensure women safer pregnancies.

Furthermore, our bill increases funding for the National Institutes of Health by creating the Pediatric Research Initiative, which will provide further money to research efforts on diseases and conditions which afflict our Nation's children, such as birth defects, SIDS, cystic fibrosis, juvenile diabetes, and muscular dystrophy.

Our health care professionals in southern Missouri and across the Nation work very hard to provide the highest quality care for our children. The reality is that pediatric care, like all health care, does cost money. We need to take positive steps to ensure that every mother-to-be and their children are able to access this quality care. I am very pleased to again be working with Senator BOND on an important children's health initiative. On behalf of our youngest and most vulnerable citizens, I urge my colleagues to review the Healthy Kids 2000 Act, to discuss this bill with families in their districts, and to join me in cosponsoring this important legislation.

DELAURO-LOWEY WATER POLLUTION CONTROL AND ESTUARY RESTORATION ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mrs. LOWEY. Mr. Speaker, today Congresswoman DELAURO, Congressman SHAYS, and I are once again joining with a geographically diverse group of our colleagues in reintroducing legislation to renew and expand the Federal Government's role in controlling pollution and in stewarding our coastal resources.

Without question, much remains to be done to take our Nation's estuaries off the endangered list. Nationally, we face an appalling backlog of water quality infrastructure upgrade needs that threatens to choke our economy just as it is robbing our waters of life-giving oxygen. Quite simply, we need leadership at the Federal level to match the energy and ingenuity of our communities that are working toward a better environmental and economic future. Without strong Federal leadership and substantial funds to back it up, we run the risk of squandering over 20 years of progress in cleaning up and protecting our waters.

Therefore, our legislation will re-ignite Federal, State, and local cooperation in water pollution control by significantly increasing annual authorization levels for the State Revolving Fund [SRF] Program to $4 billion in 2005, thereby providing the resources to expand and modernize the Nation's water pollution control infrastructure.

Moreover, our legislation would strengthen section 320 of the Clean Water Act, which authorizes the National Estuary Program. First established under the Water Quality Act of 1987, the NEP provides a mechanism for bringing together Federal, State, and local authorities—and interested citizens—to develop comprehensive, watershed-based plans for cleaning up and protecting nationally significant estuaries. In Long Island Sound, Puget Sound, Massachusetts Bay, and a number of other estuaries, the NEP has helped bring about unprecedented cooperation aimed at saving these threatened waters and the economies that rely on them.

Our bill would build on the success of the NEP by clarifying the funding and staffing responsibilities of Federal agencies concerned with the program, including the Environmental Protection Agency [EPA] and the National Oceanic and Atmospheric Administration [NOAA]. Specifically, the bill states that implementation of estuary management plans is a nondiscretionary duty of the EPA. The measure seeks to improve Federal leadership in the NEP by directing the EPA to promulgate guidelines for development, approval, and implementation of comprehensive management plans. Other important proposed changes include measures to improve coordination of clean-up efforts with other Federal activities in estuaries. In short, this bill is designed to make certain that those plans do not end up on shelves in bureaucrats' offices, but instead truly clean up these critical bodies of water.

Mr. Speaker, our legislation is a call to action that says through sensible investments in water pollution control we can help ensure our economic and environmental future. Without Federal assistance, our estuaries will die while the long-term growth of our economies suffers.

The time has come to act, Mr. Speaker.

MILITARY RESERVE (DUAL STATUS) TECHNICIANS RETIREMENT EQUITY BILL

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. ABERCROMBIE. Mr. Speaker, our National Guard and Reservists have performed admirably whenever called upon to assist our military at home and abroad and to aid federal, state and local emergencies. Serving side by side with active military personnel, fire fighters and other professional counterparts, some Guard and Reservists are exposed to hazardous and physically demanding duty as a routine part of their job. A well-earned and timely retirement should be a welcome relief from a job that requires youth, strength and virgo. Yet, for a select group of talented individuals, known as Dual Status Technicians, retirement eligibility is several years beyond that of their counterparts.

Dual Status Technicians are held to the same physical and mental criteria as their military counterparts and the jobs they perform are likewise challenging. Although active military personnel, fire fighters and federal police can retire after 20 years of service, Technicians must work until age 55 with 30 years of service to receive full benefits. This bill gives Dual Status Technicians retirement eligibility equity with their counterparts.

The Military Reserve (Dual Status) Technicians Retirement Equity Bill allows qualified National Guard and Reservists the option to retire under the same criteria as other professionals in similar challenging careers.