SENATE—*Wednesday, March 10, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have created us to love You with our minds. Thank You for the ability to think Your thoughts after You. When we commit our thinking to You, You inspire us with greater insight, creative solutions, and innovative answers to our problems. We ask You to flow into our minds with fresh vision just as the tide flows into stagnant backwater with cleansing, refreshing, renewing power. We focus on each of the complexities we must face during the remainder of this week, and we ask You to give us ideas we would never have formulated without You. Bless the Senators today with profound insight and foresight to lead our great Nation. You have called all of them to serve You here at this time. You have granted them intellectual ability. Now guide their thinking so they will conceive Your plans and follow Your guidance. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. JEFFORDS. Mr. President, today the Senate will resume consideration of S. 280, the education flexibility partnership bill. The leader would like to announce that negotiations are ongoing between the two sides in an effort to complete action on this important legislation. However, until an agreement has been reached, the Senate will continue consideration of the Ed-Flex bill, as outlined in yesterday's unanimous consent agreement.

Pursuant to that order, the time until 1 p.m. will be equally divided for debate on the bill and, at the conclusion of that debate time, the Senate will proceed to two back-to-back rollcall votes. The first vote will be on the motion to invoke cloture on the Kennedy-Murray motion to recommit and, assuming that fails, a second vote will occur on a motion to invoke cloture on the Jeffords-Lott IDEA amendment.

Following those votes, and if an agreement has been reached, all Members will be notified of the remaining schedule for today's session.

I thank my colleagues for their attention, and I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, the leadership time is reserved.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

The PRESIDING OFFICER. Under the previous order, there will now be an hour for debate to be equally divided between the chairman and the ranking minority member of the Committee on Health, Education, Labor, and Pensions.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we will start off with 5 minutes for the Senator from Louisiana and try to get some additional time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me thank the distinguished Senator from Massachusetts for his leadership on this issue. He is trying to communicate, and I think eloquently so, the issue before us. This week we want to do something good, something that is meaningful, something that will help in our education system in this country. We need to spend more than just a few days. It has been a little discouraging, I think, for some of us, on both sides of the aisle, in our evident lack of ability to come to some reasonable agreements about some of these amendments, so they are preventing this good bill from passing.

I am a cosponsor of the Ed-Flex bill, along with Members of the Republican side and other Democrats who are supporting this bill. Why? Because our Governors at home are supporting this bill; our superintendents at home are supporting this bill.

I had the great privilege of cohosting, with my Governor and superintendent of education, and our BESE, which is the Board of Elementary and Secondary Education, just Monday in our State, over 250 education leaders from all over the State, from all of our 64 parishes. They came and expressed their support for the idea that the Federal Government should give the schools, the States and the districts more flexibility so they can combine programs to more efficiently spend the money, as long as the basic regulations of safety, health and civil rights are there. They really want the flexibility. I would like to give it to them, and I know the distinguished Senator from Massachusetts and our leader from Vermont wants to, also.

So, I am hoping we can come to some agreement. If we could offer a few amendments on our side and other amendments could be offered on the Republican side, amendments that are meaningful, then we could get this bill passed with a couple of other things that will work and need to be done.

One of those things is the reduction of class size. I don't believe there is an educator who would disagree. Whether you are from California or Vermont or Louisiana or Illinois, who doesn't know that having smaller classes at those earlier grades—particularly kindergarten, first, second and third grades—is so important?

I could give this speech pretty well before I was a mom. Now I can give it very well. Frank and I have a 6-year-old who is learning to read this year. With 28 kids in his class, it is a struggle. He has a tutor. We help him at home. But the teacher does not have enough time individually.

We want to be able to send some money down to the States, with very few strings attached, to help our school districts that are really struggling in this area, to give them some additional money to help them hire additional teachers. In doing that, as I was told this Monday—and I want to communicate this to my colleagues—it would be no use to send that money down to help reduce class size if we also do not send a companion amendment down for school construction and modernization. You cannot have a new teacher if you don't have a classroom or you don't have the space for that teacher to teach and to divide those classes into smaller units.

We have a crisis in our country at this moment. That crisis is that 40 percent of our youngsters at the second grade level are not reading at second grade level. Let me repeat that: not 2 percent, not 10 percent, not 25 percent—but 40 percent. Unfortunately, in some places in Louisiana, in some demographic groups, that number is tragically as high as 70 percent.

If this is not something the Federal Government should be concerned about, I don't know what is. I don't know of anything that is more significant than having second graders in this country—the strongest country, militarily, in the world, economically strong, leading the world in many areas—but lagging behind in this simple basic.

Local governments can do some things. The State government most certainly is the big partner. But we

need to be a junior partner, and we need to be a reliable junior partner by putting up some money where our mouth is, sending that money down to the States with as few strings attached as possible, and then insisting, in partnership with our locals, on accountability every step of the way.

So, yes, this Ed-Flex bill is important, giving more flexibility to local governments. But if we would do that and not do our class size, our school construction, we would be—I know my time is running short, so let me just conclude—we would be shortchanging students who are already shortchanged by the numbers I have just suggested.

I thank my colleague. Could I have 1 more minute?

Mr. KENNEDY. Yes, I yield 1 more minute.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. So I think we would be shortchanging these students, our students, our teachers, our parents, if we cannot get this bill straight by giving the flexibility, adding some additional money for class size reduction, adding some additional bonding capacity for school construction and modernization, so we can begin this next century with a real investment in the things that count, that is in our education system, K through 12 particularly.

The PRESIDING OFFICER. The Senator's additional time has expired.

Ms. LANDRIEU. I thank those who have brought this bill to the floor. Thank you, Mr. President.

Mr. KENNEDY. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. Mr. President, we are about to take our third and fourth cloture votes this week, the first on whether we will meet our 7-year commitment to help communities reduce class size and the second on whether we will prematurely end this education debate.

While our Republican friends continue to block action on critical education issues for the sixth day in a row, communities are struggling to make decisions about their school budgets—they need and expect our help.

We have an excellent opportunity to deal with key education issues that have been clear for many months—reducing class size, recruiting more teachers, expanding afterschool programs, bringing technology into the classroom, reducing dropout rates, modernizing school buildings. No bill on the Senate Calendar right now is more important than education.

Nothing is more important on the calendar of local schools than their budgets. Over the next three weeks, schools across the country will be making major decisions on their budgets for the next school year. In many of these communities, the budgets are due by early April. In Memphis, school budgets are due on March 22. In Fayette County, KY, school budgets are due on March 31. In Boston, Savannah, Las Vegas, and Houston, school budgets are due the first week of April. In San Francisco, they are due April 1; Council Bluffs, IA, school budgets are due April 15. In Altoona, PA, school budgets are due in April.

This is why the Murray amendment is so important to consider, so that schools will be able to say, yes, we want to use this money for new schoolteachers, for smaller class size, because we know for the next 6 or 7 years, there will be a continuing commitment and enough resources to be able to do it.

The Senate should keep its promise that schools will be able to hire 100,000 new teachers over the next 7 years to help them reduce class size. Communities can't do it alone. They want the Federal Government to be a strong partner in improving their schools. We can't sit on the sidelines or allow this debate on education to stay in gridlock.

A teacher from Kansas wants action by Uncle Sam. He writes:

> Even here in Kansas, many teachers struggle to provide their students with a quality education because they have so many students to reach. We have waited for years for the State legislature to do something, but they haven't. Now is the time for the Federal Government to step in and help. Your support for this bill will speak loudly to myself and other teachers that you truly believe in public education. Please help reduce class size in our country.

A teacher from Maine writes:

> It is becoming more and more necessary to reduce class sizes to address the individual needs of a wider variety of students. . . . Please support the initiative to hire more teachers to reduce class sizes in U.S. public schools.

A parent from North Carolina writes:

> I am a parent with 2 children in a public school and one that will enter school soon. . . . I am very well aware of the critical need for additional classroom teachers. Our children, our future, and our Nation depend upon a strong public school system.

Mr. President, last year when we signed onto the first year on reducing class size it was done in a bipartisan way. Listen to what House Majority Leader DICK ARMEY said:

> We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people were willing to work with us so that we could let the State and local communities use this money, make these decisions, manage the money, spend the money on teachers where they saw the need, whether it be for special education or for regular teaching, with freedom of choice and management and control at the local level, we thought this good for America and good for the school children. We were very excited to move forward on that.

That was what the majority leader, DICK ARMEY, said about that agreement—just 5 months ago, Mr. President. That is why we find it so difficult to understand why we can't at least get to the point of consideration on this measure.

Senator SLADE GORTON said about the Class Size Reduction Act:

> On education, there's been a genuine meeting of the minds involving the President and the Democrats and Republicans here in Congress. . . . It will go directly through to each of the 14,000 school districts in the United States, and each of those school districts will make its own determination as to what kind of new teachers that district needs most, which kind should be hired. . . . We've made a step in the direction that we like. We never were arguing over the amount of money that ought to go into education. And so this is a case in which both sides genuinely can claim a triumph.

The Murray amendment is a continuation of what was agreed to last year, in which both sides claimed triumph, and there was a movement made towards smaller classrooms. That is what the issue is that we will be voting on at 1.

The Senate should not turn its back on our promise to help communities reduce class size in the early grades. We should meet our commitment to parents, students and communities, and we should meet it now.

We need to act now, so communities can act effectively for the next 7 years. Senator DASCHLE has made a reasonable proposal for an up-or-down vote on a limited number of amendments with limited time agreements.

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. KENNEDY. I hope his proposal will be accepted and we can move towards a vote on the issue of class size as well as the Republican's proposal on the IDEA.

Mr. President, I yield 5 minutes to the Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, we have more than 1 million people in our prisons around the country. Let us just round it off and say we have 1 million people in prison. Eight hundred twenty thousand of those prisoners have no high school education; 82 percent of the people in our prisons today are without a high school education. That is why Senator BINGAMAN and I have offered an amendment to create within the Department of Education someone to specialize, to work on, to keep these kids in school.

Every day 3,000 children drop out of school in America. Since we started the debate on this legislation, 15,000 children have dropped out of high school. Every one of those children dropping out of high school are less than they could be. I have heard statements here the last several days saying, well, why do we need to talk about kids dropping out of school? Why don't we talk about the children who are handicapped who need money?

I acknowledge that. The fact of the matter is, we have tried on this side of

the aisle to get more funding for special education and have been unable to do so because of not having enough votes on that side of the aisle. It is not an either/or situation. We need to help local school districts with more funding for handicapped children, and I recognize that. I will do that. If we had a vote on that today, I would vote for it.

That does not take away from the fact that we need to do something about high school dropouts. I do not believe, personally, there is a more important problem in education today than kids dropping out of high school, half a million children each year dropping out of high school. I think we should go back and find out where we are.

As the manager on the Democratic side of this legislation, Senator KENNEDY, has said, we are not trying to eat up lots of time. We will agree to half hour amendments on five amendments. That takes 2½ hours, 15 minutes on each side, and vote on them, vote them up or down. The legislation, we feel, is important. If the other side doesn't want to vote for them, have them vote against them. I think it would be a very difficult vote, for example, on the Bingaman-Reid legislation to vote against keeping kids in high school, but that is a privilege.

The majority leader of the U.S. Senate, on February 23, gave a speech to the National Governors' Conference at their annual meeting:

> Now when we bring up the education issues to the floor next week, [there will] be some amendments and disagreements. . . . That's great. Let's go to the Senate floor, let's take days, let's take a week, let's take 2 weeks if it's necessary. Let's talk about education.

I respectfully submit to the majority leader that he must have left his remarks with the Governors and didn't bring them to the floor of the Senate, because after a little more than a day of debating Ed-Flex, we in effect have been gagged. It seems around here that we can only vote on amendments the majority wants to vote on; that we have no ability to bring up amendments we feel are important.

The Ed-Flex bill is important legislation. We support that legislation. But we do not support the legislation without having the legislation made better. I am not going to talk about the after-school programs and the new teachers we need and school construction; others can do that and do that well. I am here to talk about the Bingaman-Reid legislation which talks about children dropping out of school.

The Ed-Flex bill would be made a better bill if we said within the Department of Education there would be $30 million a year—that's all—$30 million a year out of this multibillion-dollar budget that we would use to work on keeping kids in high school. Think if the bill succeeded to the effect that we could keep in school every day 500 of those 3,000 children—500 kids that would be what they could be. They would have a high school education. They could more easily support their families. They could go on to college and trade school. You cannot do that if you have not graduated from high school. We would only—and I underline ''only''—only have 2,500 high school dropouts a day.

Mr. President, I think we need to move forward and have a debate on education. A debate on education allows us to talk about what we want to talk about, and we would improve the Ed-Flex bill.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. REID. I ask that we have the ability to vote on keeping kids in school.

Mr. KENNEDY. I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Thank you, Mr. President. And I thank my colleague from Massachusetts for his leadership on this bill as well.

Mr. President, I would like to congratulate our colleagues, Senators FRIST and WYDEN, for their efforts to provide States and localities with greater opportunities to be innovative in their use of Federal funds.

This bill provides States and localities with the flexibility and freedom from Federal regulations that is often necessary for States to best serve their children and parents in providing top-notch educational services.

As a former Governor, I am particularly sensitive to the argument that too many Federal strings and regulations make Federal assistance seem more like a Federal burden. This legislation, while not a panacea for all of our educational needs, returns flexibility to the States in a way that is effective and helpful, but that still requires States to be accountable for positive results as they provide public education to our Nation's children.

I thank the Senators for their insight and their sensitivity to the concerns of our Nation's Governors, legislatures, and school officials, and I urge my colleagues to support this bill—on final passage—if and when we get there. And I hope we will get to that point as soon as possible if we can reach some agreement on relevant amendments.

Mr. President, I also thank Senators HARKIN, LAUTENBERG, KENNEDY, and many others for the opportunity to talk about an amendment that we still hope we will be able to offer in due course which recognizes a sad reality faced every schoolday by too many children and teachers across the country.

We all say—here in Washington, in every State capital, and in every county, city, and town—that education is important. Indeed, it is critically important. But those words must ring hollow to the millions of children who walk through the doors of their schools to find leaky roofs, crowded classrooms, and woefully inadequate heating and air-conditioning systems. The state of too many of our schools is deplorable.

Mr. President, in spite of the relatively good economic times, many States are experiencing, many local governments are experiencing just the opposite, and they have not been able to meet the school construction and renovation challenges that are facing our Nation.

This is an area where the Federal Government can and we believe should play a pivotal role without interfering with the longstanding preference for local control of education. The Federal Government can be a meaningful partner in contributing to the vital national interest that our students receive a good education in an environment that is conducive to learning.

Mr. President, the General Accounting Office estimates our national school infrastructure repair needs total some $112 billion. That same GAO study also estimates that we, as a Nation, need $73 billion to build the new schools that are required to accommodate the rapid growth in our public school enrollments.

In addition to all of the findings in the amendment that we still hope to have an opportunity to be able to vote on, I have similar data from my own State of Virginia which indicates not only tremendous infrastructure needs exist, but our State and local governments simply cannot afford to foot the bill by themselves.

A 1998 report on school infrastructure, requested by the general assembly, found that while localities estimate that school construction investments of $4.1 billion will be made in the next 5 years, school construction needs in Virginia could exceed $8.2 billion. Virginia Governor Gilmore and the members of the general assembly approved a school construction repair plan this year which I applaud, but which only meets 3 percent of that unmet burden.

While there is no question that every dollar counts, and helps, I have heard from students, parents, teachers, administrators, school board officials and legislators about the need to complement Virginia school modernization construction efforts.

Earlier this year, the Thomas Jefferson Center for Educational Design at the University of Virginia issued a report which not only echoed the need for more school construction funds, but also detailed the alarmingly unsafe or inadequate condition of many schools in our Commonwealth.

Classes are being held in over 3,000 trailers; 2 out of 3 school districts have held class in auditoriums, cafeterias,

storage areas, and book closets; and 3 percent of Virginia school districts had to increase the size of their classes in order to accommodate their growing student population.

While I don't let public opinion polls determine how I vote on issues I believe it is appropriate to note that there is overwhelming public support for Federal help in the area of school construction funding.

In a recent poll conducted by Republican pollster Frank Luntz, 83 percent of Americans surveyed supported significant Federal school construction spending and indicated that it should be a top priority of Congress.

Still, some believe that our nation's infrastructure needs in other areas are just as compelling as our school construction and repair needs.

In a statement made to the Finance Committee last week a Public Finance Specialist with the Congressional Research Service concluded that the ''condition of America's school facilities may or may not be worse than the condition of other capital facilities of other State and local public services.'' This statement would seem to imply, Mr. President, that the Federal Government should not attempt to prioritize infrastructure needs.

Last year, however, Congress approved $216 billion in road and transit funds.

We were obviously willing to concentrate on transportation needs during our last session.

Why shouldn't we concentrate on school infrastructure needs this session, particularly in light of the 1998 Report Card for America's Infrastructure issued by the American Society of Civil Engineers, which rates our public schools as being in the worst condition among all public infrastructure.

The simple fact Mr. President, is that prioritization is our responsibility.

Many years ago, when faced with enormous transportation needs as well as a large growth in our nation's student population, President Eisenhower proposed a massive national infrastructure project in his 1955 State of the Union Address.

This project resulted in the building of many of the nation's schools in existence today.

Mr. President, Loudoun County in Northern Virginia has determined that, because of the enormous growth of their student population, they need to build 22 new schools.

That figure doesn't even address their repair needs. And just down the road, at Chantilly High School, which I visited last spring with Education Secretary, Dick Riley, students are sharing lockers, attending classes in over a dozen trailers that have poor ventilation, and are so crammed in the hallways when they change classes that school officials were actually considering banning bookbags and backpacks.

Mr. President, I received a compelling letter from the Superintendent of Schools in Carroll County, VA, about that county's school construction needs.

Superintendent Oliver McBride outlined that the average age of the school buildings in Carroll County is 45 years. Carroll County school officials estimate that their school construction needs total $61 million.

Mr. McBride wrote,

> We have been particularly pleased with the interest and response of the members of the Virginia General Assembly and Governor Gilmore who have and are seeking to make additional funds for school construction available to localities in the State. We certainly would encourage the U.S. Congress to become a participant in this effort as well . . . Simply stated, we need your help.

Mr. President, our efforts to help States and localities build and renovate schools in no way jeopardizes their autonomy with respect to education. It merely acknowledges the need for the Federal Government to complement the efforts of many States and localities that are now wrestling with the question of how to repair and equip old schools, and how to build new schools.

Mr. President, it is our children who pay the price if we fail to acknowledge that Federal school construction funding is both imminently appropriate and critically important.

And if my colleagues want to debate how we allocate school construction money, whether we target any funds to specific districts, how we avoid creating too many Federal strings, or how we can make it easy for States to take advantage of this type of funding mechanism, I am more than willing to do that.

But the point is we need to engage in that discussion. And we need to begin now.

Our children, their parents, and our States need our help.

I urge my colleagues to support this sense-of-the-Senate amendment if we are permitted to offer it.

Let's at least send the right message to this Nation: that we see the leaking roofs, that we see the cracked walls, that we see all the trailers—and that we are willing to help.

Mr. President, I yield the floor and thank again my colleague from Massachusetts.

Mr. KENNEDY. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. I say to Senator KENNEDY, thank you very much not only for yielding to me, but also for your great leadership on this important issue of education.

I want to just bring us up to date on where we are, at least where I think we are. At 1 o'clock we are going to have a vote to basically allow us to take up the issue of the 100,000 new teachers in the classroom that Senator MURRAY has worked so hard on, and Senator KENNEDY and others. Certainly, the President puts this as a priority in his budget. Where we are now is, if we do not vote to do that, this bill is effectively shut down. Ed-Flex alone—and it is a good bill—turns its back on all the other education needs my colleagues have discussed.

The Senator from Vermont keeps offering an amendment on IDEA to fund it; and he is right, and I am ready to vote for that. Why does he block my chance to vote on afterschool? Why does he block my chance to vote on 100,000 teachers? Why does he block my chance to vote on dropouts? I will support him in his desire to fund IDEA. He is right on that point, but he is wrong to go along with the strategy which blocks us from voting on issues of such importance to America's families.

I want to share a couple of charts in my remaining few minutes with everyone. Here you see children involved in afterschool activities. We want a chance to offer our afterschool amendment which would open up afterschool to a million children. Look at the look on the faces of these children. They are engaged, they are learning, they are occupied, and they are happy.

Another picture. Look at these children. They are not getting into trouble. They are engaging with a mentor and obviously, from the look on their faces, are very involved in this learning game.

What happens if we do not have these afterschool programs? You do not have to be a genius to know that kids get in trouble after school. Look at this chart. At 3 o'clock, juvenile crime spikes and it does not go down until late in the evening and it starts to go down at 6 when parents come home from work. We know that children need to be kept busy. That is why we have the support of law enforcement for our afterschool programs.

Let me show you the law enforcement who has supported afterschool programs since we began this effort. Senator DODD has worked hard on this; Senator KENNEDY. Again, I do not want to sound like I am the only one that is pushing this. We have many, many Senators on our side of the aisle—and we hope some on the other, although it has not been tested yet—who support this.

Here are the law enforcement that have written to us: National Association of Police Athletic Leagues, Fight Crime, Invest in Kids, National Sheriffs Association, Major Cities Police Chiefs, Police Executive Research Forum, National District Attorneys Association, California District Attorneys Association, Illinois Association of Chiefs of Police, Texas Police Chiefs Association, Arizona Sheriffs and Prosecutors Association, Maine Chiefs and Sheriffs

Association, Rhode Island Police Chiefs Association.

That is an example of law enforcement that supports afterschool programs.

We just got a letter from the Police Athletic League in which they talk about the importance of adding an amendment such as the Boxer amendment which, in essence, says that law enforcement participation in afterschool programs is important. We mention law enforcement in our bill over and over again.

A quote from the PAL letter:

> After-school youth development programs like those proposed in your amendment have been shown to cut juvenile crime immediately, sometimes by 40–75 percent.

That is a quote from a letter to me.

I say to my colleagues on the other side of the aisle who often talk about law and order and the importance of going after criminals—and I share their concern—this is one thing we can do to stop crime after school.

I close with this statistic: 92 percent of the American people favor afterschool programs. Let's do it.

Thank you.

The PRESIDING OFFICER (Mr. GRAMS). Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

First, I want to discuss very briefly the Boxer amendment. Back in 1993, I offered—and it was endorsed in 1994, when we were reauthorizing the Elementary and Secondary Education Act—the basic amendment that Senator BOXER is talking about. We called it the 21st Century Schools at the time, though it was only minutely funded.

This past year, the President decided that was a good program. He put $200 million into the program and I deeply appreciate this acknowledgment that it was a good program. Thus, we are talking about something which I agree with and that Congress did back in 1994. The time to review it, however, is when we're reviewing the Elementary and Secondary Education Act, which has already begun with hearings and will continue.

So the concept is one that is acknowledged by everyone as being important. The need for remedial education has increased dramatically, and the way that can be addressed is through afterschool programs. When we get to this issue later in the year, at the proper time, I will be endorsing the concept and welcoming amendments from either side to make the initiative more consistent with the current needs.

I yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mr. GORTON. Mr. President, I believe it appropriate to step back one or two steps from the debate over educational flexibility legislation and the 100,000 teachers proposal which is in front of us and look at the general philosophy of Federal education and the profound differences between the two sides.

Perhaps the best place in which to determine the attitude of the Clinton administration and its supporters here in Congress with respect to the Federal role in education is the budget of the United States submitted by the President approximately 1 month ago.

For a number of years, there has been one relatively modest program of unrestricted aid to school districts across the United States of America. It is called title VI, for innovative program strategies, the least rule-infested, the least bureaucracy-influenced of all of the forms of Federal aid to education. For the present year, 1999, it amounts to $375 million, a very modest amount of Federal aid to education.

In the budget of the President of the United States for the year 2000, it has zero dollars. It is simply wiped out. In its place are nine new specific Federal programs, many of which have been discussed by Democratic Members of this Senate, totaling almost $250 million, every one of which is aimed at a precise goal, every one of which says we in Washington, DC, know which school districts across the United States know better than do the parents, teachers, and school board members in those individual communities, and we are going to give you money with strings and rules attached.

Now, there is another Federal program which gives money to certain school districts that they can use for any educational purpose. It is called impact aid, and it goes to school districts which encompass Federal military reservations or other large Federal presences or in which there are many students who come from such grounds where property taxes are not collected as the basic support for public schools. The money that comes to those school districts can be spent in the way those school districts deem most effective for the education of their kids.

Impact aid in this budget from the President is cut by $128 million—just slightly less than the $200 million earmarked almost solely for new teachers that is the subject of the debate right here right now. In other words, let's stop allowing these school districts to determine their own educational priorities and we will tell them what their priorities are here.

Interestingly enough, the total of each of these disfavored programs is almost identical to the amount of money in the new, more categorical aid programs that the President has come up with.

Dwarfing that, Mr. President, is the lack of support for special education for IDEA. The President disguises that lack of support by roughly the same number of dollars nominally for the year 2000 as he has for the year 1999. But almost $2 billion of that is the funding that will not go to the schools until October 1 of the year 2000. In other words, it won't be charged against any deficit in the general fund in the year 2000 itself, it will be forwarded to the year 2001. It will be a bill for the people of the United States to pay, a hidden bill.

Now, that is balanced off by several billion worth of school construction bonds, the full cost of which to the Federal Government is only $150 million in the year 2000 but will be billions by the time we are all finished.

Finally, there are a number of present programs—all categorical programs—in the budget which are increased about $750 million, but the pattern is overwhelming. This administration will cut or eliminate those programs in which the school districts have plenary authority to make choices in which teachers, parents, principals, and school board members set educational priorities. In every case—including the teachers amendments we are talking about here—the judgment by this administration and by those who support it is a very simple one: Local school boards, even State authorities, don't know how to spend their education money and we have to tell them how to do it.

So this particular debate over one or two of these particular new programs—always aimed at valid goals, of course—really is a disguise for the statement that more and more control should be transferred from local school boards, from local entities, and even from the States, to the Department of Education and Washington, DC, and to all of the great educational experts here in the U.S. Senate who know how to run all 17,000 school districts in the United States as a whole.

The Senator from Vermont has a perfect alternative, it seems to me, to this proposition. That is, at the very least, let school districts determine whether they want to spend the money on this narrow teachers program or whether they want to cover the obligations we have already undertaken in the Disability Education Program, the special needs students, where just 2 years ago we passed, and the President signed, a bill stating that we would support 40 percent of the cost of that special education. We are at about 9 percent right now. And when you take out the phony $1.9 billion, which won't even be charged against the 2000 budget, it will drop to about 6 percent. Why? In order to come up with all of these fine-sounding new programs in which the Federal Government tells each school district exactly how it should operate.

The choice, Mr. President, is a dramatic choice. The choice is whether or

not we will follow the course of this administration and reduce substantially the amount of money we allow school districts to determine the goals for themselves, or tell them more and more what they should do for themselves.

Mr. President, that simply is not the right direction in which to go, and the increasing categorization of schools should be reversed. We should at least give the flexibility the Senator from Vermont has asked for in the spending of new money—money above and beyond the amount of money that we are devoting to education at the present time. I commend his arguments to my colleagues and hope we will act accordingly.

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, first, let me review for a little bit where we are. As the Senator from Washington pointed out, we have on the floor, an alternative to what would be provided in the Murray amendment. Schools would be able to have some flexibility on the expenditure of money that intended for schools, if they want, to add more teachers—the new teachers are in the President's new 100,000 teachers program.

First, I will point out some of the problems with the President's program as it is presently drafted. The guidelines have just come out on it, and they still don't seem to cure this problem. I was on a national press hookup this morning, and at least two States who were on that hookup—Wyoming and North Dakota—have already reached the goal of 18 children per classroom. They would not, under the current guidelines, be able to use the money for what they want to use it, professional development. Vermont is in that same category. The 100,000 new teachers program would affect states differently, and some states would not benefit at all from. Those are just two problems with it.

That is why we have the option I suggested, which is in amendment form. We will have a chance to vote on it. It would say that you would have the option of using these funds—which will be substantial; in many cases, $1.2 billion is involved—toward reaching the commitment we made back in 1975 and 1976, to provide 40 percent of the funding for special education. We are down to less than 10 percent at this point.

The chart behind me shows that very well. The orange in that chart is what we should be paying to the schools across the Nation for special education assistance, and we are not. In addition to that, a recent Supreme Court decision has said that schools must not only take care of the educational aspects, but they must also take care of the medical aspects of a child who needs medical assistance in the schoolhouse. That is going to add hundreds of millions of dollars more in special education costs, I would guess, in the years ahead, and probably even this year.

To refresh people's memory, the agreement on the $1.2 billion, 100,000 teacher proposal happened in the wee hours of final passage of the bill, and I was not present. If I had been present, I certainly would have fought at that time what they did in the language of it. What we are trying to do is make sure the communities would have the option of using that money to defer some of their cost of special education, and then have other funds freed up to provide the kinds of changes or money expenditures they need.

The amendment proposed by Senator LOTT yesterday offers what I have been talking about. I believe it would be a good middle ground between those of us who are urging that we live up to our promises with respect to IDEA funding, and those who think we should undertake a massive new effort to hire teachers for local schools. The Lott amendment essentially permits local school officials to decide whether they need more money to educate children with disabilities, or whether they need to hire additional teachers. From what I am hearing from Vermont teachers, IDEA funding is the first, second, and third issue raised with me about education when I visit the State.

We are fortunate in Vermont to have already achieved the small class sizes the President is trying to promote with his teacher hiring program. Reducing class size further is not a priority at this time. Meeting the needs of children with disabilities is. This is what is hampering our local schools from doing the things they need to do. We would like very much to see the flexibility include such things—which are a priority—as the ability of our teachers to be given additional training so they can perform better in the classroom.

I realize that some localities in other areas may hold a different view. They could use their portion of $1.2 billion to hire teachers. The point is that it should be their choice, not ours. In listening to the debate over the past several days, one might get the impression that hiring more teachers is the silver bullet. Clearly, that is not the case. What is missing in the discussion is the quality of the teacher in the classroom. I think it is common sense that the most important aspect of teaching is to have a teacher that is a good teacher. The classroom size can go down to 10, but if the teacher is a lousy teacher, you are not going to have much quality education. On the other hand, if you have a qualified teacher, whether the class size is 18 or 20 or 23, you will have quality education. The size is not going to make much difference. When I was growing up, our average class size was about 30, and I had good teachers. The biggest problem is making sure that we have professionally qualified teachers.

In the last Congress, during the process of the reauthorization of the Higher Education Act, there was a great deal of concern about the quality of our teachers and the effectiveness of the various programs that existed to address these concerns. We thought that the programs that had never been utilized, or were not effective, could be changed to take care of what is the primary need of the Nation. This need is the need for fully qualified teachers—not only qualified in teaching, but in knowing what the standards are that have to be met. They must know how we can move kids into a situation where they have the math standards essential to perform in the international markets, and where the young people graduate from high school ready for jobs that pay $10, $15 an hour. We don't have that kind of thing in most areas of the country.

In hearings on that subject, I believe every member of our committee expressed grave concerns that the quality of teaching was not at the levels to ensure that our students meet educational goals. As part of the higher education bill, we included an entire title devoted to teacher quality. And because we were dealing with higher education, we focused largely on the training of future teachers. I believe we developed a very positive and comprehensive approach for dealing with that issue.

Another issue along those lines that we have to look at, is what we can do in the higher education areas to make sure the colleges and the universities that have teacher colleges understand the changes that are necessary to ensure that when they graduate people from the education departments, they are qualified teachers.

I have examined many, many of the programs for teacher scholarships that are in existence and have found that they are missing a lot of important information for young people who are graduating. These graduates will be our teachers for the next century, and they really don't have the kind of education they should have to graduate and be a good teacher, a professional teacher, one who is qualified to go into the classroom. We have a lot to do in that regard. The money would be much better spent there, than it would be spent on classroom size. The place to do that, however, is in the context of the elementary and secondary education authorization, not piecemeal as we are doing now on the Senate floor.

Until we get a better handle on the teacher quality issue, we are making a big mistake by sending local officials out to look for more teachers. Where are they going to come from? Are they going to be good teachers? And, are

they going to have a classroom? If you have 100,000 new teachers, where are they going to teach? That is a question that has not been answered. If you suddenly reduce the class sizes, you have to have someplace to put the students who are pushed out of the existing classrooms. You have to have classrooms to put them in.

On Monday, it was suggested that the first question a parent asks of his or her child is, Who was in your class? I would suggest that the first question is, Who is teaching your class? If a locality has a plentiful supply of unemployed quality teachers and lacks only the funds to hire them, that locality will find the Class Size Reduction Program to be beneficial. If that is not the case, those funds will be put to much better use by supporting existing efforts to educate special education students.

If, in the context of the ESEA reauthorization, we determine that helping to hire teachers is an important component of the overall approach to supporting teaching, then we can do that. I hope, if we do that, that we proceed in a thoughtful way to work through the real needs of schools and students. The 100,000 teacher program does not now adequately address the differences in needs of local schools around the country. Some schools may need more professionals while others need more professional development. I would say it is much more of the latter than the former.

In the meantime, let's take Senator LOTT's suggestion to allow schools to choose how they spend these funds made available for fiscal year 1999, the $1.2 billion. It is not too late to make this option available. Guidance on teacher hiring programs has been available for less than a week, and funds will not be provided until July.

Mr. President, let me again go over the basic problem we have here.

First, we had a wonderful bipartisan relationship last year. It really makes me sad to think that has broken down on the first education bill we have taken up this year. Last year we passed 10 good, sound, education bills out of my committee. They are now in operation, and we are looking toward improvement, even though we still have the appropriations fight to go through this year. But, we worked in a way, last year, that benefited all of us. We shared our ideas and worked them out in the committee.

This year, this Ed-Flex bill was voted out of committee 10–to–1. The Democrats chose not to be present when it was voted out, and that is fine, because there didn't seem to be any conflict in it. It was basically the same bill we had voted out of committee 17 to 1 last year. So I thought, fine, that is all right; they have other things to do.

But now this has turned into what is basically, I think, a political demonstration project to get political advantage by proposing various amendments to this bill. These amendments should be taken care of not on the Senate floor right now, but through the normal committee process, during the reauthorization of the Elementary and Secondary Education Act, which we are already in the process of holding hearings on. We must examine each one of the programs that have been addressed. They should not be placed on this Ed-Flex bill and bypass the committee process.

Certainly we have to worry about the issue after school programs. That is an incredibly important issue. The proposal in the amendment of the Senator from California, is a program that I put into the 1994 reauthorization of ESEA. Perhaps the program needs to be modified—although it is a pretty good program right now—to take care of the changing demands upon our educational system. However, that should be done during the reauthorization of ESEA, and there shouldn't be much controversy over it. The President has already endorsed it and has added funds to it, making it a substantially better program as far as funding goes. And through the reauthorization of ESEA, we will just improve it to make sure it is better as far as handling our young people. The others are also all worth taking a look at.

I certainly agree that we have to end ''social promotion.'' That is a term that has just recently come into use. Let me explain a little bit about where that term came from.

Literacy studies have shown that 51 percent of the young people we graduate from our high schools are functionally illiterate. That is a disaster. You ask any businessman. A potential employee says, ''Why don't you want to look at my diploma?'' The businessman says, ''It doesn't mean anything. I don't even know if you can do ordinary math or reading.'' So that is the social promotion that we have to end. We have to make sure that every child who graduates from high school meets certain standards or they don't get a diploma. That makes common sense.

There are other amendments being offered which also ought to be considered, but they ought to be considered in the normal committee process, not just for purposes of politics, or whatever else.

I am, though, encouraged to learn from the leadership that we have, apparently come to an agreement, which will be expressed in the not-too-distant future. This will give us the opportunity to get on with the educational situation by passing the basic bill, the Ed-Flex bill. And we may agree on some amendments to be offered, and we will vote on those.

So I am hopeful that before the afternoon is finished we will have the opportunity to move forward on this bill, and then get back to discussing education in the committee room, within the context of the ESEA reauthorization, where we should be, instead of on the Senate floor.

Mr. President, I am now going to read a message from the leader, if that is all right.

For the information of all Senators, negotiations are ongoing, and we are very close to an agreement with respect to the overall Education-Flexibility bill. Having said that, the agreement would be vitiated on the scheduled cloture vote. But that agreement has not been fully cleared by all interested parties. Therefore, I ask unanimous consent, on behalf of the leader, that the pending vote scheduled to occur at 1 p.m. be postponed until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I then will continue to go forward and hope that maybe we are coming to an end. It's not that I don't like being on the Senate floor continuously day after day, starting in the morning and ending at night, but there are other things on my own schedule that sometimes suffer. Hopefully, we can reach agreement. Again, the status of our educational system is what we are talking about here generally. Hopefully, with this agreement, we will get back to an orderly process to examine the needs of this Nation.

Let me reflect again, as I have before, upon the status of education in this country and why we are concerned about it.

Back in 1983, under the Reagan administration, Secretary Bell at that time did an examination of our educational system and compared it with our international competitors. He took a look at where we stood with respect to our young people graduating from high school, and also those graduating from skilled training schools, and determined that we were way, way behind our international competitors—the Asian and European communities. In fact, the commission that was set up to do the examination was so disturbed that they issued this proclamation. To paraphrase, they said, if a foreign nation had imposed upon us the educational system that we had at that time we would have declared it an act of war. Well, we still have that education system. You would think that a tremendous change would have occurred, but it hasn't.

I am on the goals panel, and we meet once a year to determine whether or not our schools have improved.

Most recently, we took a look at the situation last year to see what had happened to improve our educational prowess and standards relative to the rest of the world. What we determined was there has been no measurable improvement since 1983. That was 15

years ago. We have not improved. That cannot continue, and that is why we are here today and will be working on this as we move forward.

As shocking as that revelation was, we found that the only data we had to measure whether there had been improvement was 1994 data. We do not even have a system which will provide us with current data to show us whether we have any improvement or not. That is a terrible situation. We cannot even measure our performance to determine whether or not we have had any improvement.

Hopefully, as we move forward, that situation will be taken care of in the Elementary and Secondary Education Act. A primary focus of what I will be doing this year, in order to address the situation, is to thoroughly review the Department of Education. Mr. President, $15 billion is spent on elementary and secondary education, and it seems to me that one of the primary focuses of the Department of Education should be to find out whether we are improving. Does this program or that program work or not? Are the young people influenced by this or not? Yet, with $15 billion, we have not been able to determine whether or not anything is happening.

We have important changes to make in the Department of Education. We have to take a look at where our priorities are and take a look at where the $260 million is spent on research. I am frustrated as chairman of the committee to think at this point in time that we are spending all this money and we do not know whether the programs we have been using work or not. If we can't find out with $260 million whether our educational system is improving, we better take a good look at our research programs. That is one thing we will be looking at on the Elementary and Secondary Education Act.

It is certainly going to be an interesting year, and I am hopeful that in the next 25 minutes we will find that there has been an agreement that will allow us to go forward in an orderly process.

Now, back to our educational system and the problems we have with it. To refresh the memories of Members as to what this means to our future, we have had terrible problems with finding young people with the skills necessary for this Nation to compete in the world.

In fact, we are so short that we have somewhere around 500,000 jobs out there available that are not being filled. Actually, that is down somewhat, I should say. We made a significantly downward push. But why? How? By changing the immigration laws to bring in more people from foreign nations who have the skills to come in and help our businesses compete.

That is not the way it should be happening. We should not be looking toward amending immigration laws to supply our businesses with the skilled workers they need to meet the demands of the present-day jobs. This is another area that is of deep concern to me.

Several years ago, we set up a skills panel to establish standards to measure whether we were meeting the goals of our industry. I do not know how long ago that was, but it has been many years. We have yet to establish even one standard. Obviously, we have a long way to go if we are going to meet the needs of our businesses.

The first thing we have to do—and I know the President endorses this also—is make sure that every student who graduates from high school is functionally literate and not functionally illiterate, as the studies show, and that is a big charge.

We do have some things that are good news, though. Although, unfortunately, there is usually bad news connected with that good news. The good news is, we have all sorts of technology which has been developed over the years with various programs. The bad news is that these programs started to become available in the midseventies, and we are not yet in a position to determine how they could be better utilized in our school systems.

You can also utilize software in your home computer where you can learn simple elementary math, algebra, and calculus by yourself if you want to. All of these things have been available for over 20 years, but they are not readily available, nor are they in any way coordinated in their use in our school systems.

My own kids have caught up on matters by having it available to them individually. However, there is no coordination nor evaluation connected to the utilization of that technology in assisting young people who are having a difficult time or want to go ahead of their class in understanding calculus or other high standards of math, there is no coordination nor evaluation.

I was at a conference recently in Florida where the technology people came in, and I was able to talk with them. There are wonderful programs out there, but there is no evaluation system, not even in the industry itself, to determine what works and what does not work. We have all of these wonderful programs—AT&T has a good one and many companies do—and they are available, but there is no assessment of them. There is no evaluation of whether, one, an individual benefits from it; or, two, whether it can be used on a broad basis or how to fit it into the classroom to make sure the young people will be able to take advantage of this technology.

That is another thing we have to look at with the ESEA reauthorization: First, how can we set up a situation where we can evaluate these programs? And second, how can we make sure that, in the afterschool area, we have programs available that will allow our young people to catch up and move ahead?

I see the sponsor of the bill is present on the Senate floor. I congratulate him for the introduction of this bill and the hard work he has put into it. He has helped move it forward. I am sure he shares with me the glimmer of hope which will burst forth with a resolution to this problem.

I yield to the Senator from Tennessee such time as he may need.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, first, I commend the manager of the bill for an outstanding job. It has been now several days that we have been on a bill that to me is a very exciting bill, because we know, based on how it has been used in 12 States, that it is an effective bill, a bill that works, a bill that helps our children learn, a bill that unties the hands of our teachers and our school boards and our local schools.

It is a bill that costs not one single cent. How many bills go through here that really don't cost the taxpayer anything? Yet, the money we spend today is spent more efficiently, more effectively, with more local input, with the education of our children being the goal and demonstrated results which, if I have time, I will review some of those results that we know today.

Let me, as background, refer to a chart that is so confusing. I do not want my colleagues in the room to even try to look at the details of this chart, but let me tell you what the chart is. Basically, I asked the General Accounting Office, which is an objective body that comes in and helps us evaluate existing programs, how well are we doing in terms of spending education dollars and resources today and how is it organized.

I have a 15-year-old, a 13-year-old and an 11-year-old. If you take a child, a 13-year-old, we know the objective is to educate them, prepare them for a job, to have a fulfilling life, to prepare them for the next millennium. What are the programs we are putting forth since we are failing them—and let me make that point clear, we are failing our children today, when we compare ourselves to countries all over the world. We are failing them. What are we doing? We have to do better.

If we take what we are doing today for, say, young children, look around the outside, the outside. The target here says ''young children.'' This says ''at-risk and delinquent youth.'' This says ''teachers.''

For young children, how many programs do we have focusing on young children today? And the answer is: Department of Justice has two programs,

the Department of Labor has seven programs; ACTION has one program; the State Justice Institute, a program; the Corporation for National Community Service, six; the General Services Administration has a program; the Department of Agriculture, coming all the way down, has six programs. Again, the point of this—whether you are looking at at-risk and delinquent youth or teachers or young children—is that we have numerous programs, overlapping programs that are really all well intentioned, many of which start in this body as another good program just like many of the nongermane amendments to my underlying Ed-Flex bill. What is happening is we have another few blocks, another few programs to add to this chart, and that is really not what we need today. What we need today is to have better organization, at least initially, and then have the debate about where resources should come in, how these resources should be spent; how we can coordinate, not duplicate, not have overlap.

I say that because my simple bill is a bill that basically says let's give our local schools and schoolteachers and school districts a little more flexibility to innovate, to be creative, to take into account what they know are the needs of their school. It might be one-on-one teaching. It might be smaller class size, though let me just say I was on the phone this morning with three Governors: ''Class size is good, but the ratio in my State already is 18 to 1,'' said one of the Governors. Another said, ''The class size in my State is 19 to 1 right now. We have already solved the class size problem. Our real challenge is to have one-on-one tutoring for grades 1, 2 and 3 so they can at least learn how to read early on. Give us that flexibility to meet the same stated goals; that is, educating maybe a group of economically disadvantaged children—educating them but taking into consideration what my teachers say, what my parents say, what my principals say, what my school district says, and don't you, up in Washington, tell me how to use those resources because that is not what I need.''

The point is, you can use them for what you want as long as you meet the stated goal in statute, what we have set out to use that money for.

Real quickly, what do we have today? I am from Tennessee. Tennessee is not in yellow on this map. The States that are in yellow are those States that have Ed-Flex today, a demonstration program started in 1994 with 6 States, 2 years later another 6 States added so we have 12 States. We have data from these States. I will cite some of the data from Texas because they have had longstanding experience with it with very good data. I will show you some of that data. But the Senator from Massachusetts, who is on the floor, feels very passionately about adding more programs—and that debate has to take place and should take place, but just not on this bill. It is currently taking place in the Health, Education, Labor and Pensions Committee as we speak. There are hearings ongoing, looking into all elementary and secondary education where we are looking at all of the resources. We are looking at that overlap that is there. We are looking at objectives and goals. All that is ongoing.

What we are saying is, yes, all of these amendments are important to look at, but let's concentrate on this single Ed-Flex bill, get it to the American people, to their benefit, today. My Ed-Flex bill simply takes what is existing in these 12 States and expands it to all 50 States, paying that respect to that local school, that local school district, those parents and those teachers.

The Democratic Governors' Association—it has to be confusing to the American people because we have a bill that is supported by every Governor in the United States of America. It is supported by the population at large, hugely supported by the population. There are Democratic cosponsors in this very body. It is a bipartisan bill. RON WYDEN of Oregon is my cosponsor and we are out front fighting for this bill in a clean state, yet we have this filibuster that is going on, where we have cloture votes, procedural votes that say we are going to stop this bill. I am offended for that in part because of my children, and in part because I feel I am responsible to the American people to make sure the younger generation is educated well compared to school districts in a State or compared to around the country or compared globally, where we are failing today. That is our obligation.

It has to be confusing because we have this body filibustering a bill that has broad support, that the President of the United States just a year ago recommended. A week ago he said pass that bill. Secretary Riley of the Department of Education says it is right on target, it is a superb bill—he has endorsed that bill. That is what is difficult and must be confusing.

Let me show you what the Democratic Governors' Association said in a letter to us on February 22:

> Democratic Governors strongly support this effort to vest state officials with more control over the coordination of Federal and state regulatory and statutory authority in exchange for requiring more local school accountability.

I think that is an important point because you have the issue of flexibility, of innovation, of creativity. But we have to have tough accountability built in. Why? Because when you give anybody flexibility and give them a little more leeway to meet those stated goals, you want to make sure that they are held accountable for meeting those goals and if they are not, taking that flexibility away. That accountability is built in very strongly.

The Democratic Governors—and remember that is where the filibuster is coming from, it is on the Democratic side—but the Democratic Governors tell us ''Most important, S. 280''—and that is this bill, the Ed-Flex bill, the bill we are debating today—''maintains careful balance needed between flexibility and accountability.''

That balance was carefully crafted. I think that is why the bill has so much support; 17 to 1 out of the committee. It is rare for a bill to come out of a committee discussion, again, bipartisan, 17 to 1 this past year.

> S. 280 is common-sense legislation that we believe deserves immediate consideration. We hope, therefore, that you will join in supporting its prompt enactment.

I guess this prompt enactment is what we are trying to achieve, what we are working to achieve. Right now we have not been successful in working toward that prompt enactment. As I said earlier, I believe the House will pass this bill today. And, again, if we can pass this bill sometime this week we can have it on the desk of the President to the benefit of all Americans and not just people in those 12 States.

The National Governors' Association—again, I spent a lot of time with the Governors. People say, Why, as a Federal official, are you working with the Governors? The answer is straightforward: Because the Governors traditionally have been the people responsible for looking at education and education programs. Right now, in terms of overall money, about 7 or 8 percent of the education dollars spent across the State of Tennessee come from the Federal Government, and it is the Governors that typically oversee education and have a long experience with it.

Just very quickly, on what the Governors have said—I won't go through this. This is a letter of endorsement: ''Expansion of the Ed-Flex demonstration program to all qualified states and territories.'' Just one sentence:

> Ed-Flex has helped states focus on improving student performance by more closely aligning state and Federal education improvement programs and by supporting state efforts to design and implement standards-based reform.

I think that is the overall point. We are all working together, both sides are working together in a bipartisan way to improve education. It is bicameral—the House and the Senate have bills that are moving forward. It is State and it is Federal and local all working together for this particular bill.

Mr. WYDEN. Will the Senator yield for a question?

Mr. FRIST. I will be happy to.

Mr. WYDEN. I appreciate the Senator yielding. It has been a great pleasure for me to have a chance to work with him, on a bipartisan basis, for this legislation, and I feel it will be very

helpful if he can just take a minute and outline the breadth of support for this legislation. Because, certainly, when we began this discussion, I don't think most Americans could have told you anything about Ed-Flex. We joked most people would think this was the instructor at the Y, the new aerobics instructor.

But the fact is that just a few miles from this Senate Chamber, a school is using Ed-Flex and the existing dollars to cut class size in half. That is going on today using existing dollars. Not spending one penny more of Federal funds, we are seeing a school close to the United States Capitol cut class size in half.

If you listened to this debate—and I happen to be for the hiring of the additional teachers—you would get the impression that the only way you could cut class size in America was to spend more Federal money.

I happen to think we do need to spend some additional dollars, which is why I support the Kennedy and the Murray amendments. I also share the view of the Senator from Tennessee that we can cut class size now, using existing dollars.

I think it would be very helpful, given the fact that we are so close now to the agreement—I really commend the minority leader, Senator DASCHLE, and the majority leader, Senator LOTT, because they have gotten us right to the brink of having an agreement so we can go forward with this legislation—if my friend and colleague could just outline for the Senate the breadth of support for this legislation. I appreciate him yielding to me for this time.

Mr. KENNEDY. Mr. President, if the Senator would yield, we have a half-hour debate on this from 1 to 1:30. We have now used up 20 minutes. I want to make some brief comments. Obviously, I want the Senator to conclude. We did not divide that time officially, but I hope at least we will have some part of that half hour to make our points, too.

Mr. FRIST. Mr. President, if I could just finish in 1 minute, 2 minutes.

Mr. KENNEDY. The Senator is very generous, if we get 5 or 6 minutes at the end, that would be fine.

Mr. FRIST. Mr. President, let me make it clear, when I came to the floor there was nobody from the other side here, so that is one of the reasons I wanted to go ahead and use this opportunity to lay out where we are today.

Let me take one more minute or so, because this accountability/flexibility is very important. The broad support that my colleague and, really, cosponsor of the bill, Senator WYDEN, has referred to is this broad support that we feel when we go back to our town meetings and we talk to people. The broad support starts at the level of those parents, people in the schools, the teachers, the educational establishment, who have said—and I have shown this on the board—this is a step in the right direction, up through the Governors and their strong bipartisan support. The difference in how we get there is, I think, where the debate is. That is what I am hopeful we can reach, working together with some sort of agreement.

I again want to thank my colleague, Senator WYDEN, because this bill came out of us working together in a task force, listening to the American people as we go forward.

Let me just close and basically show again, without going into the details, that we have some demonstrated results from Ed-Flex and how beneficial it can be. That is why we feel so passionately about getting this bill through.

This is from Texas statewide results. The categories: African American students did twice as well when they were in an Ed-Flex program. Hispanic students in Texas did twice as well in an Ed-Flex program. The economically disadvantaged students improved 7 percent versus 16 percent, again, in an Ed-Flex program.

This essence of accountability and flexibility is part of this bill. I plead with my colleagues to pull back this inordinate number, excessive number, of nongermane amendments so we can pass this bill.

I yield the floor.

Senator KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are in the process of trying to work through some kind of arrangement where we can address a reasonable number of amendments, on both sides. I do not want to characterize how close we are to it, but we are moving towards a vote at 1:30. It is really a question of whether the leadership and the other Members are inclined to do so.

On the one hand, I find it quite objectionable to have to get into a situation where those in the minority are going to have to go hat in hand to the majority and say: Look, we are going to be limited to these number of amendments in order to get our amendments considered. The rules of the Senate permit us to offer amendments until there is a determination by 60 Members of this body to terminate or close off debate. Then there is also an opportunity for follow-on amendments, if they are germane.

We are in a situation, nonetheless, where there are some negotiations being worked out and being addressed. We are inviting Members on both sides to give their reactions on it. It is a process which is done here in this body, and we will see what the outcome is.

Barring that, we will be moving towards the vote on cloture on the Murray amendment, which we have talked about during these past days. It is a very simple amendment. It is a continued authorization for the next 6 years on class size for the earliest grades, K through 3. We had, as I mentioned earlier in the day, made an agreement which had broad bipartisan support. I read into the RECORD the very strong support for that measure when we worked it out just a few months ago, when the Republican majority leader, DICK ARMEY, said:

> We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. . . . We were very excited to move forward on that.

This is the Republican majority leader in the House of Representatives. We also have included statements where the Republican chairman of the House committee, Mr. GOODLING, stated similar kinds of expressions of favorable consideration.

Now we are faced without the opportunity to consider this amendment. That is basically unacceptable, Mr. President—particularly when communities across this country have to submit their budgets, which includes the hiring of teachers for this coming September, in only a few weeks. If schools want to take advantage of this year's teachers and the follow-on teachers, they have to be able to make a judgment. Schools, communities and school boards are all inquiring about this funding—the school boards in particular. They are in such strong support of this funding—the school board associations, the parents associations, the principals associations, the teachers associations. They want a degree of certainty—what rules do they have to play by. That is why this legislation is so important.

The GAO report states that when they asked local directors and principals and superintendents of schools what were the three things that they wanted most, they said: First, additional funding—no surprise. Secondly, they said, tell us about additional programs that can benefit the children. Thirdly, we want information on how to run the school. That is in the GAO report, not, ''No. 1, we just want the Ed-Flex.''

We are for Ed-Flex. I want to see accountability, and we have made some progress. The House is dealing with that issue this afternoon—they took some language and, I think, made some important progress in terms of accountability. The fact is, Mr. President, that the No. 1 issue on school boards all across this country is plain and simple: Are we going to move ahead and give the kind of continued authorization for this legislation so we can get smaller class size for the next 3 years, or aren't we?

At 1:30, we have the chance to vote on that issue here in the U.S. Senate. We can vote in favor of cloture, which effectively ties that particular provision into the legislation—it can still be

modified, if the amendments are germane. Then we take the next step to go to the conference. That is what is really before us and why this vote is of particular importance and significance.

I see 1:30 has arrived—my friend and colleague from Tennessee is on his feet. We will either vote, which I am glad to do, or accede to the majority leader, if he has a request.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. We are close. Mr. President, we are very, very close. That makes me feel good, if we can come to an agreement. But in light of those negotiations, with respect to the Ed-Flex bill, and the fact that we are as close as we are, I ask unanimous consent that the cloture vote scheduled to occur at 1:30 be postponed until 2 p.m. today.

Mr. KENNEDY. Reserving the right to object, and I do not intend to, could we have the time divided to both sides?

Mr. FRIST. And the time divided as part of the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I see other Senators. We had several who wanted to speak.

Mr. FRIST. I will defer.

Mr. KENNEDY. If you want to proceed first, I will check with my colleagues.

Mr. FRIST. I yield such time as is necessary to my colleague from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, Mr. President.

I thank my colleagues, Senator FRIST and Senator JEFFORDS, and others, for the important work they have done on this piece of legislation. I think this is a marvelous piece of legislation.

In my time in the Senate, which has not been long, I cannot recall seeing a piece of legislation that has been supported by all 50 Governors. All 50 of them are supporting Ed-Flex. It seems like, to me, it is one of those provisions in bills that comes forward where people say, ''This is the right time, right place, right idea. Let's do it.''

It is time we should move forward with this bill. It passed in committee 10–0. It passed last year out of committee 17–1. This ought to be something on which we could agree.

I would just like to make a couple of points. My State is an Ed-Flex State. Kansas is an Ed-Flex State. We have had a number of school districts that have asked for and received the authority and the flexibility. This started down the same path that welfare reform did early on, when you finally had some States saying, ''Look, the situation has gotten bad enough. You have so many Federal strings and redtape on it that we can do a better job here if you'll just give us a little breathing room. Just let us have a little bit of help here, not telling us what to do and letting us decide.''

That is what started welfare reform; you had some States starting to do that and asking for little provisions: ''Let us take this into our own hands and we'll do a better job.'' And you know what? They did do a better job. They did do a better job, and they were the laboratory of the experimentation of democracy in saying, ''Well, let's try it different here; different there.''

And what has ended up taking place? We have in my State welfare reform today where you have had a reduction in welfare recipients of 50 percent over the past 4 years—a 50–percent decline. And the people off welfare are saying, ''Thank goodness I'm working,'' and ''I feel better about myself.'' And I feel better about this program. This has worked. We are seeking to replicate that in education by saying, ''Let the flowers bloom in the States across the Nation.''

The principle behind Ed-Flex is simple. You have heard about it. It allows local schools to implement creative programs that are custom tailored to the needs of their kids, enables State education agencies to waive State requirements, along with Federal mandates, so that local schools can innovate effectively.

Listen to what we are doing in Kansas about these Ed-Flex programs that we have in our State. We have had several States where we have had a number of waiver requests. I think we have 43 waivers in my State that have been requested.

One school district received a waiver in order to more better distribute title I funds to the neediest students. Leavenworth schools requested a waiver to provide an all-day kindergarten class and preschool programs to better serve the special needs of the children of our soldiers who are serving at Fort Leavenworth. Emporia used an Ed-Flex waiver to implement new literacy programs and an intensive summer school program.

Do those sound like good innovative ideas that are particular for a local school district meeting its needs? It certainly does. And that is what Ed-Flex is about; and that is what it is providing in my State.

Take that and replicate that across the Nation to the 46 million schoolchildren in 87,000 public schools across this country. And does anyone really think—does anyone really think—that a one-size-fits-all approach would work with such incredible diverse needs, circumstances, situations across the country? Communities need the flexibility to address their unique needs, and given that opportunity they will educate the children better. They will do a better job than the one-size-fits-all mandates out of Washington.

I am surprised and dismayed that some people are filibustering this bill and saying: Well, we're not going to let it move forward on such a tried and true concept that is being tried and worked in so many States, that is supported by all 50 Governors, that provides for localized decision making on such an important decision as to how do we educate our children?

We have examples in this thing that should be working, and we should allow this to take place. Unfortunately, some people are trying to kill this bill with amendments that, of all things, actually add—actually add—Federal mandates—which the whole point of the bill is to reduce Federal mandates, and a number of people are trying to add Federal mandates.

Think about that. When the purpose of this is to allow schools flexibility in how they run their programs and spend their money, most of these amendments do exactly the opposite. They mandate that the schools spend a certain amount of money in a certain way no matter what their situation or their need. It just does not make sense.

What is even stranger is that these amendments would require additional Federal spending on new mandates while ignoring the commitments we already made to children with special needs through programs like the IDEA. The way I see it, we should fulfill the promises we have made to disabled children before we create new entitlement.

There are many reasons why we need Ed-Flex. I think it can create that innovative environment that can let our schools be as good as our children. Currently, our system is failing our children. What we need to do is get these obstructions of Federal regulations out of the way. We need to stop holding up the passage of these worthy initiatives and start doing the right thing by the American people and by our children.

Let this bill move. Let it move forward so that we can give that innovative atmosphere, and we can have a system worthy of the children of America.

Mr. President, I yield back the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just to review 7% of the Federal budget goes to educational programs—the role of the Federal Government is exceedingly limited.

So let's think for a moment what this is all about. This is a rifle shot program, Title I primarily. You have the Eisenhower Program, which is the teaching of math and science and the technology. Those together are maybe, $700 million nationwide, but that is a targeted program to the neediest children.

Now, 90 percent of the waivers today go out of the formula providing the targeted help and assistance to the neediest children. That is why there is

some caution about what is being included in the Ed-Flex. There have been attempts by my colleagues—Senator WELLSTONE and Senator REID—and myself to make sure that we are going to get flexibility at the local community level to serve the neediest children, but not to do what we did 25 years ago and build swimming pools and buy football equipment—because the local people know best about how to spend the money. That is what happened 25 years ago, Mr. President. Many of us are not prepared to say we are going to recognize that as a matter of national policy.

The most underserved children in this country need to be a part of our whole process in the education system. And they need additional kinds of help and assistance in terms of math, reading and other programs. We are going to have a limited amount of resources spread nationwide—2 to 3 cents out of every dollar locally—but it is going to go to the neediest children.

It is important to understand what the debate is about. We want some flexibility in that local community if they are going to use these resources and use it more creatively to help and assist those children. That is where Ed-Flex makes some difference. But if you look where the waivers have been, they have not been, with all respect to my colleague from Oregon, creating smaller class size. That is not where the GAO report has been.

It is moving past the formula from 50 percent to 43 percent. Under certain circumstances they have received the funds before and want to try and still carry forth the substance of the legislation because it is getting the most of it, in terms of the neediest children for schoolwide programs.

With all respect, that is what this debate is about. It is not a big sack of dough we are sending out there. The local community needs the additional resources and they can raise it or the States can. This is where the Targeted Resources Program developed some 35 years ago.

I might say that the most important analysis of the effectiveness of this program has been in the last 2 weeks where we have the report on Title I which shows that there is measurable student improvement and advancement, with a series of recommendations. Part of the recommendations are what? The smaller class size, after-school programs.

We come back to a situation where we are being denied that opportunity to vote. We welcome the chance to see this move ahead. As I have mentioned and pointed out in a lead editorial today—we want a situation like we have in Texas where they have a described measurable goal; they measured the results of their investment against those goals, and they made progress on it. That is a very substantial and significant kind of improvement over what we are talking about here today. I kind of wonder why we are not going that way—I would like to see us go that way. However, that issue has been defeated in an earlier Wellstone amendment. We think there is still enough justification to provide support for this proposal.

Let's not confuse this legislation, Ed-Flex, with doing something about smaller class size. We are talking about $11.4 billion—$11.4 billion additional dollars—in local communities for smaller class size. There is not a nickel in this bill for smaller class size, not a nickel. So if we are concerned about smaller class size, the effort that we ought to be making here today should be in support of the Murray amendment. That is the one Senator MURRAY has advanced to the Senate, spoken to the Senate, pleaded with the Senate. She has been our leader on this issue. Hopefully, we can make some progress on this issue.

I know time is moving along. I want to certainly cooperate with the leaders, but at some time we will have to have some evaluation.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I am happy to yield.

Mr. REID. I say to my friend from Massachusetts, I heard our friend from Kansas saying we were trying to kill the Ed-Flex bill. Would you have a comment on the statement that we are trying to kill the Ed-Flex bill?

Mr. KENNEDY. Senator, I support this legislation, as the author of the initial Ed-Flex legislation with Senator Hatfield, who deserves the major credit on this concept, when he came and spoke to the members of the Education Committee and we took that on Title I and also on the Goals 2000.

But we also want to deal with smaller class size, and the Republican leader, DICK ARMEY, said only five months ago, ''We are very pleased to receive the President's request for more teachers, especially since he offered to provide a way for them. We are very excited to go forward with that.'' And Chairman GOODLING made similar statements.

We are now put in this situation where we are told that we cannot consider that, we have to just go ahead with Ed-Flex—we can't consider what the Republicans agreed to in a bipartisan way. I have listened to those who say let's put partisanship aside. We would like to put partisanship aside—we would like to follow on with what DICK ARMEY and Chairman GOODLING said. They supported this proposal.

It was bipartisan in October. Why was it bipartisan in October and it is now partisan in March?

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I am happy to yield.

Mr. REID. Is it also true that one of the movers of the underlying bill has been the Senator from Oregon, Senator WYDEN? Hasn't he been one that has been speaking out all across the country in the State of Oregon on the importance of Ed-Flex?

I say to the Senator from Massachusetts, does it appear, based on that alone, when one of the prime movers of the Ed-Flex bill is a Democratic Senator from the State of Oregon, that we are trying to kill the bill?

Mr. KENNEDY. Certainly not. One of our colleagues that we respect and admire most and has had a distinguished career not only in the Senate, but in the House of Representatives, and been long committed to education—- we certainly commend him for his constancy in terms of education reform.

Mr. REID. I also say to the Senator from Massachusetts in the form of a question, isn't it true that each one of these amendments we have asked to have a hearing on, that we are being gagged on, isn't it true we would agree to a very, very short time limit of one-half hour on each amendment; isn't that true?

Mr. KENNEDY. The Senator is correct. Senator DASCHLE indicated that he would be willing to propose, and has proposed to the majority leader, a one-half-hour time limit on the various amendments. Now we are in our fifth day without having the opportunity to act on an amendment.

This bill could have been history with votes on these various measures, but we are effectively denied that because the majority does not want to have their Members vote on a particular educational issue—that is a new concept.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator has 4 minutes 15 seconds.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. REID. Is it not true that the Senator has been to the State of Nevada on many occasions?

Mr. KENNEDY. Yes.

Mr. REID. Isn't it true that the State of Nevada is the fastest growing State in the Union and Las Vegas is the fastest growing city in the Union?

Mr. KENNEDY. The Senator knows that well.

Mr. REID. This year, in a relatively small community of Las Vegas, we had to hire in one school district alone 2,000 new teachers.

Now, we are talking about nationwide, as I understand this very important legislation that the Senator from Washington has pushed that we would hire over the years 100,000 new teachers to help places like Las Vegas, Los Angeles, Salt Lake City.

Mr. KENNEDY. If the Senator will yield. The Las Vegas school board has to have their budget finalized by the first week in April. They are eligible

for close to $4 million. That school board is meeting, I am sure, and looking at this debate in the Senate wondering whether they ought to move ahead and accept that $4 million in additional funds for the next year and the following year in order to provide those teachers in those new schools.

The Senator from Nevada is being denied the opportunity to at least give assurances to his constituency as to whether the Senate will go on record on this.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I will.

Mr. REID. Does the Senator think it rings hollow in the ears of the governing body of the Clark County school trustees that we will be able to debate these issues ''some later time'' with the budget facing them within a few days? That doesn't ring very clear in their ears—that we will debate this issue some other time.

Mr. KENNEDY. The Senator is correct. I hope we will do everything to certainly ensure that we will have a continuing opportunity during the session to consider education amendments. The fact is after this particular proposal we will move towards the Appropriations Committee or the Elementary and Secondary Education Act—and there is no guarantee we will see that.

So to those parents, those teachers, those school boards, this debate is the essential time for what will happen to that school board in Las Vegas, and that is in terms of class size. That is what we are battling. That is what this vote will be about.

Mr. President, I withhold whatever time remains.

Mr. FRIST. How much time does this side have?

The PRESIDING OFFICER. Eight minutes 49 seconds.

Mr. FRIST. Has their time expired?

The PRESIDING OFFICER. They have 1 minute 17 seconds.

Mr. FRIST. Hopefully, in a few minutes we will have word on some sort of final agreement as we move forward. I know we are making progress in terms of the negotiations. I hope we can advance this bill through the Senate. It is very disappointing that we have all of the politics above and before an excellent, superb policy that has good evidence behind it.

I want to respond to my colleague who talked about the waivers and the potential for abuse and money channeled to other populations. We have to make it clear that this is not a block grant. This isn't money that can be used for any purpose whatsoever. The great thing about this bill is the money that is being directed—that 7 percent of Federal dollars—still goes to the stated purpose, with the stated accountability guaranteed by the bill.

This whole hypothetical that these States with waivers can take this money and rechannel it away from targeted goals is really absurd. If we look at the history, this isn't hypothetical policy. We can look back and see what the 12 States have done, including the great Commonwealth of Massachusetts. These waivers have not been abused. Regarding these States who have put the waivers forward, the GAO came back and told us in November 1998:

> The Department of Education officials told us they believe the 12 current Ed-Flex States have used their waiver authority carefully and judiciously.

That is one of the rare pieces of legislation where we have a track record, and we can go back and even strengthen it, which is what we did in accountability. In the field of accountability, across the board, with great care, we built in accountability at the local level, the State level, and the Federal level. This tier approach on this chart—at the bottom is the local level—outlines what we put into this bill to guarantee that the waivers are not abused in any way, and those goals are achieved at the State level and at the Federal level. I know we just have a few minutes.

I yield 2 minutes to my colleague from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank the sponsor of this bill. I am pleased to be an original cosponsor.

Mr. President, let's get on with the task before us. The Educational Flexibility Partnership Act is a straightforward bill. It is a bipartisan proposal. It has been endorsed by the Governors of all 50 States. It will make a positive difference in the lives of students throughout this Nation. It will give to every State the flexibility that 12 States have had for the past 5 years—flexibility that will allow our States and our local schools to pursue innovative efforts to improve K-through-12 education. We should invoke cloture and take this important step toward improving our schools.

In support of the need for this legislation, let me cite one example from my home State of Maine. Maine is one of the 38 States that are currently not eligible for Ed-Flex waivers. When Maine examined its educational system several years ago, the State found out that its schools had made significant progress in improving the achievement of Maine's students in K through 8. But in Maine, as in most of America, student achievement in secondary schools lagged far behind. Maine's schools simply were not sustaining the progress of the early years all the way until graduation. To the Maine commissioner of education, to local school boards, and to teachers and parents throughout the State, the need for change was clear. Maine needed to focus its efforts on improving secondary education; therefore, the commissioner of education applied to the Federal Secretary of Education for waivers from Federal requirements in order to use Federal education funding to address the true needs facing our State.

Unfortunately, Mr. President, the Federal Department of Education did not share the conclusions of Maine's local educators; it resisted Maine's request for a waiver.

Eventually, the waivers were indeed granted, but only after a lengthy battle between Maine and the Washington education bureaucracy. Time, effort, resources, and money were needlessly wasted. This should not have occurred. Passing the Education Flexibility Partnership Act will prevent other States from enduring the same frustration and delay that Maine experienced. It will allow us to use education dollars to address real needs and not the priorities set in Washington, DC.

I thank the Chair and the sponsor of the bill.

Mr. LOTT. Mr. President, I see one of the cosponsors of the legislation here. Since we will have a vote momentarily, I wanted to make a statement and then propound a unanimous consent request that will help facilitate passage of this bill.

My colleagues, can't we even do education flexibility—this bipartisan bill that everybody is for? I don't direct this at the Democratic leader; he is working with me and we are trying to find a reasonable solution. But it seems to escape us. I just think it is a legitimate question. Why can't we find a way to agree to education flexibility, to give this opportunity to States other than the 12 that already have it and do what is best for education at the local level? That is why I brought it up, because I thought it was broadly supported and we could do it quickly.

If we can't get an agreement, we will keep working on it, debating it. But it is going to affect the rest of our schedule. It is our intent when we complete the education bill to go to missile defense, and then, if there is time, to do the supplemental, keeping in mind that the week after next, the whole week would be spent on the budget resolution. So I am concerned about our ability to come to an agreement. I thought we had a legitimate one worked out, and I want to propound that request, hoping that maybe it can still be agreed to.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 2 o'clock today be vitiated and that the cloture vote scheduled for Thursday be vitiated.

I further ask that all amendments pending to S. 280 other than the Jeffords substitute be withdrawn and Senator LOTT be recognized to offer an amendment relative to the Individuals with Disabilities Education Act/choice

and the amendments immediately be laid aside.

I further ask that Senator KENNEDY be recognized to offer an amendment relative to class size and that amendment be laid aside.

I ask unanimous consent that Senator LOTT, or his designee, have a chance to offer an amendment relative to the special education amendment, and it be immediately laid aside.

I ask consent that Senator BINGAMAN be recognized to offer his amendment relative to dropout programs and it be laid aside.

I further ask that I or my designee be allowed to offer another amendment relative to special education, IDEA, and that it be laid aside, and that Senator BOXER be recognized to offer an amendment relative to afterschool programs and that it be laid aside.

I further ask that I or my designee be allowed to offer another amendment dealing with special education and that it be laid aside for a Feinstein amendment relative to social promotion, and that there be 5 hours equally divided in the usual form for debate on the eight first-degree amendments, and no additional amendments or motions be in order to S. 280, other than the motions to table.

I emphasize that we are saying, basically, we have amendments by Senators KENNEDY, BINGAMAN, BOXER, FEINSTEIN, with amendments on this side of the aisle to match each one of those, and that we would have debate only, limited to 5 hours of debate, and so we would have an opportunity to debate and vote on those issues.

Then I ask that at the conclusion of yielding back of that time, the Senate proceed to vote on or in relation to the eight pending first-degree amendments in the order in which they were offered, with the first vote limited to 15 minutes and all others after that be limited to 10 minutes, and there be 5 minutes between each vote for explanation.

Finally, I ask unanimous consent that following those votes, the bill be advanced to third reading and passage occur, all without any intervening action or debate.

So, we could have these issues all debated, eight amendments, then go to final passage, and we could complete it at a reasonable time tomorrow and move on to the next issue.

I think this is a very fair approach. So I ask unanimous consent it be agreed to.

Several Senators addressed the Chair.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER (Mr. GREGG). The minority leader.

Mr. DASCHLE. Mr. President, I thank the majority leader for making the offer that he has. He and I have been in discussions throughout the morning trying to find a way with which to resolve this impasse. I appreciate very much his willingness to have the up-or-down votes that we now have wanted for some time.

We have 20 amendments that Senators want to offer. For the life of me, I don't understand. We had over 20 amendments offered, voted on, considered, and disposed of on the military bill a couple of weeks ago, and we resolved that bill within 3 or 4 days. We could have easily done that by now.

I have offered to the majority leader the agreement that he has just articulated, with one minor change. We keep the time. We go to the time certain that the majority leader suggested in his unanimous consent request. But we would also accommodate four other amendments: Two offered by Senator WELLSTONE, an amendment offered by the Senator from Rhode Island, and the amendment offered by the Senator from North Dakota—all related to Ed-Flex, directly related to Ed-Flex, with the exception of Senator DORGAN's report card amendment. Those four amendments would not require any additional time beyond the 5 hours; that is, we divide up the time allotted to us in whatever amount is required for each amendment. But we would accommodate at least those three Senators who have waited patiently now for over a week to offer their amendments.

So I hope the majority leader can modify his request with that simple outstanding caveat, that one additional change: No additional time, one additional change to accommodate three Senators who have waited patiently and who want to resolve this matter. I hope the majority leader will modify his request in that regard, and I ask unanimous consent to that effect.

Mr. LOTT. Mr. President, I would object to that modification.

I would say that then we would have 14 additional amendments, but crammed into 5 hours on this noncontroversial bill that is broadly supported on both sides. I don't think that is an adequate solution.

We can go forward with a cloture vote, and we can continue to have debate, and we can continue to work to come to conclusion on this in a way that everybody is comfortable with.

I understand Senators want to offer amendments. There are Senators who want to offer amendments on this side. I understand there are Members who want to offer amendments who want a direct vote. There are other Members who would like to second-degree them. So we have made a very complicated process out of a broadly supported, simple bill that would help education.

I would object to that modification at this time.

But we will continue to work to see if we can come up with something later.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. In light of the objection, the Senate will conduct two back-to-back votes on cloture motions relative to this bill.

I regret that there are objections. The agreement is exactly what the ranking member and the whip had indicated they would support a few days ago. But we can continue to work on this, and hopefully we can get an agreement where we can complete it tomorrow so we can go to the other issue. Until we complete this bill, everybody else will have to wait.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate continued with the consideration of the bill.

Pending:

Jeffords amendment No. 31, in the nature of a substitute.

Bingaman amendment No. 35 (to amendment No. 31), to provide for a national school dropout prevention program.

Lott (for Jeffords) Modified amendment No. 37 (to amendment No. 35), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Gramm (for Allard) amendment No. 40 (to the language in the bill proposed to be stricken by amendment No. 31), to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies.

Jeffords amendment No. 55 (to amendment No. 40), to require local educational agencies to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Kennedy/Daschle motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith with the following amendment: Kennedy (for Murray/Kennedy) amendment No. 56, to reduce class size.

Lott (for Jeffords) amendment No. 58 (to the instructions of the motion to recommit the bill to the Committee on Health, Education, Labor, and Pensions), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

Lott (for Jeffords) amendment No. 59 (to amendment No. 58), to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Kennedy-Daschle motion to recommit S. 280.

Max Baucus, Jeff Bingaman, Ernest F. Hollings, Max Cleland, Tom Harkin, Daniel K. Inouye, John Breaux, Carl Levin, Patrick Leahy, Byron L. Dorgan, Tom Daschle, Edward M. Kennedy, Patty Murray, Harry Reid, and Paul Wellstone.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Kennedy-Daschle motion to recommit S. 280, a bill to provide for Ed-Flexibility partnerships, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—44

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NAYS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NOT VOTING—1

Murray

The PRESIDING OFFICER. On this vote, the yeas are 44, nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 37, as modified, to Calendar No. 12, S. 280, the Education Flexibility Partnership bill:

Trent Lott, Judd Gregg, Sam Brownback, Jeff Sessions, Paul Coverdell, Bill Frist, John H. Chafee, Craig Thomas, James M. Jeffords, Michael B. Enzi, Mike DeWine, Rick Santorum, Spencer Abraham, Jim Bunning, Wayne Allard, and Jon Kyl.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 37, as modified, to S. 280, a bill to provide for education flexibility partnerships, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington Mrs. MURRAY, is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—44

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

Murray

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators not having voted in the affirmative, the motion is rejected.

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senators JEFFORDS and FRIST and those who have worked so hard on the Ed-Flex bill. This is an outstanding piece of legislation. It has the support of our Nation's Governors, the National Governors' Association. They strongly support this legislation. Most of the educational leadership in the States and local communities support this type of legislation. My Governor of Alabama, a Democrat, Don Siegelman, supports this legislation. Mr. Ed Richardson, the State superintendent of education in Alabama, supports this legislation.

The Ed-Flex bill came out of the Labor Committee last year with a 17–1 vote. Democrats and Republicans supported it. Now this year, the President indicates that he will support it and sign this legislation. The strength of it is that it is a clean bill. Basically, what it says is that we learned a lot from the historic welfare reform debate during the 104th Congress. We learned if you give State and local officials some flexibility and the ability to do things differently than the Federal regulations have mandated, they will find ways to be better. They will find ways to do a better job. It is an affirmation of them.

I'd also indicate that a GAO report in 1998 said that the Department of Education officials have told the GAO that they believe that 12 Ed-Flex States, the 12 States that now have this legislation as a pilot project, have used their waiver authority carefully and judiciously.

Mr. President, It simply goes against reason that people duly elected to run the school systems in our counties and States would abuse flexibility and should be denied creativity because those of us in this body believe we know how to run their school systems better. The Federal Government provides only 7 percent of the money for State and local education, but it mandates over 50 percent of the regulations.

Let me read you a letter I received from the Montgomery public schools in Montgomery, AL. This is what I was told with regard to paperwork that has to be done for the Federal Government.

Personnel in the schools of the Montgomery Public School System and three Central Office assistants are estimated to spend this year 16,425 hours in Title I program documentation, bookkeeping, etc. What this boils down to moneywise, is that the system spends $860,833.48 for the personnel to take care of the paperwork. This is a conservative estimate and does not include such programs as HIPPY and other programs funded by Title I not housed in schools.

This is the kind of thing that is happening. This is the kind of money we

need to get down to the classroom. I taught in public schools one year. My wife has taught in public schools a number of years. Our two daughters graduated from a large public high school in Mobile, AL. We have been involved in PTA. To suggest the principals and teachers and school superintendents do not care about their kids and are not trying to do better to get more bang for their buck every day is to demean them and put them down, while we have this idea that we have to protect the system by mandating what they do.

I think the Ed-Flex bill is a wonderful bill. It is a clean bill. It is not a radical bill. It allows applications for waivers and that sort of thing.

Mr. President as a teacher, as a spouse of a teacher, and as a parent of children in the Alabama public schools, I know that the most important event is that magic moment in a classroom when learning actually occurs. That magic moment is not enhanced by micromanaging regulations from Washington, DC. It simply does not help education.

Mr. President, I care about education. I want to see our education system improved. I will support—as Congress has done for the last 10 years—increased Federal funding for education. But I want to be sure it is used wisely and efficiently so that learning is enhanced, and not creating a bureaucracy that takes 35 cents out of every dollar before it ever gets down to the States. That is what we have learned. In fact, after this modest bill, I will be supporting a bill that will have even greater impact which will require that 95 percent of every Federal education dollar that is expended actually goes to the local classroom.

Let me share with this body a response to a question I proposed to a principal of a Title I elementary school in Alabama, Mr. Thomas Toleston. He was asked what would he do if he had less Federal mandates which would help free up some extra money for his school; if the Federal Government would eliminate the regulations, how would he spend the freed up funds. This is what he said he would like:

> I would ensure that Southlawn would implement a comprehensive summer school program in reading and math for all students who score below average on the Stanford Achievement Test 9.

No one here even knows what the Stanford Achievement Test 9 is. He does; this is his career. That is what he would like to spend more money on—not building a new classroom or 100,000 new teachers.

He said:

> This would include sufficient faculty, hardware and software in an effort to bring those poor performing students up to average performance.

So you could take your year-long teachers and pay them extra to work in the summer school program.

> If additional funds were available, I would also attempt to bring more faculty to our extended day program [afterschool programs] to offer more exposure to our students. These exposures would be in the areas of music, i.e. violin and other musical instruments that are available in the Montgomery Public School System, but are not being utilized.

They would take extra funds to have teachers come down after school to do this, not new teachers.

> Another area of interest to me would be the ability to provide students with scholarships of additional exposure. This would include paid trips to the Huntsville Space Center to increase students' interest in science and math.

Now, we have been talking about building classrooms and adding 100,000 teachers and all these ideas that people in this body, who have been doing some polling, and they think the polls are good so they offer to mandate it all over the country. Mr. Toleston never mentioned any of those ideas, yet we here in Washington want to force them on him and his school?

> The earlier we expose students to these hard core areas the greater the chances for them to develop an interest.
>
> I would also like to expand our present extended day program to begin classes in computer program at the 4th and 5th grade level. This is a career that will allow one to have a fairly good paying job without a college degree. This program would provide a net for some of the students who we know will never make it to college. But, again, I think that the interest must be presented at the elementary level to make a significant difference.
>
> Since we all know that the greater the parent involvement the better students do in school, I would like to have more money set aside for parent programs. Presently, I have one teacher who volunteers one night a week to teach parents how to use computers. I would like to compensate her but the funds are not available.

Under this bill, if we have Federal mandates, they still won't be available.

He goes on to say:

> Most of the planning for the school year takes place during the summer months. The stipend paid to teachers is $50.00 per day. I would like to have the flexibility to offer my teacher an additional $50.00 per day. This still seems like a small price to pay but it would be a worth while incentive for them to give up one of their summer vacation days. I feel that this would encourage more teachers to be apart of the planning process during the summer. Once school starts it is time to execute our plans—no time for planning.

Mr. President, those are just some of the points that I would make.

I would just say this: People are asking, Why won't this bill pass? I think they have to look at those on the other side of the aisle who say often that they are for returning control to the local people, to people we have elected in our communities to run our school systems. But when the chips are down, there is always some reason not to.

I hope that we can work through some of these amendments, all of which ought to be debated during the Elementary and Secondary Education Act that we will be taking up later this year, not on this bill. This is a clean bill, and should be kept clean. If we will do that, we can pass this important bill, and then we can deal with many of these issues later.

Mr. President, I thank you for the time. I d also like to again thank Senators FRIST and JEFFORDS for all of their hard work on this bill. I agree wholeheartedly with the premise of this legislation which is that, if given more flexibility, our local school systems can improve their ability to educate our children.

I notice that the majority leader has arrived on the floor. I am pleased to yield.

The PRESIDING OFFICER (Mr. CRAPO). The majority leader is recognized.

Mr. LOTT. I thank the Senator from Alabama for yielding so we can get this consent agreement before Members change their minds.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur on Thursday be vitiated. I further ask that all amendments pending to S. 280 other than the Jeffords substitute be withdrawn and I be recognized to offer an amendment relative to IDEA/choice and the amendment then be immediately laid aside. I further ask that Senator KENNEDY be recognized to offer an amendment relative to class size and that amendment be laid aside.

I ask unanimous consent that I or my designee be recognized to offer an amendment relative to the Individuals with Disabilities Education Act amendment and it be immediately laid aside.

I ask consent that Senator BINGAMAN be recognized to offer his amendment relative to dropout programs and it be laid aside. I ask that myself or my designee be recognized to offer an amendment relative to the Individuals with Disability Education Act and it be laid aside and Senator BOXER be recognized to offer an amendment relative to afterschool programs, and it then be laid aside.

I further ask that I or my designee be recognized to offer an amendment relative to IDEA and it be laid aside for Senator FEINSTEIN and DORGAN to offer their amendment relative to social promotion and it be laid aside. I further ask that I or my designee be recognized to offer an another amendment relative to the Individuals with Disabilities Act and it be laid aside for Senator WELLSTONE to offer an amendment relative to accountability, and there then be 5 hours equally divided in the usual form for debate on these 10 first-degree amendments and no additional amendments or motions be in order to S. 280, other than motions to table. I further ask that at the conclusion or yielding back of time the Senate proceed to

vote on or in relation to the 10 pending first-degree amendments in the order in which they were offered, with the first vote limited to 15 minutes, with all succeeding votes limited to 10 minutes, and there be 5 minutes between each vote for explanation.

Finally, I ask unanimous consent that following these votes the bill be advanced to third reading and passage occur, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, and I shall not, did the majority leader say between the votes tomorrow there will be 5 minutes equally divided?

Mr. LOTT. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, reserving the right to object. There was discussion previously with respect to my amendment. I wonder if the majority leader has anything to say with respect to my amendment?

Mr. LOTT. Mr. President, we have discussed the Reed amendment, and I believe there has been a good deal of work done on that amendment. An agreement has been worked out, and it will go into one of our amendments that will be put into the bill. So it will be included. It would not be necessary to consider it separately.

Mr. REED. I thank the majority leader for that information. It would have been cleaner to have done it up or down, but the substance is important, and I am pleased that it will be included in the legislation.

Mr. LOTT. I appreciate the Senator's attitude on this. Obviously, he has worked on it, he cares about it, and he would have liked to have it highlighted and considered individually. We were trying to craft an agreement, and the attitude he had was that he wanted to get it done; that was more important. I wish we had more Senators who were willing to make such a concession. I thank the Senator from Rhode Island for that approach.

Mr. REED. I thank the majority leader and the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, and I shall not. Is the order which listed the amendments the order of the votes or the order in which the amendments would be laid down? Is there flexibility—to use that word—about how we might proceed this afternoon, for those of us who are here and ready to do our amendments?

Mr. LOTT. I believe they would come up in the order identified and votes would occur in that order, too. However, I presume that if there is a scheduling problem, the managers would be flexible and we could get an agreement to change that order. But that was the agreement that was asked for.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his cooperation in this effort, too. We found, a few moments ago, that we were very close to an agreement, even though it might not have appeared so. I am sure Members on both sides would have liked to have done it differently, but I believe this will allow us to get to a conclusion on this bill. It has broad support. We can then move on to other very important national issues. So I thank Senator DASCHLE for his help in working out this modification.

One last thing, and I will yield the floor. In light of the agreement, then, there would be no further votes today. The Senate will debate the amendments to S. 280 for the remainder of the session today, and up to 11 back-to-back votes will occur tomorrow morning. I hope maybe it won't be necessary to have all 11, but it could be 11, with the 10 amendments and final passage. All Senators will be notified of the exact time of the votes. I thank my colleagues for their cooperation. We did get the unanimous consent agreement, correct?

The PRESIDING OFFICER. We did.

Mr. LOTT. I yield the floor.

Mr. DASCHLE. Mr. President, I want to briefly thank those Senators on both sides of the aisle. This is a very important procedural agreement we have reached, after some deliberation and a great deal of willingness to cooperate on the part of many Senators. There were many, many Senators who had expressed the hope that they could offer their amendments; they were precluded from doing that. Frankly, I am disappointed that they were precluded. But I will say this: I am also grateful to the majority leader for agreeing to have up-or-down votes on the class size amendment, on the dropout amendment, on the social promotion amendment, on the amendment with regard to report cards, and on the amendments Senator WELLSTONE will be proposing on the accountability.

This represents, I think, a compromise that we hoped we could reach. It represents an extraordinary amount of good-faith effort on both sides. I think the Senators from Oregon and Tennessee ought to be commended as well for their patience and tolerance in working with all of our colleagues in bringing us to this point.

It goes without saying, the managers of the bill, the Senator from Vermont and the illustrious and extraordinary ranking member, Senator KENNEDY, deserve a great deal of credit. We have come a long way. We have reached a point now where we are going to be able to finish this bill—a very good bill that deserves support. This also allows us to deal with the amendments that a number of Senators have been fighting to have votes on now for several days.

I thank all Senators for their cooperation.

Mr. President, there have been a number of questions about how we are going to be proceeding under the unanimous consent request. We consulted with the majority leader and with the manager of the bill.

I ask unanimous consent that all but 1 hour of time allotted under the unanimous consent agreement be consumed today, allowing 1 hour under the arrangement anticipated by the unanimous consent agreement to be used tomorrow. I then ask unanimous consent that those who might wish to express themselves on the bill or on amendments be allowed as if in morning business to speak later on this evening.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, reserving the right to object, we want to check with our leadership on this side.

Mr. KENNEDY. Mr. President, if the Senator will yield, it is our intention that we use up the 4 hours for those members who have amendments to introduce and speak to them this evening. And that we have 1 hour evenly divided tomorrow for Members on either side to address the Senate, as if in morning business. That is what we had hoped to be able to do.

Mr. JEFFORDS. Mr. President, reserving the right to object, it is my understanding that under the previous unanimous consent order that the amendments should be offered at this time.

Mr. DASCHLE. Mr. President, I anticipate that the amendments would all be offered.

Mr. KENNEDY. That would be fine.

Mr. DASCHLE. Mr. President, I modify my request to clarify that it would be my expectation that all amendments would be offered, and that there would be a period of 1 hour simply to discuss and further consider these amendments tomorrow. I withdraw the request at this point, and I certainly defer to the managers to renew their request at such time as the majority leader clears the request. But I don't anticipate an objection. I appreciate the indulgence of both managers.

The PRESIDING OFFICER. The request is withdrawn.

Who seeks time?

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

I want to indicate to our colleagues on this side that have amendments, that we expect those to be offered in the very near future. It is 3:15 now—we have 2 hours on each side. We are going to try to be in touch with those Senators that have amendments and work out a shared time to accommodate Senators' schedules.

Senator FEINSTEIN will take the first half hour, followed either by Senator

DORGAN or Senator WELLSTONE for 15 minutes. Then we thought 45 minutes on the other side, one-half hour on this side, one-half hour on the other side, and then those that either wanted to talk on the amendments or that wanted to be able to talk on the bill would be able to do so using up the time that has been allocated by the leader—that was our intention. We want to make sure all of our Members understand that we expect that those amendments are going to be offered this evening. We want them included in the RECORD so that those tomorrow morning are able to look at the exact wording. That was our intention.

So we will proceed in that way, and we will be in touch with the sponsors of these amendments to work out with them appropriate time allocations.

AMENDMENT NO. 60 TO AMENDMENT NO. 31

(Purpose: To express the sense of the Senate regarding flexibility to use certain Federal education funds to carry out part B of the Individuals with Disabilities Education Act, and to provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

Mr. JEFFORDS. Mr. President, I offer an amendment on behalf of Senator LOTT on the IDEA/choice amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont (Mr. JEFFORDS), for Mr. LOTT, for himself and Mr. ABRAHAM, proposes an amendment numbered 60 to amendment No. 31.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) has not been sufficient to fully fund such part at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any Act authorizing the appropriation of Federal education funds that is enacted after the date of enactment of this Act should provide States and local school districts with the flexibility to use the funds to carry out part B of the Individuals with Disabilities Education Act.

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''h) Notwithstanding subsection (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

Mrs. FEINSTEIN addressed the Chair.

Mr. KENNEDY. Mr. President, I yield one-half hour to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair. I thank the Senator from Massachusetts.

I believe, Mr. President, that I have one-half hour.

The PRESIDING OFFICER. That is correct. The Senator is recognized for 30 minutes.

Mrs. FEINSTEIN. I thank the Chair.

AMENDMENT NO. 61 TO AMENDMENT NO. 31

(Purpose: To assist local educational agencies to help all students achieve State achievement standards, to end the practice of social promotion, and for other purposes)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California (Mrs. FEINSTEIN), for herself, Mr. DORGAN, and Mr. BINGAMAN, proposes an amendment numbered 61 to amendment No. 31.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments submitted.'')

Mrs. FEINSTEIN. Mr. President, this is an amendment which does two things. One of them is it deals with the practice, either formal or informal, of social promotion, and authorizes a remedial program of $500 million a year for a program of competitive grants.

The second part has to do with school report cards.

Senator DORGAN will be speaking on the second half, and I will address my comments to the first part.

This amendment would authorize $500 million a year from the year 2000 to 2004 for competitive grants to school districts to help provide remedial education for afterschool and summer school courses, for low-performing students who are not making passing grades.

Mr. President, the purpose of the amendment is to provide Federal incentives and Federal help to those school districts that abolish and/or do not allow social promotion. As a condition of receiving these funds, school districts would have to adopt a policy prohibiting social promotion for students; require that all K through 12 students meet minimum achievement levels in the core curriculum defined as subjects such as reading and writing, language arts, mathematics, social sciences, including history, and science; test student achievement in meeting standards at certain benchmark grades to be determined by the States for advancement to the next grade; and, finally, provide remedial education for students who fail to meet achievement standards including tutoring, mentoring, summer, before-school and after-school programs.

School districts would be authorized to use funds to provide academic instruction to enable students to meet academic achievement standards by implementing early intervention strategies or alternative instructional strategies; strengthening learning by hiring certified teachers to reduce class sizes, providing professional development, and using proven instructional practices and curricula aligned to State achievement standards; providing extended learning time such as afterschool and summer school; and developing intensive instructional intervention strategies for students who fail to meet State achievement standards. The amendment also addresses the special needs of children with disabilities by allowing school districts to follow the child's individualized education plan.

Why do we need this amendment? Perhaps nothing better describes why we need this amendment than an article which appeared in the Los Angeles Times five days ago about the largest school system in the United States—California's—and I want to read the headline: ''California Ranks Second to Last in U.S. Reading Test.''

California ranks second to last among 39 States in a new Federal assessment of fourth grade reading skills. The study revealed Thursday that only 20 percent of the students are considered proficient readers.

Mr. President, California has 5.6 million students, more than the population of 36 other States, and only 20 percent of them are reading proficiently at the fourth grade level.

That is an incredible statement of what the practice of social promotion has done.

I truly believe that the linchpin to educational reform is the elimination of the path of least resistance whereby students who are failing are simply promoted to the next grade in the hopes that someday, somewhere they will learn.

This practice alone, I believe, after visiting literally dozens of schools, is the main reason for the failure in the quality of public education today. It is largely responsible, in my view, for its decline.

Achievement standards must be established—and enforced. To promote youngsters when they are failing to learn has produced a generation that is below standard and high school graduates who can't read or write, count change in their pockets, or fill out an employment application. It is that bad. And California is just about the worst.

It is such a shame to hand a high school diploma to a youngster whom you know cannot fill out an employment application for a job. In my State, a state that is restructuring its economy and seen the emergence of a new high-skilled, high-tech work base, this means doom for the ability of these youngsters to sustain themselves with gainful and fulfilling employment in the future.

This same article, discussing this assessment of reading skills, also shows that 52 percent of our fourth graders scored below the basic level, meaning they failed to even partially master basic skills.

The news wasn't much better for California's eighth graders, who ranked 33rd out of 36 States, and only 22 percent were proficient readers. In December 1998, a study by the Education Trust ranked California last in the percent of young adults with a high school diploma—in other words, students are not even finishing and getting their diploma—37th in SAT scores, and 31st of 41 States in eighth grade math. Nearly half of all students entering the California State University system require remedial classes in math or English or both.

The news is also grim nationally. I start out with California to say that this all begins right at home. But the news is also grim throughout the rest of the United States where our students are falling far behind their international counterparts. The lowest 25 percent of Japanese and South Korean eighth graders outperform the average American student. In math and science, United States 12th grade students fell far behind students in other industrialized countries, which is especially troubling when we consider the skills that will be required to stay ahead in the 21st century. United States 12th graders were significantly outperformed by 14 countries and only performed better than students in Cyprus and South Africa. We scored last in physics and next to last in mathematics.

What is social promotion? Simply stated, social promotion is the practice, either formal or informal, of a school's advancing a student from one grade to the next regardless of that student's academic achievement. In some cases, it is even regardless of whether they attend school or not. It is a practice which misleads our students, their parents and the public.

The American Federation of Teachers agrees. Let me quote from their September 19, 1997, study:

> Social promotion is an insidious practice that hides school failure and creates problems for everybody—for kids, who are deluded into thinking they have learned the skills to be successful or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation, and for society that must deal with a growing proportion of uneducated citizens, unprepared to contribute productively to the economic and civic life of the Nation.

That is well said. But merely ending social promotion and retaining students in the same grade will not solve the problem. We cannot just let them languish without direction in a failing system. Instead, we must provide ongoing remedial work, specialized tutoring, afterschool programs, and summer school. All must be used intensively and consistently, and that is what this amendment is designed to create. It is designed to create both the incentive and also the help to accomplish this.

I know it can work. Last June, I led a delegation of California leaders to Chicago. We saw a dominantly poor, dominantly minority school district turned around, social promotion abolished, and the remediation, summer school, and tutoring put in place. And now test scores and grades are improving.

How widespread is this practice, ubiquitous as it is? It is widespread. Although there are no hard data on the extent of the practice, authorities in schools and out of schools know it is happening, and in some districts it is standard operating procedure. In fact, 4 in 10 teachers reported that their schools automatically promote students when they reach the maximum age for their grade level. And the September 19, 1998, AFT teacher study says social promotion is ''rampant.''

It found most school districts use vague criteria for passing and retaining students. They lack explicit policies of social promotion, but they have an implicit practice of social promotion, including a loose and vague criteria for advancing students to the next grade. And they view holding students back as a policy of last resort and often put explicit limits on retaining students.

Also the study found that only 17 States have standards—only 17 States have standards in the four core learning disciplines: English, math, social studies, and science. Only these four have standards which are well grounded in content and are clear enough to be used, says the AFT study.

In July of last year, I wrote to 500 California school districts and asked about their policies on social promotion. I must tell you, their responses are vague and often misleading, and they include the following: Some school districts say they don't have a specific policy. Some say they simply figure what is in the best interests of the student. Some say teachers provide recommendations, but final decisions on retention can be overridden by parents. And some simply just promote youngsters, regardless of failing grades, nonattendance, or virtually anything else. In short, the policies are all over the place.

Last year, in California the legislature passed and the Governor signed into law a bill to end social promotion in public education, a giant step forward. In California now, this could affect fully half of California's students because 3 million children in California perform below levels considered proficient for their grade level. The grant funds authorized in this amendment can be very helpful in providing ongoing remedial and specialized learning and provide necessary help for these 3 million children in my State, and the millions of children in other States as well.

President Clinton called for ending social promotion in his last two State of the Union speeches. Last year, he said: ''We must also demand greater accountability. When we promote a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools.''

I will never forget, in 1990, when I was running for Governor of California and I appeared before the California teachers association, I said we must end social promotion, and I was roundly booed. How things change. We now have the President of the United States, and a Democrat to boot, saying we must end social promotion.

I believe just as firmly in 1999 as I did in 1990 that the practice of social promotion is the Achilles heel of public education in the United States of America.

The seven States that have a policy in place which ties promotion to State-level standards today are California, Delaware, Florida, Louisiana, North Carolina, Ohio, and Virginia. I really want to give them my kudos and say congratulations and right on.

I mentioned that the Chicago public schools have ditched social promotion. After their new policy was put in place in the spring of 1997, over 40,000 students in Chicago failed tests in the third, sixth, eighth, and ninth grades, and then went to mandatory summer school. Chicago's School Superintendent Paul Vallas has called social promotion ''educational malpractice.'' He said from now on his schools' only product will be student achievement. What welcome words those are.

In my own State, the San Diego School Board in February adopted requirements that all students in certain grades must demonstrate grade-level performance, and they will require all students to earn a C overall grade average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades and for high school graduation.

For example, San Diego schools are requiring that their eighth graders who do not pass core courses be retained or pass core courses in summer school.

Let me conclude. A January 1998 poll by Public Agenda asked employers and

college professors whether they believe a high school diploma guarantees that a student has mastered basic skills. In this poll, 63 percent of employers and 76 percent of professors said the diploma is not a guarantee that a graduate can read, write, or do basic math. What a failure.

I first got into this because I also serve on the Immigration Subcommittee of the Judiciary Committee. Every year I had California chief executive officers, particularly in high tech companies, come in and say: ''We can't find high school graduates we can hire. Please increase the quota of people from foreign countries who can come to us as temporary workers and work for us, because we can't find qualified Americans.'' What a condemnation.

California employers tell me consistently that applicants are unprepared for work and the companies have to provide basic training to make them employable. High-tech companies say they have to recruit abroad. For example, last year MCI spent $7.5 million to provide basic skills to their employees. On December 17, a group called California Business for Education Excellence announced they were organizing a major effort to reform public education. These major constituencies—the California Business Roundtable, the California Manufacturers Association, the American Electronics Association, companies like Hewlett-Packard, IBM, Pacific Bell—had to organize because they see firsthand the results of a lagging school system.

So I offer this amendment today. It can provide the money to help teachers teach and students learn. It is estimated that this year the budget will have $4 billion more in it for public education. I say let's authorize the expenditure of $500 million for the kind of remedial and summer school programs that in fact can help us abolish social promotion and really have excellence and accountability in both our teachers and our students.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 53 seconds.

Mrs. FEINSTEIN. I will reserve the remainder of my time, if I might. I see Senator DORGAN on the floor. I know he wishes to speak.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me ask consent to yield myself 15 minutes of the time allocated to our side, that I might be able to present my amendment.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Does the Senator intend to offer an amendment this afternoon?

Mr. DORGAN. I would say to the Senator from Vermont, the amendment Senator FEINSTEIN has offered is an amendment that combines her amendment and my amendment. We have done that at the request of the majority leader. So rather than having two amendments, we will have only one and we will have only one vote on it.

Mr. JEFFORDS. I appreciate that information.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I am pleased today to join my colleague from California. I was listening to her explain the first portion of the amendment which deals with social promotion and remedial education. It reminded me that the last time we joined forces here on the floor of the Senate was also on an education amendment. We worked on a very simple amendment called the Gun-Free Schools Act. This is now the law in this country and has been for a number of years because we decided there ought to be a zero tolerance in this country for a student who brings a gun to school. You ought not have to worry, no matter where you are in the country, about guns in schools. Everywhere in this country, we ought to understand that guns and schools do not mix, and every student and every parent ought to understand there is a penalty of expulsion for one year for bringing a gun to school.

I am pleased to have joined with my colleague from California to make that Federal law, and I wonder how many tragedies may have been avoided where guns were not brought to school because a student now understands there is zero tolerance with respect to guns in schools.

Today we are here for a different purpose on the same subject: education. The first part of the amendment we have offered deals with social promotion. The second part is a piece that I have written with Senator BINGAMAN from New Mexico regarding the issue of a school report card. Let me explain that amendment.

Every 6 to 9 weeks in this country, a parent with a child in school gets a report card that tells the parent how that child has done. Parents are able to see grades that describe how their child is doing in school, an A, a B, a C, or God forbid, maybe a D or even worse. Students are graded and parents know what grades those students are achieving in their school.

But I raise a question: What does it mean when your child brings home the best grades from the worst school? Does that tell you much as a parent? You see, we grade students, but there aren't any grades for schools. There are no report cards for schools. Even though we spend over $300 billion on a system of elementary and secondary education in our country, parents and taxpayers have no way of knowing how that school is performing. We grade the children who are in that system, but we do not require a report card on how well our schools are doing so that parents also know how well their school is doing compared to other schools, how well their State is doing compared to other States.

A number of States already have school report cards, but very few of them have report cards that provide a range of information on school quality indicators important to the public. And more notably, very few states get that information to the parents themselves. So the parents, as the taxpayers who own that school, who provide the resources to run that school, have very little information about how well that school does. Again, I return to the question: What does it mean for your child to be the best student in the worst school?

With this amendment, we propose to offer a Standardized School Report Card Act, which would say to all the schools around the country that, most of you are already preparing some kind of report card, but let's all do it all in the same general way so that we can make some reasonable comparisons, school to school and State to State.

We want the report card to grade a school on six areas: 1. student performance; 2. professional qualifications of the teachers; 3. average class size; 4. school safety; 5. parental involvement; and 6. student dropout rates.

As I mentioned, more than 35 States now have some form of a school report card. My State does, although my State's report card doesn't do anything more than simply to ask the school to look ahead to prepare for changes in enrollment in the years ahead. It is not a very substantive report card, and most parents in my State have never seen this report card. I would like, at the end of this process, to provide virtually every parent in this country who has a child in school with a report that says, here is how your child is doing, and another report that says, here is how your school is doing related to other schools, other communities, other States. That would be good information for the taxpayers and the parents of our country to have.

I was thinking, as I was listening to my colleague from California, about a young girl named Rosie Two Bears. She is likely in class this afternoon in Cannon Ball, ND. I toured that school some while ago. I don't know what a report card will say to the parents of Rosie. That school is unsafe and in desperate need of repair.

I have described on the floor on previous occasions the condition of that school. They have 150 students, one water fountain, and two bathrooms, kids cramped together in classes without an inch between their desks and no place to plug in a computer to get to the Internet, because the school won't accommodate wiring of that sort. In the downstairs area where they have

band and chorus, the room frequently is evacuated because sewer gas backs up and the students can't learn in a room full of sewer gas backing up into the school. It is an awful situation.

What would a report card say about the school of Rosie Two Bears? Perhaps if there were a report card that drove home to parents and taxpayers the unsafe conditions of their children's school, there would be a public outcry to improve that school.

The Ojibwa School, up on the Turtle Hill Mountain Indian Reservation, is another example of a tragedy waiting to happen, with all of these kids learning in detached trailers, going back and forth between classes in the winter. I have been there and seen exposed wiring. I can show you the reports that show that school is unsafe. Everybody knows it, and there is no money to build a new school for those children. Addressing this problem will be part of an another debate that we want to happen, but right now, this amendment is about four or five good ideas on education that won't break the bank, that represent good investments in our kids, represent good approaches to improve and strengthen education in this country. If we can do these things together, we will have done something very important for our children.

When we consider a report card that all parents could receive, I go back to the point that wouldn't it be nice for the parents of students—whether they go to your school or my school or to the Cannon Ball School or the Ojibwa School—to be able to see what their child is getting from that school? What are we getting for our tax investment in that school? Are we proud, as parents, as the teachers who teach in that school, of the building we have housed our children in, of the textbooks we have provided? Are we doing the right things?

That is what Senator BINGAMAN and I and others would like to achieve with this standardized report card for schools.

The Senator from California knows, because I have heard her speak of it, that the American people view education as one of their top priorities. Often people talk about how far ahead of politicians the people are. Well, that certainly is true with respect to education. People know what is important. When people sit around the dinner table at night and talk about their lives, what are the first things they talk about? They talk about what their children are learning in school, are we proud of that school? Are our folks getting good health care? Do we have a good job? The central things in life. Children and school represent a priority for many of us. It is why I am pleased that one of the first bills on the floor of the Senate following impeachment is about education. It is why we have pushed so hard to be able to offer amendments to it. Our purpose is not to be destructive, but to focus on a number of steps we can take to improve education. I think Ed-Flex is fine. With this bill we are saying give the States some flexibility, but that is not all there is with respect to education policy. There are other ideas, good ideas.

The attempt around here all too often is to get the worst of what both sides have to offer rather than the best of what each has to offer. We have some good ideas. Ed-Flex is a fine idea. Let us add some other good ideas to it: dealing with class size, a school report card, ending social promotion, addressing the problems of students dropping out. Those are good ideas and are central to what the American people believe could strengthen education in this country.

I hope that, when we have offered these amendments—some good ideas, I think, from both sides—there will be some positive votes on these ideas, so that this Ed-Flex legislation will leave the Senate in a much stronger position to positively influence the lives of young Americans and families. I will have been proud to play one small part of that with my colleague from California.

Mr. President, I retain the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I commend the Senator from North Dakota, because I think, between us, we really have struck at the linchpin of reform.

One is in the report card situation, to provide an ability for every parent to know some of the basics about the school that his or her children attend, and to be able to make some judgments on their own whether that child is in the best learning environment. And what the report card could do is spur competition, I think, I say to the Senator, among students, among schools, among school districts, if they have a way to compare one to the other.

When you were talking about Cannon Ball, North Dakota, I was thinking about Los Angeles, and going into a school that had 5,000 students K through sixth grade. Everything was in shifts. You can imagine the cacophony of sounds with 5,000 small children in this school. I had never seen a school this size before.

As we debate social promotion, I am troubled by the size of some schools. I have read the views of educational experts and what they said about the size of the school. I read they advised that elementary schools be no bigger than 350 students to have that teacher-student quality relationship; middle schools, 750 students; and high schools maybe a maximum of 1,200 students.

Because of the lack of money and the inability to do some of these things, schools just diminish their quality. Like you, I am very hopeful that there will be an additional amount of $4 billion for public education in this year s budget. I think the American people want it, I think our students need it.

I just want you to know that I am very pleased to join with you on this amendment. I hope it can stay in. I hope it will survive conference. I hope people will realize that we have to make major structural changes in public education. Certainly a report card for schools to benefit parents, the elimination of social promotion, and the provision of remedial programs and summer school can help. Ongoing and consistent programs, in which children can be brought up to their grade level, are critical to helping these students learn and become productive citizens and are critical to ending this ''educational malpractice.''

I urge my colleagues to vote for the Feinstein-Dorgan amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains on the 15 minutes?

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes remaining.

Mr. DORGAN. I will not use all of that, but I did want to say to Senator FEINSTEIN that the ending of social promotion is an opportunity to invest in young lives in a way that will solve problems now, rather than deferring them until much, much later. By ending social promotion we can prevent much bigger problems later in a young person's life.

I happen to have, as most parents do, a profound conflict of interest here. I have two children in public elementary school: one in fourth grade and one in sixth grade. I do homework most evenings with them, and the homework is getting tougher these days. My children are in public schools, and I don't know what people are talking about when they talk about failing scores and how the public school system does not work.

I am enormously proud of our public school system and what we have accomplished through public schools in this country. But I also know that the only way a public school system works is with parental involvement. If the parent is not involved in the child's education, it is not going to work very well. There are three things you need for education to work: a teacher who knows how to teach, a student willing to learn, and a parent involved in the education of that student. When those three things are present, education works.

The Senator from California, in the first part of this amendment, offers a proposal that I think has great merit and is long overdue. I did not speak about it when I spoke about my half of

the amendment, but I just want to tell her that I think what she is offering has great, great merit and will be profoundly important to children in this country.

I yield the floor.

Mrs. FEINSTEIN. I thank the Senator.

I yield the remainder of my time, and yield the floor, Mr. President.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Inquiry. I don't know whether we are finished with this amendment. If so, I am ready to send an amendment to the desk. I do not know whether my colleague from Vermont—

Mr. JEFFORDS. I would like to proceed to explain very briefly the position that we will have on the amendments that have been offered here.

This is an agreement, unanimous consent agreement, that was made to enable us to get through this bill. And I appreciate all those that have entered into this agreement.

I would like to explain to my colleagues, however, that because these are all—these two that are being talked about right now, the school report card and the ending of social promotion, are both amendments within the purview of the committee dealing with elementary and secondary education. It is my intention to listen very carefully and carry forward the information that is provided on these until such time as we are marking up the Elementary and Secondary Education Act.

However, it will be my procedure, in order to have an orderly hearing process in going ahead on these matters, to probably table the amendment of the Senator from California. But I do understand and believe that a great deal of what she says, if not all, is very relevant to our educational system but should be done in the orderly committee process. I want to make that clear so everybody understands when we vote on these things it is because they should be done in the proper order under an orderly committee process.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 62 TO AMENDMENT NO. 31

(Purpose: To provide accountability in Ed-Flex)

Mr. WELLSTONE. I send an amendment to the desk and ask for its reading.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 62 to amendment No. 31.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, between lines 2 and 3, insert the following:

''(F) local and state plans, use of funds, and accountability, under the Carl D. Perkins Vocational and Technical Education Act of 1998, except to permit the formation of secondary and post-secondary consortia;

''(G) sections 1114b and 1115c of Title I of the Elementary and Secondary Act of 1965;''.

Mr. JEFFORDS. Do we have a copy of the amendment?

The PRESIDING OFFICER. Does the Senator from Vermont wish to object? The Senator seeks a copy of the amendment.

Mr. WELLSTONE. Mr. President, I have an extra copy. Might I ask whether I could also get one Xeroxed while I am speaking?

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this amendment, which I have talked to my colleagues about, speaks to the central issue with this legislation that a lot of colleagues, I think, are trying to step around, dance around; that is, accountability. In other words, this amendment says we are for flexibility, but we are also for flexibility with accountability.

It is absolutely acceptable for school districts and States to make all kinds of decisions on the ground about whether or not you want more teaching assistants or more computers or more community outreach. All of that makes sense and is within the framework of flexibility.

I say to my colleague from Vermont, this amendment combines two amendments, so let me start and devote maybe about 5 minutes or less to the Perkins program—a very important vocational education program. What this amendment essentially says is, look, there are certain kinds of core requirements, core accountability requirements, of the Perkins program—vocational ed, high school, college—that must be protected—that must be protected.

The requirement that school districts and vocational schools meet their States' performance standards, who can object to that? The requirement that schools and districts provide professional development to teachers, counselors and administrators, who can object to that? The requirement that schools must provide programs of sufficient size, scope and quality to bring about improvement, what is objectionable about that? The requirement that schools and districts must evaluate the programs, including the assessment of how the needs of special populations are being met, what is objectionable about that? And finally, the requirement that schools and districts must tell the State about their process for local evaluation and improvement of the program.

That is the Perkins Vocational Education Program. And the only thing I am saying, on the basis, I say to my colleague from Vermont, of the good work that we have done together on vocational education, why in the world, understanding the importance of flexibility, would we want to not at least protect this program and make sure that in every State all across the country that at least these core requirements are met? Let everybody be flexible as long as they meet these core requirements. Let's not sacrifice the quality of this program.

Mr. President, the other part of this amendment is what troubles me the most. This is what troubles me the most about Ed-Flex. And let me just say to my colleagues, Republicans and Democrats alike, I am quite sure that this amendment is going to pass overwhelmingly. For all I know, it may get 99 votes. But let me tell you one unpleasant truth that you have been unwilling to face up to. It is this: When the original title I program first passed in 1965, a lot of sweat and tears went into this program. We had some basic protections for poor children in America and we said there were going to be certain core requirements and in no way, shape, or form would those requirements ever be violated because this went to the very essence of what we are about as a Federal Government, which is making sure there is protection and quality of education for all our children.

Here is what the core requirements are all about. This amendment is a different version from the amendment I had on the floor, because this is trimmed down and it refers specifically to sections 114(b) and 115(c) of title I of the Elementary and Secondary Education Act.

I am just saying we wrote this into this legislation in 1965, colleagues. This was over 30 years ago. What did we say? We said let's make sure that no State will ever be in a position of being able to give a school district a waiver from the following requirements: That for all of the title I children, low-income children, there will be opportunities for all children to meet challenging achievement levels; that they will use effective instructional strategies which will give primary consideration to extending learning time, like an extended school year; that we will serve underserved populations, including women and men, or girls and boys; that we will address the needs of children, particularly those who are members of the target population, who need additional help; that we will provide instruction by highly qualified professional staff; that we will minimize removing children from the regular classroom during regular school hours; and that we will provide the professional development for teachers and aides to enable the children in school to meet the State student performance standards.

What is going on here? I came out here and spoke for almost 4 hours the other day and I never heard anybody give me a substantive argument about why they are opposed to this amendment. What is going on here? I am not going to use Senators' names, but one Senator with considerable stature here in the U.S. Senate said, ''Senator WELLSTONE, if your amendment passes, it will gut this bill.'' If that is what my colleague is saying, that is exactly what makes me worry about this legislation. How could this amendment gut Ed-Flex when this amendment just says we are going to do with Ed-Flex what the proponents of Ed-Flex say Ed-Flex does?

Then my colleagues say, ''Don't you trust the Governors? Don't you trust the school districts across America?'' My answer is yes, I trust most of them, and therefore you should trust most of them, and therefore surely no one who is involved in education with children in our country would be opposed to the idea that for title I children, for poor children, there will be certain core requirements which will be the essence of accountability.

How can you be opposed to it? I don't know of any Governor or any school board member who would say, ''Senator WELLSTONE, we don't want to live by the standard of making sure that our teachers are highly trained for title I children. Senator WELLSTONE, we don't want to live by the standard that there should be high standards for these children. Senator WELLSTONE, we don't want to have to give special help to kids who are falling behind.''

What are you afraid of? Why is there not support for this amendment? This amendment, in a slightly fuller version, received about 45 votes last time. I am hoping, now that I have sort of refined this amendment and narrowed the scope, that it will receive a majority vote. Because if this amendment does not pass, this piece of legislation, I want to say to people in the country, this will not be a step forward. This piece of legislation is not a step forward for several reasons.

Let me just make one point that I made earlier as well, that right now, with title I, we are spending about $8 billion a year, and depending on who you listen to—whether it is the Congressional Research Service or whether it is Rand Corporation—this program is severely underfunded. In my State of Minnesota, when I meet with school district officials, especially in our urban communities, they tell me, ''PAUL, what happens is we get money for schools with 65 or 75 percent poverty''—my amendment says schools with 75 percent poverty population should have first priority; that passed; I am glad it did—''but then we run out of money.''

If we are serious about helping these kids, we ought to be providing the funding to our school districts so they can provide the support to the children who are behind. Many of our schools all across the country scream at us and tell us: ''Because you haven't provided us with the resources, we can only help half the students,'' or a third of the students. So if we want to do something significant, we ought to provide the funding.

What we certainly should not do is turn our backs to what was so important about title I as a part of the Elementary and Secondary Education Act. What was so important about title I—this is a big Federal program; this is a Federal program that matters to K–12. What was so important was, we knew way back in 1965 and we know today that we as a National Government, we have a responsibility to make sure there are certain standards which apply to the education that poor children receive, and so we made sure there were certain standards, certain core requirements, which would be part of accountability. We would say that every school district in the land and every school in the land which was serving title I children would never be able to violate these core requirements. That is what we as a Congress were doing for poor children. We were for school districts having flexibility. We are for school districts having flexibility.

However, this piece of legislation strips away the most important accountability feature to title I. This piece of legislation does not any longer give these children the protection. This piece of legislation, therefore, in its present form, is not a step forward, it is a great leap backward. I am surprised there is not more opposition.

I know it is called Ed-Flex. Great title. I know everybody can say this is what the Governors want and we just sort of give all the decisionmaking power to the States. Politically, it seems to be a winning argument. Maybe I am the only one in the U.S. Senate who feels this way. I am for flexibility and I am for some of these other amendments that deal with smaller class size and rebuilding crumbling schools, and I am for spending a lot more money on education for children that comes out of the President's budget, that is for sure. But as a U.S. Senator, I will not be on the floor of the U.S. Senate and not speak against a piece of legislation which strips away some core protection for poor children that makes sure these children also get a decent education, and that the title I program which deals with these children meets these core requirements.

For any other Senator to say this amendment guts Ed-Flex troubles me, because I think if everybody thought Ed-Flex was such a good bill, they would want to at least make sure we had this elementary, basic protection for these children. How can we pass this piece of legislation without this accountability?

This amendment improves this legislation, Senator JEFFORDS. This amendment makes it a better bill. Without this amendment, we don't have this protection for some of the children in this country. I will oppose it even if I am the only vote in opposition.

How much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. WELLSTONE. I reserve the remainder of my time, assuming that my colleague on the other side who disagreed may want to make some arguments.

Mr. JEFFORDS. Mr. President, I believe I was asked a question. I would be happy to answer. I prefer that the Senator finish his presentation.

Mr. WELLSTONE. Mr. President, I will, although I say, in the spirit of debate, it would probably be better if I had a chance to get some sense of why there is opposition to this amendment. Then I could maybe respond to that and we could have a little more of a give-and-take discussion.

Mr. JEFFORDS. I will wait until the Senator finishes.

I yield the floor.

(Mr. SESSIONS assumed the Chair.)

Mr. WELLSTONE. Well, Mr. President, I have an amendment that is similar to the amendment colleagues voted on last time. I have tried to meet some of the objections that were made to that amendment. It now is based literally on sections 114(b) and 115(c) of title I of the Elementary and Secondary Education Act of 1965. It is the same language which deals with the core requirements of title I and makes it clear that we want to make sure no State is allowed to give any school district an exemption from these core requirements.

Again, let me just list these requirements:

To provide opportunities for all children to meet challenging achievement levels—the Senator from New Mexico is on the floor, and I will bet he would not object to that.

To use effective instructional strategies that give primary consideration to providing extended learning time like an extended school year, before- and after-school, and summer programs;

To use learning approaches that meet the needs of historically underserved populations, including girls and women;

To address the needs of all children, but particularly the needs of children who are members of the target population through a number of means, including counseling, mentoring, college guidance, and school-to-work services;

To provide instruction by highly qualified professional staff;

To minimize removing children from the regular classroom during regular school hours;

To provide professional development for teachers and teaching assistants to

enable all children in the school to meet State student performance standards.

I listed the basic requirements on the program as well.

I am thinking out loud while I am speaking. Let me try to figure this out. The Chair is a lawyer, and maybe I should be a lawyer at this moment. But it seems to me that this doesn't do any damage to the idea of flexibility. It seems to me that anybody who would argue that this somehow damages Ed-Flexibility, or any State or school district that makes that argument, must have in mind that they want to waive these core requirements. If they want to waive these core requirements—and we are now about to pass a piece of legislation that will enable them to do so—that is what is flawed in this legislation. That is the flaw in this piece of legislation. That is the problem.

There is a reason we made these core requirements part of title I, which has been such an important program to low-income children. The reason, I say to the Chair, is that while many school districts in many States have done a great job—and I have seen great work done in Minnesota—the fact of the matter is that sometimes these children fall between the cracks. Sometimes these children's parents, or parent, are the ones without the prestige and clout in the community. Therefore, we want to make sure there is some protection for these children. We want to make sure they receive instruction from highly qualified teachers. We want to make sure that if they fall behind, they get some help. We want to make sure they are asked to meet high standards.

I hope somebody is watching this debate. Why in the world is this amendment unacceptable? Why is this amendment unacceptable? Because, I am telling you, if what Ed-Flex is all about is to sort of say, on the part of the Federal Government, we are giving up on this core accountability and, State school districts, you do whatever you want, you don't have to worry about meeting these core requirements that deal with low-income children, I am against it. Do you know something? A lot of Senators should be against it.

So, Mr. President, I hope we can go over 50 votes today, and I hope this amendment will pass. If it does, I think it will make this Ed-Flex bill a much better piece of legislation.

There is one other thing we should do: Fund it. Fund it. I would say that in all the discussions I have had with people—I hope all of my colleagues have visited schools with title I communities in urban and rural communities. I will tell you, I have heard little discussion about how ''we don't have enough flexibility.'' I have heard a lot of discussion about not having adequate funds. Fund it.

Fully fund title I. Then we would be doing something to help these children. Fully fund Head Start, and then we would be doing something to help the children. Fully fund pre-K, preschool, early childhood development, and make child care affordable for families. Then we would be really doing something to help these children. Lower class sizes. Now we are helping these children. Make sure we do something to help children who drop out so that they don't drop out. I say to Senator BINGAMAN, I was told by a judge in Minnesota that there is a higher correlation between high school dropouts and incarceration than between cigarette smoking and lung cancer.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WELLSTONE. I will soon yield the floor.

I hope there are 100 votes for my amendment, because then I will believe the Ed-Flex bill is a good piece of legislation. Without this amendment, you don't have the accountability. You have given up on the Federal role of protecting poor children. That is a huge mistake.

I thank the Chair and yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, what is the state of the business in the Senate?

The PRESIDING OFFICER. The Senator has a right to offer an amendment.

AMENDMENT NO. 63 TO AMENDMENT NO. 31

(Purpose: To provide for school dropout prevention, and for other purposes)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. REID, Mr. LEVIN, Mr. BRYAN, and Mrs. BOXER, proposes an amendment numbered 63 to Amendment No. 31.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. BINGAMAN. Mr. President, before I start, let me just indicate my support for the amendment that the Senator from Minnesota is offering. I agree with him. I favor the Ed-Flex bill, and I intend to vote for the Ed-Flex bill. I also, though, believe we need to be sure the funds we provide at the Federal level get to the students who most need those funds, and to the programs that will benefit disadvantaged students. So I favor that amendment.

The amendment I have sent to the desk here and that I will speak on right now relates to what I consider perhaps the most severe problem facing the educational system in this country today—at least in my State, and I believe throughout the country—and that is the problem that too many of our students are leaving school before they graduate from high school.

For an awful long time, this was a problem that people sort of ignored, and education policy wonks here in Washington and around the country essentially looked the other way and talked about other aspects of the educational issue. But more and more I have come to believe that this amendment I am offering on behalf of myself and Senators REID, LEVIN, BRYAN, and BOXER deals with a crucial issue for our young people and for our educational system. We can deal with the dropout problem. We can provide assistance to States and local school districts that want to reduce the dropout rate, and we can do that at the same time we are adequately funding special education. We can do it at the same time we are providing this additional flexibility in the Ed-Flex, which is what the Ed-Flex bill calls for.

Last week, when I offered the amendment, it was plain that there was some sort of contest between the proposal to adequately fund dropout prevention and the needs of special education. I do not see that as the case. That is a false choice. There is no rule and there is no limitation or requirement on those of us in the Senate to deal with one and not the other. We can deal with both of these issues. I favor dealing with both of these issues. Special education is extremely important. In order to address this, I put a couple of provisions in the amendment that I just sent to the desk. Two key provisions relate to special education.

The first says that there is a sense of the Senate that there is a great need to increase funding for special education. I support doing that. And the amendment makes it very clear that that is what we intend to do.

A second provision I have added says that any funds that are appropriated for dropout prevention above the $150 million annual amount that is called for in this bill shall go to special education rather than to this dropout prevention need.

So it is not an either/or decision. And I don't think we should see it that way.

This legislation on dropout prevention was offered last year. It was adopted here in the Senate by a vote of 74 to 26. Its main provisions are very well known to the Members of the Senate. Let me just go through them.

There are five main provisions. First, it provides better coordination and streamlining of existing Federal programs which serve at-risk students. We have several programs intended to serve at-risk students. This bill would try to bring those together and coordinate them.

Second, it sets out a national plan to address the dropout crisis that exists at the State, local and national levels.

Third, there is $150 million authorized in grants to schools with high dropout rates in each State.

Fourth, there is a requirement for uniform dropout data to be provided so that parents will know where the problem exists most severely, and for policymakers to have that information so that we can make good decisions.

Finally, it calls for what we designated here as a ''dropout czar,'' or a person who will have a full-time job working in the Department of Education to try to work with local school districts and States to deal with this issue. We ought to have at least one person in the Department of Education who comes to work every day with the responsibility of trying to help solve this problem. That is not too much to ask in a country of our size.

So that is what the bill tries to do.

The problem is serious. It warrants our attention.

Since we have been debating this bill, there have been over 20,000 young people drop out of our schools. There are over 3,000 young people who drop out of our high schools and our middle schools before graduation each schoolday. So the problem is severe. There have been over 400,000 students who have dropped out since last April when we last approved this amendment here in the Senate. These new dropouts join a large pool of unemployed, most of them unemployed adults who lack high school degrees.

We have a serious problem here. I think many Senators and many people in this country would be shocked to know the extent of this problem. Let me give you some figures that came out of ''Education Week'' recently. According to ''Education Week,'' which is a very respected publication that does good research on education-related issues, according to their study, there are 30- to 50-percent dropout rates reported over the 4-year high school period in communities around this country.

Let me give you some specific statistics which they reported.

In Cincinnati, ''Education Week'' claims that 57 percent of students in Cincinnati's high schools do not complete high school, who drop out before the completion of high school; in Philadelphia, 54 percent; Salt Lake City, 39 percent.

Everybody, at least in my part of the country, in the Southwest, looks to Utah, and says: ''Oh, they have a better educational system than we do in New Mexico, and they always do everything right in Utah.'' The truth is that 39 percent of their students don't complete high school—in Salt Lake City, not in Utah, but in Salt Lake City—47 percent in Oklahoma City; in Dallas, according to ''Education Week,'' 61 percent of students do not complete high school.

I hope that Senators will come to the Senate floor and contradict these statistics and tell me that this is crazy, that they do not agree with these statistics. I hope they can do that, because, in fact, I find these statistics to be very startling.

But I know for a fact that in my State the percentage of people not completing high school is very high. It is particularly high among Hispanic students in my State. We have a great many Hispanic students in my State, and way too many of them leave school before they complete high school and middle school. There currently is no Federal program that is intended to help solve this problem.

We have a TRIO Program. People point to the TRIO Program. It is an Upward Bound Program. But less than 5 percent of the eligible students participate in those programs.

There is a program just now getting started called GEAR UP. This is for middle school mentoring. The unfortunate thing about this is that it doesn't reach ninth or tenth graders. That is where the problem really occurs most severely.

Then title I—title I, unfortunately, does not usually get any funds to the high school level. Most of the title I funding goes to elementary schools where the need is great. But what I am talking about is middle school and high school. And those schools see very little title I funding.

One of the main reasons this bill is needed is to restore some balance to the Elementary and Secondary Education Act, which, at present, is heavily weighted toward the younger grades. I favor the assistance to the early grades, but I believe we need to do something at the middle school and high school levels as well.

A lot of what needs to be done is reforming our high schools. Our high schools are too big. That is where the dropout problem is most severe. You get a 2,500-student high school, and, frankly, it is too anonymous. Too many of the young people come to that school; nobody knows whether they come in the morning or not. I have talked to high schools in my State, the large high schools, and I ask, ''What do you do if a student doesn't come to school?'' They say, ''After 3 days of them not coming to school, we send them a letter. We send a letter to their home address and ask them why they are not coming to school and complain to the parents.'' Well, the reality is you need a more personalized response and a more immediate and effective response when students start dropping out of school. This legislation can help us accomplish that.

United States graduation rates are falling behind other industrialized countries. When the Governors met and President Bush met in Charlottesville in 1989 and set the National Education Goals, the second goal was that we want to have at least 90 percent of our students complete high school and graduate from high school. The reality is we have made virtually no progress towards achieving that goal since 1989. We are now in 1999, and we have made virtually no progress. Clearly, we need to deal with this issue.

Some have said: ''Well, let's put it off. Let's deal with it later on in this Congress. This is a 2-year Congress. We are going to eventually get around to the Elementary and Secondary Education Act reauthorization. We can deal with it then, maybe not this year. But surely next year we will get around to it. So just relax. We will get around to it.'' I believe we have a crisis with our high school dropout rates, and I believe we need to deal with it now.

There is no logical reason why we can't do the Ed-Flex bill, which I support, and do whatever this Senate wants to do with regard to special education, and do something to assist local schools in dealing with the dropout problem. We can do all three of these things.

As our former President, Lyndon Johnson, was famous for saying, ''We can walk and chew gum at the same time'' here in the U.S. Senate. This is not too much for us to take on.

I urge my colleagues to support this amendment. I hope we get the same kind of strong vote this time that we got in the last Congress—at least have the 74 votes that we got in the last Congress. I hope we can get even a stronger vote.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 hour 57 minutes.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the previous agreement with respect to the Ed-Flex bill be modified to allow 1 hour of the 5-hour debate limitation to be used on Thursday prior to the vote with respect to the pending amendment, and, further, that hour of reserved time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 64 TO AMENDMENT 31

(Purpose: To reduce class size, and for other purposes)

Mr. BINGAMAN. Mr. President, on behalf of Senator MURRAY and a long list of additional Senators whose names I will put in the RECORD, I send an amendment to the desk to help communities reduce class size for the youngest children in the school.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico, [Mr. BINGAMAN], for Mrs. MURRAY, for herself, Mr. KENNEDY, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. TORRICELLI, Mr. KERRY, Mr. LEVIN, Mrs. BOXER, Ms. MIKULSKI, Mr. DODD, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. ROBB, Mr. SARBANES, Mr. REED, Mr. AKAKA, Mr. WELLSTONE, Mr. KERREY, Ms. LANDRIEU, Mr. BRYAN, Mr. BIDEN, and Mr. BINGAMAN, proposes an amendment numbered 64.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 65 TO AMENDMENT NO. 31

(Purpose: To improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during afterschool hours)

Mr. BINGAMAN. Also, on behalf of Senator BOXER, I send an amendment to the desk to expand afterschool opportunities for children nationwide.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mrs. BOXER, for herself, Mr. DURBIN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SARBANES, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. KERREY, Mrs. MURRAY, Mr. HOLLINGS, Mr. JOHNSON, and Mr. KERRY, proposes an amendment numbered 65.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's RECORD under ''Amendments Submitted.''

Mr. BINGAMAN. I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 66 TO AMENDMENT NO. 31

(Purpose: To provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

Mr. JEFFORDS. I send an amendment to the desk on behalf of Senator LOTT, Senator JEFFORDS, Senator GREGG, Senator COLLINS, Senator FRIST, and Senator SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS, proposes amendment numbered 66.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. XX. IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop dropout prevention programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

SEC. XX. AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriate to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $150,000,000 to carry out such part.

AMENDMENT NO. 67 TO AMENDMENT NO. 31

(Purpose: To provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act)

Mr. JEFFORDS. Mr. President, I now send to the desk an amendment for Mr. LOTT on behalf of himself and Senator JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS, proposes an amendment numbered 67.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. ___. IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop after school programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

SEC. ___. AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $600,000,000 to carry out such part.

AMENDMENT NO. 68 TO AMENDMENT NO. 31

(Purpose: To provide all local educational agencies with the option to use the funds received under section 307 of the Department of Education Appropriations Act, 1999, for activities under part B of the Individuals with Disabilities Education Act, and to amend the Individuals with Disabilities Education Act with respect to alternative educational settings)

Mr. JEFFORDS. Mr. President, I ask on behalf of Senator LOTT and others I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LOTT, for himself, and Mr. ASHCROFT, proposes an amendment numbered 68.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. ___. IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop programs to reduce social promotion, establish school accountability procedures, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

SEC. ___. ALTERNATIVE EDUCATIONAL SETTING.

(a) IN GENERAL.—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

''(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

On page 13, line 14, strike ''and''.

On page 13, line 15, strike ''all interested'' and insert ''parents, educators, and all other interested''.

On page 13, line 17, strike the period and insert '', shall provide that opportunity in accordance with any applicable State law specifying how the comments may be received, and shall submit the comments received with the agency's application to the

Secretary or the State educational agency, as appropriate.''.

At the end, add the following:

SEC. ___. AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $500,000,000 to carry out such part.

Mr. JEFFORDS. Mr. President, at this time I would just like to make some brief comments on the amendments which have been presented by the minority. I would like to again reiterate for my colleagues that the process we are going into was an agreement reached in order to move this bill along. This bill, which is known as the Ed-Flex bill, is relatively noncontroversial. I think the only vote in opposition in committee, and may well be in the Chamber, was by Senator WELLSTONE. But we are in the process to move this bill along, to move it along with the House bill, which I believe was passed, or will be passed today in order to get it into law in time so that States may have a maximum benefit from its passage. It is a bill with which all 50 Governors agree, a bill with which the President agrees, and the Department of Education has been sending the guidelines out for its utilization. All of this is ongoing.

However—and it is understandable—the minority has a desire to be able to put amendments on the bill because they feel strongly that these initiatives ought to be put into law. However, as chairman of the Health, Education, Labor, and Pensions Committee, I must say that we are in the process now of reauthorizing the Elementary and Secondary Education Act. That act is where most of these amendments should be. Some of them are perhaps relevant. For example, part of the Wellstone amendment is relevant to the Ed-Flex bill.

If we are going to assure that the committee system works—where evidence is presented at hearings, where we have people from the local schools all the way up to the States' Department of Education testify, where we can be absolutely sure of what we are doing in this incredibly important bill, the Elementary and Secondary Education Act, which has some $50 billion in Federal dollars, I believe it should not be done in this kind of ad hoc process of attaching amendments. Well-intentioned as the amendments may be, some of which I would agree to, some of which I have even offered in the past, we can not offer them in a way that does not make sense when you are trying to be more effective with the expenditure of Federal funds.

There is $50 billion included, and yet, as I mentioned earlier, over the last 15 years, ever since we understood we had some serious problems in education in this country, we have seen absolutely no measurable improvement in the test results of our young people.

That is an intolerable situation. It does not make any sense to reauthorize a bill, which has obviously not had much impact on improving education in this country, without holding hearings or before fully examining it.

I am put in the very difficult position of having to allow these amendments to be presented in order to move the bill along, and then I will be the one to have to move to table. A motion to table means you do not allow the amendment to be voted on, and I will do this because the amendment should be offered when the Elementary and Secondary Education Act is before us. But, my move to table will give the political argument that I killed all these amendments. I am just trying to help this country's education system improve and not to do it in this ad hoc, messy way.

Therefore, I must oppose the amendment offered by my colleague from California, Mrs. FEINSTEIN. I have long advocated that we, as a Nation, need to address, head on, the issue of social promotion. In fact, we made some progress in this area last Congress. Funds made available for title II of the Higher Education Act, teacher quality enhancement grants, may be used by States to develop and implement efforts to address the problem of social promotion and prepare teachers to effectively address the issues raised by ending the practice of social promotion.

''Social promotion'' is a term which educators know, but I am not sure everyone does. It simply means that we sort of gave up on young people saying, well, it is not really that important that they know how to read because there are jobs that you can get without having to read.

That situation has changed. We are going into the next century, and we know that unless a child has an excellent education when they graduate, they are not going to be able to get a good job. The literacy studies show that 51 percent—this is an incredible statistic—of the young people who graduated from high school, when measured for their performance, were functionally illiterate. We have to stop that. Ending social promotion is what that is all about.

However, the amendment by Senators FEINSTEIN and DORGAN is one I will reluctantly have to move to table, in order to make sure that we can move on in an orderly process on the ESEA reauthorization.

The other amendment, by Senators BINGAMAN and REID on school dropouts, is in a similar situation. We all know that we have to do something about school dropouts. We know that the so-called forgotten half in our educational system for years has been ignored, and when they get to sixth, seventh, and eighth grades they do not see any relevance to education in their lives. Everybody is pushing: You have to go to college; You have to go to college. And now we know there are many high-paying, skilled jobs that young people can get, and that young people would have the ability for if they had the proper schooling efforts in order to learn those skills that are necessary.

And so we have to accommodate that. We have to make sure that the young people in the sixth and seventh grades understand that if they do things to get the education, they will be able to get a good job.

There has been a tremendous move in that direction in some States. In Mississippi, with one of the worst records in the sense of educational performance, they are spending millions of dollars making sure that young people start looking at careers in the sixth grade so that they know there is a relevancy to the education and they won't drop out. It is very important. But it should be considered on the Elementary and Secondary Education Act, which is now before the committee, and on which we are holding hearings. I certainly agree with Senator BINGAMAN in what he is doing.

There is another amendment that has to do with report cards that we have listened to, and that is fine, as well. But that is an issue for the States to address, not for the Federal Government to mandate.

In many cases, the States are ahead of us in addressing the quality of their schools. Mr. President, 36 States already require report cards. We need to also remember that funding for education is primarily a State and local responsibility. So, again, that is another good approach, but it is something we should do in the orderly committee function.

Senator WELLSTONE has amendments. I have to say at least one of them is relevant to the underlying act. He is on the committee. He had an opportunity to offer it, but did not. Under the present situation, Ed-Flex demands accountability of States that are participating. It is important to keep in mind that accountability has been part of Ed-Flex since its inception, and the managers' package builds on those strong accountability provisions. So, again, this one could have been offered in committee. He chose not to offer it in committee, so I must oppose that one as well.

Mr. President, I again want to put everyone on notice that I have the responsibility to protect the ability of this committee to work in an orderly fashion. Because of that, I will have the unpleasant duty of probably moving to table these amendments when they come up, or to oppose them.

I would like to also refer to the Boxer amendment. This is another one that is very familiar to me. The 21st Century Community Learning Centers is a program that I created back in 1994 as part

of the Elementary and Secondary Education Act. I fought hard to include this program in the Elementary and Secondary Education Act, and was successful, in spite of opposition from the very same administration. Getting the program funded was not easy in the face of the administration's opposition to this program. In fact, the administration proposed rescinding the fiscal year 1995 funding for the 21st Century Community Learning Centers. All of a sudden, the administration woke up and said: Hey, Republicans sometimes have a good idea. It is an amazing thing for this administration to recognize. But anyway, all of a sudden they put $750,000 into the program—I am sorry they asked to rescind it at another time.

More recently, the administration decided that they now like this program, and in fiscal year 1997 they recommended $15 million for this program. Now they are increasing it even more. So, obviously, I am a great friend of that one. It was a bill I got passed back in 1994 in the last reauthorization of the Elementary and Secondary Education Act.

I have enormous interest in changes to any of this legislation, certainly changes as dramatic as proposed by this amendment. This amendment almost completely rewrites the 21st Century Community Learning Centers. It changes its purpose, use of funds, and other aspects of the legislation. Last year, the administration, through the competitive grants process, substantially changed the focus and, indeed, the very nature of it by rewriting regulations. That was an unfortunate matter. Overnight, an act to expand the use of existing school facilities became an afterschool program—retracted it.

All these other things are just as valuable. Certainly I understand the desires of Senator BOXER to work on that bill. We will have plenty of opportunity. She will have all the opportunity she wants when the bill comes out of the committee later this year.

So, I could go on and on. But right now I again want to reiterate, in order to get this bill through we have been forced to go into this kind of amendment process, which some will say gives them the opportunity to do something constructive, knowing full well at the end of the day they on the other side of the aisle will not prevail because they do not have the votes. Fortunately, I believe my colleagues in the Senate, at least the majority of them, will say: Yes, let's use the orderly process, the one this institution was designed to utilize, in passing out legislation, passing out bills. And the process of offering amendments should be done first in the committee where they can have a good review after hearings and then secondly done on the floor.

Mr. President, I reserve the remainder of my time.

Mr. INHOFE. Mr. President, I am pleased to have the opportunity to discuss my support for the Education Flexibility Partnership Act or Ed-Flex as it has become known. Ed-Flex provides much needed relief to the schools of 12 states currently included in a demonstration project begun in 1994. Like many of my colleagues, I believe it is time to give this relief to the other 38 states who suffer from government over-regulation.

In preparation for each new school year, teachers and school administrators throughout the country face the challenge of providing the highest level of education with a limited amount of resources. This has always been the case and will remain the true for generations to come. I know this from personal experience. My wife was an educator in the Tulsa Public School District for many years and both of my daughters are current teachers. In my conversations with them, I have seen first hand the problems associated with bureaucratic mandates handed down from Washington.

Let me give you an example of what I am talking about. Over the last three decades, the Federal Government has piled on mountains of bureaucratic red-tape on local school districts. Between 1960 and 1990, the average percentage of school budgets devoted to classroom instruction declined from 61% in 1960 to 46% in 1990. The most significant reason for this decline is traced to the explosion of administrators and non-teaching support staff while the overall number of teachers has reduced. One primary reason for the growth in administrative personnel is the growth in regulations, both state and Federal.

Let me show you just one example of how this is evidenced in Oklahoma. In my hometown of Tulsa, the Tulsa Public Schools have approximately 42,600 students. In order to provide quality education to those 42,600 students, there are approximately 225 administrative staff employed by the Tulsa Public Schools system. Now, I realize that some of these are essential managerial and administrative staff, however, how many are doing nothing more than trying to keep Tulsa schools' in compliance with Federal regulations? How many of those staff could be better utilized in classrooms across the district instead of spending their time dedicated to paperwork? And, this is just one example of one public school system in my state. The problem is the same in every single school system.

Mr. President, it is clear, the more people and resources it requires to comply with government regulations, the fewer people and resources dedicated to teaching our children.

Each time we create a new Federal program, with it comes numerous forms and reports. The schools must understand, complete these forms and reports and submit to the appropriate departments within the appropriate agencies, by the appropriate deadlines. Whether schools use teachers and administrators, or support staff and volunteering parents, to fulfill this obligation, valuable time and resources are used for Washington's paperwork, not student education.

Let me illustrate this point further. Currently, the Federal Government provides approximately 7% of overall school funding. However, Federal paperwork accounts for upwards of 50% of all school paperwork. It is estimated that completing this paperwork requires about 49 million hours each year. Mr. President, that is the equivalent of 25,000 employees working full time for an entire year. According to one expert, it is estimated that it takes six times as many employees to administer a Federal education dollar as it does to administer one state education dollar. Again, these people are not teaching or educating our children, but completing bureaucratic red tape.

Earlier, I discussed the number of administrative positions in the Tulsa Public Schools; but the problem is more pronounced in the state as a whole. There are approximately 5,950 administrative and other certified staff performing non-teaching duties in Oklahoma. Those 5,590 people represent about 10% of the total public school personnel. That is 10% doing something other than teaching children. That concerns me greatly. I have to wonder whether we are using our resources in the best way possible to meet the educational needs of our children.

Now, some of my colleagues, and the President, believe that we need the Federal Government to hire an additional 100,000 teachers in order to reduce class size around the country. However, I have to wonder if that is really the answer to the problem. As I have just demonstrated, we have too many professional and certified staff in my state that are not educating children. Instead, they busy themselves attempting to comply with government regulations. If we can unburden school districts of cumbersome regulation, the local districts can shift some of their resources back to educating our children. If the Federal Government does require the states to hire additional teachers, it will simply be one more mandate handed down from Washington for the states to comply with once the dedicated Federal funds expire. You can be sure that if there are additional Federal mandates there will be additional non-teaching certified staff required to administer the program and that means another professional staff member not in the classroom teaching our children.

As the bureaucratic mandates from Washington have increased, states needed a way to gain some flexibility to address their individual concerns.

Our answer to the states was the Education Flexibility Partnership Demonstration Act of 1994, an effort I was proud to support while I was in the House of Representatives. First authorized in 1994 for six states, and expanded in 1996 for six additional states, Ed-Flex has given 12 state legislatures the freedom to identify the most efficient and effective means possible to meet the needs of students and schools in their states. Under Ed-Flex, the Department of Education gives to states and local districts the authority to waive certain Federal requirements that interfere with state and local efforts to improve education. In exchange for this flexibility, the state and local districts must agree to comply with certain federal core principles and agree to waive its own state regulations. The states must also agree to use the affected federal funds for their original purpose.

Mr. President, I think it says something about the nature of our current bureaucracy that we have to give states the power to waive Federal regulations. If there were fewer onerous regulations in the first place, we would not have to pass legislation to give states the power to ignore federal regulations. Wouldn't it make more sense to let the states be responsible for the education of our children, not bureaucrats in Washington?

In my State of Oklahoma, we have great diversity in our education needs. We have schools of all kinds; urban schools, rural schools, inner city schools, and suburban schools. In my conversations with educators and administrators, I hear them tell unique stories about the challenges they face in trying to educate their students. All of these educators tell different stories. However, not surprisingly, almost to a person, they tell me of the problems they have in complying with government regulations. It does not come as a surprise to me that the education challenges presented at urban schools like Tulsa McClain High School differ widely from the needs of smaller rural schools like Weatherford High School. Yet, they all have to comply with the same Federal regulations. Given the failings of the public schools today, it is little surprise that the cookie-cutter approach of the Federal Government has been a disaster.

The time has come to move beyond a one-size-fits-all Federal approach in educating our children. As I look around our country, I see the great successes that our Governors are having in making progress in education reform. I am continually amazed at the policy innovations going on in State legislatures all over the country with regard to education. However, now, it is the Federal Government's responsibility to join with those Governors and give them more flexibility to continue to innovate and improve our public schools. I understand the need for accountability. However, I believe accountability is best when it closest to home and vested in Governors, State legislators, and local school board officials than with faceless Federal bureaucrats in Washington. State leaders understand this. That is why groups like the National Governor's Association and the National Conference of State Legislators have endorsed this legislation.

As I have watched and listened to the debate on Ed-Flex, I have been surprised by many amendments offered by some of my colleagues on the other side of the aisle. Many of the proposed amendments seem counterproductive to the central purpose of Ed-Flex. Ed-Flex is about easing government mandates and regulations. However, many of the amendments we have debated would add to the mountain of Federal mandates applied to State and local school districts. As much as I hate to say this, it appears that many of my colleagues would rather have a political issue than have meaningful education reform.

Mr. President, the results Ed-Flex prove the effectiveness of the demonstration program. Whether it is giving local districts the resources to provide one-on-one reading tutoring or lower the teacher to student ratios in classrooms, Ed-Flex has been a tremendous success. These are all things we can agree upon. Based on its proven track record, the time has come to expand Ed-Flex to the rest of the country. We need to continue to identify programs that work and expand them, while eliminating the programs that are ineffective.

In closing, Mr. President, I want to thank Senators FRIST and WYDEN for their leadership on this issue. Their efforts prove that we can work together to the benefit of our children when it comes to educating our children. As the Senate proceeds with the reauthorization of the Elementary and Secondary Education Act later this year, I look forward to working with them to continue to progress we have begun here today.

Mr. President, thank you for the opportunity to discuss my views on Ed-Flex and I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, for the convenience of all Members, I would like to let them know that, as far as I know, at least on the majority side of the aisle, there are no speakers desiring to come to the floor. I put them on notice that if I do not hear from them within 10 minutes, we may end up drawing the session to a close. As far as the other side of the aisle, I also inform them. I believe we have notified the minority that if they have no further speakers, we would appreciate knowing that. If we hear from no one within 10 minutes, we will presume they have no further people to be heard and then yield the remainder of the time back so that tomorrow we can start on schedule.

I also notify Senators that the order of the amendments tomorrow will be the order that was originally delineated and not as they may have been presented, so that Senators will know exactly when their amendments will be coming before us.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that it be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share a few remarks. I have had the pleasure to be able to preside over this body for the last hour and hear some excellent remarks from Senators who are concerned about education. I thought, as we heard some good remarks from one of our brother Senators about an amendment to deal with the dropout rate, that this is how we have gotten where we are today in large part.

The remarks were good. I personally am concerned about the dropout rate. I have been involved in youth programs in my hometown of Mobile, AL. We had a meeting with the police and the school boards on how to deal with truancy, dropout problems, and what we could do to confront that. That is happening, I suspect, all over America right now. Some schools have good dropout programs, others do not.

The question was, are these numbers—showing 50 percent in many schools dropping out before graduating—are they accurate? I am not sure that they are, frankly. We questioned that in our community, because sometimes when people transfer from one school to another, they are counted as a dropout. But we do have higher dropouts than we need. And good school systems are identifying them at the earliest possible time in dealing with them.

But I thought to myself as it was suggested—this amendment would suggest and mandate that we have a dropout czar in America—so this U.S. Senate now is going to take it upon itself to have a czar to deal with dropout problems. And that will be the 789th—if I am correct in my numbers—Federal program Congress would have adopted and that is now in effect, all to be added to a bill called Ed-Flex that is suppose to give more flexibility to the school systems, to allow them to use the resources we are sending to them now effectively to deal with the problems as they know they exist and they would like to deal with them.

Yes, I wish I could wave a wand and create a program that would instantly eliminate the dropout problem in America. I would be tempted, as all of us are, to think we could appoint a czar in Washington who would stop the dropout problem. But I really do not think it is going to happen.

What we have to do is strengthen our school systems in the classroom, where teaching occurs, making those schools more friendly, more motivating, more interesting, more challenging, educating the young people who are there, because really the only thing that counts is that magic moment in a classroom when the learning occurs between teachers and pupils.

One of the Senators said our problem is schools are too big. Well, I guess next we will have a czar to set the sizes of schools in America. My daughters both graduated from a large high school in Mobile, AL. Bill Bennett came down and gave them an award as one of the best high schools in America—racially balanced—a big high school, Murphy High School, an outstanding high school. It is a large school. All large schools are not bad. In fact, our dog was named Murphy, named after the high school. We loved that school. My wife and I participated in the PTA and were most interested in what went on there.

When I graduated, my senior class had 30 members. It was a public high school. The one who finished third in my class of 30 is now dean at the University of Alabama. And I finished below her. And the one who finished two below me—seventh—graduated from the U.S. Naval Academy.

I do not think we need in this body to be saying what the sizes of schools ought to be and how school systems ought to run their programs. We need to help them in every way we can and to eliminate this problem, as I noted earlier today, where a system like Montgomery, AL, spends, according to the letter I got, $860,000 to comply with Federal regulations. The Federal Government gives 8 percent of the funding and over 50 percent of the regulations.

So our chairman, Senator JEFFORDS, has presented a commonsense, reasonable, modest step toward allowing local school systems to petition for the right to have flexibility in how many of these governmental programs are ordered. That is so rational, it makes so much sense, and it in fact was proven effective in the welfare reform bill. That is all we are talking about.

There is no doubt Senator JEFFORDS will conduct hearings on any of these matters. He will take testimony and receive it and consider matters to deal with truancy, matters to deal with drug problems, matters to deal with special education. We want to deal with that. But that will come up in the education bill that will come along later.

This bill needs to remain a clean bill designed to create flexibility for our school systems in America. That is what it ought to be. We ought not to allow it to be clogged up with every Senator's view of what would be wonderful if they just ran schools in America, because that is how we have gotten in this fix. That is what we are trying to make some progress toward completing.

I care about education. I care about public education. I taught. My wife has taught. Our children have participated in public education. We want to make it better. But I am not at all persuaded that the Members of this body have studied the problems of the Mobile, AL, or Vermont school systems. They have not studied those problems. They do not know how to fix them. They read a study somewhere that says something, and they feel obligated to come down here and present the next program, the 789th program, Federal Government mandate, to fix it. Then they can go back home and say, ''I fixed truancy, I fixed dropout problems,'' or whatever.

I just say to my colleagues that this is not the way to do it. We have elected school board presidents, school board members. We have superintendents of education. We have principals. We have teachers. They know our children's names. We need to put as much power and as much money into the hands of the people who know our children's names as we possibly can. If they do not care about our children, we need to make sure we have someone there who does. But I submit to you they do care about them. They are better trained than we are in education. They are seeing kids every day in their classrooms. They know what facilities are in existence. Do they need more teachers? Do they need more classrooms? Do they need more computers? Let them decide that. That is what we should do; give them the flexibility to make the decisions needed.

I think we will find, if we pass this bill, that instead of just the 12 States indicated in the chart from the GAO report this past November—the GAO studied this Ed-Flex bill that gave 12 States the right to have more flexibility in their educational programs. They concluded that they have used their authority well, the flexibility given to them, and that the waiver authority has been used carefully and judiciously.

Why would we expect otherwise? Why would we expect that the people we have elected and hired to take care of our children, who know our children's names, are not going to use freedom and financial support from Washington carefully and expeditiously? I feel very strongly about this.

I see the Senator from Arkansas has come to the floor. I will be anxious to hear his remarks, because he has served on this committee, that I have just joined this January, for the past 2 years. He is passionately concerned about improving education. He has a bill that I am proud to support—Dollars to the Classroom. That bill goes much further than this Ed-Flex bill. I believe it would be a historic step toward empowering our local education system to get out from under Federal regulations and be able to focus entirely on educating our children, get that money and authority to the classroom where it can be used wisely.

I thank the Chair for the time and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I want to associate myself with the remarks of the Senator from Alabama and thank him for his kind remarks concerning the Dollars to the Classroom proposal. I look forward to working with him on the committee.

I am dismayed that a bill that has the kind of bipartisan support—support in this Chamber, support across the country among educators, support among our Nation's Governors—would have been held up as long as this has been held up and would have had the kind of amendments, many of them worthy of debate but that would have been far more germane to the Elementary and Secondary Education Act, which, as the chairman has said, will be debated and will be marked up in committee later this year. I think it is unfortunate that we have had all of these amendments filed.

As Senator SESSIONS said, I have a bill, that I feel very strongly about, that would go further than Ed-Flex. I have resisted offering that as an amendment. We could have brought that to the floor. We could have offered that to the Ed-Flex bill. However, it is important that this piece of legislation move forward uncluttered, clean, with the support of both parties, and be presented to the President for his signature.

I want to especially address in the next few minutes one of those amendments which has been offered, an amendment that sounds so good: The 100,000 teachers funded at the Federal level over the next 7 years. I think it is

kind of a cotton candy amendment: It looks good, it is sweet, it tastes good, but it is not very filling, it is not very satisfying, and it is not very good for you. The 100,000 teachers—when you say that at first blush to the average American, that sounds very, very appealing, but I think when you look in greater depth and you look more closely at what that amendment would do, then, I think in fact it is not worthy of our support.

We have already decreased class size across this country. At the same time we have seen a dramatic reduction in class size across the United States, we have not seen a comparable improvement in achievement. Between 1955 and 1997, over 42 years, school class size has dropped in the United States from 27.4 students per classroom to about 17 students per classroom, according to the National Center for Education Statistics—a very dramatic drop, from 27 to 17. At the same time, the number of teachers has grown at a faster rate than the number of students. This chart illustrates that very clearly. We see a very dramatic increase in the number of teachers and the student ratio decreasing appreciably.

While public school enrollment has decreased in Arkansas, in my home State, going from the broad international statistic to what it looks like in Arkansas, we have seen our public school enrollment drop slightly, by 1.3 percent, during the last quarter century. The number of teachers during that same period of time has dramatically increased in Arkansas, from 17,407 in 1965 to 29,574 in 1997. Now, that represents a 70-percent increase in teachers in the State of Arkansas. At the same time, we saw a slight decrease in the number of students in our public schools. What that represents is a very dramatic improvement in classroom size. We have smaller classes, we have more teachers teaching those classes, but studies have shown that unless the class is very, very large to begin with, modest reductions in the size of the class do not correlate with gains in student performance.

Here is the point: Effective teachers can generally handle, studies indicate, an ordinary class of 19 students as easily as they can handle a class of 14 students.

I want teachers to have smaller classes. I think that is a desirable goal. It is a goal that is being achieved in States all across this country. But I do not believe it is something we should mandate from Washington, DC, nor fund from Washington, DC. Senator SESSIONS said it better than I can: I don't believe we need the 100 Members of the U.S. Senate to become some kind of super school board making those kinds of decisions as to what schools need most.

At the same time teacher-student ratio has dropped in Arkansas from 21.9, almost 22, in every class in 1970, to 17 per class in 1995, student achievement has failed to show a measurable increase during that same time period. I want to say that again: We have seen classes drop from about 22 per class to 17 per class over the last 25 years in Arkansas. It has dropped more dramatically nationally, but in Arkansas we have seen it drop from 22 to 17. We have not seen student achievement show comparable improvement during the time that classes got smaller.

Now, the initiative that has been presented by Senator KENNEDY, the amendment offered by Senator KENNEDY and Senator MURRAY, is expensive indeed, and there is no demonstrable evidence that for what we will be paying for this new program, we will see a corresponding improvement in academic performance. If enacted, the President's teacher initiative will provide enough money to hire only 361 additional teachers in the entire State of Arkansas in the first 2 years. All of the hoopla, all of the excitement about the 100,000 new teachers—which sounds like such a dramatic number—over the next 2 years in the entire State of Arkansas, it means 361 additional teachers.

Now, we have in Arkansas 314 school districts. Many have argued we need fewer. Perhaps that is true; perhaps we need to consolidate some. But we have 314 school districts. We are going to receive 361 new teachers. That is 1.15 new teachers per school district. If we want to break that down a little more, it amounts to about half a teacher per elementary school. Since the focus of the amendment and the initiative is supposed to be grades 1 through 3, when you calculate that, it means .18 new teachers.

Here we have that clearly outlined: In the State of Arkansas, 1.15 new teachers per school district; a half a teacher per elementary school; or .18 new teachers for each grade 1 through 3.

It is simply not enough of a commitment if that is what we are trying to do, it is not enough of a commitment on reducing class size, to make an appreciable difference in Arkansas or the Nation. If this initiative were carried out for the full 7 years, Arkansas would be able to hire only 939 new teachers for the whole State over the whole 7-year period. That equals 3 new teachers per school district, or 1.4 teachers per elementary school, or half a teacher in grades 1 through 3, to do the whole program for the whole 7 years. For such an expensive proposal, I believe Americans expect more results than that.

This will do little to actually reduce the student-teacher ratio when there is only one new teacher in an entire school district, which is the result we would have under this initiative.

Lisa Graham Keegan, one of the most innovative directors of public instruction in the country, superintendent of public instruction for the State of Arizona states:

> In the first year of the President's new program, Arizona will receive more than $17 million. $17 million is a lot of money; what do we get for that kind of investment? At $30,000 per year—a good, but not great wage—we can pay for a little over 500 new teachers, as the program asks. In Arizona, that comes to a bit under 2 teachers per school district. Not per school, but per school district.

They would average two new teachers per school district in the State of Arizona. Not every school district—and I think this is so important—finds that their greatest need is having more teachers or smaller classes. Many school districts do not need more teachers. They may need more books or more computers. Maybe they just need better-trained teachers. A one-size-fits-all approach is not what States and school districts need or want.

Again quoting Lisa Graham Keegan, she states:

> President Clinton made it abundantly clear that he had decided that smaller class sizes are a good thing, even though research has provided no clear indicators of the impact that class size has on a child's ability to learn. Nevertheless, because class size had been a good thing in some of the classrooms the President had visited, then smaller class sizes had to be a good thing for every classroom in America.

Well, that is a pretty strong allegation. But I think it is accurate on the basis of effectively anecdotal evidence. The President concluded this sounds good, looks good, this is appealing, and this was going to be his education initiative: 100,000 new teachers, paid for by the Federal Government, without having the research to demonstrate that, in fact, it correlates to better academic performance.

This program requires that the money be used for new teachers. Yet, many States have already implemented class size reduction programs on their own. At least 25 States, including California, Florida, Nevada, Tennessee, Wisconsin, Virginia, and Maryland, have either tried a class size reduction program or are currently considering a class size reduction program.

What about the 25 States that, on their own, many times at the expense of their constituents and their school patrons, have implemented their own class size reduction programs? What about those who are ahead of the curve and have sought to address this at the local level? Are we now going to say we are imposing this upon you, that you have to hire these new teachers if you want the benefit of this Federal program?

In his testimony before the Senate Health and Education Committee, on February 23, Michigan Governor John Engler said this. I know our Presiding Officer, the Senator from Michigan,

will concur with this. Governor Engler has been one of the most creative and innovative Governors both in the area of welfare—pushing welfare reform a number of years ago and seeing a tremendous revolution in the welfare system in Michigan—and he has now been pushing hard for greater flexibility for the schools in Michigan and the schools across this country. He said in his testimony before our committee:

> Many Governors feel so strongly that the bureaucracy is the problem that we cannot imagine being unable to improve education with greater funding flexibility.

He didn't say send us more money. He might not turn that down, I don't know; but he didn't say that was the greater need. He said the problem is the bureaucracy. Give us greater flexibility and we will improve education.

Governor Ridge of Pennsylvania said in his testimony before our committee:

> We all care about teacher competency, social promotion and class size and many other things, yet, we must recognize that the States themselves are designing programs that meet their unique needs.

The States themselves are designing programs. Once again, it is a matter of trust. Who are we to conclude in the U.S. Senate that we can be trusted to know what is best for local schools in Michigan, Arkansas, Vermont, and Washington State, but the Governors don't, the school superintendents don't, or that the local elected school boards can't be trusted? I think that is a misconception and an insult to those local leaders who care as much about the welfare and the education of children as we do here in the Senate.

Reducing class size simply does not necessarily mean we are going to have improved performance. It does not deliver the results. States performing exceptionally well on achievement tests do not have an extraordinarily high number of teachers per student. For example, the State of Minnesota ranked third in the 1996 NAEP test scores for eighth grade mathematics. They ranked third on the NAEP test in eighth grade math. They rank 42nd in students per teacher.

If lowering class size were the panacea, then Minnesota, I think, would have a hard time explaining why they rank third in the Nation in eighth grade math and 42nd in class size. There simply is no clear correlation. Without the research, without the hearings, without the evidence, why would we want to pass it? Is it because, like cotton candy, it looks good and sweet?

On the other hand, schools that have a low student/teacher ratio do not necessarily have a high achievement score. Example: The District of Columbia has the lowest number of students per teacher—13.7—of any State or Federal jurisdiction. It is 13.7. Yet, it ranked 41st in its 1996 NAEP test scores for eighth grade math. In contrast, we have Minnesota. I know there are a lot of factors that can be involved, but that tells me there is not a clear correlation between class size and academic performance.

Eric Hanushek, an economics and public policy professor at the University of Rochester, maintains that teacher quality ''has 20 times the impact of class size. Teacher quality just swamps all the evidence we have on class size. If I had a choice between a large class with a good teacher and a small class with a lousy one, I'd take the large class any day.''

The teacher quality is far more critical in ensuring the quality of the education of our children than the student/teacher ratio, the class size.

I remember, vaguely, when I was in the second grade we had too many second graders; we had 37. And so the superintendent decided we were going to take 7 of the second graders—me being one of them—and put them in a joint class with second and third grade. Mrs. Hare was the teacher. Some of the parents expressed concern that we were going to have a combined class because the class was too big. But we had an extraordinary teacher, a quality teacher, in a combined class of 7 from one grade and 20 from another grade. But it worked. It worked not because the class size was perfect, or because the student/teacher ratio was perfect, but because, as Senator SESSIONS referred to it, the magic of learning in a classroom was taking place. We had a quality teacher who cared about the kids and instilled in us students a desire to learn. That is what we can do about education—improve the quality of teachers in the classroom, not some feel-good measure of hiring 100,000 teachers, whether that be the need or not.

Mr. President, about 1,100 studies have been made of class size. Out of those 1,100, only a very small few made any link at all between small classes and improved achievement. The research and the evidence is simply not there.

The proponents of this measure keep mentioning that we need to fulfill the promise made last fall in the omnibus appropriations bill, which funded the Class Size Reduction Program, at a price tag of $1.2 billion.

What I would ask is this: What happens at the end of the 7 years when this authorization expires? We then have a new mandate that must be funded, or the States and localities will bear the burden of continuing the program which we started. Hiring 100,000 new teachers with the spending schedule to expire at the end of 7 years will result in one of two things: Either a new heavier tax burden upon our States in trying to pay for these teacher salaries, or a permanent entitlement established at the Federal level, and another step in nationalizing education control in this country.

What happens with new Federal education programs? Once in place, they grow. They grow. Year after year, they grow. And this will become a new prescriptive program that places more regulations on the localities and further contributes to a Federal oversight of what should be and has always been a local issue.

Some Members have been talking about the urgency with which we must enact class size legislation. But, before we create a new Federal program, shouldn't we, I ask my colleagues, fully fund the mandates that Congress has already placed on school districts?

Every time I meet with parents, teachers, principals and local school board members from across Arkansas, they have one common theme and one common complaint. And it is this: Senator HUTCHINSON, please fully fund special education.

When we placed that mandate upon the schools, we made a commitment and a pledge that we were going to provide 40 percent of the funding of that mandate at the Federal level. Now, before we have even gotten close to meeting that commitment, we start a host of new programs, including the initiative to hire 100,000 new teachers.

During the 1995–1996 school year, 53,880 students in Arkansas were served under IDEA. That is about 12 percent of all students in the State served under IDEA special education.

Funding for special education affects all schools and all school districts. It is not a problem limited to Little Rock, or Rogers, AR, or to the State of Arkansas. Every State has to deal with this critical funding problem.

We are failing to miss a critical point: If we provide more funding for special education, then schools will have more money available to hire more teachers, create afterschool programs, or build new schools, whatever the need is at the local level.

If we would, rather than funding 100,000 new teachers ''one size fits all'', whether that is the need at the local level or not, if we would instead take that funding, place it in IDEA special education funding, it then would allow the local school districts to determine with the resources that are now free where the greatest need is—computers, books, tutors, or even school construction. But the decisions would be made locally.

In 1975, Congress first mandated a free appropriate public education for school-age children with disabilities. We have, Mr. President, not fulfilled the responsibility to which we committed.

The formula for providing grants to States is authorized at 40 percent, the national average per-pupil expenditure. Congress has never provided more than 12½ percent of IDEA funding, and that was back in 1979, 20 years ago. For fiscal year 1999, allocations to States represented only 11.7 percent of average

per-pupil expenditures. Schools get only 11 percent of the funding, but 100 percent of the Federal mandates, and what an expensive mandate it is.

This shortfall in funding does not just affect special education students. Because schools are mandated by Federal law to provide a free and an appropriate public education, they must provide these services.

As Fort Smith public schools superintendent, Dr. Benny Gooden, wrote in a letter last week—one of our outstanding superintendents in Fort Smith, AR, who writes regularly about the burden that IDEA places upon local resources:

> For almost 25 years, local elementary and secondary schools and their governing boards of education have attempted to deliver essential educational services to children with disabilities under these Federal guidelines. During this time period, the costs associated with providing these services have escalated dramatically, while the level of Federal support has never approached the promised 40 percent of applicable costs which accompanied the initial passage of the legislation.

While providing an education to disabled students is necessary and desirable, we must recognize the effect of imposing unfunded mandates on our school districts.

The more that we fail to pay our fair share of the cost of educating disabled students, the more we force local school districts to take money away from other programs to fulfill their duty to special education students.

With all of the talk about the importance of enacting class size reduction programs now when school districts are working on their budgets, it is important to fully fund IDEA and allow school districts to free up more money for other uses.

The costs for educating a special education student can be 5 to 10 times the district average.

In addition, as we all are aware, the U.S. Supreme Court recently ruled that the related services provision in IDEA includes medical services. This is going to dramatically increase this figure even more.

Whether this was the intent of Congress or not, we made a commitment to fund 40 percent of IDEA costs. And we simply have not kept our promise.

How can we in good conscience make more promises? We are going to give you 100,000 new teachers across this Nation. In Arkansas, it is about one per school district. How can we think of making more promises when we have not fulfilled the ones we already made to them in regard to special education? We are imposing an undue burden on school districts. And, if school districts had to spend less money on special education, they could use the available funds in the way they see fit. If that is entirely for teachers, so be it. If it means professional development, so be it. If it means buying new computers, we ought to let those local districts make those decisions.

I see Senator COVERDELL, who has been one of the great leaders on educational reform in meeting our Republican vision for education, and I have spoken quite a while on this at this point.

I hope my colleagues know how strongly I feel about this. This is an important bill. It is an important step that we are taking.

Senator JEFFORDS did an outstanding job. I can't say enough about the leadership of Senator FRIST on this. We need not clutter this bill with amendments. We certainly don't need to start a new mandate on our schools. I hope that we will pass the bill quickly, pass a clean bill and send it to the President.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, I think we are down to two speakers. We have agreed that Senator COVERDELL will speak for 5 minutes, and then I believe Senator BAUCUS will speak for about 6 or 7 minutes.

I want to commend the Senator from Arkansas for his very eloquent discussion of the differences on how money ought to be spent. I appreciate him coming and sharing those with us.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I want to associate myself with the remarks of the Senator from Arkansas. His eloquent statement delineates what is at stake here. I will expand upon it just briefly. As Senator JEFFORDS said, I will limit this to 5 minutes.

I would like to make three points with regard to what we will begin voting on tomorrow.

First, I want to make it very clear that from my perspective the amendment suggests that we should have a Federal program that envisions 100,000 Federal teachers, which is a bad idea. It is just not a good idea.

Mr. President, it envisions, or it suggests, that some Washington wizard wonk has some better idea about what ought to happen in Arkansas, Georgia and your State of Michigan. I just have to suggest that most of those wonks have never been to any of these locations. They have no idea—none—as to what that school board requires or needs. Some will require teachers. Some will require transportation. Some require construction. Some require a playground. And every American in the country knows that the needs of all of these school districts all across the Nation are all different. The Senator from Massachusetts would have us believe there is only one requirement, that only Washington knows what it is, and you are going to do it our way, the old Frank Sinatra song.

You are going to fill out this zillion-page application, and you are going to do it our way.

I suggest that if most Americans had a chance to evaluate whether the wonk from Washington should do it or the local school board should do it, they are going to go with the local school board.

That takes me to my second point. This idea that Washington is going to do it after you fill out the 15–20 page application is going to lead to systems that have not met their responsibilities being weighted to the advantage of this program. It will tend to reward those who have not yet done the job they were supposed to do. If you talk to the Governors of the States, many, including mine, have already expanded their numbers of teachers to reduce class size—all across the country, Texas, California, to Georgia. So a system that has one solution is only going to be weighted to those school districts that didn't do anything about it. True, maybe they need some assistance because they had a harder time meeting that standard, but mark my word, you will tend to reward systems that have not stepped up to the bar with this kind of program.

My third point. The fact that Washington bureaucrats, guided by the administration, are going to decide who is a winner and who is a loser suggests that it is going to be politically correct, that political correctness will suddenly weigh in on this. If you look at the record of decisionmaking about who the winners and losers are during the course of these last 6 years, it will substantiate the assertion I make. In department after department, agency after agency, the town is aswirl with politics getting in the way of policy. A program that picks winners and losers in Washington is already susceptible to it but particularly so now.

So the point that the Senator from Arkansas made that we should fully fund our previous commitments, which will have the effect of freeing up funds in local school districts all across the country to make their own decisions about what their priorities are, is a better idea; it is a better idea than having a bureaucrat who has never been on the scene, could not name one school superintendent, one school board member, or even the name of the communities to be affected, deciding what the priorities are all across the country. It makes no sense. It is a bad idea. It should be defeated so that we can proceed with this legislation that has been endorsed by 50 Governors. And I might point out those 50 Governors have not endorsed the amendment of the Senator from Massachusetts.

Mr. President, I thank the manager for granting me this time, and I yield back whatever of the 5 minutes might remain.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I will yield time as he may consume to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair. I thank my good friend, the Senator from Vermont, for yielding time.

Mr. President, I am very strongly in favor of the Education Flexibility Partnership Act. That is very simply because if there is any investment that makes sense in this country, it is investing in education, pure and simple, full stop, end of subject.

At all levels—whether it is Head Start, whether it is the early years zero to 3, whether it is after Head Start, whether it is kindergarten, whether it is elementary and secondary, whether it is college, whether it is postgraduate education, whether it is continuing education, whether it is technical skills development—education is the investment which is going to make the difference in our country and assure our future as Americans, the time we spend continuing to educate our people in a very thoughtful, constructive way. Of course, we do not want to just throw money at the problem but, rather, we want to invest wisely; and this legislation, S. 280, is very much, in my judgment, a step in that direction.

Let me address Ed-Flex, that is, the basic underlying bill, and tell you why I am so proud to be a cosponsor of the bill and why I think it is important legislation.

The name of the bill basically explains it—Ed-Flex. It is flexibility for educational programs, and particularly at home. It is very simple. The Federal Government, I believe, ought to trust parents, trust teachers, and trust local school boards. We should do everything in our power here in Washington to liberate our children from Federal Government rules that might make sense in Manhattan, NY, but perhaps do not make sense in Manhattan, MT.

I was a little surprised at the previous speaker, my good friend from Georgia, saying an amendment on this bill is Washington wizard wonk stuff telling local governments what to do. That is just not true. This is Ed-Flex. It is giving more flexibility to local communities to decide more on their own what makes most sense. For example, let's talk a little bit about computers. Right now, for example, a well meaning but distant Federal bureaucracy does too often stand in the way of a school district.

For example, let's talk about Federal funds allowed to a small Montana school, or even a large New York City school, to purchase computers for students with disabilities. We know those computers probably will not be used all day long, that is, computers, mandated by Washington, for students with disabilities. It obviously makes sense that these computers should be utilized to help other students when the disabled students do not need them. But there is a rule, a Washington rule, that prevents this from happening, preventing other students from using those computers.

That is the point of this bill, more flexibility. Under Ed-Flex, the underlying bill, States can get a waiver to use these computers to educate our kids. In short, the bill makes eminent sense. It is the next logical step to help our kids be better educated.

Let me address an amendment that has been under discussion, the amendment offered by the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Washington, Mrs. MURRAY, an amendment to lower class size in our country.

This is pretty basic stuff. There aren't many things we can do to help students more than lowering class size. I hear some Senators in the Chamber say the opposite; they at least are very strongly implying that lower class size does not help kids, does not help the quality of education.

If we just think about it intuitively, Mr. President, that just doesn't make sense. But what is the evidence? One Senator recently mentioned Minnesota, a State that ranked third in recent national test scores but apparently, according to the Senator, has high average class sizes.

I cannot speak about Minnesota, but I can speak about my State of Montana. Our teacher-to-student ratio is much lower than the national average, but we are very proud of the quality of education in our State. Montana's fourth graders and eighth graders placed among the top four States in three of the four categories, again, with class sizes that are lower than average. I can tell you from at least my experience years ago going to Montana schools that we had smaller classes, and it made a big difference. I have very vivid memories of very good teachers in classes that were not too large.

I also want to relate an experience that is not directly relevant to this discussion, but I think it does have some bearing on the basic underlying point.

Mr. President, like a good number of other Senators, I have what I call a ''workday.'' About 1 day a month I work at some different job. I might wait tables, work at a sawmill, work in a mine. I show up at 8 in the morning with my sack lunch and I am there to work. I am not there to watch, I am there to work. My good friend, Senator GRAHAM from Florida, has been doing this for many, many years. Frankly, I got the idea from him about 6, 8, or 10 years ago. It is a great idea and it is one of the best parts about this job, frankly—to be able to do things like that.

One day on my workday in Helena, MT, I was assigned to a health care center. In the morning I helped an Alzheimer's patient. This patient was obviously in great need of care and I learned a lot, I must say, about the problem of Alzheimer's disease—both for the person who has it and with respect to the care giver.

But in the noon hour, for 2 hours the center assigned me to the Meals on Wheels Program. They gave me a little van loaded up with hot lunches and a list of names and told me which part of town to go to, to drive around and deliver these meals. This is the basic hot lunch program. About the second or third name on the list was a name that seemed familiar. It rang a bell; I wasn't sure what. It was Mrs. Foote.

I asked myself: Why is that familiar, that name, Mrs. Foote? I didn't think a lot about it. I knocked on the door and the lady said come in. She opened up the door, and way back in this hot little kitchen, sitting at the kitchen table, was a lady. Then it dawned on me.

I said, ''Mrs. Foote, by any chance did you ever teach kindergarten?''

She said, ''Why, yes, I did.''

I said, ''Did you teach kindergarten in the basement of the First Christian Church, at the corner of Power Street and Benton Street?''

''Why, yes, I did.''

That was my kindergarten teacher, whom I had not seen since kindergarten.

Why did I have such a strong memory of Mrs. Foote? One, I do vaguely recall, I must say we didn't have a large class. I must be honest and say I don't remember much about that. I do remember Mrs. Foote being a super teacher. She didn't remember me from Adam, as I must confess, but as I was talking to Mrs. Foote she then pulled out some newspaper articles about her.

I then realized why in many respects Mrs. Foote meant so much to me. Mrs. Foote had a master's degree in art history, she had a master's degree in English literature, yet she was teaching kindergarten. She was one of these wonderful Americans who was sacrificing her time to be a teacher, a high-quality teacher, and also a teacher, as I recall, who did not have an awful lot of kids in her class.

Not too long ago, in fact about a half-hour ago, I heard a Senator here on the floor saying, ''Gee, you give me a choice between a high-quality teacher and a large class size and I'll make the choice every time for the quality teacher.'' Obviously, that is a false choice. That is not what we are talking about here. We want high-quality teachers. But we also want small class sizes, because smaller classes—all things being equal—do help provide a better education.

This amendment, the Murray-Kennedy amendment, is an additional sum of money for teachers. We in Montana will get about $4 to $5 million. In addition, the amendment has a 15-percent provision, which is that 15 percent of

the funds can be used to train teachers. It gives that additional flexibility.

I must say, this is a no-brainer, to me. I just don't know why school districts and teachers and parents would not like to have a little extra help, some extra help to hire a few more teachers, a little extra help to train a few more teachers. That is all this is. This is not rearranging the categories, the boxes. This is not taking money from one program to give to another. This is an add-on. This is additional.

So I hope some of the viewers and listeners—who earlier heard other Senators speak—realize this is not Washington telling State and local district school boards what to do. Rather, it is saying: Here is some additional money for some teachers, for some training, because we want to help you. We want to form a partnership with you to make sure our kids get the best quality education they could possibly get. That is all it is. It is that simple.

I strongly urge when we do vote on this tomorrow that the amendment pass. I know the bill is going to pass. It is a very important step we will be taking to help invest in our Nation's future.

I yield the floor.

AMENDMENT NO. 60, AS MODIFIED, TO AMENDMENT NO. 31

Mr. JEFFORDS. Mr. President, I have a modification at the desk for amendment No. 60, which I offer on behalf of Senator LOTT.

I ask unanimous consent the amendment be modified.

The PRESIDING OFFICER (Mr. BUNNING). Is there objection?

Without objection, so ordered.

The amendment (No. 60, as modified, to amendment No. 31), is as follows:

At the end, add the following:

SEC. IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Act (20 USC 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to design class size reduction programs, or any other programs deemed appropriate by the local educational agencies and schools that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

Mr. JEFFORDS. I ask unanimous consent to add as cosponsors to amendment No. 60, as modified, Senators GREGG, COLLINS, FRIST, and SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I make a point of order that a quorum is not present and ask the time be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, first I wish to compliment my colleague and friend, Senator JEFFORDS, for his leadership on this bill. I am confident that tomorrow we will pass this bill.

Also, I wish to compliment Senator FRIST and others on the Labor Committee who have worked very, very hard to put together a good package, a responsible package, to allow the States to have more flexibility in dealing with Federal education programs so they can deliver a better product, and that is basically improving the education of our kids. That is a very noble goal.

By doing so, they are saying we want to set up a program, which we have already done in a pilot program in a few States, and make it available to all States. All State Governors, Democrats and Republicans, say we want to have that flexibility, give us the ability to ask the Federal Government for a waiver from a lot of the rules and regulations in managing these programs so we can do a better job.

Frankly, they are telling us they can do a better job, without Uncle Sam's rules and regulations, in trying to manage their schools. They did not need so much Federal help. It is really what the States were telling us.

Democrats as well as Republicans were saying that. I think they are exactly right in doing so. I compliment the sponsors of this legislation, and I am going to be pleased tomorrow when we pass it.

Unfortunately, there are a few amendments that are circulating around that I think would be very detrimental to this bill. As a matter of fact, I believe if they are adopted, we shouldn't pass this bill.

The main amendment I am going to address is the one that maybe has received more attention than others—the so-called 100,000 teachers that Senator KENNEDY, Senator MURRAY and others have been so laudatory about, saying, ''This is exactly what we need to improve the quality of education.''

A couple of comments: One, I think if schools need more teachers, the schools should be able to make that decision. That decision should not be made in Washington, DC. When I say ''the schools,'' I am talking about the school board administrators, the parents, the teachers, the local officials, the school board officials, the Governor. They should be making that decision. I do not think that is Senator KENNEDY's decision to make. I do not think that is the U.S. Senate's decision to make. Nor do I think it should be made by President Clinton. That is not our responsibility. That is a State responsibility. That is a local responsibility.

Frankly, the local government knows best what they can do to improve education, not Washington, DC. It may be a school in the Northeast needs more insulation because of the cold or maybe they need more computers, maybe they need a new building, maybe they need building repair, maybe they need more teachers. I don't know. I wouldn't think that we have the guts or the gall to say we know best, the government knows best, but when I look at Senator KENNEDY's amendment, that is exactly what it says.

Here we have a national program. We are going to have 100,000 teachers. It is going to be paid for by the Federal Government. Keep in mind, almost all teachers, K through 12, are paid for by State and local governments, yet now we have an amendment on the floor of the Senate that says, We want 100,000 teachers at a cost of over $11 billion, to be paid for by the Federal Government—100 percent paid for by the Federal Government. In some of the districts, the teachers will be paid for 65 percent by the Federal Government and 35 percent by the State government.

It is interesting. I have asked, What is the impact? Somebody said that we did part of this last year. We passed a bill last year that cost $1.2 billion, and we increased the number of teachers 30,000. Boy, that has really done a wonderful job. I looked at my State. As part of the bill that we passed last year, part of this 30,000 teachers, Oklahoma is going to get 348. Big deal. For the life of me, I do not think that is a Federal responsibility. Oklahoma is going to get $13 million to help pay for 348 teachers. Big deal. Is that really what the Federal Government is supposed to do? Is that our responsibility? I don't think so. At least Republican amendments are saying, ''Instead of teachers, let's at least allow the States to have the option. If we are going to have Federal money, let's have the money go to give the schools the option for teachers or for meeting our responsibility with kids that have special needs, giving States the flexibility to use the money either for schools or students with special needs,'' which we already have a Federal law stating the obligation for the States to do it, an unfunded mandate. So at least we give the States some flexibility. That is not in Senator KENNEDY and Senator MURRAY's amendment.

I am looking at this amendment. There are lots of things in here that deal with regulations and how the money is going to be used, basically telling the States here is how to do it; we know best. The Federal Government knows best. Senate Democrats know best. President Clinton knows best.

For the life of me, I just think that is a serious mistake—the Federal Government passing a bill last year that says Oklahoma gets 348 more teachers paid for for 1 year. I might mention, if we don't pay for it next year, what happens to that Federal teacher? I hate to say it, but we have 1,800 schools in the State of Oklahoma. We are going to get 348 teachers. That is about one-fifth or one-sixth of a teacher for each school, not each class, each school. Does that really make sense? I don't think it makes any sense. Which school is going to get a teacher? Which school is not going to get a teacher?

I know my colleagues on the Democrat side have an amendment that says we are going to have a Federal school building program, and the President proposed billions of dollars, I guess $11 billion, for more teachers and several billion dollars for more school buildings. Which school buildings are going to be replaced? Which school building is going to be repaired? We are going to be making those decisions in Washington, DC? Is that the proper use for incremental dollars? Do they get more bang in educational value out of buildings or in teachers? We are saying we don't know. We are saying why don't we free up some of the resources that we are now spending from the Federal Government to the States and let the States make the decision? Let the local school boards make the decision. Let the teachers make the decision. Let the parents make the decision.

Instead, my colleagues that are offering the amendment are saying, no, no, we will decide; the Federal Government is going to decide we need 100,000 teachers. I disagree.

It is interesting. Somebody said, well, we really need lower class size. For a little bit of history, most States have already been reducing the average sizes of their classes. That trend is expected to continue. My guess is that President Clinton feels, since he has promoted this, class size has really declined. In 1955, the average public school class size in the United States was 27 students. In 1975, it dropped to 21. Today it is down to 17.3. If you are talking about only elementary schools, the numbers are slightly higher, but they still show a decline, from 30.2 in 1955 to 18.5 today, 18.5. ''Well, it ought to go to 18.'' Well, it looks to me like demographically we are going to 18 anyway. That will happen whether the Federal Government gets involved in hiring 100,000 teachers or not. We have spent $1.2 billion last year to hire 30,000 teachers. That money is only good for 1 year. Then under this bill, it says, well, let's spend more than that. Let's just spend billions every year.

It has amounts allocated: $1.4 billion for the year 2000; $1.5 billion for 2001; $1.7 billion for 2002, and on; I see $2.8 billion for the year 2005. This says here is a recipe where we can have the Federal Government spending more money, and it stops at the year 2005. We are going to pay for these Federal teachers only up to the year 2005 and then stop? Sorry, States, now it is your responsibility.

I just think that is a serious mistake. In my State of Oklahoma, I don't know exactly the number of teachers that we have, but 348 teachers, when we have 1,800 schools and lots and lots of teachers in each school. I just fail to find the wisdom in doing it.

There is a difference in philosophy between the Democrats and Republicans on this issue. We have basically said the States and local school districts should make a better decision. Senator KENNEDY and some of my colleagues on the Democrat side seem to think that they have the answer. They are going to dictate 100,000 teachers. They are going to dictate billions of dollars of the Federal Government building school buildings. I think that is a mistake.

I had my staff—this is almost 2 years old, a year; it was done May 15, 1997, so it is a little obsolete—I asked them, How many Federal programs are involved in education right now? I know there are a lot, but I don't know them all. I haven't served on the Labor and Education Committee for a long time—I was on it for several years—but I know there are a lot. As a matter of fact, there are a lot more than I imagined.

I will put this in the RECORD and maybe somebody can update it for me. According to this, in May of 1997, there were 788 Federal education programs, 788 Federal education programs that were spending at that point $968 billion. That is a lot of money. That is about one-seventeenth of all the Federal spending that we are spending today. Someone can't say we do not have any emphasis in education. What we have is a lot of Federal programs, probably 700-some, too many Federal programs, and we are spending billions of dollars, almost $100 billion, probably if this is updated it is over $100 billion, because I know we had significant increases in the last couple of years in education. Just in the Department of Education alone, there were 307 education programs, totaling $59 billion. Again, this is 1997.

So it shows you there is a lot of Federal input. I personally think we need to consolidate most of those programs, get rid of them, and give the money and the power back to the States and to the local school boards. What I think is, we do not need to have another program. ''Here are 100,000 teachers. Let's make this, instead of 788 programs, 789.'' I think President Clinton has proposed 8 or 9 new education programs alone.

We do not need more education programs. What we need to do is free the States and local school boards to where they can do a better job with the resources they now have without all the strings and redtape and bureaucracy they now have to comply with.

So I hope that will be what we will do. I hope that tomorrow when we are voting on this series of amendments, when we have amendments that are trying to micromanage how States spend money, run their schools, that we will table those amendments, that we will defeat those amendments, and we will pass the Ed-Flex bill which will give more flexibility to States and local school boards in actually administering Federal programs. They can do a better job in educating our kids, to improve the quality of education for the children of America.

So I encourage my colleagues to vote against these amendments that try to micromanage education from Washington, DC, and pass the Ed-Flex bill to give the flexibility to the States and to the local school boards to do a better job for our kids.

I yield the floor.

Mr. JEFFORDS. I thank the Senator from Oklahoma for an excellent statement. He has certainly put in perspective what we are trying to do here. We started out with a very simple bill, and now we have—well, we have the monster pared down somewhat by getting agreements on both sides. But I just remind everyone that we will be voting tomorrow on these amendments. There will be some debate time tomorrow morning for that purpose.

Mr. NICKLES. If the Senator will yield for just a second?

Mr. JEFFORDS. I yield.

Mr. NICKLES. One, I compliment Senator JEFFORDS for his management on this bill. I am delighted we have an agreement and we will get it completed. I compliment him for his leadership in the Labor Committee in putting this bill together. I somewhat regret the fact that the Democrats failed to show up at his markup. They want to amend the bill on the floor. They did not want to amend the bill in committee.

With the chairman's indulgence, I ask unanimous consent to have printed in the RECORD the table showing the number of departments, programs, and funding for the various education programs throughout the Federal Government.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT, PROGRAMS AND FUNDING

[Number of programs in parentheses]

Department	Federal dollars
Appalachian Regional Commission (2)	$2,000,000
Barry Goldwater Scholarship Program (1)	2,900,000
Christopher Columbus Fellowship Program (1)	0
Corporation for National Service (11)	501,130,000
Department of Education (307)	59,045,043,938
Department of Commerce (20)	156,455,000
Department of Defense (15)	2,815,320,854
Department of Energy (22)	36,700,000
Department of Health and Human Services (172)	8,661,006,166

DEPARTMENT, PROGRAMS AND FUNDING—Continued

[Number of programs in parentheses]

Department	Federal dollars
Department of Housing and Urban Development (9)	81,800,000
Department of Interior (27)	555,565,000
Department of Justice (21)	755,447,149
Department of the Treasury (1)	11,000,000
Department of Labor (21)	5,474,039,000
Department of Transportation (19)	121,672,000
Department of Veterans' Affairs (6)	1,436,074,000
Environmental Protection Agency (4)	11,103,800
Federal Emergency Management Administration (6)	118,512,000
General Services Administration (1)	0
Government Printing Office (2)	24,756,000
Harry Truman Scholarship Foundation (1)	3,187,000
James Madison Memorial Fellowship Program (1)	2,000,000
Library of Congress (5)	194,822,103
National Aeronautics and Space Administration (12)	153,300,000
National Archives (2)	5,000,000
National Institute for Literacy (1)	4,491,000
National Council on Disability (1)	200,000
National Endowment for the Arts/Humanities (13)	103,219,000
National Science Foundation (15)	2,939,230,000
Nuclear Regulatory Commission (3)	6,944,000
National Gallery of Art (1)	750,000
Office of Personnel Management (1)	0
Small Business Administration (2)	73,540,000
Smithsonian (14)	3,276,000
Social Security Administration (1)	85,700,000
State Department (1)	0
United States Information Agency (8)	125,558,000
United States Institute for Peace (4)	3,371,000
United States Department of Agriculture (33)	13,339,630,410
U.S. Agency for International Development (1)	14,600,000
Total number of programs (788).	
Total funding	96,869,343,420

Mr. NICKLES. I thank my colleague.

PERSONAL EXPLANATION

Mr. DORGAN. Mr. President, on Thursday evening, March 4 and Friday, March 5, I was necessarily absent because of several long-standing commitments in Bismarck. It was important that I be in North Dakota for a conference I cosponsored, Women's Health-Women's Lives, to join Secretary of Energy Richardson for meetings on a range of energy issues, and for a meeting with the Governor and other state leaders about the state's water resources.

Had I been present for rollcall vote No. 32, to table the Jeffords amendment to S. 280, the Ed-Flex legislation, I would have voted ''nay.'' On rollcall vote No. 33, to table the Gramm amendment to prohibit implementation of the ''Know Your Customer'' banking regulations, I would have voted ''nay'' had I been present.

Mr. ROCKEFELLER. Mr. President, on Tuesday, March 9, 1999, I missed the second cloture vote on S. 280, the Education Flexibility Act.

I fully intended to be in the chamber for the vote yesterday, and had I been there I would have voted against cloture. While I support the concept of flexibility for education, I also believe that Democrats deserve right to offer education amendments on key priorities such as reducing class-size, providing after-school care, addressing the concern of crumbling schools, and a few other major priorities.

Senate Democrats have offered in good faith to accept time agreements and limited debates on our education priorities.

It is disappointing that instead of voting on education priorities for American students, teachers, and parents, we are debating procedural motions and closure petitions. Instead of using the time wisely to discuss the major education issues facing our schools, we are facing gridlock on procedure. That is not what the American people sent us to the Senate to do. We are willing to have our debate and cast our votes to reduce class sizes, to fix crumbling schools and to provide after-school care for children that need it to learn and be safe while parents work. If our Democratic amendments prevail, we strengthen the Education Flexibility Act and help schools. If our amendments do not get a majority, then we had the opportunity to debate and we can move forward on the underlying bipartisan legislation.

I wish I had been here on Tuesday to participate. Unfortunately, I got trapped in Charleston, West Virginia when the Ronald Reagan National Airport closed at 11 a.m. on March 9, 1999 due to the snow storm in Washington, DC. I had been in Charleston, West Virginia to vote in the mayoral election and to participate in the United Airlines announcement of two Mileage Plus Service Centers in my state which will create 600 new jobs. The new centers will be located in Charleston and Huntington. This is exciting news for my state, and I have been in touch with officials for months about this economic opportunity. At the time, I felt that I could personally vote in the local election, attend this exciting announcement and return in plenty of time for the 2:45 vote on the Senate floor. Due to the snow storm, I missed the vote.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EDUCATION FLEXIBILITY PARTNERSHIP ACT

Mr. JEFFORDS. Mr. President, I will use a little of the morning business time myself to just bring everyone up to date as to where we are at this point. This concludes the debate time for today. Tomorrow there will be, I believe, 1 hour evenly divided for Members to talk on the amendment process.

The purpose of that time will be to try to make sure everybody understands the amendments, because we have a number of amendments. They seem low in number—there are about eight or nine amendments—but some of those are complicated by combinations of amendments. So I urge all of our Members to make sure that they understand the amendments.

Because this is an important piece of legislation, which I want to get through, and the leader does also, we will be using probably a tabling situation for many of the amendments. I want to explain why that is. That is because most of these amendments should be on the Elementary and Secondary Education Act reauthorization which is being worked on at this time. That is a very important bill. It is a $15 billion bill. It has most of the Federal programs. And we will be looking at it very closely to determine whether there should be a paring down of programs, how effective the various agencies and departments have been, and we will be spending the time of deliberation to better utilize and to make sure we can maximize our improvement.

As I said earlier today, the evidence is very clear that we have made very little improvement in our schools over the last 15 years, although we have been trying. Thus, it is important we take a close look at the Department of Education to see that those funds are being well spent.

PREVENTING HEARING LOSS

Mr. DASCHLE. Mr. President, today I bring to the attention of my colleagues an article that recently appeared in The Washington Post, ''Hearing Loss Touches a Younger Generation.'' This article raises important issues related to hearing loss and gives us practical advice for protecting our hearing.

Hearing loss affects approximately 28 million Americans and is affecting more of us at younger ages. Hearing difficulties among those ages 45 to 64 increased 26 percent between 1971 and 1990, while those between ages 18 and 44 experienced a 17 percent increase.

About one third of the cases of hearing loss are caused, at least in part, by extreme or consistent exposure to high decibel noises. While the Environmental Protection Agency has worked to decrease our exposure to loud noises at work, many Americans now face threats to optimal hearing during their leisure hours from loud music, lawn mowers and outdoor equipment, automobiles, airplanes and other sources. Too many Americans simply are not aware of the devastating impact loud sounds can have on their hearing.

At the encouragement of the Senate Appropriations Committee, the National Institute on Deafness and Other Communication Disorders (NIDCD) is leading a collaborative effort with the National Institute on Occupational Safety and Health (NIOSH) and the National Institute on Environmental Health Sciences (NIEHS) to help improve awareness about noise-induced hearing loss. It is my hope that this effort ultimately will help reverse the trend toward increasing noise-induced hearing loss.

Health professionals, too, play an important role in the treatment and prevention of hearing loss. In particular, I'd like to highlight the important work of audiologists in successfully combating and treating hearing loss. Over the years I have been impressed by the cost-effective, quality care they provide, most notably demonstrated in the Department of Veterans Affairs health care system, which has allowed veterans direct access to audiologists since 1992.

Through high standards of care by qualified health care professionals and through improved education about the dangers of hearing loss, I believe we can protect and improve the hearing of millions of Americans. I ask unanimous consent that the attached article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

HEARING LOSS TOUCHES A YOUNGER GENERATION; WITH RISE IN NOISE, MORE SEEKING HELP

(By Susan Levine)

Tomi Browne listens to people's ears. To how they hear and what they don't. And for most of her 22 years as an audiologist, her clients have been overwhelmingly older—stereotypically so. Seniors pushing 70 or beyond. The hearing-aid set.

But lately, surprisingly, Browne's contemporaries have been showing up at her Northern Virginia office.

These are men and women in their forties to early fifties, baby boomers. They confess that they strain to catch words in crowded restaurants or meetings, or that the television suddenly needs to be turned higher. Loud sounds really hurt their ears, and maybe they've noticed an incessant buzzing.

Some walk out with the startling news that they've permanently lost hearing. More than a few return to get fitted for hearing aids.

''I'm seeing more of my classmates . . . as patients, rather than them bringing in their parents,'' said Browne, 44. ''Sometimes they're even bringing in their teenage kids.''

Other audiologists report the same sobering age shift, and statistics are starting to corroborate the anecdotal evidence. Data from the National Health Interview Survey indicate that significantly more Americans are having difficulties hearing. From 1971 to 1990, problems among those ages 45 to 64 jumped 26 percent, while the 18 to 44 age group reported a 17 percent increase.

California researchers found an even sharper rise in hearing impairment among more than 5,000 men and women in Alameda County, with rates of impairment for those in their fifties increasing more than 150 percent from 1965 to 1994.

With people living longer than ever, ''This has to be viewed as a very serious health and social problem,'' said Sharon Fujikawa, president of the American Academy of Audiology. ''It really behooves us to conserve our hearing as much as possible or risk isolation.''

Marilyn Pena, a secretary from Germantown, was about 47 years old when she first learned her hearing was deficient. She ignored the diagnosis. Soon she also was ignoring her alarm clock—because she couldn't hear its wake-up beep—and resorting to lip reading at work. ''People at work would come up and whisper in [my] ear because they didn't want others to hear, and I couldn't hear, either,'' she said.

After seven years, pushed by frustrated friends, Pena finally hooked a hearing aid behind her left ear. She no longer guesses in vain at conversation or asks, ''What?'' countless times a day. ''Since I started wearing it, I'm much more observant. It's amazing how many people wear them.''

Worrisome changes also are taking place among children and teenagers, who are growing up with rock concerts far more deafening than those the Woodstock generation attended, along with the mega-volumes of everything from video arcades to boomboxes. A study published last year in the Journal of the American Medical Association showed that nearly 15 percent of children ages 6 to 19 tested suffered some hearing deficit in either low or high frequencies. Other research has identified pronounced differences among high-schoolers compared with previous decades.

The main culprit, many suspect, is noise—not just the noise blaring from the headsets that seem permanently attached to teenagers but the noise from their parents' surround-sound stereos, which can rival small recording studios. Add the barrage to moviegoers' ears during flicks such as ''Armageddon'' and ''Godzilla'' (prompting enough complaints that the National Association of Theater Owners convened a task force), and the blast from leaf blowers, mowers, personal watercraft, power tools, even vacuum cleaners.

Technological advances they may be—powerful conveniences for daily life—but they produce decibel levels that can prove downright dangerous to the ears over time.

''We've grown up in a sort of turned-on, switched-on society,'' said Carole Rogin, president of the Hearing Industries Association. The group, in partnership with the National Council on the Aging, just completed a survey of the social, psychological and physiological impact of hearing loss. It's telling that the two organizations decided to drop the age of those polled from 65 to 50.

For the estimated 28 million Americans with a hearing loss, noise is a leading cause, experts say. Once that would have traced back to the machinery din of mills and factories, but federal regulations have helped protect workers in industrial settings. Now it's more the hours away from work that are the problem. There's even a term for those who study excessive noise from leisure-time pursuits: recreational audiologists.

Dick Melia, of Arlington, never paid much attention to how annoying the lawn mower or tools were that summer during graduate school when he worked for a contractor. The same goes for the civil rights demonstrations he participated in during the 1960s, and later, the pro basketball games at which he cheered. He'd leave the arena with his ears ringing.

But during his forties, he noticed other things: how he'd replay his voice mail several times to get all of a message, how he'd race to keep up in discussions, wondering what words he had missed. Then, one night at his office, a fire broke out. The alarm went off. ''I never heard it,'' Melia recounted.

His procrastination ended; at 50, he got hearing aids. ''There is a problem of stigma,'' said Melia, who directs disability and rehabilitation research within the U.S. Department of Education. ''There is something about hearing aids and the way society over the years has characterized hearing loss.''

For one, the subject is freighted with fears about growing old. But some scientists and audiologists question whether diminished hearing is an unavoidable consequence of aging, or rather the cumulative assault of a cacophonous world. Both loud, sustained sound and extreme, sudden sound can damage and ultimately destroy the delicate hair cells in the inner ear that translate sound waves into nerve impulses. High-frequency sounds are usually the first casualty—consonants such as S and F and children's and women's voices. The ability to distinguish sounds and block background noise also deteriorates.

Because all that generally occurs over time, the onset of hearing loss is slow and insidious.

''People aren't concerned if it doesn't happen now,'' said Laurie Hanin, who leads the audiology department at the League for the Hard of Hearing in New York City. The league is analyzing voluminous data from 20 years of screenings in the New York metropolitan area, and Hanin expects to find a decided decline in hearing acuity.

Hanin, 42, sometimes has trouble understanding conversation, an unwelcome portent of the future. ''My hearing tests normally, but I'm starting to have some problems,'' she said.

Last month, the National Institute on Deafness and Other Communication Disorders gathered 100 representatives of medical, research, volunteer and union organizations to talk about noise-induced hearing loss—how it occurs and how it can be prevented. The institute plans to launch a public awareness campaign on the issue in the spring.

Prevention and education were an ongoing effort at the Environmental Protection Agency until its Office of Noise Abatement was eliminated in 1982. That's about the time a push to require decibel labels on lawn equipment gave way to voluntary notices, which were ''a miserable failure,'' in Kenneth Feith's view, and explain why instructions on lawn mowers or leaf blowers virtually never advise hearing protection.

''I think we're going to see a population suffering from hearing loss that will impair learning, impair our ability to carry out tasks,'' said Feith, an EPA senior scientist and policy adviser who headed the Office of Noise Abatement.

Musicians may be getting the message faster than others, thanks to groups such as Hearing Education and Awareness for Rockers. The 10-year-old nonprofit California organization was founded by Kathy Peck, 39, whose bass career ended the morning after her band opened for Duran Duran. ''I had ringing in my ears that lasted three days. It felt like a bongo drum was in my head.'' She sustained substantial, irreversible damage.

Early on, HEAR gained visibility when Pete Townshend of the Who wrote it a $10,000 check and publicly acknowledged his own hearing loss. It soon will begin examining audiograms, demographic data and questionnaires from thousands of patients seen at HEAR's clinic in San Francisco. Most have been in their twenties and thirties.

Nightclubs such as the Capitol Ballroom and the 9:30 Club in the District now offer foam earplugs to patrons. Symphony orchestras increasingly make earplugs and plexiglass screens available to their musicians, especially those sitting within or near the percussion and brass sections. As part of

the Navy bands' hearing conservation program, specially designed plugs are handed out even before a musician gets an assignment.

In the meantime, despite many people's refusal to admit they need help, sales of hearing aids are booming. Nearly 2 million were purchased last year, almost 25 percent more than in 1996, at a cost of $600 to $3,100 each. The most expensive are individually programmed digital devices capable of processing sounds 1 million times per second. When fitted within the ear canal, they are literally invisible.

One buyer in 1997 was President Clinton, who attributed his situation to an adolescence spent playing in school bands and rocking at concerts. According to staff members, the country's most prominent baby boomer wears his hearing aids sporadically. He is most likely to insert them for ceremonies or political gatherings, where he finds it harder to distinguish sounds.

Stephen Wells, a Washington lawyer who recently received bad news of his own, is weighing his options. Because of a childhood spent around tractors and harvesters on his family's Idaho farm, his right ear measures only borderline. And that's his better ear.

''My wife has been saying for a long time that I ought to see about a hearing test,'' said Wells, 51. He compares hearing aids to glasses in function but is uncertain how well they'll work for him day to day. ''I expect that I will at least try them.''

SAY AGAIN?

A number of conditions may disrupt the hearing process and lead to hearing loss. How the ear works and what commonly causes damage:

How the ear hears

1. The outer ear collects sound waves and funnels them into the ear canal.
2. Sound waves strike the eardrum, causing it to vibrate.
3. Three tiny bones conduct the vibrations to the cochlea in the inner ear.
4. Tiny nerve endings in the cochlea, called hair cells, become stimulated. They transform the vibrations into electro-chemical impulses.
5. These impulses travel to the brain, where they are deciphered into recognizeable sounds.

Noise-induced hearing loss

Such loss is caused by one-time exposure to extremely loud sound or sustained exposure to sounds at high decibels. Both damage hair cells in the inner ear.

Symptoms of hearing loss

The following are frequent indicators of hearing loss. Persons experiencing any of these symptoms should make an appointment with a hearing professional.

Straining to understand conversations.

Misunderstanding or needing to have things repeated.

Turning up TV or radio volume to a point where others complain.

Having constant ringing or buzzing in the ears.

Measuring sound

The loudness of sound is measured in units called decibels. Experts agree that continued exposure to noise above 85 decibels eventually will harm hearing. The scale increases logarithmically, meaning that the level of perceived loudness doubles every 10 decibels.

	Decibels
Softest audible sound:	0
Normal conversation:	40–60
City traffic noises:	80
Rock concert:	110–120
Sound becomes painful:	125
Jet plane:	140

Source: International Hearing Society, League for the Hard of Hearing and National Institute on Deafness and Other Communication Disorders.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 9, 1999, the federal debt stood at $5,650,748,864,597.49 (Five trillion, six hundred fifty billion, seven hundred forty-eight million, eight hundred sixty-four thousand, five hundred ninety-seven dollars and forty-nine cents).

One year ago, March 9, 1998, the federal debt stood at $5,523,019,000,000 (Five trillion, five hundred twenty-three billion, nineteen million).

Five years ago, March 9, 1994, the federal debt stood at $4,542,638,000,000 (Four trillion, five hundred forty-two billion, six hundred thirty-eight million).

Ten years ago, March 9, 1989, the federal debt stood at $2,740,636,000,000 (Two trillion, seven hundred forty billion, six hundred thirty-six million).

Fifteen years ago, March 9, 1984, the federal debt stood at $1,464,624,000,000 (One trillion, four hundred sixty-four billion, six hundred twenty-four million) which reflects a debt increase of more than $4 trillion—$4,186,124,864,597.49 (Four trillion, one hundred eighty-six billion, one hundred twenty-four million, eight hundred sixty-four thousand, five hundred ninety-seven dollars and forty-nine cents) during the past 15 years.

CONFIRMATION OF MONTIE DEER TO HEAD INDIAN GAMING COMMISSION

Mr. CAMPBELL. Mr. President, I am pleased to announce the confirmation by the Senate last night of Mr. Montie Deer to become Chairman of the National Indian Gaming Commission—the federal regulatory body overseeing certain Indian gaming activities nationwide.

After a hearing in February of this year, the Committee on Indian Affairs reported Mr. Deer to the full Senate. Mr. Deer is a qualified and dedicated public servant who most recently was the United States Attorney in Kansas.

Since 1988, Indian gaming has become a source of much-needed revenue for Indian tribal governments to provide jobs, services and frankly, hope, where there is not much. There are now some 185 tribes operating some form of gaming operations, with annual revenues of nearly $7 billion.

The National Indian Gaming Commission was created 11 years ago. This three-member agency has the responsibility to monitor and regulate certain forms of gaming conducted on Indian lands. The NIGC has the authority to approve management contracts; conduct background investigations; approve tribal gaming ordinances; and review and conduct audits of the books and records of Indian gaming operations.

The NIGC also has the authority and the responsibility to enforce violations of the Indian Gaming Regulatory Act, NIGC regulations and approved tribal gaming ordinances. Those involved with Indian gaming understand the need for a strong, effective Commission—one that protects the integrity of games offered by tribes. As we did last session, the Committee on Indian Affairs will soon consider legislation to strengthen the Commission and ensure it has the resources it needs to fulfill its obligations.

A strong Commission is meaningless without strong leadership and last night the Senate acted to ensure that strong and effective leadership will be the order of the day.

DECEPTIVE MAIL PREVENTION AND ENFORCEMENT ACT

Mr. BURNS. Mr. President, I'm here to announce my strong support of Senator COLLINS' bill S. 335, the ''Deceptive Mail Prevention and Enforcement Act.'' I chose to be an original co-sponsor of this bill after hearing from several constituents who were confused, irritated, and even outraged by the deceptive language that is all too often found in sweepstakes and other promotional mailings.

I think every one of us has received at least a few junk mailings which brazenly inform us that we have just won millions of dollars or that we are about to receive a car, a luxury cruise, or some other prize that sounds too good to be true. Well, the sad truth is that it almost always IS too good to be true.

To many of us, these promotional mailings represent nothing more than a minor annoyance and are easily tossed into the garbage without a second thought. But for many others, these mailings are nothing more than a cruel hoax, a trap designed to play on the hopes and dreams of trusting folks who were raised in a time when most people meant what they said and said what they meant.

As an example of the misleading and downright dangerous content found in many of these mailings, I'd like to read into the record a portion of a letter that was sent to me last year by a constituent of mine who resides in Columbia Falls, Montana. This gentleman writes,

> My father is a resident in a nursing home. He is 84, and suffers from mild dementia aggravated by high-powered medications which treat his incessant headaches. (The magazine he subscribes to) endlessly sends him these misleading and deliberately-designed ''You've Won!!!'' bulletins that he cannot understand except to believe fervently that he's just got to go pick up his check for hundreds of thousands or even millions of dollars.

I believe these kinds of letters are deliberately designed to prey on the infirmities of old people, and of course get them to sign things that obligate them to free trials and unneeded products. Every episode brings my father increased stress, more headaches, and the need for additional medication. I am sure there are hundreds of thousands of people like Dad who want nothing to do with these phony promotions, but who can't get the mailers to remove them from the lists. Many, like Dad, don't have the daily clarity of thought to deal with mass-mailed deceptive come-ons like this.

Mr. President, I believe that the Deceptive Mail Prevention and Enforcement Act will go a long way towards preventing this kind of abuse of our senior citizens and other trusting individuals. Senator COLLINS' bill would not only establish strict new standards for honesty and disclosure in promotional mailings, but would provide strong new financial penalties for those who continue to violate these standards. It is my hope that the Committee on Governmental Affairs will be able to approve this legislation quickly, on a bi-partisan basis, so that we can bring an end to this plague of deceptive sweepstakes mailings which prey on our most vulnerable citizens.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1999, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) is to continue in effect beyond March 15, 1999, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities. The last notice of continuation was published in the *Federal Register* on March 6, 1998.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1999.*

MESSAGES FROM THE HOUSE

At 12:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 45. Concurrent resolution providing for the use of the catafalque situated in the crypt beneath the Rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable Harry A. Blackmun, former Associate Justice of the Supreme Court of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 576. An original bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, to provide for improved consumer credit disclosure, and for other purposes (Rept. No. 106–11).

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 494. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program (Rept. No. 106–13).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 96. A bill to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date (Rept. No. 106–10).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 92. A bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government (Rept. No. 106–12).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself and Mr. MACK):

S. 572. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DASCHLE, and Mr. DORGAN):

S. 573. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 574. A bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 575. A bill to redesignate the National School Lunch Act as the ''Richard B. Russell National School Lunch Act''; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAMM:

S. 576. An original bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, to provide for improved consumer credit disclosure, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. HATCH (for himself and Mr. DEWINE):

S. 577. A bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 578. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mr. SMITH of Oregon, Mr. BYRD, Mr. HAGEL, Mr. DODD, Mr. LUGAR, Mr. KYL, Mr. HATCH, Mr. GRAMS, Mr. CHAFEE, Mr. HELMS, Mr. THOMAS, and Mr. MCCAIN):

S. 579. A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. NICKLES, Ms. COLLINS, Mr. BREAUX, Mr. INOUYE, Mr. MACK, Mr. HAGEL, Mr. SANTORUM, Ms. MIKULSKI, and Mr. BINGAMAN):

S. 580. A bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 581. A bill to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 582. A bill to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (by request):

S. 583. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself and Mr. LAUTENBERG):

S. 584. A bill to amend title XIX of the Social Security Act to permit the Secretary of Health and Human Services to waive recoupment under the medicaid program of certain tobacco-related funds received by a State if a State uses a portion of such funds for tobacco use prevention and health care and early learning programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself, Mr. MOYNIHAN, Mr. LOTT, Mr. BROWNBACK, and Mr. WELLSTONE):

S. Res. 60. A resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself and Mr. MACK):

S. 572. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Finance.

SUBPART F OF INTERNAL REVENUE CODE

Mr. BREAUX. Mr. President, today Mr. MACK and I are again introducing legislation to place a permanent moratorium on the Department of the Treasury's authority to finalize any proposed regulations issued pursuant to Notice 98–35, dealing with the treatment of hybrid branch transactions under subpart F of the Internal Revenue Code. Our bill also prohibits Treasury from issuing new regulations relating to the tax treatment of hybrid transactions under subpart F and requires the Secretary to conduct a study of the tax treatment of hybrid transactions and to provide a written report to the Senate Committee on Finance and the House Committee on Ways and Means.

By way of background, the United States generally subjects U.S. citizens and corporations to current taxation on their worldwide income. Two important devices mitigate or eliminate double taxation of income earned from foreign sources. First, bilateral income tax treaties with many countries exempt American taxpayers from paying foreign taxes on certain types of income (e.g. interest) and impose reduced rates of tax on other types (e.g. dividends and royalties). Second, U.S. taxpayers receive a credit against U.S. taxes for foreign taxes paid on foreign source income. To reiterate, these devices have been part of our international tax rules for decades and are aimed at preventing U.S. businesses from being taxed twice on the same income. The policy of currently taxing U.S. citizens on their worldwide income is in direct contrast with the regimes employed by most of our foreign trading competitors. Generally they tax their citizens and domestic corporations only on the income earned within their borders (the so-called ''water's edge'' approach).

Foreign corporations generally are also not subject to U.S. tax on income earned outside the United States, even if the foreign corporation is controlled by a U.S. parent. Thus, U.S. tax on income earned by foreign subsidiaries of U.S. companies—that is, from foreign operations conducted through a controlled foreign corporation (CFC)—is generally deferred until dividends paid by the CFC are received by its U.S. parent. This policy is referred to as ''tax deferral.''

In 1961, President John F. Kennedy proposed eliminating tax deferral with respect to the earnings of U.S.-controlled foreign subsidiaries. The proposal provided that U.S. corporations would be currently taxable on their share of the earnings of CFCs, except in the case of investments in certain ''less developed countries.'' The business community strongly opposed the proposal, arguing that in order for U.S. multinational companies to be able to compete effectively in global markets, their CFCs should be subject only to the same taxes to which their foreign competitors were subject.

In the Revenue Act of 1962, Congress rejected the President's proposal to completely eliminate tax deferral, recognizing that to do so would place U.S. companies operating in overseas markets at a significant disadvantage vis-a-vis their foreign competitors. Instead, Congress opted to adopt a policy regime designed to end deferral only with respect to income earned from so-called ''tax haven'' operations. This regime, known as ''subpart F,'' generally is aimed at currently taxing foreign source income that is easily moveable from one taxing jurisdiction to another and that is subject to low rates of foreign tax.

Thus, the subpart F provisions of the Internal Revenue Code (found in sections 951–964) have always reflected a balancing of two competing policy objectives: capital export neutrality (i.e. neutrality of taxation as between domestic and foreign operations) and capital import neutrality (i.e. neutrality of taxation as between CFCs and their foreign competitors). While these competing principles continue to form the foundation of subpart F today, recent actions by the Department of the Treasury threaten to upset this longstanding balance.

On January 16, 1998, the Department of the Treasury announced in Notice 98–11 its intention to issue regulations to prevent the use of hybrid branches ''to circumvent the purposes of subpart F.'' The hybrid branch arrangements identified in Notice 98–11 involved entities characterized for U.S. tax purposes as part of a controlled foreign corporation, but characterized for purposes of the tax law of the country in which the CFC was incorporated as a separate entity. The Notice indicated that the creation of such hybrid branches was facilitated by the entity classification rules contained in section 301.7701–I through –3 of the Income Tax Regulations (the ''check the box'' regulations).

Notice 98–11 acknowledged that U.S. international tax policy seeks to balance the objectives of capital export neutrality with the objective of allowing U.S. businesses to compete on a level playing field with foreign competitors. In the view of the Treasury and IRS, however, the hybrid transactions attacked in the Notice ''upset that balance.'' Treasury indicated that the regulations to be issued generally would apply to hybrid branch arrangements entered into or substantially modified after January 16, 1998, and would provide that certain payments to and from foreign hybrid branches of CFCs would be treated as generating subpart F income to U.S. shareholders in situations in which subpart F would not otherwise apply to a hybrid branch as a separate entity. This represented a significant expansion of subpart F, by regulation rather than through legislation.

Shortly after Notice 98–11 was issued, the Administration released its Fiscal Year 1999 budget proposals which, among other things, included a provision requesting Congress to statutorily grant broad regulatory authority to the Treasury Secretary to prescribe regulations clarifying the tax consequences of hybrid transactions in cases in which the intended results are inconsistent with the purposes of U.S. tax law. . . . While the explanation accompanying the budget proposal argued that this grant of authority as applied to many cases ''merely makes the Secretary's current general regulatory authority more specific, and directs the Secretary to promulgate regulations pursuant to such authority,'' the explanation conceded that in other cases, ''the Secretary's authority may be questioned and should be clarified.''

Notice 98–11 and the accompanying budget proposal generated widespread concerns in the Congress and the business community that the Treasury was undertaking a major new initiative in the international tax arena that would undermine the ability of U.S. multinationals to compete in international markets. For example, House Ways and Means Committee Chairman BILL ARCHER wrote to Treasury Secretary Rubin on March 20, 1998 requesting that ''Notice 98–11 be withdrawn and that no regulations in this area be issued or allowed to take effect until Congress has an appropriate opportunity, to consider these matters in the normal legislative process.'' The Ranking Democrat on the Committee, Charles RANGEL, wrote to Secretary Rubin expressing strong concerns about the Treasury's increasing propensity to ''legislate through the regulatory process as evidenced by Notice 98–11.''

Despite these concerns, on March 23, 1998, the Treasury department issued two sets of proposed and temporary regulations, the first relating to the treatment of hybrid branch arrangements under subpart F, and the second relating to the treatment of a CFC's distributive share of partnership income. As Notice 98–11 had promised, the regulations provided that certain payments between a controlled foreign corporation and a hybrid branch would be recharacterized as subpart F income if the payments reduce the payer's foreign taxes.

The week after the temporary and proposed regulations were issued, the Senate Finance Committee considered H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1998. A provision was included in the bill prohibiting the Treasury and IRS from implementing temporary or final regulations with respect to Notice 98–11 prior to six months after the date of enactment of H.R. 2676. The Senate bill also included language expressing the ''sense of the Senate'' that ''the Department of the Treasury and the Internal Revenue Service should withdraw Notice 98–11 and the regulations issued thereunder, and that the Congress, and not the Department of the Treasury or the Internal Revenue Service, should determine the international tax policy issues relating to the treatment of hybrid transactions under subpart F provisions of the Code.''

Opposition to Notice 98–11 and the temporary and proposed regulations continued to mount. On April 23, 1998, 33 Members of the House Ways and Means Committee wrote to Secretary Rubin expressing concern about the Treasury's decision to move forward and issue regulations pursuant to Notice 98–11 without an appropriate opportunity for Congress to consider this issue in the normal legislative process, urging Treasury to withdraw the regulations.

In the face of these and other pressures from the Congress and the business community, on June 19, 1998, the Treasury Department announced in Notice 98–35 that it was withdrawing Notice 98–11 and the related temporary, and proposed regulations. According to Notice 98–35, Treasury intends to issue a new set of proposed regulations to be effective in general for payments made under hybrid branch arrangements on or after June 19, 1998. These regulations, however, will not be finalized before January 1, 2000, in order to permit both the Congress and Treasury Department the opportunity to further study the issues that were raised following the publication of Notice 98–11 earlier this year.

While we applaud the Treasury's decision to withdraw Notice 98–11 and the temporary regulations, we believe that additional legislative action is needed to prevent the Treasury from finalizing the forthcoming regulations until Congress considers the issues involved. We believe that only the Congress has the authority to achieve a permanent resolution of this issue. Notice 98–35, like its predecessor, Notice 98–11 continues to suffer from a fatal flaw; it is the prerogative of Congress, and not the Executive Branch, to pass laws establishing the nation's fundamental tax policies. Simply put, Notice 98–35 adds restrictions to the subpart F regime that are not supported by the Code's clear statutory language, and there has been no express delegation of regulatory authority to the Treasury that relates specifically to the issues presented in the Notice.

More importantly, we question the policy objectives to be achieved by Notice 98–35 and the accompanying proposed regulations. We do not understand the rationale for penalizing U.S. multinational companies for employing normal tax planning strategies that reduce foreign (as opposed to U.S.) income taxes. Moreover, Notice 98–35 is contrary to recent Congressional efforts to simplify the international tax provisions of the Code. For example, the Congress reduced complexity and ridded the code of a perverse incentive for U.S. companies to invest overseas by repealing the Section 956A tax on excess passive earnings in 1996. Again in 1997, the Congress repealed the application of the Passive Foreign Investment Company regime to U.S. shareholders of controlled foreign corporations because of the complexity involved in applying both regimes, in addition to enacting a host of other foreign tax simplifications. The Senate Finance Committee will hold a hearing on March 11, 1999 to further investigate the reforms needed in the international tax arena that not only reduce complexity, but also encourage U.S. global economic competition. I fully expect Notice 98–35 to be discussed at this hearing.

In order for Congress to gain a better understanding of the Treasury Department's position on this matter, our bill would require the Treasury to conduct a thorough study of the tax treatment of hybrid transactions under subpart F and to provide a report to the Senate Committee on Finance and House Committee on Ways and Means on this issue.

If the forthcoming regulations are permitted to be finalized by the Treasury, U.S. multinational businesses will be placed at a competitive disadvantage vis-a-vis foreign companies who remain free to employ strategies to reduce the foreign taxes they pay. Clearly, such a result should be permitted to take effect only if Congress, after having an opportunity to fully consider all of the tax and economic issues involved, agrees that the arguments advanced by the Treasury are compelling and determines that additional statutory changes to subpart F are necessary and appropriate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 572

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

SECTION 1. HYBRID TRANSACTIONS UNDER SUBPART F.

(a) PROHIBITION ON REGULATIONS.—The Secretary of the Treasury (or his delegate)—

(1) shall not issue temporary or final regulations relating to the treatment of hybrid transactions under subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 pursuant to Internal Revenue Service Notice 98–35 or any other regulations reaching the same or similar result as such notice,

(2) shall retroactively withdraw any regulations described in paragraph (1) which were issued after the date of such notice and before the date of the enactment of this Act, and

(3) shall not modify or withdraw sections 301.7701–1 through 301.7701–3 of the Treasury

Regulations (relating to the classification of certain business entities) in a manner which alters the treatment of hybrid transactions under such subpart F.

(b) STUDY AND REPORT.—The Secretary of the Treasury (or his delegate) shall study the tax treatment of hybrid transactions under such subpart F and submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The Secretary shall hold at least one public hearing to receive comments from any interested party prior to submitting such report.

Mr. MACK. Mr. President, today Senator BREAUX and I introduce a bill reaffirming that the lawmaking power is the province of the Congress, not the executive branch. Our bill prohibits the Treasury Department from issuing regulations that would impose taxes on U.S. companies merely because one of their subsidiaries pays money to itself.

As a general rule, U.S. corporations pay U.S. corporate income tax on the earnings of their foreign subsidiaries only when those earnings are actually distributed to the U.S. parent companies. An exception to this general rule is contained in subpart F of the Internal Revenue Code, which accelerates the income tax liability of U.S. parent companies under certain circumstances. The Treasury Department has announced, in Notice 98–35, an intention to issue regulations that will accelerate income tax liability for U.S. companies—not based on the specific circumstances enumerated in subpart F, but instead on a new ''interpretation'' of the ''policies'' that Treasury infers from that 36-year-old provision. This action crosses the line between administering the laws and making the laws, and cannot be allowed by Congress.

Notice 98–35 concerns so-called ''hybrid arrangements.'' These involve business entities that are considered separate corporations for foreign tax purposes, but are viewed as one company with a branch office for U.S. purposes. U.S. companies organize their subsidiaries in this manner to reduce the amount of foreign taxes they owe. Transactions between a subsidiary and its branch have no impact on U.S. taxable income of the parent, as its subsidiary is merely paying money to itself. But the Treasury Department intends to impose a tax on the U.S. parent to penalize it for reducing the foreign taxes it owes.

This effort is wrong for several reasons. First, the Treasury Department possesses only the power to issue regulations to administer the laws passed by Congress. New rules based on Congressional purpose are known as laws, and under the Constitution laws are made by Congress.

Second, the Treasury Department is elevating one policy underlying subpart F—taxing domestic and foreign operations in the same manner—over the other policy of maintaining the competitiveness of U.S. companies in foreign markets. This proposed tax would put U.S.-owned subsidiaries at a competitive disadvantage.

Finally, the Treasury Department should not impose a tax on U.S. companies to force these companies to reorganize in a way that increases the taxes they owe to foreign countries. The Treasury Department is not the tax collector for other nations. And by raising the foreign tax bills of U.S. companies, the Treasury Department is also increasing the size of foreign tax credits and thereby reducing U.S. tax revenues.

The Treasury Department is not only making policy that it has no right to make, it is also making bad policy. Our bill places a moratorium on this lawmaking. It also directs the Treasury Secretary to study these issues and submit a report to the tax-writing committees of Congress. Many people and organizations, including the Treasury Department, desire changes in the tax laws. But only Congress has the power to make these changes, and this is a power we intend to keep.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DASCHLE, and Mr. DORGAN):

S. 573. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Health, Education, Labor, and Pensions.

MEDICAL INFORMATION PRIVACY AND SECURITY ACT

Mr. LEAHY. Mr. President, today, I am pleased to be joined by Senators KENNEDY, DASCHLE and DORGAN in introducing the Medical Information Privacy and Security Act (MIPSA). I am also pleased that a companion bill will be introduced in the House by Congressman EDWARD MARKEY.

The Millennium Bug is not the only computer-related problem Congress confronts this year. We face the deadline that Congress set for itself of August 21, 1999, to solve the multitude of privacy glitches in the handling of our medical records.

At a time when some states are selling driving license photos and information, when our leading computer chip and software companies have built secret identifiers into their products to trace our every move in cyberspace without our consent, it is time for Congress to wake up to the privacy rights and expectations of all Americans before it is too late.

The trouble is this: If you have a medical record, you have a medical privacy problem.

A guiding principle in drafting this legislation has been that the movement to a more integrated system of health care in our country will only continue to be supported by the American people if they are assured that the personal privacy of their health care information is protected. In fact, without the confidence that one's personal privacy will be protected, many will be discouraged from seeking medical help.

Most of us envision that our medical records are held in a manila file folder under the watchful care of our health care provider. If this is what you are picturing, you are sorely mistaken. Increased computerization of medical records and other health information is fueling both the supply and demand for our personal information. I do not want advancing technology to lead to a loss of personal privacy, and I do not want the fear that confidentiality is being compromised to deter people from seeking medical treatment or to stifle technological or scientific development.

The traditional right of confidentiality between a health care provider and a patient is at risk. This erosion may reduce the willingness of patients to confide in physicians and other practitioners and may inhibit patients from seeking care.

Unlike some, I believe that computerization can assure more privacy to individuals than the current system, if MIPSA is enacted. But if we do not act the increased potential for embarrassment and harassment is tremendous.

The ability to compile, store and cross reference personal health information has made our intimate health history a valuable commodity. In 1996 alone, the health care industry spent an estimated $10 to $15 billion on information technology.

This data can be very useful for quality assurance, and to provide more cost effective health care. But I doubt that the American public would agree with a Fortune magazine article which lauded a health insurer that poked through the individual medical records of clients to figure out who may be depressed and could benefit from the use of the anti-depressant Prozac. Are we now encouraging the replacement of sound clinical judgment of doctors with health insurance clerks who look at records to determine whether you are not really suffering from a physical illness, but a mental illness?

Just a few days ago The Wall Street Journal wrote about a company that is ''seeking the mother lode in health 'data mining.' '' This company wants to get medical data on millions of Americans to sell to any buyer. Currently there are no laws constraining the creation of large data bases filled with sensitive personally identifiable information on any of us. Our information is like gold to these ''data miners.''

If this battle is between American families who want some privacy and

big business buying access to their personal medical records, I will stand with American families every time.

Last year, an article in the Washington Post described the story of a woman whose prescription purchases were tracked electronically by a pharmacy benefits management company two states away, hired by her employer. With every swipe of her prescription-drug card she saved 50% on her prescriptions. At the same time, however, without her knowledge her sensitive health information was being compiled. Her doctor was soon informed that she would be enrolled in a ''depression program,'' watched for continued use of anti-depression medications, and be targeted for ''educational'' material on depression. All of this was done at the behest of her employer who had unfettered access to all of her personal health information.

This woman was not suffering from a depression-related illness; her doctor prescribed the medication to help her sleep. This woman had no idea that by signing up for her managed care plan she was signing up to have her personal health information disclosed to individuals she had never even met.

Employer access to personal health information of their workers is a real problem. A recent University of Illinois study found that 35 percent of all Fortune 500 companies regularly review health information before making hiring decisions. On-work-site health care providers have testified before Congress that they are routinely pressured for employee health information and must comply or lose their jobs.

What MIPSA makes clear is that there must be a ''fire wall'' between those within a company involved in providing health services and benefits, and other managers. The goal of privacy legislation is to be the first line of defense, so that individuals are not put in the situation of possibly being discriminated against. Our bill complements other laws and proposed legislation that bar discrimination based on health status.

We must not let privacy slide to the point that the only way for a person to ensure confidentiality is to avoid seeking medical treatment.

The simple fact is that many patients will not agree to participate in health research or to be tested if they fear the information that is revealed in the course of the research could be released, bringing them harm. In genetic testing studies at the National Institutes of Health, thirty-two percent of eligible people who were offered a test for breast cancer risk declined to take it, citing concerns about loss of privacy and the potential for discrimination in health insurance.

The bill we are introducing today, the Medical Information Privacy and Security Act, would be the first comprehensive federal health privacy law.

Our bill is broad in scope: It applies to medical records in whatever form—paper or electronic. It applies to each release of medical information, including re-releases. It comprehensively covers entities other than just health care providers and payers, such as life insurance companies, employers and marketers and others who may have access to sensitive personal health data.

It gives individuals the right to inspect, copy and supplement their protected health information.

It allows individuals to require the segregation of portions of their medical records, such as mental health records, from broad viewing by individuals who are not directly involved in their care.

It gives individuals a civil right of action against anyone who misuses their personally identifiable health information. It establishes criminal and civil penalties that can be invoked if individually identifiable health information is knowingly or negligently misused.

It creates a set of rules and norms to govern the disclosure of personal health information and narrows the sharing of personal details within the health care system to the minimum necessary to provide care, allow for payment and to facilitate effective oversight. Special allowances are made for situations such as emergency medical care and public health requirements.

We have been very careful to balance the right to privacy with the needs of providers and health care plans, who can use medical information to improve the care of patients. MIPSA does not force patients to sign a blanket authorization allowing their information to go to anyone for any purpose in order to receive care. Unfortunately, individuals now have no choice but to sign away their rights if they want any health care treatment at all.

MIPSA changes the authorization procedure by requiring that providers, health plans and hospitals clearly lay out to patients how their protected health information will be used, who will have access to their protected health information, and for what purpose. If anyone wants to use or disclose personally identifiable health information for a purpose that is not directly related to their treatment or billing, the patient has that right to say no without losing the ability to receive needed health care.

It also takes special care to make sure that important medical research continues. MIPSA extends the protective practices currently followed by the National Institutes of Health (NIH) to all health research efforts—whether publicly or privately funded.

It establishes a clear and enforceable right of privacy for all personally identifiable medical information including information regarding the results of genetic tests.

We have tried to accommodate legitimate oversight concerns so that we do not create unnecessary impediments to health care fraud investigations. Effective health care oversight is essential if our health care system is to function and fulfill its intended goals. Otherwise, we risk establishing a publicly sanctioned playground for the unscrupulous. Health care is too important a public investment to be the subject of undetected fraud or abuse.

It prohibits law enforcement agents from searching through medical records without a warrant. It does not limit law enforcement agents in gaining information while in hot pursuit of a suspect.

We also require anyone who maintains your medical information to have strong safeguards in place. And MIPSA offers strong enforcement provisions and remedies for the misuse of medical information.

It sets up a national office of health information privacy to aid consumers in learning about their rights and about how they can seek recourse for violations of their rights.

Most importantly, our bill does not preempt any federal or state law or regulation that offers stronger privacy safeguards. We propose a floor rather than a ceiling, achieving two goals:

First, a strong federal privacy law will eliminate much of the current patchwork of state laws governing the exchange of medical information, and will replace the patchwork with strong, clear standards that will apply to everyone.

Second, MIPSA makes room for the many possible future threats to medical privacy that we may not even anticipate today. As medical and information technology moves forward into the next century we must maintain the public's right to seek stronger medical privacy laws closer to home.

The elements of MIPSA are essential to any strong medical privacy effort.

I am encouraged that a variety of public policy and health professional organizations, across the political spectrum, are signaling their intentions to step forward to join forces with consumers during this debate.

We have 164 days to implement a strong federal medical privacy law. With the clock ticking toward the August deadline, let us act sooner rather than later.

Mr. KENNEDY. Mr. President, we are here today to propose legislation to protect the privacy of personal medical information in our rapidly changing health care system. Today, video rental records have greater protection than sensitive medical information. Last month, we learned that the University of Michigan Medical Center posted information from thousands of patient records on the Internet, without any

password protection or other safeguards. In many other cases, individual patients have been harmed by improper release of their private medical records.

The legislation that Senator DASCHLE, Senator LEAHY, Congressman MARKEY, and I are introducing today—the Medical Information Privacy and Security Act—puts patients first, while allowing for legitimate uses of medical information to improve health care.

Congress recognized the need to act to protect the privacy of medical information when we passed the Kassebaum-Kennedy Act in 1996. That legislation contained a provision requiring Congress to pass legislation on the issue by August of this year. If the deadline is not met, the Administration has the power to act by regulation.

The measure we are introducing ensures strong protections nationwide. It also allows individual states to take additional action. Stronger state laws are not pre-empted.

The goal of these protections is to safeguard the confidential relationship between patients and physicians. Patients concerned about their privacy are less likely to disclose important information to their physicians. A recent survey by the California HealthCare Foundation found that one in six adults has taken steps to protect their personal medical information, such as providing inaccurate information in their medical history, or asking physicians not to include certain information in their medical records.

Our legislation recognizes the fundamental right of patients to limit disclosure of personally-identifiable medical information. We have balanced that right with the needs of providers and health care plans to use medical information to improve patient care. Our proposal does not force patients to sign a blanket authorization in order to receive care. Instead, it contains a flexible framework that can be modified to fit different situations.

Medical research is essential for progress against disease. But it is also essential for patients to have confidence that research is beneficial, not an invasion of privacy. In genetic testing studies at the National Institutes of Health, 32 percent of eligible people who were offered a test for breast cancer declined to take it, because of concerns about loss of privacy and the potential for discrimination in health insurance.

Currently, most federal health research is governed by the ''Common Rule'', which includes evaluations by Institutional Review Boards in order to protect patients involved in the research. Our proposed legislation strengthens the privacy provisions in the ''Common Rule,'' and extends those protections to all health research.

These issues are important, and I am optimistic that Congress will act in time to meet the August deadline. We have a responsibility to enact strong protections for privacy in all aspects of health care, and now is the time to act.

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 575. A bill to redesignate the National School Lunch Act as the ''Richard B. Russell National School Lunch Act''; to the Committee on Agriculture, Nutrition, and Forestry.

RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

Mr. CLELAND. Mr. President, I rise today to introduce a bill to rename the National School Lunch Act after Senator Richard Russell. I am pleased to have Senator COVERDELL as a original co-sponsor.

Having met Senator Russell over 30 years ago when I was an intern on Capitol Hill, I gained a deep respect and reverence for the ''Senator from Georgia'' Richard B. Russell. Since being elected to the Senate over two years ago, I have been looking for a way to appropriately honor and express my appreciation for the contributions of Senator Russell. Honestly, I, like many others, usually associate Senator Russell with military issues and the work he did to provide our nation with a strong national defense. However, in researching his history in the Senate, I noticed that, time and again, Senator Russell stated that he viewed his proudest achievement in the Senate as the School Lunch Act.

On February 26, 1946, speaking on the Senate floor, Senator Russell noted that the School Lunch Program, ''has been one of the most helpful ones which has been inaugurated and promises to contribute more to the cause of public education in these United States than has any other policy which has been adopted since the creation of free public schools.'' Strong words, not only about the school lunch program, but about Senator Russell's commitment to the same.

Starting the first grade in 1947, I, like some of you, have always considered myself to be a true product of the national school lunch program. The program has been woven into the fabric of the American family. Today, the National School Lunch Program operates in more than 95,000 public and nonprofit private schools and residential child care institutions throughout the country, providing nutritionally balanced, low-cost or free lunches to more than 26 million children each school day. The knowledge that every one of our children is ensured a healthy and affordable meal every school day provides us all with a great deal of comfort and satisfaction. The program is available in almost 99 percent of all public schools, and in many private schools as well. About 92 percent of all students nationwide have access to meals through the National School Lunch Program. As cited in several studies, a well fed child is more likely to do better in school and is less likely to misbehave—both highly desirable outcomes.

Senator Russell was a tireless champion for establishing a program to deliver a healthy meal to our nation's schoolchildren. Senator Russell began his campaign to make school feeding programs available in the mid 1930's by utilizing Section 32 funds of the Act of August 24, 1935. As Chairman of the Subcommittee on Agricultural Appropriations, Senator Russell exerted a great deal of influence and was a vigilant advocate of directing the Section 32 food surpluses towards school feeding programs. In the early 1940's, Senator Russell introduced several bills authorizing a national school lunch program. And, after several unsuccessful attempts, Senator Russell sponsored and pushed through the National School Lunch Act in 1946.

Senator Russell's strong commitment to domestic agriculture production strengthened his support for the school feeding programs. In fact, Senator Russell's commitment to a strong national defense may have also played a role in his support for the program. As you know, Senator Russell served as a member, and later Chairman, of the Senate Armed Services Committee. During World War II and in post war hearings before the Armed Services Committee, testimony was provided by General Hershey and Surgeon General Parran and others indicating that a large percentage of men rejected from military service had diet-related health problems. This revelation resulted in the recognition by many that the school lunch program is a matter of national security.

As stated in a report I received from the Congressional Research Service, ''Senator Russell played a key role in the creation and formation of the national school lunch program. The historical record of Senator Russell's actions on behalf of this program in the 1930's and 1940's give him a strong claim to being regarded as the ''father'' of the national school lunch program, and make a strong case for renaming the 1946 Act after him.'' There have most certainly been several other members from the House and Senate, both past and present, who have played an irreplaceable role in developing and championing the cause of the school lunch program and I believe that all of these members should be commended for their dedication. This proposal is not meant to diminish the contribution of countless others, but simply to recognize that Senator Russell played a primary role in the passage of the National School Lunch Act. I am convinced that no other member was as significant as Senator Russell in seeing the National School Lunch Act enacted into law. I am pleased to have received

the strong endorsement of the Georgia School Food Service Association in their Resolution of support on January 23, 1999.

Considering Senator Russell's vital role in making the school lunch program a reality and the passion he expressed for being its author, I believe that by renaming the School Lunch Act in his honor, we can fittingly memorialize his contribution, as well as call renewed attention to this vital national program. I ask for my colleagues support.

Mr. President, I ask unanimous consent that the text, a letter of support, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GEORGIA SCHOOL FOOD SERVICE ASSOCIATION RESOLUTION IN SUPPORT OF SENATOR MAX CLELAND'S PROPOSAL TO MEMORIALIZE SENATOR RICHARD B. RUSSELL

Whereas, The Georgia School Food Service Association (GSFSA) has learned that Senator Max Cleland wishes to sponsor legislation to permanently associate the name of Senator Richard B. Russell with and to memorialize the contribution that he made to the establishment of the National School Lunch Act by naming The National School Lunch Act of 1946 (NSLA), the Richard B. Russell National School Lunch Act, and

Whereas, Senator Richard B. Russell has been known as ''the father of the school lunch act'' as documented in a 1973 publication, ''Education in the States,'' published by The National Education Association in cooperation with The Chief State School Officers, and

Whereas, a review of the 1945–46 Congressional debates leading up to the passage of the Act in May 1946 and signing by President Harry Truman on June 4, 1946 reflects the leadership role of Senator Russell as author of the bill that finally was approved by the Congress, and

Whereas, Senator Russell's success in getting the legislation passed was greatly enhanced by the outstanding bi-partisan support in the Senate by Senator George D. Aiken, Vermont and Senator Allen J. Ellender, Louisiana and in collaboration with The House of Representatives under the committee leadership of Congressman Flannagan of Virginia, and

Whereas, with the passage of time the names of NSLA pioneers are faded from memory and we believe there should be an appropriate memorial established to perpetuate the memory of the contribution made by the visionary Richard B. Russell for the program.

Whereas, the year 2000 will mark the 55th Anniversary of The National School Lunch Act and GSFSA joins with Senator Max Cleland in believing that the time is right for the name of Richard B. Russell to be memorialized and permanently attached to The National School Lunch Act, and

Whereas, the vision of this program defined by Senator Russell and articulated in The NSLA, Section 1 Policy, to ''safeguard the health and well-being of all children . . . by supporting the establishment of programs and promoting the consumption of nutritious agricultural commodities'' laid the foundation as a nutrition program for all children, and

Whereas, this vision enacted into legislation in 1946 has provided the framework for the growth of Child Nutrition Programs, which began as a single meal, and has been expanded many times by many Congressional sessions promoted by the leaders in Congress to a year round, all day program serving breakfast, lunch, after school supplements, summer food service, and the child and adult care food program, and

Whereas, the leadership and commitment of Senator Richard B. Russell as Chairman of the US Senate Committee on Agriculture and Forestry in close collaboration with a bi-partisan group in the Senate and a collaborative relationship with the US House of Representatives, persisted through 10 years of year-to-year appropriations for the program and two long years of debate and resulted in the enactment of permanent legislation that established an infrastructure for the school lunch program and a framework for all child nutrition programs, and

Whereas, his leadership for the program did not stop at that point as he had a major role in having the school lunch program designated as an educational program in the states as many state agencies were vying to have administration of the program, and

Whereas his leadership continued into the 1960's during his final years in the US Senate when he was Chair of the Armed Services Committee, and he provided leadership to have the apportionment formula changed to allocate money to the states on the number of meals served rather than on state enrollment of children,

THE GEORGIA SCHOOL FOOD SERVICE ASSOCIATION THEREFORE RECOMMENDS

That the General Assembly of Georgia be requested to adopt this resolution in support of Senator Cleland's proposal to have the National School Lunch Act of 1946 renamed the Richard B. Russell National School Lunch Act, and

The American School Food Service Association be requested to provide support for Senator Cleland's proposal for permanently associating Senator Russell's name with the NSLA, which would be an appropriate memorial to his leadership in authoring legislation that established the foundation for a program that has been successful for more than half-a-century, and,

The GSFSA expresses its appreciation to Senator Max Cleland for recognizing the importance of memorializing Senator Russell as ''the father of the school lunch program'' by attaching his name to the Act, and pledges its support to Senator CLELAND in having his proposal turned into reality, and finally,

That copies of this resolution be provided all members of the Georgia Congressional delegation as a means of seeking their support for honoring an outstanding statesman from Georgia who has been memorialized in many ways, including having a Senate Office Building named in his honor, but has never been publicly honored for the ''piece of legislation that he often claimed to be his proudest work'' that of the passage of the NSLA, as it served all children, the education program and the agriculture programs of the nation. ''this program has been one of the most helpful ones which has been inaugurated and promises to contribute more to the cause of public education in these United States than has any other policy which has been adopted since the creation of free public schools.''—Richard B. Russell, Feb. 26, 1946. The Congressional Record

Approved by,

JOAN KIDD,
President, GSFSA.

By Mr. HATCH:

S. 577. A bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquors; to the Committee on the Judiciary.

THE TWENTY-FIRST AMENDMENT ENFORCEMENT ACT

Mr. HATCH. Mr. President, today I am proud to introduce the Twenty-First Amendment Enforcement Act. This legislation will provide a mechanism enabling States to more effectively enforce their laws regulating the interstate shipment of alcoholic beverages.

Interstate shipments of alcohol directly to consumers are increasing exponentially. Unfortunately, along with that growing commerce, problems associated with that trade are also growing. While I certainly believe that interstate commerce should be encouraged, and while I do not want small businesses stifled by unnecessary or overly burdensome and complex regulations, I do not subscribe to the notion that purveyors of alcohol are free to avoid State laws which are consistent with the power bestowed upon them by the Twenty-First Amendment.

All States, including the State of Utah, need to be sure that the liquor that is brought into their State is labelled properly and subject to certain quality control standards. States need to protect their citizens from consumer fraud and have a claim to the tax revenue generated by the sale of such goods. And of the utmost importance, States need to ensure that minors are not provided with unfettered access to alcohol. Unfortunately, indiscriminate direct sales of alcohol have opened a sophisticated generation of minors to the perils of alcohol abuse.

I can tell you that my home State of Utah, which has some of the strictest controls in the nation on the distribution of alcohol, is not immune from the dangers of direct sales. A recent story which ran on KUTV in Salt Lake City showed how a thirteen year old was able to purchase beer over the internet and have it shipped directly to her home—no questions asked. If a thirteen year old is capable of ordering beer and having it delivered by merely borrowing her brother's credit card and making a few clicks with her mouse, there is something very wrong with the level of control that is being exercised over these sales. Of course the Utah case is not an isolated example. Stings set up by authorities in New York and Maryland have also shown how easy it is for minors to obtain alcohol.

Debate over the control of alcoholic beverages has been raging for as long as this country has existed. Prior to 1933, every time individuals or legislative bodies engaged in efforts to control the flow and consumption of alcohol, whether by moral persuasion, legislation or Constitutional Prohibition,

others were equally determined to repeal, circumvent or ignore those barriers. However, the Twenty-First Amendment did, for a time, create an ordered system for the distribution of alcohol.

The Twenty-First Amendment was ratified in 1933. That amendment ceded to the States the right to regulate the importation and transportation of alcoholic beverages across their borders. By virtue of that grant of authority, each State created its own unique regulatory scheme to control the flow of alcohol. Some set up State stores to effectuate control of the shipment into, and dissemination of alcohol within, their State. Others refrained from direct control of the product, but set up other systems designed to monitor the shipments and ensure compliance with its laws. But whatever the type of State system enacted, the purpose was much the same: to protect its citizens and ensure that its laws were obeyed.

Although not perfect, the systems set up by the States worked reasonably well for many years. However, modern technology has opened the door for abuse and created the need for further governmental action to address those abuses. No longer must a State prosecute just an errant neighborhood retailer for selling to a minor—now, the ones selling to minors and others in violation of a State's regulatory laws are a continent away. A small winery can create its own web page and accept orders over the internet; a large retailer can advertise nationally in the New York Times and accept orders over the phone; an ad can be placed in a magazine with a national circulation offering sales through an 800 number.

Let me emphasize that there are many companies engaged in the direct interstate shipment of alcohol who do not violate State laws. In fact, many of these concerns look beyond their own interests and make diligent efforts to disseminate information to others to ensure that State laws are understood and complied with by all within the interstate industry.

I should also note that I am certainly sympathetic to the small wineries and specialty micro-breweries who feel that the requirement that they operate through a three tier system (producer-wholesaler-retailer) which does not embrace them may, in effect, shut them out of the marketplace. They make the argument that if wholesalers do not carry their product, they have no other avenue to the consumer other than through direct sales. However, if there is a problem with the system, we need to fix the system, not break the laws.

Federal law already prohibits the interstate shipment of alcohol in violation of State law. Unfortunately that general prohibition lacks any enforcement mechanism. The legislation I am introducing simply provides that mechanism by permitting the Attorney General of a State, who has reasonable cause to believe that his or her State laws regulating the importation and transportation of alcohol are being violated, to be permitted to file an action in federal court for an injunction to stop those illegal shipments.

This bill is balanced to ensure due process and fairness to both the State bringing the action and the company or individual alleged to have violated the State's laws. The bill:

1. Permits the chief law enforcement officer of a State to seek an injunction in federal court to prevent the violation of its laws regulating the importation or transportation of alcohol;
2. Allows for venue for the suit where the defendant resides and where the violations occur;
3. Does not require the posting of a bond by the requesting party;
4. Does not permit an injunction without notice to the opposing party;
5. Requires that any injunction be specific as to the parties, the conduct and the rationale underlying that injunction;
6. Allows for quick consideration of the application for an injunction and conserves court resources by avoiding redundant proceedings;
7. Mandates a bench trial; and
8. Does not preclude other remedies allowed by law.

Some will argue that State courts are capable of handling this issue. Unfortunately, States have had mixed success in enforcing their laws through State court actions. Companies and individuals have raised jurisdictional, procedural and legal defenses that have stalled those efforts, and that continue to hamper effective enforcement. It is, in part, because of those inconsistent rulings, that federal leadership is needed in this area.

Moreover, the scope and limitations of a State's ability to effectively enact laws under the Twenty-First Amendment are essentially federal questions that need to be decided by a federal court, and perhaps ultimately, by the Supreme Court. Only through such rulings can both the States and companies seeking to conduct interstate shipments be assured of consistency in interpretation and enforcement of the laws.

The introduction of a bill is just the beginning of the legislative process. It is my hope that, working together, we can reach an agreement on how best to balance legitimate commercial interests with the Constitutional rights of the States as ceded to them by the Twenty-First Amendment.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 577

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 ''Twenty-First Amendment Enforcement Act''.

SEC. 2. SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.

The Act entitled ''An Act divesting intoxicating liquors of their interstate character in certain cases'', approved March 1, 1913 (commonly known as the ''Webb-Kenyon Act'') (27 U.S.C. 122) is amended by adding at the end the following:

''SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

''(a) DEFINITIONS.—In this section—

''(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

''(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

''(2) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

''(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

''(1) restrain the person from engaging, or continuing to engage, in the violation; and

''(2) enforce compliance with the State law.

''(c) FEDERAL JURISDICTION.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section.

''(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

''(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

''(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

''(2) NOTICE.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

''(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

''(A) set forth the reasons for the issuance of the order;

''(B) be specific in terms;

''(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

''(D) be binding only upon—

''(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

''(ii) persons in active cooperation or participation with the parties to the action who

receive actual notice of the order by personal service or otherwise.

''(e) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.—

''(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

''(2) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

''(f) NO RIGHT TO TRIAL BY JURY.—An action brought under this section shall be tried before the court.

''(g) ADDITIONAL REMEDIES.—

''(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

''(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.''.

By Mr. JEFFORDS (for himself and Mr. DODD).

S. 578. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE HEALTH CARE PERSONAL INFORMATION NONDISCLOSURE ACT OF 1998

Mr. DODD. Mr. President. I am pleased to join the Chairman of the Health, Education, Labor and Pensions Committee, Senator JEFFORDS, in introducing the Health Care Personal Information Nondisclosure (PIN) Act of 1999. This legislation is designed to offer Americans the peace of mind that comes with knowing that their most personal and private medical information is protected from misuse and exploitation.

Medicine has changed dramatically since the time Norman Rockwell painted the scene of a doctor examining his young patient's doll. The flow of medical information is no longer confined to doctor-patient conversations and hospital charts. Recent technological advances have introduced more efficient methods of organizing data that allow information to be shared instantaneously—helping to contain costs—and even save lives.

But in the view of many Americans, the widespread sharing of medical records without appropriate safeguards, even in the pursuit of admirable goals, creates a staggering potential for abuse.

In fact, concerns that medical information is not being adequately protected from misuse has led some patients to avoid full disclosure of mental health or other sensitive conditions to their physicians and to unnecessarily forego opportunities for treatment—in effect negating the benefits of the new technology.

The Health Care PIN Act offers the privacy protections that the public demands. This legislation sets clear guidelines for the use and disclosure of medical information by health care providers, researchers, insurers, employers and others. The Health Care PIN Act provides individuals with control over their most personal information, yet promotes the efficient exchange of health data for the purposes of treatment, payment, research and oversight. To ensure the accountability of entities and individuals with access to personal medical information, the legislation impose stiff penalties for unauthorized disclosures.

Just as you lock your doors to protect your home, this measure can act as deadbolt against those who would exploit your medical privacy.

This legislation represents commonsense middle ground in the range of proposals that have been offered both this and the previous Congress. I look forward to working with Senator JEFFORDS, as well as with Senators BENNETT, LEAHY, and KENNEDY, who have contributed so much to this debate, to move forward quickly to enact comprehensive, bipartisan legislation.

By Mr. SPECTER:

S. 581. A bill to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

PENNSYLVANIA BATTLEFIELDS PROTECTION ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Pennsylvania Battlefields Protection Act, legislation which will protect two important Revolutionary War sites in Pennsylvania and authorize the construction and operation of a new museum and visitor center dedicated to the American Revolution at Valley Forge National Historical Park. Representative CURT WELDON has introduced similar legislation in the House, with the remaining twenty Members of the Pennsylvania House delegation joining him in this effort.

The first part of this legislation authorizes $3 million for the acquisition of the 472-acre area generally known as the Meetinghouse Road Corridor, where the largest engagement of the American Revolution, the Battle of Brandywine, took place from September 10–11, 1777. During the 1777 British campaign to capture Philadelphia, British General William Howe defeated but proved unable to demoralize General George Washington's Continental Army of 12,500 men at the Battle of Brandywine.

While George Washington's and the Marquis de Lafayette's headquarters are preserved as part of the Brandywine Battlefield Park, the area where the actual fighting took place is not. The land is privately held and is in immediate danger of being sold and developed. The battlefield was declared a National Historic Landmark in 1961, and local officials, preservation groups, and the Commonwealth of Pennsylvania have been working together to protect the battlefield. This legislation will provide half of the $6 million needed to purchase the land from willing buyers, with the remaining $3 million to be raised from non-federal sources on a dollar for dollar basis. As with all aspects of this legislation, I have worked closely with the National Park Service, and they are supportive of federal assistance to protect this important Revolutionary War site.

This legislation will also protect the Paoli Battlefield, in Malvern, Pennsylvania, where at least fifty-three Americans were killed. Shortly after the Battle of Brandywine, General Washington ordered General ''Mad'' Anthony Wayne and 2,000 of his men to move to the rear and contain the British army. The British learned of General Wayne's move and attacked and bayoneted Wayne's men on September 20, 1777 in what has infamously become known as the Paoli massacre.

While the Senate passed legislation which I introduced late in the 105th Congress to authorize the addition of the Paoli Battlefield site to Valley Forge National Historical Park, at that time the bill did not enjoy the support of the National Park Service and eventually died in the House of Representatives. I have worked with Congressman WELDON on this legislation, and we believe that the federal government should provide assistance to acquire the 40-acre Paoli Battlefield, an unprotected Revolutionary War site that is privately owned by the Malvern Preparatory School. The School intends to sell the land in order to strengthen its endowment, but officials have agreed to give the community a first chance to purchase the land for historical preservation purposes. Thus, the Paoli Battlefield will become open to residential or commercial development if $2.5 million is not raised by September 1999 to purchase the land. This bill envisions a combination of public and private financing to purchase the battlefield by authorizing a purchase price of $2.5 million with not less than $1 million in nonfederal funds. After much consultation with the National Park Service, I am now informed that they are supportive of this approach to protecting Paoli Battlefield.

The bill also authorizes the Secretary of the Interior to enter into a cooperative agreement with the Borough of Malvern, which has agreed to

manage the 45-acre Paoli Battlefield site in perpetuity. A similar provision authorizes the Secretary of Interior to enter into a cooperative agreement with the Commonwealth of Pennsylvania or the Brandywine Conservancy to manage the Meetinghouse Road Corridor area of the Brandywine Battlefield. Moreover, the bill directs the Secretary of Interior to undertake a resource study of Paoli and Brandywine Battlefields to identify the full range of their resources and historic themes and alternatives for National Park Service involvement at these two sites.

Finally, the last section of the bill authorizes the Secretary of Interior to enter into an agreement with the private, non-profit Valley Forge Historical Society to construct and operate a museum and visitor center within the boundaries of Valley Forge National Historical Park. After the Battles of Brandywine, the Clouds, Paoli, Germantown, and Whitemarsh, the Continental Army made Valley Forge its camp from December 19, 1777 to June 19, 1778, when it emerged as a new, better equipped, and well trained American army. Currently, there is no museum in the United States dedicated to the American Revolution. I believe it is important that Congress provide the authorization to bring this worthwhile project to fruition, which will not only tell the story of the Philadelphia campaign, but the story of the entire American Revolution as well.

This museum will combine the holdings of the Valley Forge National Historical Park and the Valley Forge Historical Society, making it the largest collection of Revolutionary War era artifacts in the world. The Valley Forge Historical Society, established in 1918, has a long history of service to the park, and has amassed one of the best collections of artifacts, art, books, and documents relating to the 1777–1778 encampment of the Continental Army at Valley Forge, the American Revolution, and the American colonial era. Their collection is currently housed in a facility that is inadequate to properly maintain, preserve, and display the Society's ever-growing collection. Construction of a new facility will rectify this situation.

This project is supported by local officials, and a new facility is part of the Valley Forge National Historical Park's General Management Plan, which has identified inadequacies in the park's current visitor center and calls for the development of a new or significantly renovated museum and visitor center. The museum will educate an estimated 500,000 visitors a year about the critical events surrounding the birth of our nation.

This legislation authorizes the Valley Forge Historical Society to operate the museum in cooperation with the Secretary of Interior. This project will directly support the historical, educational, and interpretive activities and needs of Valley Forge National Historical Park and the Valley Forge Historical Society while combining two outstanding museum collections.

Mr. President, too many important historical sites, especially Revolutionary War battlefields, have already been lost to residential and commercial development. The 105th Congress made a commitment to protecting battlefield sites. I have been pleased to support these efforts as well as the successful effort to obtain funding in the FY99 Interior and Related Agencies Appropriations bill to begin conducting the Revolutionary War and War of 1812 Historic Preservation Study. I hope the 106th Congress will continue that commitment by protecting the Brandywine and Paoli Battlefields. In addition, this legislation holds enormous potential for all Americans to learn about our country's rich history by establishing a new visitor center and museum at Valley Forge National Historical Park, which will then be better able to tell the story of the American Revolution. I therefore urge my colleagues to support this bill.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 582. A bill to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park; to the Committee on Energy and Natural Resources.

GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition today to reintroduce legislation to authorize the operation of the Gateway Visitor Center in Independence National Historical Park in Philadelphia, Pennsylvania. Similar legislation has already been introduced in the House of Representatives by Representatives ROBERT BORSKI, CURT WELDON, and ROBERT BRADY.

As many of my colleagues are aware, Independence National Historical Park is one of the National Park Service's crown jewels, home to the Liberty Bell and Independence Hall and the birthplace of the Constitution and the Declaration of Independence. In the Spring of 1997, the Final General Management Plan for Independence Park was released, which spells out the vision for the Park for the next fifteen years. The first block of Independence Mall will contain a new home for the Liberty Bell, the second block the Gateway Visitor Center, and the third block the National Constitution Center. The revitalization of Independence Mall is well underway, but legislation is needed to fully implement the General Management Plan with regards to the Gateway Visitor Center.

The National Park Service is aware that this type of site-specific legislation is necessary for the Gateway Visitor Center. I have worked closely with the National Park Service and the Gateway Visitor Center Corporation in developing this legislation, and the National Park Service expressed its full support for this legislation during hearings held in the 105th Congress.

I would note that the $24 million needed to construct the Gateway Visitor Center has already been committed, with the City of Philadelphia contributing $5 million, the Commonwealth of Pennsylvania $10 million, and various Foundations $15 million, of which $6 million will fund an endowment. The legislation I am introducing today merely provides the authorization for the operation of the Center. The Gateway Visitor Center will be financially self-sustaining, with only a modest contribution coming from the National Park Service for operations and maintenance.

While the Gateway Visitor Center will provide the traditional services to visitors to the Park, the Center will also provide some services which are somewhat beyond the scope of existing National Park Service legislation. In addition to its role as the Park's primary visitor center, providing visitor orientation to the Park, the city, and the region as a whole, the Gateway Visitor Center will be permitted to charge fees, conduct events, and sell merchandise, tickets, and food to visitors to the Center. These activities will allow the Gateway Visitor Center to meet its parkwide, citywide and regional missions while defraying the operating and management expenses of the Center.

The current visitor center in Independence National Historical Park is poorly located, making it underutilized and inconvenient to the millions of people who visit the Park each year. The Gateway Visitor Center will serve far more people than ever possible with the current facility by providing information, interpretation, facilities, and services to visitors to the Park, its surrounding historic areas, the City of Philadelphia, and the region in order to assist visitors in their enjoyment of the historical, cultural, educational, and recreational resources of the area. The Gateway Visitor Center will be a major asset for the Park and critical to the central management goal addressed in the General Management Plan of creating an outstanding visitor experience. The Gateway Visitor Center holds enormous potential for Independence National Historical Park and the greater Philadelphia region as a whole, and I therefore urge my colleagues to support this legislation.

By Mr. CHAFEE (by request):

S. 583. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for pre-disaster mitigation, to

streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

DISASTER MITIGATION ACT OF 1999

Mr. CHAFEE. Mr. President, today, at the administration's request, I am introducing the Disaster Mitigation Act of 1999. This bill is designed to promote pre-disaster mitigation and streamline the operations of the Federal Emergency Management Agency (FEMA).

Last year, the Senate Committee on Environment and Public Works, which has oversight over FEMA, considered S. 2361, legislation authored by Senators INHOFE and GRAHAM that was based in part on the administration's 1997 proposal. While S. 2361 was reported by the committee, it was not considered by the Senate before it adjourned last November.

I believe it makes sense for Congress and FEMA to pay attention to pre-disaster mitigation efforts—i.e., the steps that can be taken before a disaster strikes. It also makes sense for us to ensure that FEMA's operations are streamlined so that the administering of disaster relief proceeds as smoothly and efficiently as possible. Taking these steps not only would be easier on the budget, but also would help prevent needless human suffering.

It is my hope that working with the administration, we will be able to craft legislation that will accomplish our goals. I look forward to working with my colleagues and administration officials toward that end.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 583

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Disaster Mitigation Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Pre-Disaster Hazard Mitigation.
Sec. 103. Maximum contribution for mitigation costs.
Sec. 104. Conforming amendment.

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

Sec. 201. Insurance.
Sec. 202. Management costs.
Sec. 203. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 204. Federal assistance to households.
Sec. 205. Repeals.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.

SEC. 2. AMENDMENTS TO THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

TITLE I—PREDISASTER HAZARDS MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes and flooding, cause great danger to human life and to property throughout the United States.

(2) greater emphasis needs to be placed on identifying and assessing the risks to State and local communities and on implementing adequate measures to reduce losses from such disasters, and to ensure that communities' critical public infrastructure and facilities will continue to function after a disaster.

(3) expenditures for post-disaster assistance are increasing without commensurate reductions in the likelihood of future losses from such natural disasters;

(4) high priority in the expenditure of Federal funds under this Act should be given to mitigate hazards for existing and new construction at the local level;

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities can form effective community-based partnerships for hazard mitigation purposes, implement effective hazards mitigation measures that reduce the existing disaster potential, ensure continued functionality of communities' critical public infrastructure, leverage additional non-Federal resources into their disaster resistance goals, and make commitments to long-term mitigation efforts in new and existing construction.

(b) PURPOSE.—It is the purpose of this Act to establish a national disaster mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption and disaster assistance costs resulting from natural hazards, and

(2) provides a source of pre-disaster mitigation funding that will assist states and local governments in implementing effective mitigation measures that are designed to ensure the continued functionality of their critical facilities and public infrastructure after a natural disaster.

SEC. 102. PRE-DISASTER HAZARD MITIGATION.

(a) Title II of the Act is amended by adding new section 203 as follows:

"SEC. 203. PRE-DISASTER HAZARD MITIGATION.

''(a) GENERAL AUTHORITY.—The Director may establish a program of technical and financial assistance to states and local governments that implement predisaster mitigation measures in order to reduce injuries and loss of life and damage and destruction of property including damage to their critical public infrastructure and facilities.

''(b) APPROVAL BY DIRECTOR.—If the Director finds that a state or local government has identified all natural hazards in its jurisdiction and has demonstrated its ability to form effective public/private disaster mitigation partnerships, he may provide financial assistance to the State or local government for such purposes from the fund established under subsection (d) of this section.

''(c) PURPOSE OF GRANTS.—(1) The financial assistance shall be used principally by states and local governments to implement the predisaster hazard mitigation measures contained in proposals approved by the Director. Funding may also be used to support effective public/private partnerships, to ensure that new community growth and construction is disaster resistant, and to improve the assessment of a community's natural hazards vulnerabilities or to set a community's mitigation priorities.

''(2) The Director shall take into account the following when establishing priorities for pre-disaster mitigation grants:

''(A) The level and nature of the risks to be mitigated;

''(B) Grantee commitment to reduce damages from future disasters;

''(C) commitment by the State and local government to support ongoing non-Federal support for the mitigation measures to be undertaken.

''(d) NATIONAL PRE-DISASTER MITIGATION FUND.—To carry out the pre-disaster mitigation program authorized in subsection (a), the Director may establish in the United States Treasury a National Predisaster Mitigation Fund (''Fund''), which shall be available without fiscal year limitation for grants to States and local governments under subsection (b) of this section.

''(e) FUNDS FOR THE ACCOUNT.—The Fund shall be credited with:

''(1) Funds appropriated by the Congress for the purposes of this section, which funds shall be available until expended; and

''(2) sums available from bequests, gifts, or donations of service, money, or property, real, personal, or mixed, tangible, or intangible, given for purposes of pre-disaster mitigation.

''(f) FEDERAL SHARE.—Subject to the provisions of subsections (g) and (h) of this section, grants from the Fund shall be not more than 75 percent of the total costs of the mitigation proposal(s) approved by the Director.

''(g) LIMIT ON GRANTS.—No grants shall be made in excess of the money available in the Fund.

''(h) RULES GOVERNING THE ACCOUNT.—The Director shall publish rules to carry out the provisions of this section.

''(b) EFFECTIVE DATE.—Subsection (a) of this section shall take effect on the date of enactment of the Disaster Mitigation Act of 1999.

SEC. 103. MAXIMUM CONTRIBUTION FOR MITIGATION COSTS.

''(a) IN GENERAL.—Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the last sentence by striking ''15 percent'' and inserting ''20 percent''.

''(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to each major disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) after the date of enactment of this Act.

SEC. 104. CONFORMING AMENDMENT.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

"TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE".

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

SEC. 201. INSURANCE.

Section 311(a)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154(a)(2)) is amended—

(a) by inserting ''(A)'' before the sentence; and

(b) adding paragraph (B) to the subsection as follows:

''(B) The President shall publish rules to require States, communities or other applicants to protect property through self-insurance or adequate mitigation measures if the appropriate State insurance commissioner makes the certification provided in paragraph (A) and the President determines that the property is not adequately protected against natural or other disasters.''

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding a new Section 322 as follows:

"SEC. 322. MANAGEMENT COSTS.

''(a) DEFINITION OF MANAGEMENT COST.—The term 'management cost', as used in this section, includes any indirect cost, administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or emergency preparedness activity or measure.

''(b) MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish management cost rates for grantees and subgrantees that shall be used to determine contributions under this Act for management costs.

''(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

''(d) REGULATIONS.—The President shall promulgate regulations to define appropriate costs to be included in management costs under this section.''.

(b) APPLICABILITY.—Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply as follows:

(1) IN GENERAL.—Subsections (a), (b), and (d) of section 322 of that Act shall apply to each major disaster declared under that Act on or after the date of enactment of this Act. Until the date on which the President establishes the management cost rates under that subsection, section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) shall be used for establishing the rates.

(2) REVIEW; OTHER EXPENSES.—Section 322(c) of that Act shall apply to each major disaster declared under that Act on or after the date on which the President establishes the management cost rates under that section.

SEC. 203. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) MINIMUM FEDERAL SHARE.—Section 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)) is amended to read as follows:

''(b)(1) Except as provided in paragraph (2) of this subsection, the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

''(2) The President shall publish rules to reduce the Federal share of assistance under this section for the repair, restoration, reconstruction, or replacement of any eligible public or private nonprofit facility that has previously received significant disaster assistance under this Act on multiple occasions.''

(b) CONTRIBUTIONS AND FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting new subsection (e) to read as follows:

''(e) ELIGIBLE COST.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

''(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

''(ii) in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)).

''(B) COST ESTIMATION PROCEDURES.—Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to make the estimate under subparagraph (A).

''(2) MODIFICATION OF ELIGIBLE COST.—If the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is more than 120 percent or less than 80 percent of the cost estimated under paragraph (1), the President may determine that the eligible cost shall be the actual cost of the repair, restoration, reconstruction, or replacement.

''(3) EXPERT PANEL.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry, to develop procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices.

''(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) shall take effect on the date on which the procedures developed under paragraph (3) of that section take effect.

SEC. 204. FEDERAL ASSISTANCE TO HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

"SEC. 408. FEDERAL ASSISTANCE TO HOUSEHOLDS.

''(a) GENERAL AUTHORITY.—In accordance with this section, the President, in consultation and coordination with the Governor of an affected State, may provide financial assistance, and, if necessary, direct services, to disaster victims who—

''(1) as a direct result of a major disaster have necessary expenses and serious needs; and

''(2) are unable to meet the necessary expenses and serious needs through other means, including insurance proceeds or loan or other financial assistance from the Small Business Administration or another Federal agency. Inability to meet necessary expenses and serious needs through loan or other financial assistance from the Small Business Administration or another Federal agency shall not apply to temporary housing or rental assistance under subsection (c)(2) or to permanent housing construction under subsection (c)(4) of this section.

''(b) HOUSING ASSISTANCE.—

''(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to household to respond to the disaster-related housing needs of households that are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

''(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—The President shall determine appropriate types of housing assistance to be provided to disaster victims under this section based on considerations of cost effectiveness, convenience to disaster victims, and such other factors as the President considers to be appropriate. One or more types of housing assistance may be made available, based on the suitability and availability of the types of assistance, to meet the needs of disaster victims in a particular disaster situation.

''(c) TYPES OF HOUSING ASSISTANCE.—

''(1) Federal assistance under this subjection shall continue no longer than 18 months after the date of the major disaster declaration by the President, unless the President determines that it is in the public interest to extend such 18-month period.

''(2) TEMPORARY HOUSING.—

''(A) FINANCIAL ASSISTANCE.—

''(i) IN GENERAL.—The President may provide financial assistance under this section to households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

''(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the sum of—

''(I) the fair market rent for the accommodation being provided; and

''(II) the cost of any transportation, utility hookups, or unit installation not being directly provided by the President.

''(B) DIRECT ASSISTANCE.—

''(i) IN GENERAL.—The President may directly provide under this section housing units, acquired by purchase or lease, to households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

''(ii) COLLECTION OF RENTAL CHARGES.—After the expiration of the 18-month period referred to in paragraph (c)(1), the President may charge fair market rent for the accommodation being furnished.

''(3) REPAIRS.—

''(A) IN GENERAL.—The President may provide financial assistance for the repair of owner-occupied primary residences, utilities, and residential infrastructure (such as private access routes) damaged by a major disaster to a habitable or functioning condition.

''(B) EMERGENCY REPAIRS.—To be eligible to receive assistance under subparagraph (A), a recipient shall not be required to demonstrate that the recipient is unable to meet the need for the assistance through other means, except insurance proceeds, if the assistance—

''(i) is used for emergency repairs to make a private primary residence habitable; and

''(ii) does not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for Urban Consumers as reported by the Bureau of Labor Statistics of the Department of Labor.

''(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance under this section to households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

''(A) no alternative housing resources are available; and

''(B) the types of temporary housing assistance described in paragraph (c)(1) are unavailable, infeasible, or not cost effective.

''(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

''(1) SITES.—

''(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

''(i) is provided by the State or local government; and

''(ii) is complete with utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

''(B) SITES PROVIDED BY THE PRESIDENT.—Readily fabricated dwellings may be located on sites provided by the President if the President determines that the sites would be more economical or accessible.

''(2) DISPOSAL OF UNITS.—

''(A) SALE TO OCCUPANTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the household who is occupying the unit if the household needs permanent housing.

''(ii) SALES PRICE.—Sales of temporary housing units under this clause shall be accomplished at prices that are fair and equitable.

''(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited into the appropriate Disaster Relief Fund account.

''(iv) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

''(B) OTHER METHODS OF DISPOSAL.—

''(i) SALE.—If not disposed of under subparagraph (A), a temporary housing unit purchased by the President for the purpose of housing disaster victims may be resold.

''(ii) DISPOSAL TO GOVERNMENTS AND VOLUNTARY ORGANIZATIONS.—A temporary housing unit described in clause (i) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, donation, or other making available, the State, other governmental agency, or voluntary organizations agrees—

''(I) to comply with the nondiscrimination provisions of section 308; and

''(II) to obtain and maintain hazard and flood insurance on the housing unit.

''(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

''(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation and coordination with the Governor of the affected State, may provide financial assistance under this section to a household adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

''(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation and coordination with the Governor of the affected State, may provide financial assistance under this section to a household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

''(f) STATE ROLE.—The President shall provide for the substantial and ongoing involvement of the affected State in administering assistance under this section.

''(g) MAXIMUM AMOUNT OF ASSISTANCE.—The maximum amount of financial assistance that a household may receive under this section with respect to a single major disaster shall be $25,000, as adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

''(h) ISSUANCE OF REGULATIONS.—The President shall issue rules and regulations to carry out the program established by this section, including criteria, standards, and procedures for determining eligibility for assistance.''.

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking ''temporary housing''.

(c) REPEAL OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of enactment of this Act.

SEC. 205. REPEALS.

(a) ASSOCIATED EXPENSES.—Subject to the provisions of section 202(b)(2) of this Act, section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) is repealed.

(b) COMMUNITY DISASTER LOANS.—Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is repealed.

(c) SIMPLIFIED PROCEDURE.—Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189) is repealed.

SECTIONAL ANALYSIS

Sec. 1 Short title; table of contents. Section 1 establishes the short title of the bill as the ''Disaster Mitigation Act of 1999.''

Sec. 2. Amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act. This section states that unless otherwise specified, any amendment or repeal of a section or provision shall be considered to be made to the Stafford Act.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose. Adopts the findings and statement of purpose found in S. 2361, 105th Congress. Section 101 describes four findings of Congress: (1) greater emphasis needs to be placed on hazard identification and hazard mitigation, (2) expenditures for disaster assistance are increasing without evidence of potential reduction of future losses, (3) a high priority should be placed on the implementation or predisaster mitigation activities, and (4) a unified effort will be successful in reducing future losses from natural disasters.

These findings signal the importance of commitments by States and local communities to long-term disaster mitigation efforts (including developing appropriate construction standards, practices and materials) for new and existing structures. Such commitments can help reduce the rise of future damage to life and property and ensure that critical facilities and public infrastructure will function after a disaster strikes.

Sec. 102. Pre-Disaster Hazard Mitigation. Section 102 creates a new Section 203 in the Stafford Act that authorizes the Director to establish a program for States, local governments, and other entities for carrying out predisaster mitigation activities that exhibit long-term, cost-effective benefits and substantially reduce the risk of future damage from major disasters. For the purposes of this section, the term ''entities'' refers to governmental entities of the State or local government, regional planning organizations, governmental units organized along watershed or other planning foci, or tribal governments.

In selecting a site, the Director must consider the likelihood of damage resulting from a natural disaster; the identification of cost effective mitigation activities with meaningful outcomes; the consistency with State mitigation programs; the opportunity to maximize net benefits to society; the ability of a State or local government or entity to fund mitigation activities; private sector interest; and other criteria established in coordination with State and local governments. The Director must take into account the level and nature of risks to be mitigated, grantee commitment to reduce damages from future disasters, and commitment by the State or local government to support ongoing non-Federal support for the mitigation measures to be undertaken when establishing priorities for pre-disaster mitigation grants.

With regard to mitigation activities, this section requires the President and the States to consult on a list of those activities that are appropriate, and delegates decisions regarding selections from the list to local governments.

States receiving financial assistance under this section may use the assistance to fund activities to disseminate information about cost-effective mitigation technologies. Certain construction standards, practices, and materials have been proven effective in mitigating the risks or impacts of actual natural disasters. Public awareness of these technologies can allow communities to make informed decisions that can substantially reduce the risk of future damage, hardship or suffering from a major disaster.

Sec. 103. Maximum contribution for mitigation costs. Section 103 amends Section 404(a) of the Stafford Act by changing maximum hazard mitigation contributions from 15% to 20% of aggregate amount of grants. The changes made by this section are applicable to all major disasters declared after January 1, 1999.

Sec. 104. Conforming amendment. This section amends to the heading of Title II to read ''Title II—Disaster Preparedness and Mitigation Assistance''.

TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE.

Sec. 201. Insurance. Section 201 amends §311(a)(2) of the Stafford Act to authorize the

President to require by regulation that States, communities or other applicants protect property through self-insurance or adequate mitigation measures if the State's insurance commissioner certifies that insurance is not reasonably available. Under current law if the State insurance commissioner certifies that insurance is not reasonably available, an applicant need not take any further action to insure or mitigate the property against future damage. This provision authorizes the President to require further action to reduce future potential damage to the affected property.

Sec. 202. Management costs. Section 203 adds a new Section 322 to the Stafford Act. It provides a definition for management costs and directs the President to establish management cost reimbursement rates, subject to periodic review, for grantees and subgrantees receiving assistance under the Act. Appropriate costs are to be established by Federal regulation. The current reimbursement system will remain in effect for disasters declared before the new rates are established.

Sec. 203. Assistance to repair, restore, reconstruct, or replace damaged facilities. Section 203 amends and reorganizes the section of the Stafford Act (Section 406) that provides authority to the President to make contributions to a State, local government, or person for the repair, restoration, or replacement of public facilities or private nonprofit facilities. As amended, this section establishes a minimum Federal share of 75 percent of the cost of such activities. Section 203 would also amend Section 206 to authorize reduction in Federal disaster assistance for facilities which had received disaster assistance in the past and for which insurance had not been maintained since receipt of the disaster assistance.

This section also sets new rules for cost estimates by allowing the cost of repairs in situations where the actual cost is above 120 percent or below 80 percent of the estimated cost to be reconsidered. In addition, it directs the President to establish an expert panel for development of procedures for cost estimations.

Sec. 204. Federal assistance to households. Section 204(a) amends Section 408 of the Stafford Act to combine the Housing and Individual and Family Grant (IFG) Programs. As amended, this section establishes the type of assistance available for housing, repairs, and construction, and caps total assistance per individual or household under the combined program at $25,000 per major disaster. It authorizes the President to assist individuals by replacing their homes under certain conditions or allowing them to rent alternate housing accommodations, and by providing financial assistance for medical, dental, funeral, personal property, and transportation expenses. The President is to issue regulations to determine eligibility for assistance.

Section 204(b) deletes the term ''temporary housing'' from §502(a)(6) of the Stafford Act. Section 502 specifies and limits the emergency assistance that the President may provide when he declares an emergency under the Act. Paragraph (a)(6) states that he may provide ''temporary housing assistance'' under §408 of the Act. This amendment would give the President authority to provide assistance under §408, which would encompass both housing and assistance to individuals and households in the consolidated section.

Sec. 204(c) repeals the Individual and Family Grant programs, which under this legislation are consolidated with the Temporary Housing program.

Sec. 205. Repeals. Section 205 repeals Section 406(f) and Section 417 of the Stafford Act (providing for Associated Expenses and for Community Disaster Loans), as well as Section 422 (regarding simplified procedure), in order to conform with the amendment made under Section 202(d) of the bill.

RAMSEYER/CORDON COMPARISON

Materials deleted within bold brackets **[ ]**, new text in *italic*.

SEC. 101. FINDINGS AND PURPOSE.

(d) FINDINGS.—The Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes and flooding, cause great danger to human life and to property throughout the United States.

(2) greater emphasis needs to be placed on identifying and assessing the risks to State and local communities and on implementing adequate measures to reduce losses from such disasters, and to ensure that communities' critical public infrastructure and facilities will continue to function after a disaster.

(3) expenditures for post-disaster assistance are increasing without commensurate reductions in the likelihood of future losses from such natural disasters;

(4) high priority in the expenditure of Federal funds under this Act should be given to mitigate hazards for existing and new construction at the local level;

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local communities can form effective community-based partnerships for hazard mitigation purposes, implement effective hazards mitigation measures that reduce the existing disaster potential, ensure continued functionality of communities' critical public infrastructure, leverage additional non-Federal resources into their disaster resistance goals, and make commitments to long-term mitigation efforts in new and existing construction.

(b) PURPOSE.—It is the purpose of this Act to establish a national disaster mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption and disaster assistance costs resulting from natural hazards, and

(2) provides a source of pre-disaster mitigation funding that will assist states and local governments in implementing effective mitigation measures that are designed to ensure the continued functionality of their critical facilities and public infrastructure after a natural disaster.

SEC. 102. PRE-DISASTER HAZARD MITIGATION.

42 U.S.C. Sec. 203. PRE-DISASTER HAZARD MITIGATION.

(a) GENERAL AUTHORITY.—The Director may establish a program of technical and financial assistance to states and local governments that implement predisaster mitigation measures in order to reduce injuries and loss of life and damage and destruction of property including damage to their critical public infrastructure and facilities.

(b) APPROVAL BY DIRECTOR.—If the Director finds that a state or local government has identified all natural disaster hazards in its jurisdiction and has demonstrated its ability to form effective public/private disaster mitigation partnerships, he may make grants to the State or local government for such purposes from the fund established under subsection (d) of this section.

''(c) PURPOSE OF GRANTS.—(1) The financial assistance shall be used principally by states and local governments to implement the predisaster hazard mitigation measures contained in proposals approved by the Director. Funding may also be used to support effective public/private partnerships, to ensure that new community growth and construction is disaster resistant, and to improve the assessment of a community's natural hazards vulnerabilities or to set a community's mitigation priorities.

''(2) The Director shall take into account the following when establishing priorities for predisaster mitigation grants:

''(A) the level and nature of the risks to be mitigated;

''(B) Grantee commitment to reduce damages from future disasters;

''(C) commitment by the State or local government to support ongoing non-Federal support for the mitigation measures to be undertaken.

(d) NATIONAL PRE-DISASTER MITIGATION FUND.—To carry out the pre-disaster mitigation program authorized in subsection (a), the Director shall establish in the United States Treasury a National Predisaster Mitigation Fund (''Fund''), which shall be an account separate from any other accounts or funds, and which shall be available without fiscal year limitation for grants to States and local governments under subsection (b) of this section.

(e) FUNDS FOR THE ACCOUNT.—The Fund shall be credited with:

(1) funds appropriated by the Congress for the purposes of this section which funds shall be available until expended; and

(2) sums available from bequests, gifts, or donations of service, money, or property, real, personal, or mixed, tangible, or intangible, given for purposes of pre-disaster mitigation.

(f) FEDERAL SHARE.—Subject to the provisions of subsections (g) and (h) of this section, grants from the Fund shall be not more than 75 percent of the total cost of the mitigation proposal(s) approved by the Director.

(g) LIMIT ON GRANTS.—No grants shall be made in excess of the money available in the Fund.

3(h) RULES GOVERNING THE ACCOUNT.—The Director shall publish rules to carry out the provisions of this section.

SEC. 103. MAXIMUM CONTRIBUTION FOR MITIGATION COSTS.

42 U.S.C. SEC. 404. HAZARD MITIGATION.

(a) IN GENERAL.—

The President may contribute up to 75 percent of the cost of hazard mitigation measures which the President has determined are cost-effective and which substantially reduce the risk of future damage, hardship, loss, or suffering in any area affected by a major disaster. Such measures shall be identified following the evaluation of natural hazards under section 5176 of this title and shall be subject to approval by the President. The total of contributions under this section for a major disaster shall not exceed **[**15**]** *20* percent of the estimated aggregate amount of grants to be made (less any associated administrative costs) under this chapter with respect to the major disaster.

SEC. 201. INSURANCE.

42 U.S.C. SEC. 311. INSURANCE.

(a) APPLICANTS FOR REPLACEMENT OF DAMAGED FACILITIES.—

* * * * *

(2) DETERMINATION.—

(A) In making a determination with respect to availability, adequacy, and necessity under paragraph (1), the President shall not require greater types and extent of insurance than are certified to him as reasonable by the appropriate State insurance commissioner responsible for regulation of such insurance.

(B) The President shall publish rules to require States, communities or other applicants to protect property through self-insurance or adequate mitigation measures if the appropriate

State insurance commissioner makes the certification provided in paragraph (A) and the President determines that the property is not adequately protected against natural or other disasters.

SEC. 202. MANAGEMENT COSTS

SEC. 322. MANAGEMENT COSTS.

(a) DEFINITION OF MANAGEMENT COST.—The term 'management cost', as used in this section, includes any indirect cost, administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or emergency preparedness activity or measure.

(b) MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall establish management cost rates for grantees and subgrantees that shall be used to determine contributions under this Act for management costs.

(C) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

(d) REGULATIONS.—The President shall promulgate regulations to define appropriate costs to be included in management costs under this section.

SEC. 203. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES

42 U.S.C. SEC. 406. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES

(a) MINIMUM FEDERAL SHARE.—

[§ 406] (b) MINIMUM FEDERAL SHARE.—

[The Federal share of assistance under this section shall be not less than—

(1) 75 percent of the net eligible cost of repair, restoration, reconstruction, or replacement carried out under this section;

(2) 100 percent of associated expenses described in subsections (f)(1) and (f)(2); and

(3) 75 percent of associated expenses described in subsections (f)(3), (f)(4), and (f)(5).]

(1) Except as provided in paragraph (2) of this subsection, the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

(2) The President shall publish rules to reduce the Federal share of assistance under this section for the repair, restoration, reconstruction, or replacement of any eligible public or private nonprofit facility that has previously received significant disaster assistance under this Act on multiple occasions.

(B) CONTRIBUTIONS AND FEDERAL SHARE

[(e) NET ELIGIBLE COST.—

[(1) General rule.—

[For purposes of this section, the cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility on the basis of the design of such facility as it existed immediately prior to the major disaster and in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) shall, at a minimum, be treated as the net eligible cost of such repair, restoration, reconstruction, or replacement.

[(2) Special rule

[In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing such facility shall include, for purposes of this section, only those costs which, under the contract for such construction, are the owner's responsibility and not the contractor's responsibility.

[§ 406] *(e) Eligible cost.—*

(1) Determination—

(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

(ii) in conformity with current applicable codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)).

(B) COST ESTIMATION PROCEDURES.—Subject to paragraph (2), the President shall use the cost estimation procedures developed under paragraph (3) to make the estimate under subparagraph (A).

(2) MODIFICATION OF ELIGIBLE COST.—If the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is more than 120 percent or less than 80 percent of the cost estimated under paragraph (1), the President may determine that the eligible cost shall be the actual cost of the repair, restoration, reconstruction, or replacement.

(3) EXPERT PANEL.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry, to develop procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices.

(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.

SEC. 204. FEDERAL ASSISTANCE TO HOUSEHOLDS

42 U.S.C. [SEC. 408. TEMPORARY HOUSING ASSISTANCE

[(a) PROVISION OF TEMPORARY HOUSING—

[(1) IN GENERAL—

[The President may—

[(A) provide, by purchase or lease, temporary housing (including unoccupied habitable dwellings), suitable rental housing, mobile homes, or other readily fabricated dwellings to persons who, as a result of a major disaster, require temporary housing; and

[(B) reimburse State and local governments in accordance with paragraph (4) for the cost of sites provided under paragraph (2).

[(2) MOBILE HOME SITE—

[(A) IN GENERAL—

[Any mobile home or other readily fabricated dwelling provided under this section shall whenever possible be located on a site which—

[(i) is provided by the State or local government; and

[(ii) has utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

[(B) Other sites—

[Mobile homes and other readily fabricated dwellings may be located on sites provided by the President if the President determines that such sites would be more economical or accessible than sites described in subparagraph (A).

[(3) PERIOD—

[Federal financial and operational assistance under this section shall continue for not longer than 18 months after the date of the major disaster declaration by the President, unless the President determines that due to extraordinary circumstances it would be in the public interest to extend such 18-month period.

[(4) FEDERAL SHARE—

[The Federal share of assistance under this section shall be 100 percent; except that the Federal share of assistance under this section for construction and site development costs (including installation of utilities) at a mobile home group site shall be 75 percent of the eligible cost of such assistance. The State or local government receiving assistance under this section shall pay any cost which is not paid for from the Federal share.

[(b) TEMPORARY MORTGAGE AND RENTAL PAYMENTS.—

[The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of a foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to such disaster. Such assistance shall be provided for the duration of the period of financial hardship but not to exceed 18 months.

[(c) IN LIEU EXPENDITURES.—

[In lieu of providing other types of temporary housing after a major disaster, the President is authorized to make expenditures for the purpose of repairing or restoring to a habitable condition owner-occupied private residential structures made uninhabitable by a major disaster which are capable of being restored quickly to a habitable condition.

[(d) TRANSFER OF TEMPORARY HOUSING—

[(1) DIRECT SALE TO OCCUPANTS—

[Notwithstanding any other provision of law, any temporary housing acquired by purchase may be sold directly to individuals and families who are occupants of temporary housing at prices that are fair and equitable, as determined by the President.

[(2) TRANSFERS TO STATES, LOCAL GOVERNMENTS, AND VOLUNTARY ORGANIZATIONS—

[The President may sell or otherwise make available temporary housing units directly to States, other governmental entities, and voluntary organizations. The President shall impose as a condition of transfer under this paragraph a covenant to comply with the provisions of section 308 requiring nondiscrimination in occupancy of such temporary housing units. Such disposition shall be limited to units purchased under the provisions of subsection (a) and to the purposes of providing temporary housing for disaster victims in major disasters or emergencies.

[(e) NOTIFICATION—

[(1) IN GENERAL—

[Each person who applies for assistance under this section shall be notified regarding the type and amount of any assistance for which such person qualifies. Whenever practicable, such notice shall be provided within 7 days after the date of submission of such application.

[(2) INFORMATION—

[Notification under this subsection shall provide information regarding—

[(A) all forms of such assistance available;

[(B) any specific criteria which must be met to qualify for each type of assistance that is available;

[(C) any limitations which apply to each type of assistance; and

[(D) the address and telephone number of offices responsible for responding to—

[(i) appeals of determinations of eligibility for assistance; and

[(ii) requests for changes in the type or amount of assistance provided.

[(f) LOCATION—

[In providing assistance under this section, consideration shall be given to the location of and travel time to—

[(1) the applicant's home and place of business;

[(2) schools which the applicant or members of the applicant's family who reside with the applicant attend; and

[(3) crops of livestock which the applicant tends in the course of any involvement in farming which provides 25 percent or more of the applicant's annual income.]

SEC. 408. FEDERAL ASSISTANCE TO HOUSEHOLDS.

(a) GENERAL AUTHORITY.—In accordance with this section, the President, in consultation and coordination with the Governor of an affected State, may provide financial assistance, and, if necessary, direct services, to disaster victims who—

(1) as a direct result of a major disaster have necessary expenses and serious needs; and

(2) are unable to meet the necessary expenses and serious needs through other means, including insurance proceeds or loan or other financial assistance from the Small Business Administration or another Federal agency. Inability to meet necessary expenses and serious needs through loan or other financial assistance from the Small Business Administration or another Federal agency shall not apply to temporary housing or rental assistance under subsection (c)(2) or to permanent housing construction under subsection (c)(4) of this section.

(b) HOUSING ASSISTANCE—

(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to households to respond to the disaster-related housing needs of households that are displaced from their predisaster primary residence or whose predisaster primary residence are rendered uninhabitable as a result of damage caused by a major disaster.

(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—The President shall determine appropriate types of housing assistance to be provided to disaster victims under this section based on consideration of cost effectiveness, convenience to disaster victims, and such other factors as the President considers to be appropriate. One or more types of housing assistance may be made available, based on the suitability and availability of the types of assistance, to meet the needs of disaster victims in a particular disaster situation.

(c) TYPES OF HOUSING ASSISTANCE—

(1) Federal assistance under this subsection shall continue no longer than 18 months after the date of the major disaster declaration by the President, unless the President determines that it is in the public interest to extend such 18-month period.

(2) TEMPORARY HOUSING—

(A) FINANCIAL ASSISTANCE—

(i)—IN GENERAL.—The President may provide financial assistance under this section to households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the sum of—

(I) the fair market rent for the accommodation being provided; and

(II) the cost of any transportation, utility hookups, or unit installation not being directly provided by the President.

(B) DIRECT ASSISTANCE.—

(i) IN GENERAL.—The President may direct provide under this section housing units; acquired by purchase or lease, to households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

(ii) COLLECTION OF RENTAL CHARGES.—After the expiration of the 18-month period referred to in clause (ii), the President may charge fair market rent for the accommodation being provided.

(3) REPAIRS.—

(A) IN GENERAL.—The President may provide financial assistance for the repair of owner-occupied primary residents, utilities, and residential infrastructure (such as private access routes) damaged by a major disaster to a habitable or functioning condition.

(B) EMERGENCY REPAIRS.—To be eligible to receive assistance under subparagraph (A), a recipient shall not be required to demonstrate that the recipient is unable to meet the need for the assistance through other means, except insurance proceeds, if the assistance—

''(i) is used for emergency repairs to make a private primary residence habitable; and

''(ii) does not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for Urban Consumers as reported by the Bureau of Labor Statistics of the Department of Labor.

''(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance under this section to households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

''(A) no alternative housing resources are available; and

''(B) the types of temporary housing assistance described in paragraph (c)(l) are unavailable, infeasible, or not cost effective.

''(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE—

''(l) SITES—

''(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

''(i) is provided by the State or local government; and

''(ii) is complete with utilities provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

''(B) SITES PROVIDED BY THE PRESIDENT.—Readily fabricated dwellings may be located on sites provided by the President if the President determines that the sites would be more economical or accessible.

''(2) DISPOSAL OF UNITS—

''(A) SALE TO OCCUPANTS—

''(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the household who is occupying the unit if the household needs permanent housing.

''(ii) SALES PRICE.—Sales of temporary housing units under clause shall be accomplished at prices that are fair and equitable.

''(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited into the appropriate Disaster Relief Fund account.

''(iv) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

''(B) OTHER METHODS OF DISPOSAL—

''(i) SALE.—If not disposed of under subparagraph (A), a temporary housing unit purchased by the President for the purpose of housing disaster victims may be resold.

''(ii) DISPOSAL TO GOVERNMENTS AND VOLUNTARY ORGANIZATIONS.—A temporary housing unit described in clause (i) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, donation, or other making available, the State, other governmental agency, or voluntary organization agrees—

''(I) to comply with the nondiscrimination provisions of section 308; and

''(II) to obtain the maintain hazard and flood insurance on the housing unit.

''(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS—

''(l) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation and coordination with the Governor of the affected State, may provide financial assistance under this section to a household adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

''(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation and coordination with the governor of the affected State, may provide financial assistance under this section to a household described in paragraph (l) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

(f) STATE ROLE.—The President shall provide for the substantial and ongoing involvement of the affected State in administering assistance under this section.

(g) MAXIMUM AMOUNT OF ASSISTANCE.—The maximum amount of financial assistance that a household may receive under this section with respect to a single major disaster shall be $25,000, as adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

(h) ISSUANCE OF REGULATIONS.—The President shall issue rules and regulations to carry out the program established by this section, including criteria, standards, and procedures for determining eligibility for assistance.

Sec. 204(b). CONFORMING AMENDMENT.

SEC. 502. FEDERAL EMERGENCY ASSISTANCE.

(a) SPECIFIED.—

In any emergency, the President may—

* * * * *

(6) provide [temporary housing] assistance in accordance with section 408 [42 U.S.C. § 5174]; and

Sec. 204(c). REPEAL OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.

42 U.S.C. [SEC. 411. INDIVIDUAL AND FAMILY GRANT PROGRAMS.

[(a) IN GENERAL.—

The President is authorized to make a grant to a State for the purpose of making grants to individuals or families adversely affected by a major disaster for meeting disaster-related necessary expenses or serious needs of such individuals or families in those cases where such individuals or families are unable to meet such expenses or needs through assistance under other provisions of this Act or through other means.

[(b) COST SHARING.—

(1) FEDERAL SHARE.—

The Federal share of a grant to an individual or a family under this section shall be equal to 75 percent of the actual cost incurred.

(2) STATE CONTRIBUTION.—

The Federal share of a grant under this section shall be paid only on condition that the remaining 25 percent of the cost is paid to an individual or family from funds made available by a State.

[(c) REGULATIONS.—

[The President shall promulgate regulations to carry out this section and such regulations shall include national criteria, standards, and procedures for the determination of eligibility for grants and the administration of grants under this section.

[(d) ADMINISTRATIVE EXPENSES.—

A State may expend not to exceed 5 percent of any grant made by the President to it under subsection (a) for expenses of administering grants to individuals and families under this section.

[(e) ADMINISTRATION THROUGH GOVERNOR.—

The Governor of a State shall administer the grant program authorized by this section in the State.

[(f) LIMIT ON GRANTS TO INDIVIDUAL.—

No individual or family shall receive grants under this section aggregating more than $10,000 with respect to any single major disaster. Such $10,000 limit shall annually be adjusted to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.]

SEC. 205. REPEALS.

Sec. 205(a). Associated Expenses.

[(f) ASSOCIATED EXPENSES.—

For purposes of this section, associated expenses include the following:

[(1) NECESSARY COSTS.—

Necessary costs of requesting, obtaining, and administering Federal assistance based on a percentage of assistance provided as follows:

(A) For an applicant whose net eligible costs equal less than $100,000, 3 percent of such net eligible costs,

(B) For an applicant whose net eligible costs equal $100,000 or more but less than $1,000,000, $3,000 plus 2 percent of such net eligible costs in excess of $100,000.

(C) For an applicant whose net eligible costs equal $1,000,000 or more but less than $5,000,000, $21,000 plus 1 percent of such net eligible costs in excess of $1,000,000.

(D) For an applicant whose net eligible costs equal $5,000,000 or more, $61,000 plus ½ percent of such net eligible costs in excess of $5,000,000.

[(2) EXTRAORDINARY COSTS—

Extraordinary costs incurred by a State for preparation of damage survey reports, final inspection reports, project applications, final audits, and related field inspections by State employees, including overtime pay and per diem and travel expenses of such employees, but not including pay for regular time of such employees, based on the total amount of assistance provided under sections 5170b, 5170c, 5172, 5173, 5192, 5193 of this title in such State in connection with the major disaster as follows:

(A) If such total amount is less than $100,000, 3 percent of such total amount,

(B) If such total amount is $100,000 or more but less than $1,000,000, $3,000 plus 2 percent of such total amount net eligible cost in excess of $100,000,

(C) If such total amount is $1,000,000 or more but less than $5,000,000, $21,000 plus 1 percent of such total amount net eligible cost in excess of $1,000,000,

(D) If such total amount is $5,000,000 or more, $61,000 plus ½ percent of such total amount net eligible cost in excess of $5,000,000.

[(3) COSTS OF NATIONAL GUARD—

The costs of mobilizing and employing the National Guard for performance of eligible work.

[(4) COSTS OF PRISON LABOR—

The costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging.

[(5) OTHER LABOR COSTS—

Base and overtime wages for an applicant's employees and extra hires performing eligible work plus fringe benefits on such wages to the extent that such benefits were being paid before the disaster]

SEC. 205(b) COMMUNITY DISASTER LOANS.

42 U.S.C. [Sec. 417. COMMUNITY DISASTER LOANS.

[(a) The President is authorized to make loans to any local government which may suffer a substantial loss of tax and other revenues as a result of a major disaster, and has demonstrated a need for financial assistance in order to perform its governmental functions. The amount of any such loan shall be based on need, and shall not exceed 25 per centum of the annual operating budget of that local government for the fiscal year in which the major disaster occurs. Repayment of all or any part of such loan to the extent that revenues of the local government during the three full fiscal year period following the major disaster are insufficient to meet the operating budget of the local government, including additional disaster-related expenses of a municipal operation character shall be canceled.

[(b) Any loans made under this section shall not reduce or otherwise affect any grants or other assistance under this Act.]

Sec. 205(c) SIMPLIED PROCEDURE.

[(SEC. 422. SIMPLIFIED PROCEDURE.

[If the Federal estimate of the cost of—

(1) repairing, restoring, reconstructing, or replacing under section 406 any damaged or destroyed public facility or private nonprofit facility,

(2) emergency assistance under section 403 or 502, or

(3) debris removed under section 407,

is less than $35,000, the President (on application of the State or local government or the owner or operator of the private nonprofit facility) may make the contribution to such State or local government or owner or operator under section 403, 406, 407, or 502, as the case may be, on the basis of such Federal estimate. Such $35,000 amount shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.]

By Mr. KENNEDY (for himself and Mr. LAUTENBERG):

S. 584. A bill to amend title XIX of the Social Security Act to permit the Secretary of Health and Human Services to waive recoupment under the medicaid program of certain tobacco-related funds received by a State if a State uses a portion of such funds for tobacco use prevention and health care and early learning programs; to the Committee on Finance.

CHILDREN'S SMOKING PREVENTION, HEALTH, AND EARLY LEARNING TRUST FUND

Mr. KENNEDY. Mr. President, today I am introducing legislation which will insure that the federal share of the state Medicaid settlements negotiated with the tobacco industry is used by the states to prevent youth smoking, to improve health care, and to promote child development. Fifty-seven cents of every Medicaid dollar spent by the states comes from the federal government. The cost of Medicaid expenditures to treat people suffering from smoking-induced disease was at the core of state lawsuits against the tobacco industry. While the federal government could legally demand that the states reimburse Washington from their settlements, I believe the states should be allowed to keep one hundred percent of the money. However, the federal share should be used by the states for programs that will advance the goals of protecting children and enhancing public health which were at the heart of the litigation and are consistent with the purposes of Medicaid. That would be an eminently fair and reasonable compromise of this contentious issue.

While there were a variety of claims made by the states against the tobacco industry, the Medicaid dollars used to treat tobacco-related illness constituted by far the largest claim monetarily, and it formed the basis for the national settlement. As part of that settlement, every state released the tobacco companies from federal Medicaid liability, as well as state Medicaid liability. Medicaid expenditures heavily influenced the distribution formula used to divide the national settlement amongst the states. In light of these undeniable facts, the dollars obtained by the states from their settlements cannot now be divorced from Medicaid. States are free to use the state share of their recoveries in any way they choose. However, Congress has a vital interest in how the federal share will be used.

My legislation would require states to use half of the amount of money they receive from the tobacco industry each year (the federal share) to protect children and improve public health. At least thirty-five percent of the federal share would be spent on programs to deter youth smoking and to help smokers overcome their addiction. This would include a broad range of tobacco control initiatives, including school and community based tobacco use prevention programs, counter-advertising to discourage smoking, cessation programs, and enforcement of the ban on sale to minors. Three thousand children start smoking every day, and one thousand of them will die prematurely as a result of tobacco-induced disease. Prevention of youth smoking should be, without question, our highest priority for the use of these funds. The state settlements provide the resources to dissuade millions of teenagers from smoking, to break the cycle of addiction and early death. We must seize that opportunity.

The remainder of the federal share would be available for states to use to fund health care and early learning initiatives which they select. States can

either use the additional resources to supplement existing programs in these areas, or to fund creative new state initiatives to improve public health and promote child development.

Smoking has long been America's foremost preventable cause of disease and early death. It has consumed an enormous amount of the nation's health care resources. Finally, resources taken from the tobacco companies would be used to improve the nation's health. A state could, for example, use a portion of this money to help senior citizens pay for prescription drugs, or to provide expanded health care services to the uninsured. Funds could be used to support community health centers, to reduce public health risks, or to make health insurance more affordable.

For years, the tobacco companies callously targeted children as future smokers. The financial success of the entire industry was based upon addicting kids when they were too young to appreciate the health risks of smoking. It is particularly appropriate that resources taken from this malignant industry be used to give our children a better start in life. States could use a portion of these funds to improve early learning opportunities for young children, or to expand child care services, or for other child development initiatives.

Congress has a compelling interest in how the federal share of these dollars is used. They are Medicaid dollars. They should not be used for road repair or building maintenance. They should be used by the states to create a healthier future for all our citizens, and particularly for our children.

ADDITIONAL COSPONSORS

S. 25

At the request of Ms. LANDRIEU, the name of the Senator from Indiana [Mr. BAYH] was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 51

At the request of Mr. BIDEN, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 289

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 289, a bill to amend the Public Health Service Act to permit faith-based substance abuse treatment centers to receive Federal assistance, to permit individuals receiving Federal drug treatment assistance to select private and religiously oriented treatment, and to protect the rights of individuals from being required to receive religiously oriented treatment.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from Georgia [Mr. CLELAND], the Senator from California [Mrs. FEINSTEIN], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Idaho [Mr. CRAPO], the Senator from Colorado [Mr. ALLARD], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 391

At the request of Mr. KERREY, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 456

At the request of Mr. CONRAD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 456, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes.

S. 483

At the request of Ms. SNOWE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 483, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 494

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

S. 499

At the request of Mr. FRIST, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 499, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 526

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Texas [Mr. GRAMM], the Senator from Connecticut [Mr. DODD], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 532

At the request of Mrs. FEINSTEIN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 532, a bill to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the

acquisition and development of conservation and recreation facilities and programs in urban areas, and for other purposes.

S. 562

At the request of Mr. HARKIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 562, a bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Arizona [Mr. KYL] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as ''National Inhalants and Poisons Awareness Week.''

SENATE RESOLUTION 53

At the request of Mr. HUTCHINSON, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of Senate Resolution 53, a resolution to designate March 24, 1999, as ''National School Violence Victims' Memorial Day.''

SENATE RESOLUTION 60—RECOGNIZING THE PLIGHT OF THE TIBETAN PEOPLE ON THE 40TH ANNIVERSARY OF TIBET'S ATTEMPT TO RESTORE ITS INDEPENDENCE

Mr. MACK (for himself, Mr. MOYNIHAN and Mr. LOTT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 60

Whereas during the period 1949–1950, the newly established communist government of the People's Republic of China sent an army to invade Tibet;

Whereas the Tibetan army was ill equipped and out-numbered, and the People's Liberation Army overwhelmed Tibetan defenses;

Whereas, on May 23, 1951, a delegation sent from the capital city of Lhasa to Peking to negotiate with the Government of the People's Republic of China was forced under duress to accept a Chinese-drafted 17-point agreement that incorporated Tibet into China but promised to preserve Tibetan political, cultural, and religious institutions;

Whereas during the period of 1951–1959, the failure of the Government of the People's Republic of China to uphold guarantees to autonomy contained in the 17-Point Agreement and the imposition of socialist reforms resulted in widespread oppression and brutality;

Whereas on March 10, 1959 the people of Lhasa, fearing for the life of the Dalai Lama, surrounded his palace, organized a permanent guard, and called for the withdrawal of the Chinese from Tibet and the restoration of Tibet's independence;

Whereas on March 17, 1959 the Dalai Lama escaped in disguise during the night after two mortar shells exploded within the walls of his palace and, before crossing the Indian border into exile two weeks later, repudiated the 17-Point Agreement;

Whereas during the ''Lhasa Revolt'' begun on March 10, 1959, Chinese statistics estimate 87,000 Tibetans were killed, arrested, or deported to labor camps, and only a small percentage of the thousands who attempted to escape to India survived Chinese military attacks, malnutrition, cold, and disease;

Whereas for the past forty years, the Dalai Lama has worked in exile to find ways to allow Tibetans to determine the future status of Tibet and was awarded the Nobel Peace Prize for his efforts in 1989;

Whereas it is the policy of the United States to support substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives; and

Whereas the Dalai Lama has stated his willingness to negotiate within the framework enunciated by Deng Xiaoping in 1979: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) March 10, 1999 should be recognized as ''Tibetan National Day'' in solemn remembrance of those Tibetans who sacrificed, suffered, or died as a result of Chinese aggression against their country and of the inherent right of the Tibetan people to reject tyranny and to determine their own political future, including independence, if they so determine; and

(2) March 10 of each year should serve as an occasion to renew calls by the President, Congress, and other United States Government officials on the Government of the People's Republic of China to enter into serious negotiations with the Dalai Lama or his representatives until such a time as a peaceful solution, satisfactory to both sides, is achieved.

Mr. MACK. Mr. President, the Tibetan people are suffering today in the name of freedom, and I am pleased to rise with Senator MOYNIHAN to submit a resolution in solemn commemoration of this day, March 10, in Tibetan history.

It was on March 10, 1959 that the Tibetan people said, ''enough is enough.'' The city of Lhasa organized into what later became known as the ''Lhasa revolt'' on this day forty years ago, to protect their beloved leader, the 14th Dalai Lama, and to reject the impositions of Beijing. Let me provide some details.

The new communist government in Beijing sent an army to invade Tibet in 1949. The People's Liberation Army quickly overwhelmed Tibetan defenses. In 1951, a Tibetan delegation went to Beijing to negotiate a peace agreement. But negotiation is too kind of a word. The Tibetan delegation was forced to sign a PRC-written document known as the ''17 Point Agreement.'' Even though it was forced upon the Tibetan government, it promised to preserve Tibetan political, cultural, and religious institutions, and so was warily accepted by the Tibetan government.

Mr. President, going back to the early days of the PRC, we can see a pattern. The terms on paper protected the Tibetan way of life. But the promises proved empty. I suggest this is a lesson our President today would be wise to learn. Whether regarding Hong Kong, weapons proliferation, or trade, we must remember what Ronald Reagan taught us—''trust, but verify.'' This is especially true of our dealings with communists and authoritarian rulers.

In Tibet, nine years of trying to compromise with the communists, from 1951 to 1959, failed. In fact, the restrictions on Tibet increased progressively, as did the oppression and brutality of Beijing's rule.

March 10, 1959 stands out as an important day, not only in Tibet's history, but also in the history of humanity's struggle for freedom. On this day, the people of Lhasa organized a permanent guard around the Dalai Lama's palace, and demanded the withdrawal of the Chinese from Tibet and the restoration of Tibet's independence.

One week later, the Dalai Lama was forced to flee his home and his people while his palace was being shelled by the PLA. It is important to note that, in a great and triumphant official act, he repudiated the 17-Point agreement.

According to Chinese statistics, 87,000 Tibetans were killed, arrested, or deported to labor camps during this ''Lhasa Revolt.'' Countless tried to follow the Dalai Lama to India—unfortunately, only a very small percentage of the thousands who attempted to escape through the Himalayas to India survived. If they could successfully avoid the Chinese military—then they would succumb to malnutrition, cold, and disease.

Mr. President, we are today honoring the memory of the more than 87,000 Tibetans who paid with their lives for the preservation of Tibet. We also honor the 6 million Tibetans today who keep alive the hope of one-day returning home.

Mr. President, we believe in certain inalienable rights; it is part of our constitution. I believe that our freedom

cannot be complete, and we as a nation cannot achieve our fullest greatness, so long as others suffer from the yoke of tyranny and oppression. Tibet today suffers from cultural genocide at the hands of the PRC. And yet, don't they also have inalienable rights: to reject tyranny? to determine their political future including independence? to chose freedom and reject oppression?

The answer, very clearly, must be a resounding ''yes.'' We have introduced this resolution today, to register this ''yes.'' We do it for His Holiness, the Dalai Lama of Tibet. We do it for the 6 million Tibetans in the world today facing the very real and unfortunate threat of seeing their homeland destroyed and culture obliterated. And, we do it for each of us who believe that the gifts we have in our lives here do not excuse us from caring about the struggles of others.

I am pleased to submit this resolution, and ask my colleagues to support its immediate adoption.

Mr. President, I ask unanimous consent that a statement issued by the Dalai Lama of Tibet be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

STATEMENT BY THE DALAI LAMA ON THE 40TH ANNIVERSARY OF THE TIBETAN NATIONAL UPRISING, MARCH 10, 1999

My sincere greetings to my compatriots in Tibet as well as in exile and to all our friends and supporters all over the world on the occasion of the 40th anniversary of the Tibetan national uprising of 1959.

Four decades have passed since we came into exile and continued our struggle for freedom both in and outside Tibet. Four decades are a considerable time in a person's life. Many fellow countrymen, both those who stayed back in Tibet in 1959 and those who came out at that time, are now gone. Today, the second and third generations of Tibetans are shouldering the responsibility of our freedom struggle with undiminished determination and indomitable spirit.

During our four decades of life in exile, the Tibetan community has gone through a process of increasing democratization and has made tremendous progress in education. We have also been able to preserve and promote our unique cultural and religious heritage. Our achievement on all these fronts is now widely recognized and acknowledged by the international community. The credit for this achievement goes to the determination and hard work of the Tibetan people. However, our success would not have been possible without the generous assistance of many international aid organizations and individuals. We are especially grateful to the people and government of India for their unsurpassed generosity and hospitality ever since the late Prime Minister Jawaharlal Nehru gave asylum to the Tibetan refugees and laid down the programmes for education and rehabilitation of our exile community.

During the same four decades, Tibet has been under the complete control of the government of the People's Republic of China and the Chinese authorities have had a free hand in governing our country. The late Panchen Lama's 70,000-character petition of 1962 serves as a telling historical document on the draconian Chinese policies and actions in Tibet. The immense destruction and human suffering during the Cultural Revolution, which followed shortly afterwards are today known world-wide and I do not wish to dwell on these sad and painful events. In January 1989, a few days before his sudden death, the Panchen Lama further stated that the progress made in Tibet under China could not match the amount of destruction and suffering inflicted on the Tibetan people. Although some development and economic progress has been made in Tibet, our country continues to face many fundamental problems. In terms of history, culture, language, religion, way of life and geographical conditions, there are stark differences between Tibet and China. These differences result in grave clashes of values, dissent and distrust. At the sight of the slightest dissent the Chinese authorities react with force and repression resulting in widespread and serious violations of human rights in Tibet. These abuses of rights have a distinct character, and are aimed at preventing Tibetans as a people from asserting their own identity and culture, and their wish to preserve them. Thus, human rights violations in Tibet are often the result of policies of racial and cultural discrimination and are only the symptoms and consequences of a deeper problem. The Chinese authorities identify the distinct culture and religion of Tibet as the root cause of Tibetan resentment and dissent. Hence their policies are aimed at decimating this integral core of the Tibetan civilian and identity.

After a half a century of ''liberation'' the Tibetan issue is still very much alive and remains yet to be resolved. Obviously this situation is of no benefit to anyone, either to Tibet or to China. To continue along this path does nothing to alleviate the suffering of the Tibetan people, nor does it bring stability and unity to China or help in enhancing China's international image and standing. The only sensible and responsible way to address this problem is dialogue. There is no realistic alternative to it.

It is with this realization that in the early seventies I discussed and decided with my senior officials the main points of my ''Middle Way Approach''. Consequently, I opted for a resolution of the Tibet issue, which does not call for the independence of Tibet or its separation from China. I firmly believe that it is possible to find a political solution that ensures the basic rights and freedoms of the Tibetan people within the framework of the People's Republic of China. My primary concern is the survival and preservation of Tibet's unique spiritual heritage, which is based on compassion and non-violence. And, I believe it is worthwhile and beneficial to preserve this heritage since it continues to remain relevant in our present-day world.

With this spirit I responded immediately when Deng Xiaoping, in late 1978, signalled a willingness to resume dialogue with us. Since then our relation with the Chinese government has taken many twists and turns. Unfortunately, a lack of political will and courage on the part of the Chinese leadership has resulted in their failure to reciprocate my numerous overtures over the years. Thus, our formal contact with the Chinese government came to an end in August 1993. But a few informal channels through private persons and semi-officials were established after that. During the past one-and-a-half year one informal channel seemed to work smoothly and reliably. In addition, there were some indications that President Jiang personally had taken an interest in the Tibetan issue. When US President Clinton visited China last June, President Jiang discussed Tibet with him at some length. Addressing a joint press conference, President Jiang sought a public clarification from me on two conditions before resuming dialogues and negotiations. We, on our part, communicated to the Chinese government my readiness to respond to President Jiang's statement and our desire for an informal consultation before making it public. Sadly, there was no positive response from the Chinese side. Late last autumn, without any obvious reason, there was a noticeable hardening of the Chinese position on dialogue and their attitude towards me. This abrupt change was accompanied by a new round of intensified repression in Tibet. This is the current status of our relation with the Chinese government.

It is clear from our experiences of the past decades that formal statements, official rhetoric and political expediency alone will do little to either lessen the suffering of the concerned people or to solve the problem at hand. It is also clear that force can control human beings only physically. It is through reason, fairness and justice alone that the human mind and heart can be won over. What is required is the political will, courage and vision to tackle the root cause of the problem and resolve it once and for all to the satisfaction and benefit of the concerned people. Once we find a mutually acceptable solution to the Tibetan issue, I will not hold any official position, as I have clearly stated for many years.

The root cause of the Tibetan problem is not the difference in ideology, social system or issues resulting from clashes between tradition and modernity. Neither is it just the issue of human rights violations alone. The root of the Tibetan issue lies in Tibet's long, separate history, its distinct and ancient culture, and its unique identity.

Just as in late 1978, so also today, resumption of contact and dialogue is the only sensible and viable way to tackle this complex and grave problem. The atmosphere of deep distrust between Tibetans and Chinese must be overcome. This distrust will not go away in a day. It will dissipate only through face-to face meetings and sincere dialogues.

I feel that the Chinese leadership is sometimes hindered by its own suspicions so that it is unable to appreciate sincere initiatives from my side, either on the overall solution to the Tibetan problem or on any other matter. A case in point is my consistent and long-standing call for the need to respect the environmental situation in Tibet. I have long warned of the consequences of wanton exploitation of the fragile environment on the Tibet plateau. I did not do this out of selfish concern for Tibet. Rather, it has been acutely clear that any ecological imbalance in Tibet would affect not just Tibet, but all the adjacent areas in China and even its neighbouring counties. It is sad and unfortunate that it took, last year's devastating floods for the Chinese leadership to realize the need for environmental protection. I welcome the moratorium that has been placed on the denudation of forests in Tibetan areas and hope that such measures, belated though they may be, will be followed by more steps to keep Tibet's fragile ecosystem intact.

On my part, I remain committed to the process of dialogue as the means to resolve the Tibetan problem. I do not seek independence for Tibet. I hope that negotiations can begin and that they will provide genuine autonomy for the Tibetan people and the preservation and promotion of their cultural, religious and linguistic integrity, as well as

their socio-economic development. I sincerely believe that my ''Middle Way Approach'' will contribute to stability and unity of the People's Republic of China and secure the right for the Tibetan people to live in freedom, peace and dignity. A just and fair solution to the issue of Tibet will enable me to give full assurance that I will use my moral authority to persuade the Tibetans not to seek separation.

As a free spokesman for the people of Tibet, I have made every possible effort to engage the Chinese government in negotiations on the future of the Tibetan people. In this endeavor, I am greatly encouraged and inspired by the support we receive from many governments, parliaments, non-governmental organizations and the public throughout the world. I am deeply grateful for their concern and support. I would like to make a special mention of the efforts being made by President Clinton and his Administration to encourage the Chinese government to engage in dialogues with us. In addition, we are fortunate to continue to enjoy strong bipartisan support in the United State Congress.

The plight of the Tibetan people and our non-violent freedom struggle has touched the hearts and conscience of all people who cherish truth and justice. The international awareness of the issue of Tibet has reached an unprecedented height since last year. Concerns and active support for Tibet are not confined to human rights organizations, governments and parliaments. Universities, schools, religious and social groups, artistic and business communities as well as people from many other walks of life have also come to understand the problem of Tibet and are now expressing their solidarity with our cause. Reflecting this rising popular sentiment, many governments and parliaments have made the problem of Tibet an important issue on the agenda of their relations with the government of China.

We have also been able to deepen and broaden our relations with our Chinese brothers and sisters, belonging to the democracy and human rights movement. Similarly, we have been able to establish cordial and friendly relations with fellow Chinese Buddhists and ordinary Chinese people living abroad and in Taiwan. The support and solidarity that we receive from our Chinese brothers and sisters are a source of great inspiration and hope. I am particularly encouraged and moved by those brave Chinese within China who have urged their government or publicly called for a change in China's policy towards the Tibetan people.

Today, the Tibetan freedom movement is in a much stronger and better position than ever before and I firmly believe that despite the present intransigence of the Chinese government, the prospects for progress in bringing about a meaningful dialogue and negotiations are better today than ever. I, therefore, appeal to governments, parliaments and our friends to continue their support and efforts with renewed dedication and vigour. I strongly believe that such expressions of international concern and support are essential. They are vital in communicating a sense of urgency to the leadership in Beijing and in persuading them to address the issue of Tibet in a serious and constructive manner.

With my homage to the brave men and women of Tibet, who have died for the cause of our freedom, I pray for an early end to the suffering of our people.

Mr. MOYNIHAN. Mr. President, every year on March 10th we reflect on the plight of the Tibetan people. Forty years ago many Tibetan citizens gave their lives to defend their freedom and to prevent the Dalai Lama from being kidnaped by the Chinese army. For those who are committed to standing with the Tibetan people, it is a day to consider what can be done to lend support to Tibetan people, it is a day to consider what can be done to lend support to Tibetan aspirations. The United States Senate will mark the occasion by considering a resolution to mark this solemn occasion.

The United States Congress takes the position that Tibet is an occupied country whose true representatives are the Dalai Lama and the Tibetan Government in exile. The International Commission of Jurists (ICJ), which has closely followed the situation in Tibet since the Dalai Lama was forced to flee into exile, and has published reports in 1959, 1960, 1964, and 1997. After examining Chinese policies in Tibet, it reported its findings to the Secretary-General of the United Nations. The 1960 report made the important international legal determination that ''Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law.''

Now the ICJ has returned to the issue of Tibet and produced another important report. It finds that repression in Tibet has increased since 1994. This is an assessment which my daughter Maura shares after having visited Tibet and having worked closely for many years with Tibetan refugees who continue to make the dangerous journey over the Himalayan mountains to flee persecution in their homeland. In 1996 she returned from Tibet to report that,

> . . . in recent months Beijing's leaders have renewed their assault on Tibetan culture, especially Buddhism, with an alarming vehemence. The rhetoric and the methods of the Cultural Revolution of the 1960s have been resurrected—reincarnated, what you will—to shape an aggressive campaign to vilify the Dalai Lama.

The Dalai Lama, of course, remains unstained, but it is time for the Chinese to consider a policy of ''constructive engagement'' of their own—with the Tibetans. For many years now, the United States Congress has called on the People's Republic of China to enter into discussions with the Dalai Lama or his representatives on a solution to the question of Tibet. Today we continue that message. This resolution declares March 10, 1999 as ''Tibetan National Day in solemn recognition of those Tibetans who sacrificed, suffered, or died as a result of Chinese aggression among their country.'' It also affirms the right of the Tibetan people to ''determine their own political future, including independence if they so determine.'' The government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them.

AMENDMENTS SUBMITTED

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

LOTT (AND ABRAHAM) AMENDMENT NO. 60

Mr. JEFFORDS (for Mr. LOTT for himself and Mr. ABRAHAM) proposed an amendment to the bill (S. 280) to provide for education flexibility partnerships; as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) has not been sufficient to fully fund such part at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any Act authorizing the appropriation of Federal education funds that is enacted after the date of enactment of this Act should provide States and local school districts with the flexibility to use the funds to carry out part B of the Individuals with Disabilities Education Act.

SEC. . IDEA.

Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

FEINSTEIN AMENDMENT NO. 61

Mrs. FEINSTEIN proposed an amendment to the bill, S. 280, supra; as follows:

At the end, add the following:

TITLE —STUDENT ACHIEVEMENT

SEC. 01. SHORT TITLE.

This title may be cited as the ''Student Achievement Act of 1999''.

SEC. 02. REMEDIAL EDUCATION.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to high need, low-performing local educational agencies to enable the local educational agencies to carry out remedial education programs that enable kindergarten through grade 12 students who are failing or are at risk of failing to meet State achievement standards in the core academic curriculum.

(b) USE OF FUNDS.—Grant funds awarded under this section may be used to provide prevention and intervention services and academic instruction, that enable the students described in subsection (a) to meet challenging State achievement standards in the core academic curriculum, such as—

(1) implementing early intervention strategies that identify and support those students

who need additional help or alternative instructional strategies;

(2) strengthening learning opportunities in classrooms by hiring certified teachers to reduce class sizes, providing high quality professional development, and using proven instructional practices and curriculum aligned to State achievement standards;

(3) providing extended learning time, such as after-school and summer school; and

(4) developing intensive instructional intervention strategies for students who fail to meet the State achievement standards.

(c) APPLICATIONS.—Each local educational agency desiring to receive a grant under this section shall submit an application to the Secretary. Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with subsection (b); and

(2) a detailed description of how the local educational agency will use the grant funds to help students meet State achievement standards in the core academic curriculum by providing prevention and intervention services and academic instruction to students who are most at risk of failing to meet the State achievement standards.

(d) CONDITIONS FOR RECEIVING FUNDS.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency or the State educational agency—

(1) adopts a policy prohibiting the practice of social promotion;

(2) requires that all kindergarten through grade 12 students meet State achievement standards in the core academic curriculum at key transition points (to be determined by the State), such as 4th, 8th, 12th grades, before promotion to the next grade level;

(3) uses tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards, which tests shall be valid for the purpose of such assessment; and

(4) has substantial numbers of students who are low-performing students.

(e) DEFINITIONS.—In this section:

(1) CORE ACADEMIC CURRICULUM.—The term ''core academic curriculum'' means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term ''practice of social promotion'' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for each of the fiscal years 2000 through 2004.

TITLE —STANDARDIZED SCHOOL REPORT CARDS

SEC. 01. SHORT TITLE.

This title may be cited as the ''Standardized School Report Card Act''.

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) According to the report ''Quality Counts 99'', by Education Week, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of most of the report cards described in paragraph (1) does not provide parents with the information the parents used to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

SEC. 03. PURPOSE.

The purpose of this title is to provide parents, taxpayers, and educators with useful, understandable school report cards.

SEC. 04. REPORT CARDS.

(a) STATE REPORT CARDS—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, regarding—

(1) student performance in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(2) professional qualifications of teachers in the State, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(3) average class size in the State;

(4) school safety, including the safety of school facilities and incidents of school violence;

(5) to the extent practicable, parental involvement, as measured by the extent of parental particpation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(6) the annual school dropout rate as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data; and

(7) other indicators of school performance and quality.

(b) SCHOOL REPORT CARDS.—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, regarding—

(1) student performance in the school in reading and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(2) professional qualifications of the school's teachers, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(3) average class size in the school;

(4) school safety, including the safety of the school facility and incidents of school violence;

(5) parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(6) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data; and

(7) other indicators of school performance and quality.

(c) MODEL SCHOOL REPORT CARDS.—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) DISAGGREGATION OF DATA.—Each State educational agency or school producing an annual report card under this section shall disaggregate the student performance data reported under subsection (a)(1) or (b)(1), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(1) of the Elementary and Secondary Education Act of 1965.

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

WELLSTONE AMENDMENTS NO. 62

Mr. WELLSTONE proposed an amendment to the bill, S. 280, supra; as follows:

On page 15, between lines 2 and 3, insert the following:

''(F) local and state plans, use of funds, and accountability, under the Carl D. Perkins Vocational and Technical Education Act of 1998, except to permit the formation of secondary and post-secondary consortia;

''(G) sections 1114b and 1115c of Title I of the Elementary and Secondary Education Act of 1965;''.

BINGAMAN (AND OTHERS) AMENDMENTS NO. 63

Mr. BINGAMAN (for himself, Mr. LEVIN, Mr. BRYAN, and Mrs. BOXER) proposed an amendment to the bill, S. 280, supra; as follows:

At the end, add the following:

—DROPOUT PREVENTION AND STATE RESPONSIBILITIES

SEC. 01. SHORT TITLE.

This title may be cited as the ''National Dropout Prevention Act of 1999''.

Subtitle A—Dropout Prevention

SEC. 11. DROPOUT PREVENTION.

Part C of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261 et seq.) is amended to read as follows:

''PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

''Subpart 1—Coordinated National Strategy

''SEC. 5311. NATIONAL ACTIVITIES.

''(a) NATIONAL PRIORITY.—It shall be a national priority, for the 5-year period beginning on the date of enactment of the National Dropout Prevention Act of 1999, to

lower the school dropout rate, and increase school completion, for middle school and secondary school students in accordance with Federal law. As part of this priority, all Federal agencies that carry out activities that serve students at risk of dropping out of school or that are intended to help address the school dropout problem shall make school dropout prevention a top priority in the agencies' funding priorities during the 5-year period.

''(b) ENHANCED DATA COLLECTION.—The Secretary shall collect systematic data on the participation of different racial and ethnic groups (including migrant and limited English proficient students) in all Federal programs.

''SEC. 5312. NATIONAL SCHOOL DROPOUT PREVENTION STRATEGY.

''(a) PLAN.—The Director shall develop, implement, and monitor an interagency plan (in this section referred to as the 'plan') to assess the coordination, use of resources, and availability of funding under Federal law that can be used to address school dropout prevention, or middle school or secondary school reentry. The plan shall be completed and transmitted to the Secretary and Congress not later than 180 days after the first Director is appointed.

''(b) COORDINATION.—The plan shall address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention.

''(c) AVAILABLE RESOURCES.—The plan shall also describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

''(d) SCOPE.—The plan will address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.), part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.), and other programs.

''SEC. 5313. NATIONAL CLEARINGHOUSE.

''Not later than 6 months after the date of enactment of the National Dropout Prevention Act of 1999, the Director shall establish a national clearinghouse on effective school dropout prevention, intervention and reentry programs. The clearinghouse shall be established through a competitive grant or contract awarded to an organization with a demonstrated capacity to provide technical assistance and disseminate information in the area of school dropout prevention, intervention, and reentry programs. The clearinghouse shall—

''(1) collect and disseminate to educators, parents, and policymakers information on research, effective programs, best practices, and available Federal resources with respect to school dropout prevention, intervention, and reentry programs, including dissemination by an electronically accessible database, a worldwide Web site, and a national journal; and

''(2) provide technical assistance regarding securing resources with respect to, and designing and implementing, effective and comprehensive school dropout prevention, intervention, and reentry programs.

''SEC. 5314. NATIONAL RECOGNITION PROGRAM.

''(a) IN GENERAL.—The Director shall carry out a national recognition program that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized. The Director shall use uniform national guidelines that are developed by the Director for the recognition program and shall recognize schools from nominations submitted by State educational agencies.

''(b) ELIGIBLE SCHOOLS.—The Director may recognize any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

''(c) SUPPORT.—The Director may make monetary awards to schools recognized under this section, in amounts determined by the Director. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

''Subpart 2—National School Dropout Prevention Initiative

''SEC. 5321. FINDINGS.

''Congress finds that, in order to lower dropout rates and raise academic achievement levels, improved and redesigned schools must—

''(1) challenge all children to attain their highest academic potential; and

''(2) ensure that all students have substantial and ongoing opportunities to—

''(A) achieve high levels of academic and technical skills;

''(B) prepare for college and careers;

''(C) learn by doing;

''(D) work with teachers in small schools within schools;

''(E) receive ongoing support from adult mentors;

''(F) access a wide variety of information about careers and postsecondary education and training;

''(G) use technology to enhance and motivate learning; and

''(II) benefit from strong links among middle schools, secondary schools, and postsecondary institutions.

''SEC. 5322. PROGRAM AUTHORIZED.

''(a) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—From the sum made available under section 5332(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the preceding fiscal year bears to the amount received by all States under such title for the preceding fiscal year.

''(2) DEFINITION OF STATE.—In this subpart, the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest ⅓ of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

''(1) professional development;

''(2) obtaining curricular materials;

''(3) release time for professional staff;

''(4) planning and research;

''(5) remedial education;

''(6) reduction in pupil-to-teacher ratios;

''(7) efforts to meet State student achievement standards; and

''(8) counseling for at-risk students.

''(b) INTENT OF CONGRESS.—It is the intent of Congress that the activities started or implemented under subsection (a) shall be continued with funding provided under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

''(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than $50,000 and not more than $100,000, based on factors such as—

''(i) school size;

''(ii) costs of the model being implemented; and

''(iii) local cost factors such as poverty rates;

''(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

''(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

''(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

''(2) INCREASES.—The Director shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

''(d) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 5328(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

''SEC. 5323. STRATEGIES AND ALLOWABLE MODELS.

''(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

''(1) specific strategies for targeted purposes; and

''(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

''(b) ALLOWABLE MODELS.—The Director shall annually establish and publish in the Federal Register the principles, criteria, models, and other parameters regarding the types of effective, proven program models that are allowed to be used under this subpart, based on existing research.

''(c) CAPACITY BUILDING.—

''(1) IN GENERAL.—The Director, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention on a schoolwide level.

''(2) NUMBER AND DURATION.—

''(A) NUMBER.—The Director shall award not more than 5 contracts under this subsection.

''(B) DURATION.—The Director shall award a contract under this section for a period of not more than 5 years.

''(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

''(1) IN GENERAL.—The Director shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

''(2) DEFINITION OF ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that, prior to the date of enactment of the National Dropout Prevention Act of 1999—

''(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

''(B) developed and published a specific educational program or design for use by the schools.

''SEC. 5324. SELECTION OF SCHOOLS.

''(a) SCHOOL APPLICATION.—

''(1) IN GENERAL.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall—

''(A) contain a certification from the local educational agency serving the school that—

''(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

''(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

''(iii) the local educational agency will support the plan, including—

''(I) release time for teacher training;

''(II) efforts to coordinate activities for feeder schools; and

''(III) encouraging other schools served by the local educational agency to participate in the plan;

''(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

''(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

''(D) describe a budget and timeline for implementing the strategies;

''(E) contain evidence of interaction with an eligible entity described in section 5323(d)(2);

''(F) contain evidence of coordination with existing resources;

''(G) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

''(H) describe how the activities to be assisted conform with an allowable model described in section 5323(b); and

''(I) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under 1114.

''(b) STATE AGENCY REVIEW AND AWARD.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

''(c) CRITERIA.—The Director shall establish clear and specific selection criteria for awarding grants to schools under this subpart. Such criteria shall be based on school dropout rates and other relevant factors for State educational agencies to use in determining the number of grants to award and the type of schools to be awarded grants.

''(d) ELIGIBILITY.—

''(1) IN GENERAL.—A school is eligible to receive a grant under this subpart if the school is—

''(A) a public school—

''(i) that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), including a comprehensive secondary school, a vocational or technical secondary school, and a character school; and

''(ii)(I) that serves students 50 percent or more of whom are low-income individuals; or

''(II) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

''(B) is participating in a schoolwide program under section 1114 during the grant period.

''(2) OTHER SCHOOLS.—A private or parochial school, an alternative school, or a school within a school, is not eligible to receive a grant under this subpart, but an alternative school or school within a school may be served under this subpart as part of a whole school reform effort within an entire school building.

''(e) COMMUNITY-BASED ORGANIZATIONS.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

''(1) the school approves the use;

''(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

''(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 107(a) of the Job Training Partnership Act (29 U.S.C. 1517(a)), or section 122 of the Workforce Investment Act of 1998 (29 U.S.C. 2842).

''(f) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

''SEC. 5325. DISSEMINATION ACTIVITIES.

''Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

''SEC. 5326. PROGRESS INCENTIVES.

''Notwithstanding any other provision of law, each local educational agency that receives funds under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

''SEC. 5327. SCHOOL DROPOUT RATE CALCULATION.

''For purposes of calculating a school dropout rate under this subpart, a school shall use—

''(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

''(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

''SEC. 5328. REPORTING AND ACCOUNTABILITY.

''(a) REPORTING.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Director a report regarding the status of the implementation of activities funded under this subpart, the disaggregated outcome data for students at schools assisted under this subpart such as dropout rates, and certification of progress from the eligible entity whose strategies the school is implementing.

''(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Director shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

''SEC. 5329. PROHIBITION ON TRACKING.

''(a) IN GENERAL.—A school shall be ineligible to receive funding under this subpart for a fiscal year, if the school—

''(1) has in place a general education track;

''(2) provides courses with significantly different material and requirements to students at the same grade level; or

''(3) fails to encourage all students to take a core curriculum of courses.

''(b) REGULATIONS.—The Secretary shall promulgate regulations implementing subsection (a).

''Subpart 3—Definitions; Authorization of Appropriations

''SEC. 5331. DEFINITIONS.

''In this Act:

''(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Dropout Prevention and Program Completion established under section 220 of the General Education Provisions Act.

''(2) LOW-INCOME.—The term ''low-income'', used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

''(3) SCHOOL DROPOUT.—The term ''school dropout'' has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6103(17)).

''SEC. 5332. AUTHORIZATION OF APPROPRIATIONS.

''(a) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1,

$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2 and part B of the Individuals With Disabilities Act (20 U.S.C. 1411 et seq. such sums as may necessary for FY 2000 and each of the 4 succeeding fiscal years, of which—

''(1) No more than $125,000,000 shall be available to carry out section 5322;

''(2) No more than $20,000,000 shall be available to carry out section 5322; and

(3) Any funds appropriated in excess of $145 million shall be made available to carry out part B of the Individuals With Disabilities Education Act (20 U.S.C. 144 et seq.)

''SEC. 12. OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411) is amended—

(1) by redesignating section 216 (as added by Public Law 103–227) as section 218; and

(2) by adding at the end the following:

''OFFICE OF DROPOUT PREVENTION AND PROGRAM COMPLETION

''SEC. 220. (a) ESTABLISHMENT.—There shall be in the Department of Education an Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Office'), to be administered by the Director of the Office of Dropout Prevention and Program Completion. The Director of the Office shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

''(b) DUTIES.—The Director of the Office of Dropout Prevention and Program Completion (hereafter in this section referred to as the 'Director'), through the Office, shall—

''(1) help coordinate Federal, State, and local efforts to lower school dropout rates and increase program completion by middle school, secondary school, and college students;

''(2) recommend Federal policies, objectives, and priorities to lower school dropout rates and increase program completion;

''(3) oversee the implementation of subpart 2 of part C of title V of the Elementary and Secondary Education Act of 1965;

''(4) develop and implement the National School Dropout Prevention Strategy under section 5312 of the Elementary and Secondary Education Act of 1965;

''(5) annually prepare and submit to Congress and the Secretary a national report describing efforts and recommended actions regarding school dropout prevention and program completion;

''(6) recommend action to the Secretary and the President, as appropriate, regarding school dropout prevention and program completion; and

''(7) consult with and assist State and local governments regarding school dropout prevention and program completion.

''(c) SCOPE OF DUTIES.—The scope of the Director's duties under subsection (b) shall include examination of all Federal and non-Federal efforts related to—

''(1) promoting program completion for children attending middle school or secondary school;

''(2) programs to obtain a secondary school diploma or its recognized equivalent (including general equivalency diploma (GED) programs), or college degree programs; and

''(3) reentry programs for individuals aged 12 to 24 who are out of school.

''(d) DETAILING.—In carrying out the Director's duties under this section, the Director may request the head of any Federal department or agency to detail personnel who are engaged in school dropout prevention activities to another Federal department or agency in order to implement the National School Dropout Prevention Strategy.''.

Subtitle B—State Responsibilities

SEC. 21. STATE RESPONSIBILITIES.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

''PART I—DROPOUT PREVENTION

''SEC. 14851. DROPOUT PREVENTION.

''In order to receive any assistance under this Act, a State educational agency shall comply with the following provisions regarding school dropouts:

''(1) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State, and demographic breakdowns, according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

''(2) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1999, a State educational agency shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

''(A) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

''(B) specific incentives for retaining enrolled students throughout each year.

''(3) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the National Dropout Prevention Act of 1998, a State educational agency shall develop uniform, long-term suspension and expulsion policies for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.''.

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

MURRAY (AND OTHERS) AMENDMENT NO. 64

Mr. BINGAMAN (for Mrs. MURRAY for herself, Mr. KENNEDY, Mr. DASCHLE, Mr. DURBIN, Mr. HARKIN, Mr. TORRICELLI, Mr. KERRY, Mr. LEVIN, Mr. BOXER, Ms. MIKULSKI, Mr. DODD, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. ROBB, Mr. SARBANES, Mr. REED, Mr. AKAKA, Mr. WELLSTONE, Mr. KERREY, Ms. LANDRIEU, Mr. BRYAN, Mr. BIDEN, and Mr. BINGAMAN) proposed an amendment to the bill, S. 280, supra; as follows:

At the end add the following:

TITLE —AFTER SCHOOL EDUCATION AND CRIME PREVENTION

SEC. 01. SHORT TITLE.

This title may be cited as the ''After School Education and Anti-Crime Act of 1999''.

SEC. 02. PURPOSE.

The purpose of this title is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

SEC. 03. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

SEC. 04. GOALS.

The goals of this title are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

SEC. 05. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS'' after ''SECRETARY''; and

(B) by striking ''rural and inner-city public'' and all that follows through ''or to'' and inserting ''local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or''; and

(C) by striking ''a rural or inner-city community'' and inserting ''the communities''; (2) in subsection (b)—

(A) by striking ''States, among'' and inserting ''States and among''; and

(B) by striking ''United States,'' and all that follows through ''a State'' and inserting ''United States''; and

(3) in subsection (c), by striking ''3'' and inserting ''5''.

SEC. 06. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking ''an elementary or secondary school or consortium'' and inserting ''a local educational agency''; and

(ii) in the second sentence, by striking ''Each such'' and inserting the following:

''(b) CONTENTS.—Each such''; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking ''or consortium'';

(B) in paragraph (2), by striking ''and'' after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting ''; including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)'' after ''maximized'';

(ii) in subparagraph (C), by inserting ''students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues,'' after ''agencies,'';

(iii) in subparagraph (D), by striking ''or consortium''; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking ''or consortium''; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(4) information demonstrating that the local educational agency will—

''(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

''(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

''(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year from the activities the local educational agency provides with funds provided under this part.''.

SEC. 07. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

''(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:'';

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting '', and job skills preparation'' after ''placement''; and

(3) by adding at the end the following:

''(14) After school programs, that—

''(A) shall include at least 2 of the following:

''(i) mentoring programs;

''(ii) academic assistance;

''(iii) recreational activities; or

''(iv) technology training; and

''(B) may include—

''(i) drug, alcohol, and gang prevention activities;

''(ii) health and nutrition counseling; and

''(iii) job skills preparation activities.

''(b) LIMITATION.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.''.

SEC. 08. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

''(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

''(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors as to assist in other ways;

''(2) ensure that youth in the local community participate in designing the after school activities;

''(3) develop creative methods of conducting outreach to youth in the community;

''(4) request donations of computer equipment and other materials and equipment; and

''(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.

SEC. 09. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting '', including law enforcement organizations such as the Police Athletic and Activity League'' after ''governmental agencies''.

SEC. 010. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking ''$20,000,000 for fiscal year 1995'' and all that follows and inserting ''$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.''.

SEC. 011. EFFECTIVE DATE.

This title, and the amendments made by this title, take effect on October 1, 1999.

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA part B funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

BOXER (AND OTHERS) AMENDMENT NO. 65

Mr. BINGAMAN (for Mrs. BOXER for herself, Mr. DURBIN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SARBANES, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. KERREY, Mrs. MURRAY, Mr. HOLLINGS, Mr. JOHNSON, and Mr. KERREY) proposed an amendment to the bill, S. 280, supra; as follows:

At the end of the amendment, add the following:

SEC. . CLASS SIZE REDUCTION.

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

"PART E—CLASS SIZE REDUCTION

"SEC. 6601. SHORT TITLE.

''This part may be cited as the ''Class Size Reduction and Teacher Quality Act of 1999''.

"SEC. 6602. FINDINGS.

''Congress finds as follows:

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

''(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

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

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

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

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

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

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

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

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

"SEC. 6603. PURPOSE.

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

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

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

"SEC. 6604. PROGRAM AUTHORIZED.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated, $1,400,000,000 for fiscal year 2000, $1,500,000,000

for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for fiscal year 2005.

''(b) ALLOTMENTS.—

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

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

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

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

''(3) STATE-LEVEL EXPENSES.—Each State may use not more than a total of ½ of 1 percent of the amount the State receives under this part, or $50,000, whichever is greater, for a fiscal year, for the administrative costs of the State educational agency.

''(c) WITHIN STATE DISTRIBUTION.—

''(1) IN GENERAL.—Each State that receives an allotment under this section shall distribute the amount of the allotted funds that remain after using funds in accordance with subsection (b)(3) to local educational agencies in the State, of which—

''(A) 80 percent of such remainder shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year, except that a State may adjust such data, or use alternative child-poverty data, to carry out this subparagraph if the State demonstrates to the Secretary's satisfaction that such adjusted or alternative data more accurately reflects the relative incidence of children living in poverty within local educational agencies in the State; and

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

''(2) AWARD RULE.—Notwithstanding paragraph (1), a local educational agency that receives a subgrant under this section in an amount less than the starting salary for a new teacher in that agency may use the subgrant funds—

''(A) to form a consortium with one or more other local educational agencies for the purpose of reducing class size;

''(B) to help pay the salary of a full or part-time teacher hired to reduce class size; or

''(C) for professional development related to teaching in smaller classes, if the amount of the subgrant is less than $1,000.''.

''SEC. 6605. USE OF FUNDS.

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

''(b) CLASS REDUCTION.—

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

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

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

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

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

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

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

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

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

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

''(d) PROHIBITION.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

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

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

''SEC. 6606. COST-SHARING REQUIREMENT.

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

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

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

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

''SEC. 6607. REQUEST FOR FUNDS.

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

''SEC. 6608. REPORTS.

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

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

Subtitle C—Sense of the Senate

SEC. 31. SENSE OF THE SENATE.

It is the sense of the Senate that the budget resolution shall include annual increases for IDEA Part B Funding so that the program can be fully funded within the next five years.

These increases shall not come at the expense of other important education programs which also serve children with disabilities.

LOTT (AND OTHERS) AMENDMENT NOS. 66–67

Mr. JEFFORDS (for Mr. LOTT for himself, Mr. JEFFORDS, Mr. GREGG, Ms. COLLINS, Mr. FRIST, and Mr. SESSIONS) proposed two amendments to the bill, S. 280, supra, as follows:

At the end, add the following:

SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop drop-out prevention programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411, et seq.) in accordance with the requirements of such part.''.

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $150,000,000 to carry out such part.

At the end, add the following:

SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop after school programs, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $600,000,000 to carry out such part.

LOTT (AND ASHCROFT) AMENDMENT NO. 68

Mr. JEFFORDS (for Mr. LOTT for himself and Mr. ASHCROFT) proposed an amendment to the bill, S. 280, supra; as follows:

At the end, add the following:

SEC. . IDEA.

(a) FINDINGS.—Congress finds that if part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) were fully funded, local educational agencies and schools would have the flexibility in their budgets to develop programs to reduce social promotion, establish school accountability procedures, or any other programs deemed appropriate by the local educational agencies and schools, that best address their unique community needs and improve student performance.

(b) AMENDMENT.—Section 307 of the Department of Education Appropriations Act, 1999, is amended by adding after subsection (g) the following:

''(h) Notwithstanding subsections (b)(2), and (c) through (g), a local educational agency may use funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the requirements of such part.''.

SEC. . ALTERNATIVE EDUCATIONAL SETTING.

(a) IN GENERAL—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

''(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

On page 13, line 14, strike ''and''.

On page 13, line 15, strike ''all interested'' and insert ''parents, educators, and all other interested''.

On page 13, line 17, strike the period and insert '', shall provide that opportunity in accordance with any applicable State law specifying how the comments may be received, and shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.''.

At the end, add the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS.

In addition to other funds authorized to be appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are authorized to be appropriated $500,000,000 to carry out such part.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 10, 1999. The purpose of this meeting will be to review the nature of agricultural production and financial risk, the role of insurance and futures markets, and what is and what should be the Federal Government's role in helping farmers manage risk.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, March 10, 1999, at 2:30 p.m., in open session, to examine lift requirements versus capabilities for the Marine Corps and the Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, March 10, 1999, at 10:00 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. JEFFORDS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 10, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 10, 1999, at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''What Works: Education Research'' during the session of the Senate on Wednesday, March 10, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 10, 1999 at 2:30 p.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 10, 1999, at 2:30 p.m. in open session, to receive testimony on tactical aircraft modernization programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 10, 1999, in open session, to receive testimony on the condition of the services' infrastructure and real property maintenance programs for fiscal year 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 40TH ANNIVERSARY OF THE 1959 TIBETAN UPRISING

• Mr. FEINGOLD. Mr President, today we mark a tragic anniversary, 40 years after His Holiness the Dalai Lama and more than 100,000 Tibetans were forced to flee their homeland as a result of brutal suppression by the Chinese government.

Tibetans were driven from their homes, freedom was driven from Tibet, and the Chinese Government began in earnest its campaign to destroy Tibet's culture, religion, and national identity.

But this campaign will never succeed, because Tibet, and the human rights of the Tibetan people, are not China's for the taking. It's been said that ''a right is not what someone gives you; it's what no one can take from you.'' The Tibetan people have a right to their freedom, a right to openly practice their religion, and a right to live with dignity and without fear.

These human rights—that belong to Tibetans, and to people everywhere—bind us to the Tibetan people with a tie stronger than the Chinese government's oppression, mightier than the

Chinese government's policies of destruction, and more powerful than the Chinese or any government's attempt to take that which cannot be taken—the dignity of the human spirit.

I am calling on the Administration to pursue a resolution condemning China's human rights practices in China and Tibet at the upcoming U.N. Commission on Human Rights in Geneva, an action the Senate unanimously endorsed by recorded vote in late February. Only through strong U.S. leadership can we build the international consensus necessary to pressure China to provide the basic human rights the Tibetan people deserve. The time to press for these fundamental rights is now and the place is the U.N. Commission on Human Rights in Geneva.●

GINNIE MAE GUARANTY FEE

● Mr. GORTON. Mr. President, my colleague, Senator GRAMS, introduced S. Con. Res. 16 last week. I am a cosponsor of that legislation expressing the sense that the Government National Mortgage Association (Ginnie Mae) guaranty fee should not be increased.

Ginnie Mae was established to help provide affordable homeownership opportunities for all Americans by facilitating the sale of securities backed by mortgages insured or guaranteed by the Federal Housing Administration, the Department of Veteran's Affairs, and the Rural Housing Service. The Ginnie Mae guaranty assures investors in the securities that they will receive all payments due in a timely manner. Ginnie Mae assesses a fee on lenders who issue such securities and notes for this guaranty. Currently, lenders are charged six basis points per loan.

The Ginnie Mae mortgage-backed securities program has been a universal success. Almost 19 million homes have been financed through Ginnie Mae securities. Ginnie Mae creates a way for Americans who are unable to find other financing options to partake in the dream of homeownership. More than 95 percent of all FHA and VA mortgages are securitized through Ginnie Mae. It is no secret that first-time homebuyers comprise more than two-thirds of FHA home purchase loans and that about 34 percent of FHA borrowers are minorities. In its most basic form, Ginnie Mae creates homeownership opportunities for those borrowers who are typically unserved or underserved by the conventional mortgage markets.

During the last Congress, there were several attempts to increase the Ginnie Mae guaranty fee. Fortunately, most of these attempts failed. However, an increase of three basis points was adopted during deliberations on the Higher Education Reauthorization Act effective in 2004. All of the attempts sought to use the revenue gained by the increase to pay for spending elsewhere. This pattern must be stopped. Not only should Congress refuse to raise the guaranty fee under any circumstances, but it should also seek to have this arbitrary increase repealed prior to effect.

I believe that any increase in the Ginnie Mae guaranty fee is an unnecessary tax on homeownership that would cost homebuyers hundreds of dollars in additional expense at closing and prevent thousands of families from achieving the dream of homeownership. It would defeat the very mission of Ginnie Mae.

In addition, an increase in the Ginnie Mae guaranty fee has absolutely no financial basis. Recently, the independent auditor, KPMG, confirmed that Ginnie Mae is financially sound. In fact, Ginnie Mae had a record profit of $601 million in 1997. In that year alone, Ginnie Mae collected a total of $326 million in guaranty fees. It paid out only $11 million in unreimbursed claims. It is apparent that Ginnie Mae does not need the financial boost from the increase fee.

Even in this era of low interest rates, the dream of homeownership is elusive for many American families. Extensive efforts should be made to eliminate the barriers to affordable housing. Any increase in the Ginnie Mae guaranty fee creates a substantial impediment to homeownership. Such a result is unacceptable.

I ask Senators to please join me in opposing this unjustified tax on homeownership.●

TRIBUTE TO BOB MORROW

● Mr. KERRY. Mr. President, I would like to pause for a few moments to acknowledge that those of us in Massachusetts are mourning the loss of one of our state's finest citizens, a graduate and loyal alumnus of Assumption College, a friend of the Massachusetts congressional delegation, and someone I had the privilege over the years to know as a good friend.

Mr. President, Bob Morrow's death was a shock to those of us who knew him—this wonderful man taken from his family and friends at the age of forty-five—and to those of us who looked forward to the contributions he would make in the years still ahead of us.

Although it seems a gesture wholly insufficient to honor the life of a friend lost too soon—to come to terms with the fact that a friend who was never comfortable behind a desk, who could never sit still, has come to a final rest—we can at least take the time today to remember the kind of person—and the type of friend—Bob Morrow was to those whose lives he touched.

We can certainly remember Bob's extraordinary capacity as an advocate for two of Massachusetts' pioneering high technology firms, The Riley Corporation in Worcester and Stone and Webster in Boston. Bob Morrow was a man who lived his life in a way that proved not only that you can be involved in government and brush against the legislative process without losing your soul, but that politics can be a way for the needs of our citizens to be communicated to those who represent them in Washington, D.C. In this age of seemingly endless cynicism, Bob Morrow truly enjoyed the work of advocating on behalf of the companies he represented—and they were well served by both the depth of his knowledge and the levels of his idealism.

Many of us forget that although Bob was a terrific representative of these companies in Washington—expertly guiding their federal relations—this was just one component of a job that he truly loved. Bob was also responsible for human resources management, training, public relations, and range of other services for an eight thousand employee firm. Although it is incredible to believe that a single person managed not just to juggle, but to excel, in all these enterprises, we all knew that Bob was one of those rare people capable of packing his days with wall to wall activity, because no task proved too difficult for a man who genuinely loved working with people.

Bob drew on these enormous personal talents again and again—in his work in Worcester and Boston, but also in his willingness to bring together citizens from across Massachusetts to share in a political cause or to help one of his friends. I will always be grateful for Bob's efforts to help me in 1996 in my tough battle for the Senate against Bill Weld. Whether the task was large or small, organizing an event for a handful of supporters, or pulling together a dinner with the President of the United States at my home in Boston, Bob was always eager to serve—and he had a tremendous capacity to enlist others in the fights in which he was engaged.

The real measure, though, of Bob Morrow, was in his devotion to family. Few conversations with Bob did not come back to Linda and the boys. He was incredibly proud of his family. He was a wonderful son to his mother Mary, a terrific brother to his sisters. I know that, as much as we will all miss him, his wife Linda and his sons Bobby, Sean, and Tim will miss him infinitely more. I hope they know in this time of grief and sadness, we extend to them our most sincere condolences and support.

It is impossible to capture in words alone the essence of Bob Morrow. From a humble background, through hard work and an absolutely genuine optimism and enthusiasm, Bob made himself an important contributor to our state, a wonderful and loyal friend, an exemplary husband and father, and the kind of outstanding citizen that is the foundation and strength of this nation.

Bob Morrow was loved by so many—and he will be missed by us all.●

JOHN HOFFMAN

● Mr. BOND. Mr. President, I rise to honor a very special person with whom many of us have worked over the years on a variety of technical and important issues. These issues have been and continue to be of great importance to the American consumer and the world marketplace.

I learned recently that John Hoffman, currently Senior Vice President of Sprint Communications, has decided to leave and remit the ongoing telecommunications debate to others. I think that what I, and others, will perhaps miss most, is the calm, rational and fair presence that John brought to the telecommunications debate here in Congress and elsewhere.

John has spent his entire career, some thirty years, with Sprint, helping bring it from a small local exchange company to a major state-of-the-art communications company providing services to millions of businesses and consumers.

Throughout John's career, which began in 1970 while John was still in law school at the University of Missouri-Kansas City and Sprint was called United Telecom, he persevered through tough times and retained his vision of what the small company could become. I don't think there is any doubt that his ideas and efforts were right.

Sprint, today, is a global communications company at the forefront in integrating long distance, local and wireless communications services and one of the world's largest carriers of internet traffic. With John's help and diligence, Sprint built the nation's only all-digital, fiber optic network and is the leader in advanced data communications services.

John has been a good friend to me over the years. He should be very proud of his contributions to making Sprint the world class company it is today.

I wish the best to John, his wife Linda and daughter Heather. Good luck John, and feel free to call me—I know you have a phone.●

CRAGIN & PIKE'S 90TH ANNIVERSARY

● Mr. BRYAN. Mr. President, I rise today to recognize one of Nevada's oldest and most respected businesses on the occasion of its 90th Anniversary. The Las Vegas insurance firm of Cragin & Pike was begun in 1909 by Ernie Cragin and William Pike, pioneers in the truest sense of the word. In 1909, Las Vegas was a newborn city, having been founded just four years earlier as a railroad division point for the San Perdro, Los Angeles and Salt Lake Railroad.

Since its 20th century birth, when Las Vegas was established as a railroad community, the Las Vegas Valley has seen dynamic change. Cragin & Pike has enjoyed as colorful a history as the city it calls home, both witnessing and shaping the events that would make Las Vegas the world's premier city for entertainment and tourism. Ernie Cragin himself served as the mayor of Las Vegas for 25 years. William Pike saw the legalization of Nevada gambling in 1931 and the construction of the Boulder Dam completed four years later. Cragin & Pike has been a full partner to many of the city's most familiar names in business.

In a city that defines itself by the ever changing view from the Las Vegas Strip, Cragin & Pike has endured through its dedication to its customers and its rock solid business philosophies. I know that its name sake founders would be as proud as I am today to see this innovative yet faithful member of the Las Vegas community observe yet another achievement in the celebration of its 90th Anniversary. I congratulate the partners and associates of Cragin & Pike on this accomplishment, and look forward to many more.●

MIDDLE EAST PEACE PROCESS

● Mr. ABRAHAM. Mr. President, I rise today to comment on my decision to support two resolutions concerning the Middle East peace process. Both of these resolutions express congressional opposition to any efforts by either party in the peace process to attempt, through unilateral actions, to prejudge or pre-determine the outcome of the negotiations currently taking place between the Palestinians and the Israelis. I would like to take a moment to explain why I decided to cosponsor these resolutions.

I believe that one of the most important foreign policy issues facing America today is how to encourage peace in the Middle East. Reaching a peace agreement at this time is extremely critical, not only to our strategic interests in the region, but to the parties themselves. I remain optimistic that despite the various setbacks, it will still be possible for the parties to achieve a just and lasting peace.

However, in my view, the only way to achieve such a peace is for the parties to abide by the plan of negotiations as set out in the context of Madrid, Oslo, and most recently, in the Wye Plantation Agreement. This plan clearly sets forth a structure which dictates the timetable and order of discussing certain very critical issues.

I am particularly concerned that any unilateral actions by the parties or co-sponsors which might pre-judge the outcome or change this plan would have a great potential to undermine what limited chance we have for peace in the Middle East.

Within this context, the parties, with the full support of the co-sponsors, agreed to delay the discussion of many of the most critical and difficult issues until final status negotiations, and promised not to take any unilateral actions which might pre-judge or pre-determine the outcome of those issues. My opposition to unilateral actions by any party or co-sponsor, including the United States, is well known and on the record. It was, for example, the principal basis for my opposition in 1995 to S. 1322, which mandated the relocation of the U.S. Embassy from Tel Aviv to Jerusalem.

Similarly, just as I was concerned about the potentially injurious impact on the peace process of prematurely addressing issues relating to Jerusalem, I am equally concerned about the impact of a unilateral and premature declaration by the Palestinians regarding statehood. I believe such a unilateral declaration by the Palestinian Authority would almost certainly undermine future progress toward a peace accord.

It is my understanding that the Administration's position is consistent with these congressional resolutions, and in fact the United States has maintained ongoing discussions with the Palestinians to discourage them from unilaterally declaring a state outside the context of the negotiations.

My support for both of these resolutions are based on this principle alone: That any unilateral actions by either parties or co-sponsors are disruptive and damaging to the peace process as a whole. My support for these resolutions is not a comment regarding what the Palestinian authorities should do if the peace process fails and no final status agreement can be reached. Nor is it a comment on the merits of a Palestinian state. Nor, finally, is it a suggestion that a Palestinian state should not be created as part of the final status agreement should the parties decide upon that themselves. Indeed, for the process to be successful, the Palestinians must be permitted to exercise their independence.

My support for these resolutions is thus exclusively and solely a statement that in my opinion, a unilateral declaration of a Palestinian state at this time would probably destroy any chance to reach a just and lasting peace between the parties. Peace is too important—and too much effort toward achieving such a peace has been expended by all parties and co-sponsors for it to be jeopardized in this way.●

COMMENDING HAZEL WOLF ON HER 101ST BIRTHDAY

● Mrs. MURRAY. Mr. President, it is my great pleasure to recognize Ms. Hazel Wolf of Seattle, Washington, in honor of her 101st birthday on Wednesday, March 10, 1999. Ms. Wolf, a great, great grand-mother, is a tireless advocate for conservation, environmental

protection and social justice throughout the Pacific Northwest. A dedicated volunteer, community activist and leader, Ms. Wolf serves as an outstanding example for all Americans.

Ms. Wolf became involved in the Audubon Society in the early-1960s and had a hand in starting 21 of the 26 Audubon Society chapters in Washington State, plus one in her birthplace of Victoria, British Columbia. In 1979, she worked to organize the first statewide conference to bring together environmentalists and Native American tribes. For three decades she has served as Secretary of the Seattle Audubon Society chapter, and for 17 years she has edited an environmental newsletter, ''Outdoors West''. In addition, she is among the founders of Seattle's Community Coalition for Environmental Justice. She is a frequent speaker at schools and environmental conferences throughout the Northwest.

In 1997, the National Audubon Society awarded her the prestigious Medal of Excellence. The Seattle Audubon chapter has created the Hazel Wolf ''Kids for the Environment'' endowment, which will help educate youth about conservation. Ms. Wolf is also the recipient of the 1997 Chevron Conservation Award, the $2,000 prize from which she contributed to the Seattle Audubon Society. In Issaquah, Washington, there is a 116-acre wetland named after her and on the other side of the Cascade Mountains near Yakima, a bird sanctuary bears her name.

Hazel Wolf retired from her career as a legal secretary in 1965. She has proven repeatedly that significant and lasting contributions to society are a function neither of career nor of age, but of hard work, perseverance and vision. As her family and friends gather to celebrate her 101st birthday, I want to wish Ms. Wolf continued success and good health, and to thank her for being an inspiration to me and countless others. Happy Birthday, Hazel.●

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. LUGAR. Mr. President, I ask that the Rules of the Committee on Agriculture, Nutrition, and Forestry be printed in the RECORD.

The rules follow:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

(As specified in Rule XXV of the Standing Rules of the United States Senate)

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open SESSIONS.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings.—Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and each subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a

quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the CONGRESSIONAL RECORD. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the CONGRESSIONAL RECORD, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.●

UNANIMOUS-CONSENT AGREEMENT—S. CON. RES. 5

Mr. JEFFORDS. Mr. President, I ask unanimous consent that it be in order for the majority leader, after consultation with the minority leader, to discharge from the Foreign Relations Committee S. Con. Res. 5; and, further, the Senate would then proceed to its consideration under the following limitations: 45 minutes of debate equally divided between Senator BROWNBACK and the ranking member or designee; no amendments in order to the resolution or preamble. I further ask unanimous consent that immediately following the debate, the Senate proceed to a vote on the adoption of the resolution, with no intervening action or debate. I finally ask unanimous consent that if the resolution is agreed to, the preamble then be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 11, 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Thursday, March 11. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin consideration of S. Con. Res. 5, a concurrent resolution regarding congressional opposition to the unilateral declaration of a Palestine state, as under the previous order, for not to exceed 45 minutes, and the vote occur on adoption of the concurrent resolution first in the voting sequence on Thursday, beginning at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I further ask unanimous consent that following the debate on S. Con. Res. 5, the Senate resume consideration of the Ed-Flex bill, with the time until 2 p.m. equally divided between the chairman and the ranking member or their designees. I further ask consent that the votes ordered to occur at the conclusion of debate time in relation to S. 280 occur in the order of the original unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, the Senate will reconvene on Thursday at noon and debate a resolution on Palestine for not more than 45 minutes, to be followed by debate on the Ed-Flex bill for 1 hour, as outlined in the earlier consent agreement. At the conclusion of that debate time, the Senate will proceed to a stacked series of votes, with the first vote relative to S. Con. Res. 5, and the other votes on or in relation to the amendments on the Ed-Flex bill, including passage. Therefore, Members should expect up to a dozen votes beginning at 2 p.m.

Following passage of the Ed-Flex bill, it may be the leader's intention to

begin consideration of the missile defense bill.

ADJOURNMENT

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment until 12 noon on Thursday, March 11, 1999.

Thereupon, the Senate, at 6:17 p.m., adjourned until Thursday, March 11, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 10, 1999:

DEPARTMENT OF JUSTICE

MERVYN M. MOSBACKER, JR., OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE GAYNELLE GRIFFIN JONES, RESIGNED.

GREGORY A. VEGA, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ALAN B. BERSIN.

HOUSE OF REPRESENTATIVES—*Wednesday, March 10, 1999*

The House met at 10 a.m.

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

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

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. TANCREDO led the Pledge of Allegiance as follows:

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

CLINTON RAID ON SOCIAL SECURITY

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

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

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

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

TRIBUTE TO PROFESSOR DOAN VIET HOAT

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

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

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

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

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

DALAI LAMA TO VISIT SOUTH FLORIDA

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

Ms. ROS-LEHTINEN. Mr. Speaker, 40 years ago this week the people of Tibet, in what is known as the Lhasa Uprising, revolted against the illegal and tyrannical occupation of their nation by the Communist Chinese. Unfortunately, their attempt to free their homeland was defeated by the brutal force of the Chinese occupying force, forcing the spiritual leader of Tibet, the Dalai Lama, to flee into exile.

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

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

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

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

RESOLUTION TO HONOR PROFESSOR DOAN VIET HOAT

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

Ms. LOFGREN. Mr. Speaker, I am privileged to join the gentlewoman from California (Ms. LORETTA SANCHEZ) in introducing this resolution in honor of Professor Doan Viet Hoat. It is a rare individual who is willing to sacrifice their own personal freedom for the sake of their fellowman, and when

we do find such a person, it is important for us in Congress, and society at large, to recognize their achievement and the purpose of their struggle.

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

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

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

THROUGH COMPOUND INTEREST, EVERY AMERICAN CAN BECOME RICH

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

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

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

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

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

REJECT PLAN TO PRIVATIZE MEDICARE

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

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

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

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

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

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

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

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

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

DO NOT LOAN MONEY TO COUNTRIES WHO VIOLATE OUR TRADE LAWS

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

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

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

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

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

MISCONCEPTIONS ON KEEPING SOCIAL SECURITY SOLVENT

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

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

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

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

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

□ 1015

SUPPORT MILLER-KILDEE AMENDMENT TO ED FLEX BILL

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

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

SUPPORT THE ED FLEX BILL

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

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

ON EDUCATION PRIORITIES

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

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

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

REVERSE THE CLINTON CUTS TO SPECIAL EDUCATION

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

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

PASS THE PATIENTS' BILL OF RIGHTS

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

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

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

VOTE YES ON ED FLEX BILL

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

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

I ask, should the money of hardworking parents be left in the pockets of Washington bureaucrats, and should every important decision be left to the red tape bureaucrats in Washington to develop the plan to educate our children in our schools across America? Of course not. We all know the answer. Local control wins out over Washington bureaucracy. As a parent, I know. I want the best education possible for my children. And I envision a national goal on education, a goal that offers every child in America the best education possible. The Republican plan puts our teachers, our parents and our school boards in the education

driver's seat. Mr. Speaker, the ed flex bill gets us closer, closer to letting our parents, teachers, schools and communities accomplish this goal by reaching a higher standard of learning.

ED FLEX ACT A FLIMSY PIECE OF LEGISLATION

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

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

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

CONGRESS RENEWS PLEDGE TO ABIDE BY SPENDING CAPS

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

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

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

GIVING PRIORITY TO MATH AND SCIENCE EDUCATION

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

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

SUPPORT ED FLEX

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

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

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

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

CALL FOR BIPARTISAN EDUCATION REFORM

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

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

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

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

COMMITTING TROOPS REQUIRES CONGRESSIONAL APPROVAL

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

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

ACCOUNTABILITY BEFORE FLEXIBILITY IN EDUCATION BILL

(Mr. ETHERIDGE asked and was given permission to address the House

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

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

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

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

□ 1030

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

NOT NECESSARILY A CORRELATION BETWEEN MONEY AND SUCCESS IN EDUCATION

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

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

But what have we learned from history? Mr. Speaker, there was a recent article in a responsible and respected financial paper which rated the schools in America, and it also showed how much money was spent in each of those schools. I want to tell my colleagues there is not necessarily a correlation between money and success in education.

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

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

SUPPORT ED FLEX

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

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

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

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

DEMOCRATS OBJECT TO IMPROVING EDUCATION WITHOUT MORE FEDERAL REGULATION

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

Mr. TANCREDO. Mr. Speaker, I am incredulous at some of the comments of my friends from the other side, from the Democratic side, who continue to talk about education as being improved or the possibility of it being improved with just more regulation, the fear that if we gave freedom to the educators who we 0know, the people who teach our children, to the principals of the schools in which our children go to school; if we gave them more freedom, somehow or other our children would suffer as a result of it. I am amazed at that kind of an argument.

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

THE JOURNAL

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

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

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

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

The Sergeant at Arms will notify absent Members.

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

[Roll No. 34]

YEAS—356

Abercrombie	Cannon	Evans
Ackerman	Capuano	Everett
Allen	Cardin	Ewing
Andrews	Carson	Farr
Archer	Castle	Fletcher
Armey	Chabot	Foley
Bachus	Chambliss	Forbes
Baird	Chenoweth	Fossella
Baker	Clayton	Fowler
Baldacci	Clement	Frank (MA)
Baldwin	Clyburn	Franks (NJ)
Ballenger	Coburn	Frelinghuysen
Barcia	Collins	Gallegly
Barr	Combest	Ganske
Barrett (NE)	Condit	Gejdenson
Barrett (WI)	Conyers	Gekas
Bartlett	Cook	Gibbons
Barton	Cox	Gillmor
Bass	Coyne	Gilman
Bateman	Cramer	Gonzalez
Bentsen	Crowley	Goode
Bereuter	Cubin	Goodlatte
Berkley	Cummings	Goodling
Berman	Cunningham	Goss
Berry	Danner	Graham
Biggert	Davis (FL)	Granger
Bilirakis	Davis (IL)	Green (TX)
Bishop	Davis (VA)	Green (WI)
Blagojevich	Deal	Greenwood
Bliley	DeGette	Hall (OH)
Blumenauer	Delahunt	Hall (TX)
Blunt	DeLauro	Hansen
Boehner	DeLay	Hastings (WA)
Bonilla	Deutsch	Hayworth
Bonior	Diaz-Balart	Herger
Bono	Dickey	Hill (IN)
Boswell	Dicks	Hill (MT)
Boyd	Dingell	Hilleary
Brady (TX)	Doggett	Hinojosa
Brown (FL)	Dooley	Hobson
Brown (OH)	Doolittle	Hoeffel
Bryant	Dreier	Hoekstra
Burr	Duncan	Holden
Burton	Dunn	Holt
Buyer	Edwards	Hooley
Callahan	Ehlers	Horn
Calvert	Ehrlich	Houghton
Camp	Emerson	Hoyer
Campbell	Eshoo	Hunter
Canady	Etheridge	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
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—39

Aderholt
Borski
Brady (PA)
Brown (CA)
Clay
Costello
Crane
DeFazio
English
Filner
Ford
Gutierrez
Gutknecht
Hastings (FL)
Hayes
Hefley
Hilliard
Hulshof
Kucinich
LoBiondo
McNulty
Moran (KS)
Oberstar
Peterson (MN)
Pickett
Pomeroy
Ramstad
Rogan
Sabo
Schaffer
Stupak
Tancredo
Taylor (MS)
Thompson (MS)
Towns
Visclosky
Waters
Weller
Wicker

NOT VOTING—38

Becerra
Bilbray
Boehlert
Boucher
Capps
Coble
Cooksey
DeMint
Dixon
Doyle
Engel
Fattah
Frost
Gephardt
Gilchrest
Gordon
Hinchey
Hostettler
Kaptur
Kind (WI)
Klink
Markey
McCrery
McDermott
McKinney
Millender-McDonald
Minge
Ney
Owens
Oxley
Reyes
Roukema
Sherman
Smith (NJ)
Taylor (NC)
Tiahrt
Wise
Young (AK)

□ 1055

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

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

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

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

NURSING HOME RESIDENT PROTECTION AMENDMENTS OF 1999

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

The Clerk read the title of the bill.

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

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

[Roll No. 35]

YEAS—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
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
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
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
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
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)
Manzullo
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, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
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
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Barr
Barton
Burr
Campbell
Chenoweth
Coburn

DeLay	Sanford	Stump
Paul	Shadegg	Thornberry

NOT VOTING—23

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

□ 1114

Mr. KINGSTON changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

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

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

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

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

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

The Clerk read the resolution, as follows:

H. RES. 100

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 800) to provide for education flexibility partnerships. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed 5 hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment printed in the Record may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

we extend this program to all 50 States.

Through the Ed-Flex program, Ohio has been able to apply the good intentions of Federal education policies to more children. For example, Ohio has enabled more schools to use Federal dollars to implement schoolwide programs. Schoolwide programs go beyond helping at-risk children and utilize resources to improve the scholastic skills of all students.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1130

Mr. Speaker, our Nation's Federal elementary and secondary education programs are set to expire, and the reauthorization of these policies is one of the most important tasks any Congress will face. Some Members might argue the need to weigh statutory and regulatory provisions before we even begin to define what those provisions should be.

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

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

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

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

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

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

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

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

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

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

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

Governor George W. Bush eagerly sought Ed-Flex status and has worked with local educators for the authority to design programs which meet and address local need. Texas also has implemented a system which ensures that there is accountability with concrete results in return for this increased flexibility. As Governor Bush said, ''Texans can run Texas.'' I believe that each of my colleagues would feel the same way about their respective States and their districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To suggest that every Governor wants this Ed-Flex, I mean, I do not understand why they would not want it. But also to suggest that they would not want 100,000 teachers again is absurd. They want more teachers, qualified teachers, because they understand that teachers are essential, qualified teachers are essential in the mix if indeed we are to have quality education.

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

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

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

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

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

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

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

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

More importantly, they maintain those gains over time.

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

However, all children will benefit from smaller classes.

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

We need more teachers.

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

Education is the key to the future.

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

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

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

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

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

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

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I would like to congratulate the gentlewoman from Columbus, Ohio (Ms. PRYCE) and the gentleman from Dallas, Texas (Mr. SESSIONS) who made a very eloquent statement earlier about this issue.

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

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

□ 1145

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

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

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

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

My very good friend from South Boston, in conversations we have had, raised concerns about the snowstorm. I realize that that has created a challenge for more than a few Members on both sides of the aisle. But as the gentlewoman from Ohio (Ms. PRYCE) said in her opening statement, I announced last Thursday that we would quite possibly have a preprinting requirement in this measure. And we do have amazing technology today. It is known as the web. We communicate through e-mail. And a ''Dear Colleague'' letter went out informing Members of the fact that we were most likely going to be doing this. And so we had a litany of amendments that were filed, and every single germane amendment is, in fact, in order.

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

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

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

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

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

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

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

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

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

I also want to say that this is bipartisan legislation not only in that a Democrat and Republican have drafted it, but that the President of the United

States has indicated to the National Governors' Association that he strongly supports it; that 50 governors, many Democrats and Republicans and independents, all support this legislation.

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

If we are going to debate Ed-Flex, and I have worked very hard on it for 8 months, I would hope that the Committee on Rules would come forward with five more bills over the next 5 and 6 and 7 months to adequately discuss the quality of teachers in this country; to adequately discuss, with floor time, school construction and the bonding issue and the safety in our schools, of ceilings falling down on children; to adequately discuss after-school programs; to adequately discuss the role that the Chicago public schools in reform is playing as a role model for other public schools.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I am encouraged by the results of the States that are already participating in Ed-Flex, particularly for the poor and disadvantaged students. Something is working here. It is my hope that we will agree to extend this opportunity for success to all our schools and to all Americans. They deserve it.

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

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

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

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

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

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

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

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

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

Smaller classes promote quality learning time. Smaller classes improve student performance. We all know that. But as we debate, schools across America are drawing up budgets for next year. They are determining the quality of education that our children will have for that year. These young children will have only one pass at getting a first-rate education. They will have only one chance to go through first grade. They will only have one chance to go through second grade. They will have only one chance to go through third grade. A year lost in a child's life is a year lost forever. While we are debating parliamentary procedure, they are losing their chance for a better education.

□ 1200

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

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

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

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

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

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

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

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

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

I think the rule is fair. It did give 5 hours to debate all of these amendments, some of which are duplicative, anyhow, and they had to be published in advance. That is fine. We know what they are. I think it is a rule which we should all be able to support. But I do not want this day to be divisive. I want us to go out of here with this bill passed at 6 o'clock tonight or whatever the heck it is going to be, having said together that we did something good for the children of America. That is what this bill is all about. Yes, we will debate all these amendments, but I hope when it is all said and done we will continue to pull together as Republicans and Democrats for the children of the country.

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

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

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

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

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

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

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

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

SEC. 5. CLASS SIZE REDUCTION.

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

''PART E—CLASS SIZE REDUCTION

''SEC. 6601. SHORT TITLE.

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

''SEC. 6602. FINDINGS.

''Congress finds as follows:

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

''(2) The benefits of smaller classes are greatest for lower achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

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

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

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

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

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

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

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

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

''SEC. 6603. PURPOSE.

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

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

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

''SEC. 6604. PROGRAM AUTHORIZED.

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

''(b) ALLOTMENTS.—

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

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

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

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

''(c) WITHIN STATE DISTRIBUTION.—

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

''(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency and are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved) for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

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

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

''SEC. 6605. USE OF FUNDS.

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

''(b) CLASS REDUCTION.—

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

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

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

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

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

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

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

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

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

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

''(d) PROHIBITION.—No funds made available under this part may be used to increase the salaries of or provide benefits to (other than participation in professional development and enrichment programs) teachers who are, or have been, employed by the local educational agency.

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

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

''SEC. 6606. COST-SHARING REQUIREMENT.

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

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

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

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

consistent with section 1120A(c) and notwithstanding section 1114(a)(3)(B).

"SEC. 6607. REQUEST FOR FUNDS.

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

"SEC. 6608. REPORTS.

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

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

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

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

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

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

I would like to remind my colleagues of the strong bipartisan support of the ed flex bill. H.R. 800 has the support of, in addition to many Members on the other side of the aisle, the National School Board Association, the Association of School Administrators, the Chamber of Commerce, the National Education Association, and once again all 50 governors.

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

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

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

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

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

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

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

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

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

[Roll No 36]

YEAS—217

Aderholt
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
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
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
Kelly
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)
Morella
Myrick
Nethercutt
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
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)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
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)

NAYS—198

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
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
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)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland

Stupak	Traficant	Waxman
Tanner	Turner	Weiner
Tauscher	Udall (CO)	Wexler
Taylor (MS)	Udall (NM)	Weygand
Thompson (CA)	Velázquez	Wise
Thompson (MS)	Vento	Woolsey
Thurman	Visclosky	Wu
Tierney	Waters	Wynn
Towns	Watt (NC)	

NOT VOTING—19

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

□ 1230

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

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

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

Stated against:

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

DODSON SCHOOL DISTRICTS IMPACT AID PAYMENTS, 1999

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

The Clerk read the title of the Senate bill.

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

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

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

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

The mistake was not discovered until after the filing deadline.

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

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

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

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

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

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

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

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

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

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

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

Despite its non-reservation location status, the school's student clientele has consistently been comprised of 60% to 70% 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. 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. 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. 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. 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. 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.

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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. 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. 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. 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. 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. 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.

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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. 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 of Wisconsin. 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	Crowley	Hinojosa
Ackerman	Cummings	Hoeffel
Allen	Danner	Holden
Andrews	Davis (FL)	Holt
Baird	Davis (IL)	Hooley
Baldacci	DeFazio	Hoyer
Baldwin	DeGette	Inslee
Barcia	Delahunt	Jackson (IL)
Barrett (WI)	DeLauro	Jackson-Lee (TX)
Bentsen	Deutsch	Jefferson
Berkley	Dicks	John
Berman	Dingell	Johnson, E.B.
Berry	Dixon	Jones (OH)
Bishop	Doggett	Kanjorski
Blagojevich	Dooley	Kaptur
Blumenauer	Doyle	Kelly
Bonior	Edwards	Kennedy
Borski	Engel	Kildee
Boswell	Eshoo	Kilpatrick
Boucher	Etheridge	Kind (WI)
Boyd	Evans	Kleczka
Brady (PA)	Farr	Klink
Brown (CA)	Fattah	Kucinich
Brown (FL)	Filner	LaFalce
Brown (OH)	Ford	Lampson
Capuano	Frank (MA)	Lantos
Cardin	Gejdenson	Larson
Carson	Gephardt	Lee
Clay	Gonzalez	Levin
Clayton	Goode	Lewis (GA)
Clement	Gordon	Lipinski
Clyburn	Green (TX)	Lofgren
Condit	Gutierrez	Lowey
Conyers	Hastings (FL)	Lucas (KY)
Costello	Hill (IN)	Luther
Coyne	Hilliard	Maloney (CT)
Cramer	Hinchey	

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)
Velázquez
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
Velázquez
Vento

Visclosky	Weiner	Wilson
Walden	Weldon (FL)	Wise
Walsh	Weldon (PA)	Wolf
Wamp	Weller	Woolsey
Waters	Wexler	Wu
Watkins	Weygand	Wynn
Watt (NC)	Whitfield	Young (AK)
Waxman	Wicker	Young (FL)

NOES—13

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

NOT VOTING—14

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

□ 1529

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, during rollcall vote No. 38, on agreeing to the Ehlers amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 12 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. GEORGE MILLER of California:

In section 4(a)(2)(A)(i) (of H.R. 800, as reported), strike "or" after the semicolon.

In section 4(a)(2)(A)(i) (of H.R. 800, as reported), strike subclause (II) and insert the following:

(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.

□ 1545

Why? Because none of them had the five necessary entities in place. In fact, one who was saying how good this amendment is does not have five in place now, our neighbor State. She would not be eligible except she is grandfathered. Well, the State would not be eligible because it is grandfathered; I think that sounds better probably.

Now what has the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) done in order to make sure that we have taken care of all the GAO concerns? The GAO said that there are wide variations existing among Ed-Flex States regarding whether they have established clearly defined goals to measure the results of waivers received by districts and schools. So what did they do in the bill? They said:

Unlike existing law, H.R. 800 requires that States set specific measurable objectives. That was not in line when the 12 who originally had an opportunity to participate. It is in this legislation.

The GAO said States also differ in the degree to which they use specific and measurable objectives to assess whether they have achieved their goals. Under existing law, that is true. But in H.R. 800 they require the Secretary to approve State applications after considering the degree to which the States' objectives are specific and measurable and measure the performance of schools or local educational agencies and specific groups of students affected by waivers.

The GAO said that Texas had the best accountability system for it set specific numerical criteria that are closely tied to both the schools or districts and the specific students affected by the waivers.

What did the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) add? They said H.R. 800 now requires the tracking of students' performance as recommended by GAO like Texas. I mean everything GAO questioned they have taken care of.

Now again, Mr. Chairman, let me remind my colleagues that very few States are participating in the 12, very few waivers have been granted by States. When we get beyond Texas and we get beyond Maryland, very few States have given waivers. Why? Because they were told when the 12 were set up that they must either have in place their plan or they must be able to show that they are moving in that direction rapidly, and if the Secretary does not believe that, the Secretary does not even give the State the opportunity to do the waiving.

So they know that they are not in place, and so they have not given them waivers. But they are taking us at face value because we told them they had to be in place by the school year 2000–2001, all of them working rapidly to make sure that they get them all in order, and then they, too, can request waivers.

But let me again remind my colleagues that none of the 12 would have been eligible if this amendment was part of the Goals 2000 Ed-Flex of 1994, I think it might have been 5, somewhere around there. So again, let us not go back on our word. Let us not try to see whether we can preclude anybody, any State, from applying for Ed-Flex and getting Ed-Flex because that is what we are doing with the amendment. Make it very clear the amendment says that zero States will be eligible, zero States will be eligible for Ed-Flex.

Mr. Chairman, it is just as plain as the nose on my colleagues' faces. That is exactly what the amendment says, and that is not what we want to do. We want to encourage those people to move rapidly with the standards, rapidly with the assessment so that they, too, can get in line to get flexibility to do what? To make sure that programs that have failed the children we wanted to help, programs that have failed and failed and failed the very students we wanted to help, the most educationally disadvantaged students, we want to try to correct that.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GOODLING) has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Mr. Chairman, as my colleagues know, every year we try to zero in and make sure that the money goes to where it is most needed, and one of our friends in the other body and, I might say, in the other party always makes sure there is hold harmless. Not my party, not my side of the aisle, but in the other body, one of the friends from the other side always gets hold harmless so we cannot target to the very people that need it the most.

But, my colleagues, let us target something that is beneficial to the most important students, the most disadvantaged educational students. Let us not give them any more pabulum as they have had in the past. Let us make sure that $50 billion or the $110 billion or $120 billion count for the most disadvantaged education students in this country.

Reject this amendment.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. BLUNT) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I join the gentleman from California (Mr. MILLER) offering this amendment, and I rise in strong support. This amendment seeks to strengthen the efficiencies in the Ed-Flex program identified in a November General Accounting Office Report. This report of the GAO said that the ability of the existing Ed-Flex program to enforce accountability is suspect. GAO said that the States are not setting required goals for increased student achievement and little is known about the actual impact of waivers.

Part of the rationale for the enactment of this demonstration program in 1994, and it was 1994, Mr. Chairman, when I was still chairman of the subcommittee; part of the rationale for the enactment was that we will be able to gauge the impact of waivers on student achievement. This is not presently possible. The Miller-Kildee amendment, accountability amendment, seeks to address these issues.

Very simply, Mr. Chairman, this amendment would require States who wish to participate in Ed-Flex to have the system of standards and aligned assessments as required in Title I in place. This amendment will mean that States participating in Ed-Flex will be able to accurately measure student performance and also produce disaggregated results based on categories of at-risk student populations. Without this type of information in place, we will not be able to accurately measure whether the student achievement is going up over time and particularly how it is going up with particular groups for whom this bill has been targeted in the rest of ESEA.

Our taxpayers who are the investors in education in this country want to know and have their right to know how their money is being used and whether that money is being used successfully. I think we have an obligation in spending those dollars that we require that assessment make sure that that money is being spent effectively. I urge all our Members to adopt this amendment. This amendment to my mind is such a perfecting amendment, my colleagues will not only gain power in this bill for education, but we will find a real bipartisan bill emerging from this House.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, and I guess I rise reluctantly, to oppose this amendment, but in a sense of the bill we are dealing with I cannot be that reluctant. The concept of putting all of these things in place; that is, content standards and performance standards and assessments that are aligned with the performance standards is clearly the way we are supposed to go in this country. I have absolutely no doubts about that whatsoever, and I think we should do it, just as there are other things are being discussed on this floor today about which I also feel good that we should be doing. The question is what should we be doing in the education flexibility bill.

Mr. Chairman, I do not know how many people listen to the chairman, the gentleman from Pennsylvania (Mr. GOODLING), and, as my colleagues know, if somebody can repudiate this, hopefully not on my time, but on their time, I would welcome them to do it. But it is my understanding that when we are talking about the final assessments, that there is not one State in the United States at the present time which has its final assessments in and approved by the Secretary. I do understand that the chief State school officers say that there are 17 that are ready to go and they just have not submitted them. Fine. That leaves 33 who are not there, and only 21 States have their performance standards done.

Why? The reason is that in the Elementary and Secondary Education Act, where this would be a very applicable amendment, in that particular act they do not have to have this completed until the school year 2000–2001, and yet we are taking this education flexibility bill in which we are trying to get States the ability to work with the local school districts to get around some of the Federal bureaucratic things that we have done, and we are getting an amendment like this, which is all of a sudden taking an incredibly overwhelming, almost crushing responsibility of getting these ready a couple years in advance or they will not be eligible for education flexibility.

That is a mistake. I mean there is nothing wrong with the amendment. There is nothing wrong with the intent of the amendment. There is nothing wrong with any of the positions that the gentleman from California (Mr. GEORGE MILLER) or anybody else has taken here today. But it is very wrong to even think about attaching this particular amendment to this bill though it is my hope that maybe the statement has been made and this particular amendment can be withdrawn because it just is so ill fitting with the legislation before us.

Now, Mr. Chairman, we have put a great deal of accountability in this bill to the extent that we can. There must be annual reports submitted to Congress. The Secretary has to approve State applications. The Secretary conducts performance reviews of State performance. We have done it at the State level. They must have specific and measurable performance goals required to monitor local waiver recipients annually and hold them accountable for performance. We must provide public notice and opportunity for comment when waivers are approved. We must submit an annual report to the Secretary and States must submit an annual report to the Secretary that summarize the student performance and types of waivers granted and that at the local level local applicants must send specific and measurable performance goals as part of an overall reform effort. They must track the performance of schools and groups of students affected by waivers, and waivers are

subject to termination, the performance declines, against objectives for 2 consecutive years.

Why did we put that into this particular bill? Because in the GAO report they said there has to be more accountability and more assessment, and so we have started that process here. But we do not leapfrog over to the demands which are in the gentleman from California's amendment which are final assessments which simply are ready and are going to cut most States out of Ed-Flex.

This is a killer amendment of killer amendments, as far as I can ascertain, and again I honestly ask somebody to try to rebut what I am saying, if they are able to do that at some point in this discussion. But I thing we are making a mistake even considering this amendment. We are close to the universal agreement that this is a good bill. The only question is what amendments are we going to adopt. This is not one that we should adopt.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman for bringing forward this bill along with my colleague from Indiana (Mr. ROEMER). I think it is a good bill and one that I am very pleased that we have on the House floor today. I unfortunately have to join the gentleman in rising in opposition to this amendment because I do think it would gut the primary benefit that we receive from this bill, which is essentially to extend to 38 States the possibility to be able to participate in this waiver program that addresses the one problem that I hear over and over and over again when I talk to educators in my home State of Indiana. They tell me that they cannot focus 100 percent of their time on teaching their children and developing policies and curriculums that will make our schools the best in the world because they have to worry about rules, and regulations, and paperwork, and policies coming out of Washington that do not always make sense for their school.

One of my wife's best friends, a young teacher named Brenda Wilson, teaches in the gifted and talented program in Pendleton Schools, and she told me they thought about abolishing gifted and talented programs because they could not fit it into their budget priorities when they met all of the different requirements in the federal programs, and that would be a sad day if that happened.

So I rise in strong support of this bill and would urge my colleagues to vote no on the amendment.

H.R. 800, the Education Flexibility Partnership Act, is our first opportunity this Congress has to reform our nation's troubled education system.

It is bipartisan legislation that the Education Committee passed by a vote of 33 to 9.

ED-FLEX is a step in the right direction for families who are concerned about the education of their children.

Why are families concerned? Because they worry, as you and I do, about poor reading skills—whether their child is reading at grade level and failing math and other test scores. And they care, like so many of us in this body, about the values their community holds dear and wishes to pass on to the next generation through education.

Why can't states fix these problems today? One of the reasons is that states have been saddled with prescriptive, top-down, Washington-knows-best approach to education that stifles local common sense and excellence.

H.R. 800, the Education Flexibility Partnership Act, satisfies many of the problems families are concerned about. Specifically, H.R. 800 allows parents to have greater input and local education agencies more control over the education priorities that matter to them. Twelve states have been eligible for this, but currently, Indiana does not have the freedom to use federal categorical aid on how they wish to support locally-designed, comprehensive school improvement efforts. They are one of the 38 who need this bill. This bill makes all 50 states eligible for greater State and local flexibility in using some federal education funds. It allows waivers from federal mandates, regulations, and requirements that rob local education agencies of their ability to solve the problems they see every day.

The complaint I hear from teachers and school administrators in my district over and over again is that federal mandates get in the way of school's ability to serve their students in the most effective way possible. Ed-Flex would address these concerns by allowing states and local school districts greater flexibility in using federal education funds in exchange for greater accountability.

National test scores place Indiana 44th out of 50 states on the SAT, and 40 to 60% of Hoosier high school students are failing basic math and English on the ISTEP tests we have in Indiana.

Because of this, people in my district want relief from the federal mandates that have a stranglehold on education in Indiana. I have discussed this legislation with teachers, administrators and parents on my Education Advisory Committee, and they support this bill.

They support it because, even in our most rural communities, different schools have different needs. Our teachers and administrators are full of ideas about how to improve education programs and how to best serve their students, but in many cases they cannot because of bureaucratic requirements. This bill will give them the flexibility to act on these ideas.

Can we do better? Should we allow states the chance to do better? Should we give parents more opportunity to help their kids learn?

Of course we should!

I urge all of my colleagues to vote for passage of H.R. 800, the Education Flexibility Partnership Act, and give families more control to improve the education of their children.

□ 1600

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment and I rise as a supporter of the underlying bill because I believe that the Kildee-Miller amendment significantly strengthens the underlying bill.

The underlying bill here is one in which we say to States and localities that if they truly believe that they have a more creative and powerful way to achieve the goals set forth in various Federal education initiatives, then try them; if they can do better than the orthodox way of doing things, then we applaud them and support them.

Implicit in that proposition is a measurement of whether the States and localities are, in fact, doing better by trying the flexible approach. I know that the words are in this bill that would measure whether the States and localities are doing better, but as the gentleman from California (Mr. GEORGE MILLER) said earlier today, educational bureaucrats in particular are masters at spinning words about what they are doing. They are not always so good about providing measurements.

I would submit that it would be technically within the definition of a meaningful evaluation under the statute if the chief school officer of a State submitted the following annual report about his or her waiver schools: We have spoken to every teacher in every school district and assessed their evaluation of the success of our waiver program. Each of those teachers has reported to us that each of their students is doing better than they were before in reading, language, arts and math. That is a specific measurable evaluation of how well the schools are doing. It is also utterly worthless, because it does not measure.

It makes four mistakes. It permits words rather than numbers. We need measurable, quantitative measures to figure out whether students are doing better under the waivers. It permits us to talk about States and not localities within those States. An aggregate State average may well show improvement but it would mask continuing deficiencies in districts with special challenges and communities with special needs.

It permits States to talk about groups of students without disaggregating or breaking out particular subcategories of students who have particular barriers of discrimination, of poverty of other reasons that they may not perform as well their peers.

Finally, it lets States report on process rather than result. We had 64 seminars last year; we sent out 321 bulletins; we had 5,422 meetings. That is all data. It is performance data. It can be characterized as that, but it tells us nothing about whether these students are performing better than they were under the regular orthodox programs.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) are putting the school districts to the test and saying if they think they can do better, we will give them that opportunity with our money, with Federal money, but prove it; prove that they are doing better. Give us numbers, not words. Break it down by school districts, not in the aggregate State level. Tell us about groups of students, African American students, poor students, Hispanic students, female students, others that may have particular problems.

It requires States to talk about results, not processes.

If we are investing in a company and the chief financial officer of the company says we had a great year, we had six meetings of the board of directors, we added 12,000 new employees, we had a lot of new work on our employee manual this year, but does not tell us how much money they made, what their sales were, we would not invest in that company. This Ed-Flex bill, without the Miller-Kildee amendment, is an invitation for educational bureaucrats to blather us to death.

The Miller amendment says put your results where the money is. It will strengthen the Ed-Flex concept. It should be adopted because it demands those at the local level to give their very best to the children who depend on them.

This is a good bill that could be made much better with the adoption of the Miller-Kildee amendment. I urge both Republican and Democratic supporters of the bill to support this amendment as well.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that Ed-Flex is wonderful for Wisconsin, my home State, and for our country. Unfortunately, this amendment is anti-flexibility. As proponents of this amendment discuss, it demands local control, it demands our local school board members, our local educators, do what they do in Texas.

The law of Texas is great for Texas but the law of Wisconsin should be better for Wisconsin. I believe that we have to go down the road of having more flexibility for our local schools.

As I have talked to parents, school board members, educators and our superintendents, I ask them time and time again, what is it that we can do in Congress to help them educate our children best? They tell me the same thing: Cut the red tape. Give us the freedom to do what we know works best.

I was written by a constituent of mine, a guy named John Bechler, who is a very active member in our Kenosha School District. He is on the Kenosha Unified School District board, and I would like to quote a few things from the letter from Mr. Bechler, our school board member. He said, ''Did the Federal Government ever ask school districts what they needed most or did they just assume one approach fits all?''

The answer is no. They assumed that one approach fits all. I am concerned that even today Members from other States are attempting to dictate education policy for my district's public schools. This amendment seeks to dictate education policy from other States on to our local public schools.

Mr. Chairman, we cannot have bureaucrats in Washington or in other parts of the country blindly deciding that programs that work in Los Angeles or Detroit or even in Texas must also work in southern Wisconsin. This is simply not true.

John Bechler and his fellow school board members all across this country should be asked, what works? We should then let them make the decisions, and this very important piece of legislation begins the process of returning decision-making power to the local level.

John concluded in his letter to me saying that I would hope the Federal Government would allocate the education funds to the local school districts and allow the local school boards to determine what is the best use of funds to achieve quality education.

I could not agree more. Mr. Chairman, this is what educators throughout my district are saying. They are saying enough of the cookie-cutter, one-size-fits-all public relation driven education policies. This legislation gets us toward the movement of giving more flexibility to our local school districts.

This amendment is anti-flexibility. I applaud the efforts of the members of the committee to produce the amendment, but it does go against the grain. We need more local control. I believe that the educators in our local school districts know best how to solve the problems in our local school districts. After all, they are there on the front lines of the fight, improving our education standards.

I believe we should vote against this amendment and vote for the Ed-Flex bill. It is a move in the right direction.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to applaud the authors of the amendment, who I deeply respect, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE), and also to applaud their amendment.

I think that the gentleman from Delaware (Mr. CASTLE) and I already have much of what they are requiring in their amendment in our bill. I do not know how many times it has to be said, and then say it again, about assessments or measurement or accountability or termination, if it does not work. We do not need to get into the bureaucratic and legislative babble and blather that the people here are talking about not wanting to repeat. We do not want to get into that.

I applaud the authors of the amendment for the following reasons, because they are concerned with what we try to get at and is the very heart and soul of this legislation, and that is the nexus between increased flexibility and reliable accountability. We do not want to do that with new paperwork. We do not want to do that with handcuffing our local parents and teachers. We do not want to do that with more mandates coming from Washington. We want to do it by one rope of accountability to student achievement, and we want to be able to measure that student achievement.

Let me point out, first of all, before I get into some of their arguments, the legislation of myself and the gentleman from Delaware (Mr. CASTLE) is tougher than current law. We incorporate some of the recommendations from the GAO on eligibility, where we have changed to have this tougher eligibility from Goals 2000 to now Title I eligibility. We have tougher assessment tools than current law and we adopted tougher language in our committee on termination.

We do not want to go so far, Mr. Chairman, as to rip out the very flexibility that we are trying to extend to our States.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) talk about reliability assessments, and I agree with that. We need to have reliable assessments. On page 6 of the Castle-Roemer legislation, we talk about assessments, and I quote on lines 12 through line 19, developed and implemented content standards and interim assessments and made substantial progress, as determined by the Secretary, toward developing and implementing performance standards and final aligned assessments, and it goes on.

They talk in their amendment about being able to measure and get results on disaggregated data.

On page 10 of our bill, Mr. Chairman, we specifically talk about measuring. My good friend from New Jersey was talking about measuring these things, and we say on page 10, the State's objectives are, one, specific and measurable; two, measure, again measure, the performance of local educational agencies or schools and specific groups of students affected by waivers.

That is the disaggregated data. Those are the specific, different economic, racial, various groups of students that are going to be affected by this legislation and potentially by a waiver. We asked to have that measure.

Thirdly, we get at, on page 13, the termination; that after 2 years if you

have significantly declining scores one is terminated from the program and one has to reapply for a waiver.

Those are tough accountability standards, tougher than what we have in current law, but we do not want to overreach, Mr. Chairman. We do not want to take away the very flexibility that we are extending to the States when we say we want to give you added flexibility and we are going to hold you accountable to those students doing better in their classrooms.

I come back to the example of Maryland that I talked about in my opening statements. When they had that waiver authority for success for all, reading for all, schoolwide reform programs, scores went up in Kent County schools in Maryland. African-American scores went up in those schools.

So I think that the gentleman from Delaware (Mr. CASTLE) and I have really tried to craft this delicate nexus, this delicate and sensitive balance, between accountability for taxpayer dollars and increased flexibility to our States, and while I applaud the authors of the amendment, I would encourage us to stay with the underlying legislation and support this bipartisan bill.

Mr. ISAKSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, exactly 3 weeks ago tomorrow, I presided over my last board of education meeting as chairman of the State Board of Education of Georgia, so probably from a contemporary standpoint I am closest to the effects of this legislation and the proposed amendment than anyone.

I do oppose the amendment, but I oppose it because I think the previous speaker, the coauthors, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER), have done an outstanding job of ensuring that there is accountability without ensuring that the babble that was referred to that went from the local systems up does not also come from the Federal Government down.

In the final amendment that the committee adopted in the legislation, which was referred to by the previous speaker, there is the greatest accountability of all. That accountability is that if a system for two successive years is declining, their waiver is withdrawn.

□ 1615

Now, I understand school people about as well as anybody else. We spend $5 billion State dollars a year in Georgia, and we appropriate it to local systems. I got appointed to the State Board of Education in a unique circumstance. The governor fired the entire board that he had appointed about 2 years prior to my service here. He did because they were fighting, they were raising accountability, they were micromanaging schools, and Georgia was hurting and Georgia was declining.

When he put in a new board, he asked us to do the following. He said, give them the chance to succeed or fail, just make sure if they fail, you take away the latitude that you have given them.

This legislation does not just require a waiver of Federal rules, it requires a waiver of State rules as well. No waiver can be granted from the Federal level if it is also granted at the State level. And if we understand how local boards of education work or how the system works, what in fact happens is a local board of education has to first approve the request before it goes to the State Board of Education and before the Federal Government approves it. Now, that is a lot of accountability. It is a lot of accountability for the merits of the request and the intent.

The last point I want to make is not that I am opposed to accountability by any measure; I am not. But I think the authors have ensured and the committee ensured that it was there.

I want to just for a second close with why flexibility is so important. Children are taught in classrooms by teachers, not by Congressmen, not by boards of education, not by State boards of education. Our children are uniquely different from Montana to Georgia, from California to Michigan. In the programs affected by this legislation from Title I to technology, there are differences as broad in my State from one end to the other as there are in your State to my State. We are opening the door, I think, to a great opportunity, and that is to challenge our States to do better and say we trust them, and if they fail, we will pull it away. There is no greater accountability, and there is no more greater testimony to where education really takes place than to grant flexibility back to where it all begins: in the classroom where a teacher deals with one child at a time, trying to build the future of our country through an improved education.

I urge the adoption of this bill, but not the adoption of this amendment. The authors have put in the accountability. The flexibility our systems need will bring about the progress all of us hope for.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Miller-Kildee amendment.

One thing should be very clear in this debate. Flexibility is not an end, it is a means to an end. I think some of my colleagues get so wrapped up in the notion of flexibility that they think that that is really the problem.

The problem is educational attainment. We got into this business because in the recent international tests, we found American students scoring below the international average, and we said we need to get serious about improving educational performance by all American students.

We are prepared to spend $50 billion over the next 5 years to address this problem. But the issue is not just flexibility, the issue is also accountability. How can we assure that the money we spend actually results in improved performance?

Now, I am from one of the 12 States that had this experiment. I am from Maryland, and Maryland officials, the Superintendent of Schools for the State of Maryland supports the Miller-Kildee amendment, because we understand that we must have stringent accountability. Not just accountability in name, and not just accountability in rhetoric, but accountability with real teeth. There are several things that need to happen. There needs to be some specific assessment, goals and assessment vehicles. We use a set of tests in the third, fifth and eighth grade to accomplish this objective.

Now, I hear my colleagues saying, well, each State is different. That is true. We do not tell the State how to do it; what we tell the State is, you present us with a plan, your plan, for how you want to achieve these results, and I emphasize results. What are going to be your goals, and what are going to be your mechanisms.

Now, some people say, well, we can pull the plug in 2 years. Well, that could be 2 years of wasted money if we do not have stringent assessment tools, goals and mechanisms on the front end, and that is simply all the Miller amendment is saying, is that we need to be serious about accountability, because we are spending the taxpayers' dollars, not just for some elusive goal of flexibility, but for some real, tangible performance results.

Second, the Miller-Kildee amendment says that when we spend this money, it has to benefit all students, not just some students, or not just the overall aggregate. We need to know what black students are doing, what Hispanic students are doing, what poor students are doing, what female students are doing. It specifically says, you must aggregate your data so that even if your State is making progress, we want to see how female students are doing in math and science, we want to see how Latino students are doing in specific subject matters; are African-American students learning to read with the money the Federal Government is spending.

So this is not an outrageous or an intrusive amendment. It is a perfecting amendment that takes the concept of flexibility, which I support, and says, we need to get serious about flexibility.

I believe the Miller-Kildee amendment addresses these concerns in an effective, nondestructive way and I urge my colleagues to support this amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee.

Mr. GOODLING. Mr. Chairman, I would repeat one more time that if this amendment had been part of the Goals 2000 legislation, Maryland would not have been eligible to participate.

Mr. CUNNINGHAM. Mr. Chairman, I thank the chairman of the committee.

Mr. Chairman, this bill is about flexibility. We have had 40 years of bureaucratic control and union control of education. We are number 20, 20th in the world, for math and science. We are a Nation with the resources, more Ph.D.s, more technology, better technology than any other country in the world, but yet we are falling behind. We want to give the States and the local school districts the flexibility, not to tie them down.

When we talk about accountability, in the crux of this whole debate, the gentlewoman a minute ago said, we need to control how the dollars are spent. That is the whole issue. And their statement is, that they do not trust the States to account for the students that my colleague just talked about a minute ago. We do trust the States. We do trust the school districts. Because if anyone knows about an African-American student or a Hispanic student or young women or young men, it is the local teachers, the administrators, the community that knows, not a bureaucrat sitting here in Washington, D.C. And this is the heart of the debate: when we talk about accountability, look at why most of us fought against Goals 2000 when many on that side of the aisle tried to put government regulations in a well-meaning bill that was crafted before.

There were 24 ''wills'' in Goals 2000. It means to comply under legal language, and a special board in each school district had to look at the local Goals 2000 plan. It had to go to the superintendent. The superintendent had to send it back to the board. The board then sent it to Sacramento where there was a big bureaucracy. That big bureaucracy had to send that bill to Washington D.C. to the Department of Education. The bureaucracy there had the paperwork going back and forth, and that costs a lot of money and ties people up. And that means more wasteful government control in the name of ''accountability.'' By contrast, we on this side of the aisle, just said, let us send the money to the States. Let them do a Goals 2000, without all of that paperwork, without all of that government control. Big difference, I say to my colleagues.

Look at charter schools. The NEA fought tooth and nail against charter schools, which are an attempt to take off many of the burdensome regulations. Charter schools have been a big success. Look in Washington, D.C. We fully funded charter schools, we fully funded the public education system. We got another superintendent that wanted to make change, Arlene Ackerman. And guess what? We had 20,000 students beg to come to summer school in one of the worst school districts in the United States, because they wanted to learn, not because they had to, because we are trying to improve flexibility.

But let us look at other controls. We on this side of the aisle wanted to give flexibility to the States and in this case, Washington, D.C., under the President's goal to have more school construction. The gentleman and I talked about this the other night. If we want to give the State flexibility, let them waive Davis-Bacon, which costs 30 to 35 percent more for school construction. Let the unions compete with private contractors, and let the schools save the 30 percent for other construction or to upgrade their schools. But no, there are some here that want the union control, the government control. That's wrong. That is why we are opposed to this amendment. That is why we are opposed to all of these amendments. We want the flexibility to go forward with it.

I have 3 school board members that came to me along with 3 superintendents. They went to school for 8 days to see if they are in compliance just with the Federal regulations, not even the State regulations. They are going to get audited. Five phone books of regulations. They had to hire a lawyer. It costs $130,000 to see if they are in compliance. That is what we are trying to get rid of, I say to my colleagues. We want the schools to be able to have the flexibility to do it better.

Look at Alan Bersin, a Clinton appointee, now Superintendent of San Diego City Schools. I am going to help Alan Bersin because he is sitting in there trying to clean up San Diego city schools. Look at Gray Davis, the new governor of California. He is trying to identify the schools that are not working within California. He has a big job, but I am going to do everything I can to help Gray Davis. But Federal regulations and the unions are trying to stop him. He wants to support the principals, make them the captain of their ship, so that they can fire or get rid of people that they do not think are performing. But do my colleagues know who is stopping that? Federal regulations and bureaucracy.

Alan Bersin said, his number one problem is special education because of the regulations that are killing the schools. Trial lawyers are ripping off the money, just like they did in the Superfund, and he cannot change it. He is having a difficult time, and we need to help him.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(By unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 2 additional minutes.)

Mr. CUNNINGHAM. Mr. Chairman, men like Gray Davis, our new governor, and Alan Bersin in San Diego, are trying to do the right things and get through the bureaucracy and get more flexibility into the school system. We need to support them.

I heard the word ''bipartisan.'' The President will sign this bill as it is, and the saying is, ''if it ain't broke, don't fix it.'' Because by ''fixing it,'' in the way some on the other side want, we are going to increase the Federal regulations in the name of ''accountability.'' We do not want to do that. We want to help these kids. Let us go forward and let us do a good job.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

I think the gentleman who has just spoken and all of the people in this room will agree with me that at least 90 percent, or more than 90 percent of the funds we use to run our public schools with are State and local controlled. We are talking about less than 10 percent of the total funds. We are talking about flexibility on less than 10 percent of what we use to run our schools with, and if we have 10 percent of the funding by the Federal Government, it means the Federal Government only has about 10 percent of the control, if there is any control at all.

So the American people should understand that the whole flexibility argument is based on a phoney hypothesis. Our schools are in bad trouble, bad shape. We are 20th in the international arena because the States and the localities have not done a good job, and the Federal Government wants to participate. They only want to participate. They are not willing to put up even 10 percent. It is less than 10 percent participation. What we are talking about here is an attempt to destroy the Federal Government's role totally. We are back to where we were in 1995 with a call to abolish the Department of Education. It is just another approach. It is a more sanitized approach to destroying the Federal role in education.

The New York Times today has said what I said in the committee. They said it in much more succinct terms. The wise thing to do, this is an editorial of March 10, today, the wise thing to do would be to put Ed-Flex aside until later in the session when Congress reauthorizes the entire elementary and secondary education act.

What we are doing here is stampeding. Education, there is an emergency in America on education. It deserves a serious response from Congress. What we are doing here is not a serious response. This is a stampede to push us into a political posture. We want to open the door for block grants. That is what we are doing today.

□ 1630

It is trivializing the legislative process, because we have on our agenda for

this year the reauthorization of the Elementary and Secondary Education Act of 1965. That is on our agenda. Why can we not wait, as the New York Times says we should, and I agree? Why can we not wait?

The New York Times editorial also says, ''The Ed-Flex expansion being debated in Congress would extend waivers even to States that have no intention of innovation and no means in place of evaluating what they do.'' Correct.

The New York Times starts its editorial with the following: ''The achievement gap between affluent and disadvantaged children is a challenge to American education and a threat to national prosperity. Unfortunately, a bipartisan bill that is scheduled for debate and a vote today in Congress could widen that gap by allowing states to use Federal dollars targeted at the poorest students for other educational purposes. The so-called Ed-Flex proposal could damage the poorest districts, which have traditionally been underfinanced by the states and cities even though they bear the burden of teaching the least prepared students.''

Why did the Federal Government get involved in education? Lyndon Johnson, what was his argument when he started the Elementary and Secondary Education Act of 1965? That we would help the poorest students in the poorest districts.

What Ed-Flex does is provide money for greedy Governors who have shown by the way they have handled the welfare reform money that they do not intend to spend money for exactly what it is intended for, they want to have the freedom to use it in various ways that do not necessarily focus on the poorest people for which the funds are intended.

We have a continuation of an effort to destroy the Federal partnership. The Federal Government only wants a role. We want to make certain that the national security, the national interests, are protected by having the most educated populace we can have.

What the majority in this Congress is seeking to do is what they sought to do in 1995, get rid of the Federal influence. It is only a tiny influence. The American people should understand that we are talking about less than 10 percent funding, less than 10 percent control. The States and the local governments are in control, and they have all that flexibility with the 90 percent of the funding that they put up. They have maximum flexibility.

With all that flexibility, they have not been able to keep up with the demands for modern education. The Federal Government needs to be involved because education is our primary means of guaranteeing the national security. We have a Navy which floated an aircraft carrier, and could not find enough personnel to run the high-tech carrier because they were not available. We need an educated population. We cannot leave it up to the States. They have not done a good job. The States should at least be willing to partner with the Federal Government.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just want to remind everyone that the law says that at the local level, they will use the money for the most educationally disadvantaged youngsters.

Mr. HAYES. Mr. Chairman, I rise to speak in opposition to the amendment. I move against this amendment, I am in opposition to it and I vigorously want to oppose it, not because I doubt the sincerity or intent of the message. My good friend, the gentleman from New York (Mr. MAJOR OWENS) has spoken very eloquently about his beliefs.

But I would simply ask that Members not confuse the idea of accountability with Federal mandates and government control. The Education Flexibility Partnership Act of 1999 provides our teachers and our local school systems the things that they need, that flexibility within accountability to provide the education.

As I travel through my districts in North Carolina, and I have to be careful not to go back through my own career in public education, which was delightful, so delightful I probably did not achieve as high marks as I should, but I remember those principals and those teachers that worked from morning until night to give me the chance to learn about math, about science.

I think of Jessie Blackwelder in Concord, who took over a school that was suffering real problems. She got on the phone and called me up. She said, get a couple of dump trucks over here. We need to clean this place up. She started calling parents. She said, we need books. We need help. We need new desks. We need you over here. We need local support. We need those of you who know this community and these students to pour out your heart and soul into our education system.

What keeps this from happening so many times is the Federal Government, with more mandates shutting down this creativity, shutting down this support, this enthusiasm, this involvement between parents, teachers, grandparents, school boards, and those that are empowered and entrusted.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, could the gentleman give us one example of what he means by the Federal Government interfering with one's ability to be flexible with parents and run the schools?

Mr. HAYES. Mr. Chairman, it has been my experience as a legislator in North Carolina, and one who has run Statewide, that each time I move into a district, regardless of whether it is the east or west, time and time again a Federal mandate for paperwork, to make it in the simplest terms, takes away from that classroom teacher's time that she could be spending with her children to fill out forms and endless paperwork. This is one of the clearest examples.

Mr. OWENS. I would ask the gentleman, classroom teachers do paperwork?

Mr. HAYES. Yes, sir.

Mr. OWENS. Classroom teachers do the paperwork for the grants?

Mr. HAYES. Classroom teachers, superintendents, principals. It is just too much of their time that is spent meeting Federal requirements which are not productive, and I think this bill does a fabulous job of giving them their time back to spend it in their classrooms with the children.

Mr. OWENS. Mr. Chairman, if the gentleman will continue to yield, it is not a question of flexibility, it is a question that we need more paperwork reduction.

Mr. HAYES. I have lost the gentleman's train of thought, but I appreciate the gentleman rising to talk about that.

Mr. Chairman, my point is that accountability flows from local involvement. Accountability comes from parents and teachers and school boards being involved. It does not come from the Federal Government imposing itself upon our local education system.

Again, I oppose this amendment. I vigorously support the Education Flexibility partnership. It is a commonsense proposal that will help stop the one-size-fits-all mentality that comes from Washington and the Federal Government. The bill addresses the basic fact that what works in New York City unfortunately does not always work in Rockingham, North Carolina.

Our Nation's future rests on the quality of education that our children receive. There is nothing we can do in this Congress that is more important than ensuring the quality of education in our public school system.

Mr. Chairman, I have spent a lot of time listening to parents and teachers in the Eighth District of North Carolina. What I have learned from these conversations is that the best new ideas and innovations come from the districts, and not from Washington. Unfortunately, it is the Washington bureaucracy that stifles the creativity at the local level.

Mr. Chairman, we have before us today a bill that helps cut the Federal red tape which hinders excellence in public education. This amendment works against the Ed-Flex bill, requiring more Federal mandates for local education.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. HAYES) has expired.

(On request of Mr. GOODLING, and by unanimous consent, Mr. HAYES was allowed to proceed for 2 additional minutes.)

Mr. HAYES. Mr. Chairman, the American people know that Republicans and Democrats have some differences on the issue. They accept that. But what they do not understand is why we do not move forward on the issues when we do agree.

The Education Flexibility Partnership Act of 1999 has the support and the endorsement of all 50 Governors, Republicans and Democrats alike, from all areas of the Nation. Mr. Chairman, it is time we passed this bill. It was intended to empower the people who are the true innovators in public education, our local folks, our parents, our teachers.

Do not let those who are opposed to this flexibility speak out and hurt this great bill. Join me in a strong vote of confidence for our parents and teachers. Support the Education Flexibility Partnership Act of 1999 and oppose this amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I know the gentleman wanted to tell his friend, the gentleman from New York City (Mr. OWENS) that the great mandate that the gentleman really wants to tell him about, which is a 100 percent mandate, which destroys his school district from hiring new teachers, destroys his school district from reducing class size, destroys his school district from building new buildings, destroys his school district from maintaining the existing buildings, is the 100 percent mandate from Washington, D.C. called, called ''special education.''

That is the mandate that the gentleman wants to tell the gentleman from New York City about, because oh, my, if he got that 40 percent of excess costs, he could do anything under the sun in his district. He would get millions of dollars. He would get $1 billion or more every year. That is all he needs.

Mr. HAYES. Mr. Chairman, I just did not want to be that hard on my good friend, the gentleman from New York.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the course of this debate I have wondered exactly where I was; whether we were really debating the reality.

I rise in support of the Miller-Kildee amendment. I believe it strengthens the basic legislation. I do not feel enacting H.R. 800 is necessary, but I believe that the Congress is probably hellbent in moving in that direction, and if we are going to do it, then it seems to me that accepting the Miller-Kildee amendment would signal to this country that we are not prepared to abandon the very core necessity for title I, ESEA.

I happen to be one of the few legislators here who served in 1965, when the great debate on how Federal aid to education was going to be provided to our communities and our States, led to Congress enacting P.L. 89–10. It was preceded by 25 years of agonizing debate on how to structure this kind of federal assistance to our public school systems.

From that time to now we are still struggling with this issue with mounting frustration coupled with our agony that our school systems still cannot produce quality education where all of our children achieve, based upon reasonable standards and assessments, which must be a part of any legislation we accept.

PL 89–10, which is Title I of ESEA is part of this Ed-Flex legislation. Title I is geared to the idea that the very poor in our society live in districts that cannot afford to educate their children as they are able to in wealthier, richer districts in our country. We need to understand that the strength of this Nation, indeed our national security, is dependent upon lifting the educational performance of all children, wherever they live, whatever their economic background. And if we do this as a Nation, we rise and we achieve, and our society can accomplish all of the complex exercises that we have to engage in in order to prosper as a Nation, to be the leader of the world. So we fashioned Title I.

I want this body to understand that the Title I allocation of funds is based upon a head count, a census, a determination of where the poor children are located. We have a count that is provided to the Federal Government, and based upon this head count of poor children, of the poverty children of America, a formula is created and the money is distributed to the States and local agencies based on the number of poor children that live in a school district.

This money belongs to the poor in these communities. It belongs to the poor children in our communities. We have no right to count the poor children in this country, base a formula for distribution on the poor, and then when it comes time to determine how to spend this money, which is based upon a computation and calculation of these poor children, allocate it in ways that are flexible and could exclude the poor. This is pure manipulation, exploitation of the children for whom this legislation was designed. That is my basic difficulty with the legislation that is now called ''flexibility''.

We want to be flexible. We do not want to engineer all this heavy bureaucracy on the local communities. But remember, the Federal funds are something less than 7 or 8 percent of the total amount that is spent in our school districts. Ninety-three percent of the funding for education in our school systems is locally raised by the local communities or by the States. The Federal Government only puts in 7 or 8 percent. There is no monstrous bureaucracy here engineering the public educational system to the detriment of our children. It is a small contribution, and because it is so small, the Congress is determined to make sure that that small amount is spent for the benefit of the poor children for whom it was legislated. That is the heart of this debate.

The Miller-Kildee amendment says before we waive requirements to direct the money to the poorest of these communities, let us make sure that the States come up with a plan that sets down the assessments, the criteria for achieving these goals, so that in the end, these States can come forward and say, the poorest of our children benefited. Their test scores must show this. These assessments by our impartial entities must determine that the poor have actually benefited.

That is all that we are doing under the Kildee-Miller amendment, and I urge this House to accept it before enacting a bill that nullifies the purpose of Title I.

□ 1645

Mr. FORBES. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I just want to remind the gentlewoman from Hawaii (Mrs. MINK), and she knows this, yes, the money does go down based on poverty. However, when the money gets to the schoolhouse, it is based upon educationally disadvantaged. That is what the law says.

I would ask the same question that the gentleman from California (Mr. MILLER) asked several times in committee, only I would say it a little differently. He has said over and over again, ''What have the taxpayers gotten for $120 billion? We should know.'' I say, ''What did the children that we wanted to help the most get for that $120 billion?'' That is the question.

Mr. FORBES. Mr. Chairman, reclaiming my time, I rise reluctantly but necessarily in opposition to the Miller-Kildee amendment. I believe that this amendment would be a killer amendment and would underscore, unfortunately, the loss of this great Ed-Flex legislation. The President has suggested that he supports Ed-Flex. The 50 governors have suggested they support

Ed-Flex. I think we should not mix apples and oranges on this occasion.

Frankly, there are going to be many opportunities for those of us who want to see education and the fixing of what I believe is the despair in our schools, fixing of the problems in our schools.

We are going to be dealing with the reauthorization of the Elementary and Secondary Schools Act, and I think, at that time, we have a great opportunity to stand up for smaller class, to stand up for construction and doing away with some of the overcrowded conditions, to stand up for voluntary testing.

I happen to support all of those worthy goals because I believe there is no greater issue, no greater issue facing the American people and us as problem solvers, as legislators, than making sure that our children are adequately prepared for the 21st Century.

Our praise in the world depend on adequate education for our children. Unfortunately, our schools are in disrepair and despair. They are in despair because we are seeing, for example, in this great sophisticated age, this Internet age, that more and more of our kids, particularly in the inner cities, are not getting the kind of education that they need because they are coming from poor districts, from districts that do not have the wealth to meet these challenges.

So I believe that Ed-Flex is a very good piece of legislation. It needs to be passed but unencumbered at this point by some of the other worthy goals that we talk about here.

So I would urge my colleagues to think long and hard. If we do nothing else in the 106th Congress, I would implore my colleagues, let us dedicate ourselves to this most pressing problem, the problem where our children are not learning, despite in places like my own suburban Long Island districts where we are spending more money than we have ever spent.

The scores are down. They are lower than they have ever been. SAT scores are down. Why? Because we are not doing in our classrooms what we need to be doing.

So I would hope that Congress, which understandably wrests local authority, the States and local authorities must have policy-making, decision-making authority that should never be compromised. But we in Washington should do a greater job of standing by those schools. Yes, we have got 7 percent of national effort helping our local schools, over $120 billion.

But let us deal with some of the most outstanding problems, like the idea of special education. We mandate upon the school districts that they deal with special education, that they fully fund it. But we in Washington are not sending the dollars. We are sending a very embarrassing proportion of those dollars.

The first thing we ought to do as a Congress, 100 percent of funding should come from Washington, because 100 percent of the mandate comes from Washington. That is absolutely necessary. We need to do that if we are going to provide for our schools.

We also need to, as has been suggested here, address the size of our classrooms. We should do that but under another venue, as I have suggested. We have plenty of time in this Congress to do it.

But to sidetrack the Education Flexibility Partnership Act, a most important measure, a bipartisan measure authored by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) would be wrong.

So I would urge my colleagues, let us deal with these issues. Let us make the 106th Congress the place where we deal with these many problems. We assist the State and local governments in meeting the needs of our children, but let us not sidetrack Ed-Flex in that worthy goal.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Miller-Kildee amendment. I rise in support because it is about accountability. This amendment says that States must show the progress or the lack of progress that students are making from year to year. We are not telling local schools how. We are asking them what. What are the expected results? What are the measurement criteria?

The Miller-Kildee amendment requires States to show what they want their students to learn and how they will measure if the students are actually learning what they intended. In the State of Texas, this information will be broken down by race, gender, and income, giving special attention to the students who are the most at risk.

The funds that the Federal Government sends to the States and schools are, as many of us have said today, and I have heard it on the other side of the aisle, too, and I am grateful for that, these funds are not enough. I would like to work with the other side of the aisle to put together a plan to fully fund IDEA.

But whatever the funding, that funding is in place so that we will be clear that there will be outcomes. The use of Federal funds is in place to ensure that our children in America, all of our children, rich or poor, black, brown, or white, girl or boy, has access to a good quality education. I know this is what all of the supporters of Ed-Flex want. The Miller-Kildee amendment makes this possible.

We still do not really know what the effects of the demonstration programs will have on education. If we are going to extend waivers further, we must have accountability. We must measure whether students are learning in schools. We must measure that Ed-Flex has reached the goal that States have intended. After all, in the end, is not the purpose of Ed-Flex and all of our education programs to enable our students to learn more?

Mr. Chairman, I want to vote for Ed-Flex, but do not ask me to without accountability. I cannot do it.

Mr. FLETCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment. This amendment changes the accountability standards of H.R. 800, and it does it in such a way that it is so restrictive that really none of the States currently participating in the Ed-Flex program would be eligible for waivers under the Miller amendment. It also tells the States what their goals must be, again decreasing flexibility.

The following example is the requirements that are in the current Ed-Flex, and this puts exactly the kind of burden we need on schools and exactly the kind of accountability that we really need without going too far and returning to some of the old ways of doing things, the mandates that we have had for years that really have not produced the kind of progress that we really desire and I know all of us desire.

But there is monitoring required. Every year, States must monitor the activities of the local educational administrators. Schools receiving waivers must send an annual report to the Secretary. Two years after being designated as an Ed-Flex State, States must submit performance data as part of that report. After 3 years of being an Ed-Flex State, the U.S. Department of Education can terminate a State's Ed-Flex status after notice and opportunity for a hearing if it has failed to make measurable progress toward its stated goals.

Also, the local education agencies and the school district's waiver application must describe specific measurable goals for schools or groups of students affected by waivers and must be part of the local reform plan.

States can apply to be an Ed-Flex State for up to 5 years. When they reapply for Ed-Flex status, the Secretary must review their progress toward meeting the objectives described in their application. So I think there is plenty of accountability in this bill.

Someone mentioned what the New York Times says and what they want to do, and they recommend a delay. Let me say this, my folks back home in Kentucky do not read the New York Times. I think they should be more concerned probably with the schools in New York City than they are necessarily about those across the Nation.

I have had the chance of visiting a lot of schools in the last few weeks, and I can think of two principals of elementary schools. One is Edwina Smith

and the other is Elaine Farris. They are in schools that deal with primarily a lot of low-income students, a lot of disadvantaged students.

When I talk to them, the teachers there, as well as the principals of these schools, and some of the superintendents in the districts, they want flexibility. They are tired of having mandates coming down without the funding.

Yes, maybe it is only 6 percent, but what have we done? We have spent $118 billion in educational dollars over Title I the last 34 years. Yesterday, our 12th graders were out-performed in mathematics by their peers in 18 other countries. Sixty percent of our children in urban school districts failed basic tests on reading and math. Forty percent of our Nation's fourth graders fell below the basic reading level.

So I think we really need to look and say, the way we have done things in the past has failed. We do not need to return to that. I think that is what this amendment begins to do is to return to old, failed policies of government mandates, of 6 percent, the tail wagging the dog, 6 percent, dictating what is to be done back in our States.

Yet we have seen in those States that have exercised the flexibility given, which they would not have under this amendment, that they have increased the progress of minorities, of the economically challenged children.

So I think we need to oppose this amendment because it reduces flexibility and goes back to some policies that have failed in the past. It is a new day. I think we ought to start in new policies, in new ways, the flexibilities, things that are proven to work here recently, and give the opportunity of the flexibilities back to the State to take this progress further so that we can see these low-economic students achieve the kind of achievements that they can have to renew their hope and allow them to be all that they can be.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment and rise in support of this legislation. I think we all can agree that local educators and parents are closest to our children and are closest to the impact that our policies are having in the elementary and secondary setting.

But here is another reality. When one goes to a bank to borrow money, particularly when one looks like me, the bank asks for a business plan or some other sources of income to determine if one can pay the loan back. Provided one puts forth a good plan, they will loan one the money.

Business people, when they own businesses and ask for money from shareholders and ask for investors to invest, they have to present a plan. If they are able to make a reasonable return on the person's investment or the investor's investment, they will continue to have folks invest in their plan.

What we are asking for here is even less. We are just asking for States to put up a plan. It does not have to necessarily be a cogent plan. But give us some sense of how they are going to go, what goals they are trying to achieve, some sense of how they are going to evaluate, how far they are coming, and where they would like to go.

That is all the Kildee-Miller amendment seeks to do. No new regulations, I say to the gentleman from California (Mr. CUNNINGHAM), my good friend. It does not strengthen the unions, I say to my good friends on the other side. It does not line the pockets of trial lawyers.

I have searched and searched and searched in the legislation for the last half an hour to an hour to find out how this legislation could line the pockets of trial lawyers, but I have yet to find out. But I am open to a conversation if some of my friends on that side can identify that.

We have paid a lot of lip service today to this notion of local control. We have paid a lot of lip service to this motion that the Federal Government somehow or another has come in and intruded and trampled and usurped the powers of our local school boards and local officials. Let us stop deluding ourselves.

We have heard speaker after speaker. The other side gets up and has speaker after speaker. Virtually all of the education policy setting authority in America rests with local authorities. One cannot deny it. It is a fact.

Ninety-four cents of every dollar raised and spent on local education on education is raised and spent at the local level. When one criticizes the Federal Government, and my good friend, the gentleman from Kentucky (Mr. FLETCHER), and I respect his comments about the New York Times, they do not read them in Memphis either, they read the Commercial Appeal, sometimes I wish they read the New York Times, but my friends in Memphis, those folks that are graduating, those seniors that are graduating who might have participated or benefitted from Title I funds, Mr. Chairman, what about the 94 cents that were spent on those children throughout their time in elementary and secondary schools. We have to blame everybody if we are going to begin to point fingers.

□ 1700

What Ed-Flex seeks to do is to give States the flexibility to make these decisions. But I think it is rational, I think it is sensible to ask them just to provide a plan as to how they are going to spend this money. If the local authorities and local school boards had all the answers, why are our schools falling down? Why are our kids dropping out of school? Why do the international math and science tests over and over and over again demonstrate our kids are failing?

We can argue all day, Democrat, Republican, unions, no unions, lawyers, no lawyers, but the people that are losing are our children. Sure, local educators and parents, give them the authority, but like my colleagues, when I go home, what my parents and teachers and local educators are saying we need to build new schools. We can debate how we are going to do it. Let local authorities decide that. Let us provide incentives for them to do it.

My colleagues cannot deny what this President has done, saying we will end social promotion, we will provide monies to school districts to hire new teachers and build new schools; if they close or address under-performing schools, more money to build new schools. That is what they do in the business community. That is what the Republican Party has been yelling year after year after year.

I am only in my second term, 28 years old. I watched the Republicans growing up. This is what the Republican Party has been talking about. This is the Republican mantra. Why abandon it now?

All we ask for is that these school districts be held accountable. If they do a good job, give them more money, I would say to my good friends, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Pennsylvania (Mr. GOODLING), the chairman. But if they do not, close them. That is what taxpayers want, that is what shareholders want, that is what we all expect.

All this partisan rancor, unions, lawyers, State authority, local authority, Federal authority. The national government has a role in how kids are being educated. These are our future workers, these are our future congresspeople, our future pastors, our future teachers. We have an obligation to ensure that kids are educated in Kentucky and Tennessee and New York and Delaware, I would say to the former governor, the gentleman from Delaware (Mr. CASTLE). All we want on this side, I think all we want in this body, is to ensure that Delaware is doing a good job, that Tennessee is doing a good job, Nevada, Texas, California, Michigan, New York. All we would like to do is see a plan.

The gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. MILLER) are absolutely right. This is not about black kids, white kids, or Hispanic kids. This is about children. This is about a new generation of Americans. We have an opportunity in this House to do something truly historic; reform Title I in a way that gives States that flexibility.

But understand, Ed-Flex is not going to solve all of our problems. We in this Congress must have the courage to do

the right thing, and I hope Democrat and Republican can find common ground.

The CHAIRMAN. The time of the gentleman from Tennessee (Mr. FORD) has expired.

(On request of Mr. CASTLE, and by unanimous consent, Mr. FORD was allowed to proceed for 2 additional minutes.)

Mr. FORD. Mr. Chairman, I would only hope we would do the right thing in this Congress. We have our differences. I heard someone stand up and say they want to support this bill because the President supports it. There was something the President supported a few months ago that the other side did not support, but I am glad to see we are on the same page on this one. So let us do what is right for the kids.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. My only question, Mr. Chairman, and I do not have a problem with anything the gentleman said, and he says it extremely well, I might add, at any age, but I go back to the original question I posed on this particular bill about an hour ago, and I do not know if the gentleman was on the floor, but I pose it again, and if the gentleman does not know the answer, somebody can answer over there at some point.

My view is, based on what our knowledge is, that if the Miller amendment passes, that we have only 21 States that have performance standards in place and we have no States that have their final assessments in place, and that means that no States will get education flexibility. That is the problem.

It is also true that in the year 2000 and 2001 all these things will be done under ESEA. I do not know how that can be repudiated. That is a fact, not a wandering statement. I would be curious to hear the gentleman's answer or anyone else's.

Mr. FORD. Mr. Chairman, reclaiming my time, my reading of it does not suggest that.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman wants to suggest that under his bill everyone is going to qualify. We know there are about 17 States that are prepared to go. If a State is going to do this right, let us not pretend like they are going to do it this school year. They will be making applications for 2000, 2001. That actually coincides with what we told them 5 years ago to be ready to do.

The fact is most of the States have not been ready because they thought they could slide by again. That is what this accountability is about saying enough is enough, we have made a decision, and we now want standards of accountability that we can measure how the students are doing. So there is nothing inconsistent with that at all.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. The bottom line is that they have to do these things by 2000–2001 anyhow under ESEA, and the gentleman is moving up the time.

Mr. GEORGE MILLER of California. If the gentleman from Tennessee will continue to yield to me, under the gentleman's waiver they do not have to do it.

The CHAIRMAN. The time of the gentleman from Tennessee (Mr. FORD) has again expired.

(By unanimous consent, Mr. FORD was allowed to proceed for 2 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. The problem with the bill, and why we have the amendment, is that under the gentleman's they do not have to have it done, they have to make substantial progress toward it. They can have interim assessments, so we will not be able to judge how the progress is from year to year because we may have different assessments on that, and we are right back into all the excuses why we cannot finally find out how the children are doing, how they are progressing, and whether or not this investment is worth making or not. That is the difference.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Delaware.

Mr. CASTLE. It is my understanding, Mr. Chairman, that under ESEA all the things the gentleman is talking about have to be in place by the school year 2000–2001 one.

Right now, although 17 schools may be ready for it, right now none have their final assessments in place, a lot of them do not have their standards in place. The gentleman is saying that they cannot have Ed-Flex at all.

We are saying Ed-Flex is a relatively simple bill. We have worked with the gentleman and put a lot more accountability in here than was in before, which the GAO report wanted, but now I think the gentleman is extending it to a level that none of us want to live up to.

I give the gentleman credit for a good presentation, but I was wondering if we really have to go forward with the amendment. I think this amendment would be counterproductive to those of us, including maybe the gentleman, who are supporting the underlying bill.

Mr. GEORGE MILLER of California. If the gentleman will continue to yield, it is not counterproductive at all. The question is are we going to fish and cut bait. We all talk about we do not want social promotion of children; I do not want social promotion of school districts in States that are not prepared to meet the standards. And the standards ought to be that they can tell us whether or not children are in fact making advancement and on achievement and meeting the goals of that State and whether they are not.

So far what we have found out from the pilot program, we have not learned from the pilot program, is that essentially 8 out of the 10 States could not tell us that. Could not tell us that.

Mr. FORD. Reclaiming my time, Mr. Chairman, I thank both the gentlemen. I would just close by simply saying that I hope perhaps we can work this out in the interim here. And I would hope if we cannot, I say to the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. MILLER), I do not think anything is wrong with asking these local school districts that want this authority to rise up to the occasion and to be able to live up to these standards today.

I would close by merely saying to all my colleagues in the Congress, particularly on the majority side, the $100 billion infrastructure problem we have in America, the Federal Government did not cause that problem; the 2 million teacher shortage we have in America, the Federal Government did not cause that problem. Let us work together to get the job done. Support the Miller-Kildee amendment.

Mr. DEMINT. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. DEMINT. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I tell my friend from Tennessee that there is no question if they did not require a plan, if Castle-Roemer did not require a plan, I would not support it. If they did not meet what the GAO said they needed to meet, I would not support it.

And when the gentleman says if they do not produce, kick them out, that is what the legislation says. They have 2 years to show, and they better show. They better produce. And then at the end of 5 years, this secretary down here says, they are out.

So everything that the gentleman wanted in the bill is in the bill, and that is why I can support the bill.

Mr. DEMINT. Reclaiming my time, Mr. Chairman, I rise to speak against the amendment as well. Ed-Flex is a great bill, and the amendment takes the flex out of the whole bill.

This bill does what I think we have been talking about for years. It begins to take dollars, decisions and freedom

out of this House and moves it back to houses in our districts. It restores freedom. To me, this bill, flexibility, means more freedom, and I believe that the true accountability comes to teachers and parents and local communities.

Last week I had the opportunity to help present an unprecedented fourth national blue ribbon award to Spartanburg High School in South Carolina. This is the only school in America that has won this four times. So my discussions with the principal, administrators and teachers were very interesting to me, because it seems the Federal regulations that we think are helping to build our schools are, to them, just obstacles that they have to dance around to do what they know really works.

When I talked to the superintendent, he said, quit funding 5 percent of these programs and demanding 100 percent of the control. We have talked about the fact that it is just 10 percent, and that is right, over 90 percent of the funding for these schools comes from local school districts. But when we tie them up with the type of amendment we are talking about today, this type of control invades all aspects of our public school system.

I had a chance to visit Berea Elementary School in Greenville, South Carolina. They had a brand new school. They do not want the Federal Government to build them a new school; they want some new technology. But we will not know what they need from here.

I had a chance to walk up the steps with the class from Berea on my way in here today. They are probably watching what we are doing right now. They know that we cannot manage their school from here, and after meeting their principal, I am glad that Ed-Flex will help to keep us from trying.

I also visited an elementary school that had an old building but plenty of teachers. We cannot decide for them that they need more teachers when they need something else.

I have a son who was playing on a JV basketball team in a public high school. They practiced for about 2 months, but then they had to cancel their game because the girls JV team had not been able to schedule enough games to match theirs and they were afraid of Federal regulation. It is just a little bit, but it invades every aspect of management.

I have learned as a quality consultant that one of the biggest obstacles to quality improvement, that we talk about here for education, comes from multiple levels of authority. There is no way we will ever have quality education in America with local control, State control, and Federal control. This bill recognizes that we need to send dollars, decisions and freedom back to the people who are truly accountable.

It is really a little insulting, I think, to think that we are more accountable here than governors and mayors and county councils and school boards. Actually, we are a lot less accountable because we can hide here away from them and they cannot blame any one of us. We are not talking about accountability with this amendment, we are talking about control, control that we need to relinquish.

I have to take special exception to this idea that our local governments and our States have not done a good job with education. If we track education and our test scores since the Federal Government got involved in the 1970s, there is a direct relationship to the fall of our test scores and the increase in funding from the Federal Government. With every dollar we send them, we send more control.

In my State, about 50 percent of the paperwork has to match only about 5 to 7 percent of the funding.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. DEMINT) has expired.

(On request of Mr. GOODLING, and by unanimous consent, Mr. DEMINT was allowed to proceed for 2 additional minutes.)

Mr. DEMINT. Mr. Chairman, in my State they tell me, with only about 6 to 7 percent of their funding coming from the Federal Government, that the Federal regulations count for about 50 percent of the paperwork. This is what we are trying to do away with, and adding regulation, restrictions and more reports to this bill is not going to help.

The real threat to our education system is coming from us, because the innovation, the trials are being hindered by them trying to keep up with our paperwork and our regulation. I believe that we can secure the future of every child in America if we recognize that freedom does work when it is in the hands of parents and teachers and local communities; when we give more local control.

This bill has the accountability that we need to make sure that we have the plans to match the Federal dollars, but it does not have control that is out of proportion to the funding that we are sending back to the States. I hope all of us will think and vote against this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kildee-Miller amendment, and I do so because I believe that we must try and create equal educational opportunity. We must try and make education available for all of the Nation's children, no matter where they live, no matter where they come from, and no matter who they are.

Mr. Chairman, 80 percent of the schools in the City of Chicago's public school system receive and use title I funds to support the educational needs of disadvantaged children. This means that 80 percent of the schools in the Chicago public school system have over 50 percent of their children from low-income families. We have a responsibility to ensure that these children, that each and every one of them have the greatest amount of educational opportunity that we can provide from all levels of government, whether it be State, local or Federal. That is why I cannot support the Ed-Flex bill as it is.

□ 1715

Ed-Flex in its current form lacks the efficiency and accountability needed to protect what took decades to correct. The Ed-Flex bill will allow local school authorities to redirect funds from special educational programs as well as dismantle professional development for teachers. In fact, this bill may exempt schools and districts from complying with Federal standards that have been set for student performance.

I am aware, Mr. Chairman, that there have been 12 demonstration programs, and yes, my State, the State of Illinois, is one of them. However, these States have not been totally examined. Therefore, I am not sure that all the potential implications of a nationwide expansion are really known.

Mr. Chairman, it is the responsibility of this Congress as we approach a new millennium to ensure that our Nation's children are educated with whatever resources are needed. And so I call upon us to build a new era of equality for all Americans, an era where African Americans, Latinos, poor children, Native Americans and other minorities who have long lived with the highest poverty schools and in the highest poverty communities will have guaranteed access to resources to try and catch up, to try and come from behind, to try and realize the potential that they have, to try and know that before resources that perhaps are not as greatly needed are put in other places and in other areas, that they would have access to those resources.

And so I appreciate the concept of flexibility. I appreciate the latitude that teachers, principals, and administrators need in order to do the work that they have set out to do. But I do not believe at this time that we can risk these greatly needed resources missing their mark. Therefore, I would urge all of us to vote in favor of the Kildee-Miller amendment.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Michigan.

Mr. KILDEE. I thank the gentleman for yielding. The gentleman from Delaware (Mr. CASTLE) has mentioned that under the Miller-Kildee amendment certain districts would not qualify. But those districts who do not meet the requirements of the Miller-Kildee amendment by the school year 2000 do not

lose their Federal dollars. They only fail to achieve that flexibility which must be linked to accountability. There is no loss of Federal dollars at all, but we say if you are going to have flexibility, we have to have accountability. The Kildee-Miller amendment does not penalize them by taking away their Federal dollars, it merely does not give them the flexibility unless there is a nexus with accountability.

Mr. DAVIS of Illinois. Flexibility and accountability must go hand in hand.

Mr. TANCREDO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I want to make sure that everybody understands. Nobody said anybody loses money. What we said is you lose the opportunity to participate. That is what you lose. You do not lose money. No one ever said you lose money. You lose the opportunity to participate. That is what you lose.

Mr. TANCREDO. Mr. Chairman, I rise to speak in opposition to this amendment, as if it were passed we would have to change the name of the Ed-Flex bill to the Education Inflexibility bill because, of course, that is exactly what happens here.

I was a former public school teacher, I was the regional director for the U.S. Department of Education for 11½ years, and I have certainly experienced firsthand the Federal Government's bureaucratic overregulation of our country's educational system.

While I was with the U.S. Department of Education, we published a document called ''What Works'' in which we identified all of the activities, all of the programs that apparently had some positive impact on the educational experience of children. What we also could have done, however, is write another book that was called ''What Doesn't Work.'' We could have identified the hundreds of elementary and secondary education programs at the Federal and State level, thousands of Federal program administrators and State agencies, millions of hours of paperwork requirements produced by the Department every year. We could have identified all of those things as being examples of what does not work and we could have pointed to all of the children who had not learned as a result of all of this bureaucratic intervention.

We know what does not work. It is fascinating to me, because I have been a strong supporter of school choice programs, including vouchers and tuition tax credits. I have said what the gentleman from Tennessee said a little bit ago. I was astounded, as a matter of fact, to hear the gentleman from Tennessee use this very language when he said that he wants schools to either do a good job or be closed. Public schools, he was talking about. He wanted to see that kind of accountability. He wanted to make sure that if they were not operating and actually producing the kind of educational experience that would be best for the kids, that they would close. Those were his words. Great words. Absolutely accurate words.

Mr. Chairman, that is one of the reasons why I can support this Education Flexibility Act and oppose this amendment, because in fact there are a lot of things happening around the country today that do give pause to public school administrators and teachers in the realm of choice because we now know what works, we now know that charter schools and giving parents the ability to make selections from a wide variety of educational opportunities works. We know that works. And so there is accountability in the public school system today. The only reason why we are seeing as much concern expressed on the part of public school administrators today is because in fact there is a little more choice in the system. So I certainly support the concept of choice, and I support the ability of schools to make a lot of decisions here because in fact there are consequences if they do not make those correct decisions. Children do go other places. That is okay. We can watch and see what exactly is going to happen here. I certainly hope that we do not pass the Miller-Kildee amendment as it will, as I say, change the whole concept of this bill to the Education Inflexibility Act.

Mr. GOODLING. Mr. Chairman, if the gentleman will yield further, I just wanted to mention in relationship to Chicago, for instance, the beauty of what is happening there, if they are going to be successful, is the fact the State said, ''Hey, all these years you have failed the children in Chicago. Now, Mr. Mayor, you take over. Forget the State regs, forget all these things. You take over.'' They did not say, ''You must have in place everything you are going to do, Chicago,'' because, of course, this was all new to them. But they are putting everything in place. And from everything we can gather, what they are doing is helping children. All these years they did not help children in Chicago. And so the State said, ''Forget us. Forget these regs. Make it work. Make it work your way, but we want the children to learn, to do better,'' and it appears that they are having success. Flexibility is what they gave them.

Mr. TANCREDO. Also, Mr. Chairman, let me say that it has been my experience that for ages now we have been debating whether or not we should have any confidence in the local administrator, in our local schools, in the local teachers who confront our children every single day. Really what this bill does is it tests that theory.

My friends on the other side of the aisle, I know, believe that people in the system are doing their level best, that everybody is trying as hard as they possibly can.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. TANCREDO) has expired.

(By unanimous consent, Mr. TANCREDO was allowed to proceed for 2 additional minutes.)

Mr. TANCREDO. Does anyone really believe that a majority of the teachers out there, a majority of administrators out there today are looking for ways around doing a good job? That they are trying to figure out what they can possibly do not to have children succeed? In fact, we know that is not true, that in most cases, in 90 percent or more certainly of the cases out there, everybody is working as hard as they possibly can to make sure that children learn.

Something is wrong in the system. We are going to give people the ability to address those problems and come back to us and say, ''Here is how we can make this work. You gave us the freedom, here is now what we have been able to show as the success.'' That is all we are suggesting happen here, give them the freedom to make this thing work.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it really amazes me that there is more in common with our commitment to education than maybe the voices on this floor would seem to acknowledge.

I applaud the Miller-Kildee amendment, and I believe that if we were to pause for a moment, we would find more opportunity to agree to this amendment and to have this amendment passed and to move on to do what is best for our children.

Let me simply say to the parents of America, and ask the question whether you would agree or disagree, and the children, with this very simple proposition. The Miller-Kildee amendment simply says that if we are going to waive requirements issued by the Federal Government on educational excellence, then the States must have in place a viable plan for how student achievement will be assessed. Nothing more, nothing less. It simply says that if you are going to move forward to change requirements to enhance the educational standards of our children, tell us how you will still maintain student achievement.

Everybody seems to get it. I do not know why some do not. The New York Times said that the Miller-Kildee amendment provides the answer to the threat of impoverished schools. What it says is that simply there is a gap between affluent and disadvantaged children and it is a challenge in the American education system to bridge that

gap. This amendment to what we have all come to accept as a reasonable understanding of the educational leaders of our respective States, that they do know education, I do have a degree of confidence in what they do, but what is wrong with maintaining the fact that they must be accountable?

I am somewhat puzzled again about this whole accusation against the Federal Government, that it should not be in education. I agree it should be a partner, not someone who dictates to our local communities. But I am gratified that the Federal Government moved into this whole idea of the educational realm in looking at math and science issues and saying that we needed more money to provide for professional development for our teachers, for Title IX when there was a discussion about parity between boys and girls and providing dollars to ensure that boys and girls had equal athletic opportunities and other opportunities. What is wrong with that?

And might I simply say, in a time in our country where many went to segregated schools, unequal schools, I am gratified for the, if you will, involvement of the Federal Government. It is interesting to note that the Federal funds are only 8 percent. However, in underprivileged and rural communities, Federal funding, especially under Title I, can account for almost a third of a local school system's budget. We must ensure that those moneys continue to go to those school districts in a manner that helps those students achieve. There is no accusation to my friends on the other side of the aisle. But there is a recognition that there is nothing wrong with the amendment that says be accountable, prove to us if you do a waiver that you will in fact be doing the right thing for our children.

Let me say, finally, my home State of Texas has been very successful in implementing the Ed-Flex program, but it has adopted rigorous standards that makes sure that all students, including minority and economically disadvantaged students, rural students, urban students, receive the benefit of Federal funds. For instance, Texas school districts that waive Federal regulations must still show that 90 percent of the African-American students, 90 percent of the Hispanic students and 90 percent of the economically disadvantaged, that means all of those who find themselves in a position where they have to go over a hurdle to learn, they must show that those students are improving in their studies.

I would say, Mr. Chairman, we have an opportunity to show America that we can work together. The Miller-Kildee amendment clearly says that all we want is accountability.

Mr. Chairman, I would like to ask the gentleman from Michigan (Mr. KILDEE) a question, if I could. There was a comment made that this is an inflexible amendment, that his amendment is inflexible, and I believe that this gives more flexibility. To me it provides flexibility to the extent that it helps us be accountable.

Mr. KILDEE. If the gentlewoman will yield, I think it is a reasonable amendment. The amendment really is patterned basically on the structure that Texas put into place. Texas is the most successful State so far. We were just asking them, if we are going to give them that flexibility, which we will give them, we are not going to deprive them of their money, that they have to have some accountability. Texas was willing to give that accountability. I think our flexibility amendment is very flexible.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, the proof is in the pudding. This is a good amendment and we need to pass it.

I rise in support of this Amendment, which requires that state and local school districts that are able to obtain waivers under this bill must closely monitor their students to make sure that at-risk populations are continuing to achieve academically.

This amendment substantially improves this bill, because it prohibits school districts from taking the additional discretion given to them under the Ed-Flex program, and using it to further disadvantage children from minority and lower-income families.

Federal funds are scarce and highly sought after by the states, but they make up only 8% of all education spending. However, in underprivileged and rural communities, federal funding, especially under Title I, can account for almost a third of a local school system's budget. We must make sure that if federal funding is to be had, that it should be used to benefit all students, and not just a select few.

Federal funds often help finance necessary supplemental programs that substantially improve the quality of education in all regions of the country. These supplemental services include remedial math and reading classes, and career counseling. All schools need these services, and this amendment guarantees that all schools will receive them.

My home State of Texas has been very successful in implementing Flex-Ed because the State has adopted rigorous standards that make sure that all students, including minority and economically disadvantaged students, receive the benefit of federal funds. For instance, Texas school districts that waive federal regulations must still show that 90% of the African-American students, 90% of their Hispanic students, and 90% of the economically-disadvantaged students are improving in their studies.

This type of self-imposed criteria should be lauded, and hopefully they will be emulated by all the 50 states if this bill is passed. However, because we cannot rely on each state to do so, this amendment is necessary if we are to pass H.R. 800. I hope that you will all support it.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Kildee-Miller amendment. But I wanted to say at the very beginning that I have known both of those gentlemen for many years as a staffer and as a Member and while we may have disagreements as to how to implement education policy, never in my career as a staffer or a Member have I ever seen Members more committed to the interest of kids than the two authors of this amendment.

□ 1730

I disagree with how they do that, and I think that sometimes they want to do what is best not only for their own kids, but other kids, but their heart is right, and it is important when we are debating things to understand those fundamental principles that one can disagree and still want to have what is best for education.

This is not just about process. This is about what is the best way to educate the kids in America, and is it best through the Federal Government or moving it closer to the parents?

But I want to go through this amendment in particular.

In the third clause it says the assessment information is disaggregated by race, and ethnicity, sex, English proficiency status, migrant status and social economic status for the State, each local education agency in each school unless it does not meet the statistical reliable information level.

Now it is important here, as we have been arguing whether this is flexible or inflexible, but let us just think about all these different standards: race, ethnicity, sex, English proficiency, migrant status and social economic status. Now I understand the value of accountability, and I understand about the value of having information. But here we are not block granting everything; it is only within the limits of small changes within certain programs. After all, this is a bill backed by every Governor and by the President of the United States.

In Indiana terms, it is an itty-bitty flexibility. It is not a flexibility like this or a big light. It is a little tiny flexibility, and there becomes a question of proportionality here because there is lots of information that we would like to have that would be useful. I, for example, would like to have family composition information. I think it would be helpful to know how kids are doing in two-parent families, single-parent families. We all know that children of divorce, particularly in those first periods, have a decline in educational standards. Why not have a report to see what the kids are doing there?

How about mobility? Nobody has ever visited an urban school where they are having trouble with their test scores, or even suburban schools, but particularly highlighted in urban schools where kids are moving between these different schools. Often they will

move four times in a given year. Maybe we should have data tracking kids by whether they moved in 3 months, 6 months, 1 year or 2 years, and we might find that that data has more meaning than a lot of the particular breakouts here.

Now furthermore, the President's proposed policies on social promotion and school uniforms where maybe we ought to have data on that to see whether, if they put school uniforms in school, stop social promotion, to see whether the President's initiatives are, in fact, working, and maybe that ought to be part of it, so enough that we ought to be passing a bill, we ought to have measurement standards.

Now the problem here is, is that in addition to this, let us look at the actual terms. Ethnicity is a difficult statement here. How many breakouts are we going to have? I have the largest concentration of Macedonian Americans in my district. Does this mean that we have to break it out by Macedonian Americans if there is a statistical reliable subgroup, and how many years in the U.S.? I assume that that has a technical meaning with larger subgroups, but the principle is still there, and we argue that all the time in the census right now of forms and even how to do ethnicity and background.

What about by subject matter? One Member from the other side of the aisle came down to the floor and said that he would like to know how math kids are doing by race.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I do not think I could support the gentleman's amendment. It sounds far too complex and restrictive for myself, but the gentleman should go ahead, if he would.

Mr. SOUDER. Mr. Chairman, I thank the gentleman from California.

But what about having science by sex? What about English proficiency and social economic for reading? Because, in fact, the subcategories, that would be useful information and really is information that is useful in English proficiency if we do not know the differences by whether they are a current migrant or whether they, in other words, we start to multiply the variations in what is already there.

All of this is important data. Are we going to data the districts to death?

Furthermore, in addition in this subsection 4(a)(A) it says that there has to be assessment instruments in performance objectives for every subgroup that is disaggregated. So that means, for example, if we have female and male Macedonian American students by income, unless they come in the current migrant status, then we would have to have them in a different subgroup, and then we say this is giving schools flexibility for this itty-bitty, tiny flexibility that we are seeking here. This is a massive potential even without my proposed additional information. This is a potential massive paperwork problem, and I urge that we reject this amendment, but we in effect gut Ed-Flex.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(On request of Mr. KILDEE, and by unanimous consent, Mr. SOUDER was allowed to proceed for 1 additional minute.)

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, as my colleague knows, the language that we have in our amendment and the language which the gentleman quotes is not new language at all. It is the language that is in the Title I reauthorization of 1994, the standards that should be put in place, and it is the language which is in the Texas model. So it is not something that the gentleman from California (Mr. MILLER) and I dreamed up; it is something that we voted on, the gentleman from Pennsylvania (Mr. GOODLING) voted for it in 1994, and it is the same language in the Texas model.

Mr. SOUDER. Reclaiming my time, Mr. Chairman, what I would like to point out is, is that while that may be true in a Title I massive grant, the smaller the flexibility becomes, it becomes a proportionality question, and, furthermore, I would suggest that if we want to do this much detail, that is why we run for local school boards, not become Members of the United States Congress.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but as we come to a conclusion on this debate after almost 5 hours, it is and should be fairly clear to all of us and certainly to the American people that the American education system needs reform, it needs changing, it needs improving, and I do not think we can get any disagreement at all from Democrats or Republicans that that is a true statement. But, as usual, we come down to how do we implement that, how do we achieve that goal, and, as usual, we do have different ideas about how one might do that.

Today's bill is about being flexible. It is about allowing people back home, who do very much understand the need for good training and good education, people who actually know the names of some of the children that we wish to educate, people who have a great deal riding on the education system for their State, and indeed, and most importantly, for our country. I listened to a debate a day or two ago where it was pointed out, and I think it has been pointed out this afternoon in numerous occasions, that all 50 Governors support this Ed-Flex.

I oppose the amendment of the gentleman from Michigan (Mr. KILDEE), and I do not really like doing that especially because of my respect for Mr. KILDEE, but I oppose all these amendments simply because every amendment is based on taking away what we started out to do 5 hours ago, which was to be flexible in our funding for education.

The 50 Governors that support this particular bill happen to be Democrat and Republican. My Democratic Governor in Georgia I am very confident believes in education, and is very concerned about education in our State and is going to make the right decisions to the best of his ability. A lot of times some of the Governors, Republican and Democrat, who are trying to make decisions about education back home cannot do so because of the rings of red tape, and that goes back to the philosophy, and maybe the basic difference in us here is the philosophy in many people up here that only education, only the problems in education, can be solved in Washington. Only we care. Nobody back home could possibly care about our children, and their training and their education as much as we care here in Washington.

Mr. Chairman, that is not the contest. The contest is not who cares the most. The contest is what must we do in order to improve their training and improve their education.

I think that the 50 Governors are right. I think there is accountability in this in the sense that there is only one thing we are asking the States to be accountable for: Are they better or are they not? Have they improved, or have not they? And that is the question, and if my colleagues have not solved that within 2 years, then they are not eligible for Ed-Flex.

So with that in mind, let us give it a try. Let us see how we do. We have given it a try in 12 States. Let us try all 50 States, and let us look, I say to the gentleman from California (Mr. MILLER), and see what the results is. Let us look and see if the test scores are going up, if they are learning better, if they are preparing for life through education better, and if they are, let us do a lot more of this, and if they are not, then let us draw back and say, well, maybe they care back home in Georgia, but gosh, they just are not as smart as we are. We are going to have to take back over.

Mr. WATTS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I would like to wrap up by indicating

what I said at the beginning of this entire debate, and I do not know how I can say it any more sincere.

The well-intended legislation of the 1960s failed the very people we wanted to help the most. We have to admit that. All the results indicate that. Every study has indicated that. So what I am asking my colleagues to do is we have lost 30 years. How many generations of young children have we lost who have not gotten a decent education because we would not admit that we had a problem? We always said if we had more money, we could cover more children, and somehow or other things would be beautiful. It did not work out.

Now that does not hurt us, but it sure does hurt all of those millions of children that we had hoped that we could give them a good start in education so that the life would be far better for them, and that is why it is so important that the accountability that is put in this bill is there.

I want to review that so that everybody understands exactly what the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) have done. Accountability at the federal level, the annual report to Congress; Secretary must submit a report to Congress of State use of Ed-Flex waivers and their impact on student performances. The Secretary on the Federal level approves the applications, Secretary evaluates the State application for Ed-Flex and determines whether they will receive Ed-Flex authority. The Secretary conducts performance reviews. The Secretary must conduct a performance review of States with Ed-Flex.

Then we go to the State level, accountability at the State level. We must set specific and measurable performance goals. In order to qualify States must set measurable performance goals, agree to hold schools and districts accountable for performance. They are required to monitor local waiver recipients annually. States must monitor local waiver recipients and terminate waivers after 2 years of declining performance.

Public notice and comment. States must notify the public when they grant waivers and provide them with opportunities to comment. They must submit an annual report. States must submit an annual report of how Ed-Flex waivers have been used. This report must include information on the types of waivers granted and how they have helped to implement reform and improve student performance.

Now we get down to the local level. They must set specific and measurable performance goals, specific and measurable performance goals. They must track the performance of schools and groups of students affected by waivers. The waivers are subject to termination if performance declines against objectives for two consecutive years.

This is far more than any of the 12 at the present time are asked to do, far more, and as I have said many times, they could not qualify any of the 12 for the Miller-Kildee if the Miller-Kildee amendment were part of that Goals 2000 proposal.

So again I plead with all of my colleagues. Think not about sound bites, think not about politics. Think about how we have failed the most needy children in this country and what is it we are going to do to make sure that changes and make sure as we do, as I said as the State does, with Chicago. They give them time to get everything in place. It is a new ball game for them, but they are given that opportunity, and, as I said, it appears they are working. It appears that children are benefitting in Texas. It appears children are benefiting in Maryland from this opportunity. Now let us give all 50, and let us stick to our commitment which basically says all must be in order by the school year 2000-2001.

Mr. Chairman, let us think strictly about children. Let us make sure that every child has a golden opportunity for a good quality education.

□ 1745

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding.

I would just say that I would follow on to what the gentleman from Pennsylvania (Mr. GOODLING) has said. We ought to learn from the 30 years. For 30 years, the Federal Government has been enabling very sloppy tactics, a lack of accountability. We have simply evaporated on accountability.

We ought to do it right this time, because we are making a dramatic change in direction with respect to flexibility. I think it is the right change to make, but we ought to be able to look our constituents and parents and teachers and students in the eye and say that we have in here public accountability, to try to assure that, in fact, we do it right, because we have not done it right in the past.

I only wish that so many people who spoke against this amendment would have in fact read the amendment because they characterized it in so many ways it has nothing to do with what this amendment does.

I would ask, for the first time, to put teeth into accountability. Let us find out how all of our children are not doing, it is not just some of the children, and vote for the Miller-Kildee amendment. I urge the passage of this amendment.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise today in strong support of the Miller-Kildee amendment, which ensures that meet our intended education goals: improving public schools, improving student achievement, and making sure our children are well prepared for the future.

Of the 12 states which are currently participating in the Ed-Flex pilot program, only Texas has set specific numerical criteria for student achievement. The GAO found that many participating states have only vague objectives that don't allow us to measure how students are progressing under the program.

The Texas plan has shown results. It has allowed the state the flexibility to identify problems and allocate resources where they are needed the most. School districts which have received waivers have made tremendous gains on state tests. This is the essence of Ed-Flex—the flexibility for states to make their own plan while showing measurable improvement in our student achievement that proves to parents that this money is being put to good use.

Democrats believe that local school districts should have flexibility when they administer federal education programs. But we also believe that flexibility should be coupled with accountability to ensure that our teachers, students, and parents receive the support they deserve. This Congress should: Authorize 30,000 more teachers on our way to 100,000; ensure that the neediest schools are protected; and hold schools accountable for student performance.

We can't just turn this money over to states and say, do with it as you will. States must set measurable goals and show progress in meeting those goals. Vote yes on the Miller-Kildee amendment.

Mr. BALLENGER. Mr. Chairman, Mike Ward, North Carolina Chief School Official said before the Committee, we wanted Ed Flex as soon as possible. This postpones it.

As a former county commissioner, I was able to see the actual effect of federal funding of local education along with the rules and regulations that tell you what you have to do and how you have to do it. One size fits all—like it or not. Same for my poorest or richest schools. Now we have a chance to free local schools from the restrictions and red tape that go with not only federal but also state monies. Let's keep it simple and Ed Flex does that.

Twelve states are currently able to waive certain federal education regulations, giving schools within these states the ability to use federal education funds to support innovative, comprehensive school improvement measures. I feel that it is imperative that we give all 50 states such waivers—including my state of North Carolina—so that students all across America may benefit from locally-designed school improvements.

Only approximately six percent of the funds needed to educate our K–12 students are provided by the federal government. However, countless regulations and requirements are tied to the use of these funds. Again, the education environment in each state and local school district is different, so why should the federal government operate under the assumption that one set of universal program requirements fits all circumstances? States and schools must be flexible in addressing local

school matters and the federal government should aide in this effort rather than obstruct positive reforms. And, for the record, H.R. 800 does contain provisions that ensure states are on the way to adopting educational content standards, performance standards, and accountability standards for local education agencies before being granted waiver authority. Under the bill, the Secretary of Education will conduct performance reviews and can revoke a state's waiver authority if a state educational agency fails to make measurable progress in meeting their stated objectives.

Like the existing 12 "ed-flex" states, North Carolina and every other state deserves the right to participate in this program. As we all know, education in this country is at a crisis point. We must let go of limited thinking in terms of education improvement and let the states and local governments use every tool at their disposal in finding new solutions—including non-traditional uses of federal education funds. We need to formulate some new thinking in education and passage of this bill is one step towards that goal.

Some of our colleagues from the other side of the aisle have said that they are in full support of this bill but feel it should only move if it is part of the reauthorization legislation for the Elementary and Secondary Education Act which we hope to pass in the upcoming months. Well, if Congress were to wait for the ideal vehicle to move all legislation, we'd never get anything done. And maybe as some people look to the 2000 election—that's the point.

Two or three weeks ago the minority leader in the Senate said this was the ideal bill to show how bipartisanship works and that probably all 100 Senators would vote for it. Additionally, all 50 governors endorse it. So what happened? Last week the minority decided to hold up that bill in the Senate by offering partisan amendments. Does it appear that our Democratic brethren have decided to stop all constructive efforts in hopes to produce a "do nothing Congress" and in doing so, gain control of the House and forget the needs of the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 228, not voting 9, as follows:

[Roll No. 39]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
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
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
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)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
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
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
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
Roemer
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)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
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—9

Becerra
Bilbray
Capps
Conyers
Frost
Hinojosa
McCrery
Minge
Reyes

□ 1805

Messrs. SIMPSON, HANSEN, BURTON of Indiana, EWING and LIPINSKI changed their vote from "aye" to "no."

Ms. KAPTUR changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, during rollcall vote No. 39, on agreeing to the Miller amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, pursuant to the rule, I offer amendment number 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CASTLE:

In section 4(a)(4)(A)(iii) (of H.R. 800, as reported), strike "or" and insert "and".

In section 4(a) (of H.R. 800, as reported), strike paragraph (5) and insert the following:

"(5) OVERSIGHT AND REPORTING.—

"(A) IN GENERAL.—

"(i) OVERSIGHT.—Each State educational agency participating in the education flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section. Such monitoring shall include a review of relevant audit, technical assistance, evaluation, and performance reports.

"(ii) REPORTING.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight

and its impact on the improvement of education programs.

''(B) PERFORMANCE DATA.—

''(i) STATE REPORTING.—Not later than 2 years after a State is designated as an Ed-Flex Partnership State, each such State shall include, as part of their report to the Secretary under clause (ii) of subparagraph (A), performance data demonstrating the degree to which progress has been made toward meeting the objectives outlined in section 3(A)(iii). The report to the Secretary shall, when applicable, include—

''(I) information on the total number of waivers granted, including the number of waivers granted for each type of waiver.

''(II) information describing the types and characteristics of waivers granted and their relationship to the progress of local educational agencies and schools toward meeting their performance objectives; and

''(III) an assurance from State program managers that the data used to measure performance of the education flexibility program under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data.''.

''(ii) SECRETARY REPORT.—The Secretary shall—

''(I) make each State report available to Congress and the general public;

''(II) submit to Congress a report, on a timely basis, that addresses the impact that the education flexibility program under this section has had with regard to performance objectives described in paragraph (3)(A)(iii). The Secretary shall include in the report to Congress an assurance that the data used to measure performance of the education flexibility program under this section are complete, reliable, and accurate or a plan for improving the reliability, completeness, and accuracy of such data.''.

□ 1815

Mr. CASTLE. Mr. Chairman, the amendment is offered by myself, the gentleman from Indiana (Mr. ROEMER), the cosponsor, the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. MILLER), and the gentleman from Pennsylvania (Mr. GOODLING).

This is a relatively simple amendment. I will take very little time to explain it. It pertains to oversight and reporting requirements, as sort of a follow-up on some of the earlier discussions about GAO.

It strengthens accountability by clarifying reporting and oversight requirements. It ensures that when States monitor the performance of local waiver recipients, they use all information available to them to hold them accountable for using Ed-Flex to improve students' performance.

It clarifies what States must submit to the U.S. Department of Education in their annual Ed-Flex reports. States need only to provide performance data and information about the types and characteristics of the waivers granted. No unnecessary burdensome paperwork requirements, just what Congress needs to evaluate the success of the program and how it is helping reform at the local level.

Finally, it will enable Congress to better understand how Ed-Flex waivers are being implemented, a concern raised by the GAO. It requires States to provide an assurance that their data is complete, reliable and accurate, which is in accordance with standard accounting procedures, and it clarifies that the Secretary should report the information they receive to Congress and the general public on an annual basis.

Included in this report will be an overall assessment of the impact of Ed-Flex waivers on student performance. That is the heart and soul of what this amendment is.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the coauthor of this amendment. I support this amendment very strongly. The gentleman from California (Mr. MILLER) originally came up with this language in committee that was modified and hopefully improved on by the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Delaware (Mr. CASTLE) and the gentleman from Missouri (Mr. CLAY).

We believe it is very important to get good information about how these waivers are being used. We believe it is very important to get specific information, and not just accumulate a phone book, but get specific data, for instance, on how the Ed-Flex waivers are being used for the Eisenhower Program.

And if a particular program is still keeping scores up and they are still using the waiver, but their science and math scores are maintaining as high or if not higher than the rest of the State, we want them to share that information with other States that are applying for the waiver.

So we strongly support this language. We thank the gentleman from California (Mr. MILLER) for the discussion we had on this in our committee, and I would propose to my good friend, the gentleman from Delaware, the coauthor of the amendment and the bill, that we have a unanimous consent agreement at the present time to limit the debate on this particular amendment, which is an agreed-to amendment, to just two or three speakers, maybe just the managers of the bill, and then move on to the Scott amendment, which is an important and substantive amendment.

Mr. CASTLE. Mr. Chairman, I have no problems with the gentleman's offer, but I have the chairman of the committee standing here. Maybe I should get his wise advice.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I think that would be a good idea, Mr. Chairman. Basically, after the last discussion we had for hours and hours and hours, no one should oppose this, since it strengthens accountability by clarifying reporting and oversight requirements. So I would think it is a unanimous vote, and if the gentleman needs a recorded one to see that it is unanimous, the gentleman can ask for one.

Mr. ROEMER. No, we do not want a recorded vote.

Mr. CASTLE. Mr. Chairman, I realize there is a time problem here. We have one or two people who want to speak. Can we have two speakers of 3 minutes, or something of that nature?

Mr. ROEMER. Mr. Chairman, I ask unanimous consent now that we have two speakers; that the gentleman has 5 minutes of debate and we have 5 minutes of debate, and we would yield back our 5 minutes on this particular amendment.

Mr. CASTLE. Yes. I would agree to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Delaware?

Mr. CASTLE. Mr. Chairman, let me restate it, 5 minutes on each side?

Mr. ROEMER. That is correct.

Mr. GOODLING. On this amendment?

Mr. ROEMER. That is correct. Then we would move on to our side, and the gentleman from Virginia (Mr. SCOTT) would be eligible to offer an amendment.

Mr. CASTLE. That is 5 minutes total for our speakers?

Mr. ROEMER. Five minutes on each side, and we would probably yield back our 5 minutes.

Mr. CASTLE. Yes.

The CHAIRMAN. The unanimous consent request, as the Chair understands it, is 5 minutes on each side for this amendment and any amendments thereto.

Mr. ROEMER. No, just this amendment.

Mr. CASTLE. Just this amendment, and amendments to this amendment, yes. Sorry.

The CHAIRMAN. That is what the Chair said.

Mr. CASTLE. Sorry, Mr. Chairman.

The CHAIRMAN. For this amendment and any amendments thereto, 5 minutes on a side, the time to be controlled by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER).

Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

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

Mr. Chairman, I would like to thank my colleagues from the other side. I came to this debate fully expecting that there would be a donnybrook and

battle. I think it has been a very healthy debate, showing differences on the issues itself. It did not get personal. There was very little partisanship that went through. I think that is very, very good.

Mr. Chairman, I would also like to thank the gentleman from Michigan (Mr. KILDEE). Of anybody I have worked with in Congress, both when he was my chairman on the committee and then when I was his chairman on the committee, there is no other one on the other side of the aisle that I have ever worked better with on education issues.

Mr. CASTLE. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. GREENWOOD).

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

I think it is constructive that earlier this afternoon the Pennsylvania delegation met with Governor Ridge, a former member here. The first question that our Governor asked is, When are you going to move this Ed-Flex bill? We absolutely have to have it.

This is what he said was the primary reason, that 40 percent of the bureaucrats working in the State Department of Education are employed filling out Federal forms, only to qualify them for 7 percent of their total educational package.

So the notion that the Castle amendment, joined in with the Ed-Flex bill, will give the Governor of Pennsylvania the opportunity to put some of those 40 percent of the educational bureaucrats to work doing something productive is reason enough for both the Castle amendment and the bill.

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

I strongly support the Castle-Roemer amendment, and thank the gentleman from California (Mr. MILLER) for his excellent contributions.

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

Mr. CASTLE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. SCOTT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. SCOTT:

In section 4(c) (of H.R. 800, as reported), after ''Secretary'', insert ''or a State educational agency''.

At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike ''and''.

After subparagraph (H) of section 4(c) (of H.R. 800, as reported), insert the following:

(I) in the case of a school that participates in a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, the eligibility requirements of such section if such a school serves a school attendance area in which less than 35 percent of the children are from low-income families; and

Mr. SCOTT. Mr. Chairman, historically, when it comes to educating the most difficult and challenging portions of our society, it has always been the Federal Government that has been forced to act because of the States' inability or unwillingness to act.

For example, it was the United States Supreme Court in Brown vs. Board of Education which forced States to provide an equal education for African American students.

It was Congress, through the Individuals with Disabilities Education Act, which required States to afford free and appropriate education to children who are physically and mentally challenged. For low-income children, Title I was fashioned by Congress to focus resources on a population whose needs were not being met.

Today it seems that we are prepared to abrogate our responsibility to make sure that those who are in need of educational services continue to receive focused Federal educational assistance. In the name of increased flexibility, the bill before us allows States and school districts to shift targeted Federal educational assistance away from the most educationally and economically disadvantaged students.

This amendment, which I am offering today with my colleague, the gentleman from New Jersey (Mr. PAYNE), guarantees that we will continue to focus on children most in need of assistance.

Mr. Chairman, without this amendment we would allow schools to shift funds designed to improve educational opportunities for those who are economically and educationally disadvantaged in favor of those who are not in as much need. The purpose of Title I is to focus funding on low-income students, because we recognize that they are educationally at risk and because we recognize that the States were not addressing these needs. Funds must be focused on those children who are most at risk.

But there is an exception to those who are in schools where the majority of the students are poor. In those schools, Title I funds can be used for school-wide programs, not targeted purposes. Although the funds are thereby diluted, the dilution is offset by the administrative efficiencies in the school-wide programs, rather than having to serve only those children who are technically eligible for services, and not others. This amendment will prevent schools with low poverty rates from diluting the funding to the point where the needy students are not helped at all.

Members of Congress should be reminded of why Title I was funded in the first place, because States were ignoring the educational needs of the poor. If we trusted the States to adequately fund the educational needs of the poor, we would not have funded Title I in the first place. Therefore, I offer this amendment to avoid unnecessary dilution of Title I funds, and to maintain our commitment to those educationally at risk.

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

Mr. PAYNE. Mr. Chairman, the gentleman from Virginia (Mr. SCOTT) and I feel that this amendment is extremely important.

When the Elementary and Secondary Education Act was originally written in 1965, it was clear that the performance of students at high poverty schools was relatively low. The Federal Government decided to commit resources to ensuring those schools receive program funds specifically targeted to schools that had large numbers of children who lived in poverty. That program is now called Title I, and it was created to help improve the gap in achievement between low- and high-income students.

We all know that today the gap of achievement still exists. That is why it is important that we maintain our commitment to reaching out to those schools in the form of targeted assistance. But under H.R. 800, States are given the authority to allow schools to participate in schoolwide programs under Title I, regardless of their low-income child percentages.

Let me give an idea of what Title I schoolwide programs do and how they are funded. Funds are currently given to individual schools with a student population that is 50 percent or more below the poverty level. They are able to use the school-wide funds to institute programs that benefit all students at a high priority school. Such examples include hiring more teachers, instituting reform plans.

This bill will allow waivers to be issued to schools so they may give these funds to any school, regardless of their poverty level. This is wrong. Giving school districts the authority to use Title I funds for schoolwide programs at any school, regardless of the number of children who are low-income, dilutes the purpose of Title I. It is wrong.

Over the years, when the program first started, we had to demonstrate 75 percent of the students. It was dropped to 50 percent. Now we are saying it is unimportant about the level.

Now we stand here today, about to vote on a bill that will give the States the authority to waive this poverty level requirement and allow schoolwide program funds to be allocated to schools that do not have one child who lives below the poverty level. We can argue all we want about the effectiveness of the Title I program over the years. But make no mistake about it, Title I was created to give high poverty, low performing schools a better chance

at improving student achievement. We cannot take away our commitment to these schools by allowing waivers to be issued to schools that have low levels of poverty to be eligible for Title I funds. Diluting Title I funds for schoolwide programs so that any school can use them defeats the entire purpose of the program. This amendment will simply make sure that only schools with over a 35% poverty rate are eligible for schoolwide project funds. It will keep low poverty schools from capitalizing on a program meant for high poverty schools. This amendment is consistent with the actions of the Secretary of Education who has only issued waivers for schoolwide programs to schools with poverty levels of above 35%. Without accepting this amendment, we will find that we have spread the funds too thin to see any real gains in achievement at schools using Title I funds for schoolwide programs. And we will most certainly find that disadvantaged schools will see less of the Title I funds originally created to bridge the gap between high and low poverty schools. The Title I program was created as a program for disadvantaged students. You can keep some semblance of that intention if you vote for this amendment.

Mr. HOEKSTRA. Mr. Chairman, I rise to oppose this amendment. Let me explain why.

Over the last few years, as we have taken a look at education around the country, we have visited a lot of different types of school districts, but one constant remains, that people at the local level are focused at meeting the needs of the kids in their schools. They want more flexibility. Washington has stood in the way too often of schools helping kids in their community.

What Ed-Flex does is it steps back and it says, we recognize that at the local level the teachers, the parents, and the school districts are best-equipped to make the decisions to improve the lives and the education of their students.

If we take a look at the facts, Ed-Flex, in the 12 States where it has been operating, has been helping and not hurting Title I students. It just reinforces the direction here that says, let local people make local decisions. We have had lots of cases where schoolwide programs have been more effective at improving student performance than traditional targeted programs.

In both Texas and Maryland, Ed-Flex States, Ed-Flex has enabled school districts in each State to improve the test scores of their poorest children. In return for greater flexibility, both States have produced solid academic outcomes.

An example, in Kent County, Maryland, a 60 percent poverty school that utilizes Ed-Flex, it now has the third highest test scores in the State. In Texas, through the use of Ed-Flex waiver authority for schoolwide projects under Title I, test scores of poor and educationally disadvantaged students have increased significantly.

I think these are just a couple of examples of when we empower people at the local level, they take that flexibility and they make the decisions that are right for that school district and for the kids in their schools.

□ 1830

We saw that over and over again. Whether we were in New York, whether we were in Cleveland, whether we were in Milwaukee, when we give the flexibility, people at the local level embrace it and put together some truly exceptional programs. They do focus on results, and they do focus on the most needy students within their school districts.

We do not need Washington to dictate. We ought to place some confidence in people at the local district. I think what we have seen and the examples that we have out of Texas and Maryland show that that is exactly what happens.

Some would argue that Ed-Flex shortchanges high poverty schools. Again, that is not true. Since 1994, the year that both Ed-Flex and schoolwide projects under Title I became law, the percentage of high poverty schools receiving Title I funds rose from 79 percent in 1993, 1994 to close to 95 percent in 1997, 1998. Poor students are continuing to benefit under Title I.

The question that we have is, when Governors, school administrators, teachers, State boards of education, local boards of education, and chambers of commerce, all experts at improving education, they all support more flexibility for the States, why is it that we continually see amendments here in Washington that are trying to dictate to them what they should do?

We know flexibility works. Local school principals, local teachers, local administrators like having the schoolwide option. The national assessment of Title I shows that, by 1997, 1998, 82 percent of eligible schools were using the schoolwide option, and an additional 12 percent were considering implementing schoolwide programs.

We know that this type of an approach works. We know that the flexibility works. We know that, when we enhance the capability of people at the local level within a set of parameters to improve education, they make the right kinds of decisions. Let us leave this decision making at the local level within those parameters and oppose this amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at the end of this debate, when we have 15 or 20 minutes left in this 5-hour debate, to again salute my coauthor the gentleman from Delaware (Mr. CASTLE), who has worked so hard and with so much integrity on this legislation. I have enjoyed working with him very much on this legislation, and I hope to work with him in conference on this legislation.

We have agreed virtually on everything over the last 8 months. Accountability and how, in the sensitivity of enhanced flexibility, but strong accountability, we work through that nexus and that synergy. I think we have accomplished that.

We have worked through a host of other very, very difficult yet bipartisan issues. This is the one issue that I come down in disagreement with my good friend, the gentleman from Delaware (Mr. CASTLE). I come down on this on the side of the amendment of the gentleman from Virginia (Mr. SCOTT).

When we look at this bill and we see how we must maintain accountability, we also have to maintain the integrity of Title I programs. When we look at the genesis of Title I under the SEA Act of 1965, we look at why we formulated this program in the first place, that different children come to school from different families with different incomes.

Some of these children come to schools where they are eligible for free or reduced lunch programs, where their parents or parent are making under the poverty line. We put together the program that tried to compensate some of these school districts that base their tax system on State and local taxes, but they may have high poverty rates and may have high percentages of children on free and reduced lunches.

The Title I program is specifically designed to help these children that attend some schools in some of our inner cities where we do not have adequate access to technology and computers, we do not have adequate textbooks, textbooks are missing pages in algebra in science, where we have children walk through gang-infested neighborhoods, and we have to employ out of those funds in the school full-time police officers. What about equal access to education for these children?

All the Scott amendment does, it says that we are going to try a new way of delivering Title I programs, but there should be a floor as we experiment here. The floor should be at 35 percent. I think the State of Michigan has voluntarily agreed to set that standard at 35 percent.

We must, and I implore my colleagues on the other side, where Democrats have come across the aisle today on several amendments to join with Republicans, that Republicans join now with Democrats; that we look at the genesis of Title I; that we maintain the integrity of helping the poorest of the poor students; that we consider that some of these children come from very different backgrounds and very different incomes and very different families.

Some of these children do not get hot lunches and hot dinners and hot breakfasts if it were not for our hot lunch and hot food program. They would not have access to the kind of education

that every son and every daughter should have in this country if it were not for equal distribution or fair distribution or the integrity of the Title I program.

I encourage my colleagues not to let that floor be set any lower than 35 percent and support the Scott amendment. It maintains that integrity in the Title I program. I thank the gentleman from Virginia (Mr. SCOTT) for offering this amendment.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak to this as sincerely as I possibly can. Sometimes we get awfully tangled up with numbers on this. I respect the gentleman from Virginia (Mr. SCOTT) in so many ways because we have worked together on a lot of different issues. But I am perplexed by Title I.

I have watched Title I for many, many years in many capacities in the State of Delaware. Quite frankly, while money goes into the system, I have never seen a measurable output that would tell me that Title I is actually doing better. Now one could argue it is, but it is all anecdotal at this point.

We are now seeing under the Ed-Flex legislation, when schools are going to schoolwide projects, which means that they take the whole school and try to have a rising tide with respect to that school, that, all of a sudden, the Title I kids are doing better.

I am not going to sit here and tell my colleagues this is the best thing since sliced bread because it is not absolutely proven yet, but it seems to be working. To put a floor on this and to say, if one does not have 35 percent or more poverty, one cannot get a waiver in this case I think would be a mistake.

I think we should let the local school district and the schools and the States make the decision as to which way we should go. We have this particular chart, which shows that Ed-Flex boosts student performance, Texas uses flexibility to improve reading scores. It shows statewide scores. Then it shows higher scores for Hispanic Ed-Flex schools, for African-American Ed-Flex schools, and for economically disadvantaged Ed-Flex schools.

So we actually can show, we can document improvement in State reading scores in the State of Texas as a result of what they have been able to do with Ed-Flex, with the schoolwide programs, and with the waivers.

I spent time in a school in Dover, Delaware, I guess 3 days ago now, and talked to the principal there. We are not an Ed-Flex State, but she is not sure about whether to go to something like a schoolwide program at this point. That is fine. That is her decision. I do not have a problem with that.

In Kent County, Maryland, right over here on the Eastern Shore, if you go to Rehoboth Beach, Delaware, you drive through it, a 60 percent poverty school there that utilizes Ed-Flex has the third highest test scores in the Nation.

I do not know this, but I would imagine there are not too many Title I programs across this country which can have documentation such as that. They of course are using the schoolwide projects to carry out what they have to do in order to help these young children.

The people who are doing this care a great deal. These are not people who are trying to throw money away. As a matter of fact, in the Ed-Flex bill, one cannot change the money. The money goes to the school district. They get it, and they cannot give it away to another school district. But they can make decisions in their school district, just as Texas has done.

Maybe a school that is a little bit higher income can do better than a school that is a little bit lower income, needs more help than a school that is a little bit lower income, and, therefore, adjusts the flow of their funds accordingly in order to accommodate those problems.

The governors, the school administrators, the teachers, the State boards of education, the local board of education, and the Chamber of Commerce, among others, have all looked at this and believe that it is a positive step going in the right direction.

We also have plenty of accountability in this bill now thanks to some of the discussion today and some of the things we were able to do in committee. Indeed, we can make determinations if these programs are working.

But, again, I am trying to discourage any amendments today, tonight, that are going to, in some way, discourage flexibility. Of all the areas that concern me the most, Title I is the one I am most interested in seeing what we can do, to see if we can have documentable improvement of our students in those particular programs.

The one thing that I see and which truly has worked is the schoolwide programs which we have talked about here today. By the way, schoolwide waivers and the Title I programs are almost the most sought after in some ways of these various waivers under Ed-Flex as well, because a lot of schools are seeing that opportunity.

I personally shy away from arbitrarily putting in some sort of a floor and say, well, if one is below that then one cannot have the schoolwide program. Others might argue, well, if one gets below that level, one is going to have so little money one has to do it for individuals or whatever it may be.

I do not necessarily believe that. I believe that educators in America today are beginning to really understand that people in elected office, parents, and people across this country are beginning to demand better education. That is the best thing that has ever happened.

The next best thing that has ever happened is the fact that we are taking this long to discuss a bill of this importance on the floor of the House of Representatives. As was said at the very beginning, I hope we do it once a week. I am not sure the staff hopes for that. But I hope we do it once a week so we can improve the education of our children.

I would hope, even though I want to help Title I in every way we can, that tomorrow, when we vote on this amendment, that we would defeat the amendment; after we have done that, that we would rally together to pass Ed-Flex.

We have had a good debate on the amendments. I understand there is a good chance it will pass in the other body tomorrow. They have worked some things out apparently. The chairman has given strong support for this. This is really an opportunity for us to join together to move education forward.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Scott amendment and wish to cite improvements in the District of Columbia as one good reason this amendment is minimally necessary if we are really going to pass this Ed-Flex bill at all.

I hope we will not throw poor children into a power struggle to get money, Title I money, and that is what we are doing if we do not safeguard this flexibility, if you will, for those who need it more.

If one asks any parent, any child, any teacher what could the Congress most do that would help you, I do not think they would say give us flexibility. I think they would say give us results.

I implore my colleagues to look at the question: If we are freeing up funds, for what and for whom? No government spends money so well that we should want to give it a blank check. If my colleagues do not think much of the way the Federal Government spends money, I hope they do not believe that the State governments are paragons of fairness and of efficiency in spending money. The problem, as usual, is that one has to watch government and to make sure government spends its money wisely where it is most needed.

We have had an extraordinary thing happen in the District of Columbia, a turnaround in test scores. Every grade, test scores have significantly gone up. How do we do it? We did it by giving individual attention to the children most in need, because they are with children who are pulling down the test scores for everybody else.

□ 1845

We did it by our Summer Stars program, where children were in classes of

15 children to 1 teacher. We do it now with a Saturday Stars program, with the children most in need going to school on Saturday for special attention.

We have not spread the money all around the city and said that whether the children needed it or not, here is some money. We do not need to shoot in the dark, nor do we need to say, here is the bank, come get it, and whichever of them are most powerful, and we know who they are, they will be sure to get it.

Moreover, we have learned something finally about education. Essentially we have learned that if a child is going to learn to read at all, they had better learn to read in those early grades. It becomes very, very difficult afterwards.

Who is having trouble reading? It is the 35 percent that the amendment of the gentleman from Virginia (Mr. SCOTT) would set aside money for. Mr. Chairman, there is a direct correlation between test scores and income. The evidence there is irrefutable. There is a direct correlation between income and IQ. So we do know that if income, which means access to education, goes up, that we do improve what happens to a child.

The gap between the poor and the middle class is not going to erase itself by ''flexibility''. If we want that gap to be erased, then we have to make sure that at least some of the money is targeted where it is most needed.

Why did we pass this bill in the middle of the war on poverty in the first place? We passed it because there were children who were not getting the attention that was needed. If we must pass this bill, and I have grave problems with this bill, it seems to me that the other side owes us some continuing guarantee that we are not simply blowing the lid off of Title I, telling poor children that they and their parents are now in the mix and may the most powerful and most outspoken win.

We have an obligation to, at the very least, if we must pass this bill, to make certain that the flexibility that we all seek redounds especially to those most in need.

Mr. CUMMINGS. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Maryland.

Mr. CUMMINGS. I thank the gentlewoman for yielding, Mr. Chairman, and I stand in support of the Scott-Payne amendment.

The CHAIRMAN. The time of the gentlewoman from the District of Columbia (Ms. NORTON) has expired.

(On request of Mr. CUMMINGS, and by unanimous consent, Ms. NORTON was allowed to proceed for 1 additional minute.)

Mr. CUMMINGS. Mr. Chairman, if the gentlewoman will continue to yield, I stand in support of the Scott-Payne amendment. And the reason why, Mr. Chairman, is I would have been one who would have come under Title I.

Many years ago I was placed in special education and told that I would never be able to read or write. And as I look at this whole bill, the safeguards are not there to address accountability. When the Kildee amendment was defeated, accountability went away.

In my district, in many of my schools, most of the children are Title I children, and I am very, very concerned about them. I would just ask the House to support this amendment.

Title I is the federal government's way of assuring disadvantaged children have the opportunity to receive the supplemental services they need to succeed, school as reading and math. We must continue this effort to close the academic achievement gap between disadvantaged children and their schoolmates. Unfortunately, the Ed-Flex bill does not include the safeguards to ensure that this happens. With the defeat of the Miller/Kildee amendment this bill will go forth without substantial accountability mechanisms in place. Moreover, the bill itself will allow states to waive the current 50% requirement for Title I. Conceivably, a school could use their Title I funds on a school-wide project that did not take into account special needs of poorer children.

My state of Maryland is one of the 12 states that is currently implementing Ed-Flex, with measured statewide success. The majority of children in my District of Baltimore City are Title I eligible. I have serious concerns that with no accountability with regards to Title I funds, monies could possibly be diverted away from disadvantaged students. As my colleague Sheila Jackson-Lee pointed out in the earlier debate, Title I funds can account for up to one-third of a local school system's budget in a disadvantaged area. That is a lot of money with no accountability.

That is why I stand here today to support the Scott/Payne amendment which would require that only schools in which at least 35% of the students come from low-income families may seek a waiver to use their Title I funds to operate their school-wide programs. We must not reduce targeted resources available to disadvantaged children. It is a risk we cannot take. I urge my colleagues on both sides of the aisle to join me in voting in favor of this amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) is entitled to 5 minutes, but under the rule, there is only 3 minutes remaining. The gentleman may have those 3 minutes.

Mr. GOODLING. I can do it in 3 minutes, Mr. Chairman.

I want to, first of all, indicate to the gentlewoman from D.C. that, as a matter of fact, they are turning it around under present existing law. There does not have to be a change. They are turning it around under the 50 percent existing law that is there now.

Now, I have been wanting to, for many, many years, give the gentlewoman an extra $12 million a year. I have been wanting to give the gentlewoman from D.C. an extra $12 million a year. All the gentlewoman has to do is help me. All she has to do is get the special education funding that the gentlewoman's side promised 23 years ago, and we would give her an extra $12 million every year. Boy, could the gentlewoman ever reduce class size; could the gentlewoman ever do a lot of repairs. She could do all sorts of things with that $12 million.

The important thing is that the changes are being made under existing law. All the scores that have gone up in Texas have gone up under the schoolwide effort. That is the beauty of it. We are pulling everybody up. So we do not need any changes because it is now working.

So, again, I would ask everyone to oppose this amendment, allow Texas to continue to raise African American students 11.9, when the State average is only 11.4; Hispanic students 9.4, the average is only 9.2; the economically disadvantaged student, 10.3, the average is only 10. They are doing all those wonderful things to help every youngster improve their opportunity for a piece of that American dream. Math, same story. Every one in the Ed-Flex schools have increased, and they have done it with school-wide effort.

So, again, Mr. Chairman, things are improving under existing law, finally. Finally, after 30 years in this program and 23 years in the Head Start, and so on, those youngsters are finally getting an opportunity to get a piece of that American dream.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this Amendment, which recognizes the need to utilize flexibility to administer programs while protecting resources targeted to disadvantaged children.

The Scott amendment would add a finding to the bill encouraging the use of flexibility in administering Federal Education programs while not reducing resources to schools with the highest concentrations of poor children.

This amendment sends the message that flexibility and targeting of resources should be coupled together in the effective administration of Federal education programs. It also recognizes that the concept of flexibility and targeting do not have to be at odds.

With this amendment, this body sends an important message that targeting of Federal resources is vital to the success of disadvantaged children, even in efforts to advance flexibility. Focus the use of Ed-Flex in expanding flexibility that recognizes the need to target resources.

I urge my colleagues to support this amendment which recognizes the need to utilize flexibility to administer programs while protecting resources targeted to disadvantaged children.

The CHAIRMAN. Time for consideration of the bill for amendment under the 5-minute rule has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 100, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

Mr. GOODLING. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOSSELLA) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 800) to provide for education flexibility partnerships, had come to no resolution thereon.

REQUEST FOR VOTE ON AMENDMENT NO. 3 DURING FURTHER CONSIDERATION IN THE COMMITTEE OF THE WHOLE OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. CLAY. Mr. Speaker, I ask unanimous consent that when the House resolves into the Committee of the Whole House for the further consideration of H.R. 800, that amendment No. 3, printed in the RECORD, be considered ordered for a vote.

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

Mr. CASTLE. Mr. Speaker, reserving the right to object, I would ask the gentleman from Missouri (Mr. CLAY) to please explain.

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

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

Mr. CLAY. Mr. Speaker, the Members are being asked to vote on, without debate, amendment No. 3, which would authorize the hiring of 100,000 new teachers to deal with the problems that exist in some of these communities and would be able to reduce class size for the lower grades, K through 3.

I think it is a very important amendment, Mr. Speaker.

Mr. GOODLING. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REQUEST FOR PERMISSION TO EXTEND TIME FOR DEBATE AND OFFERING OF AMENDMENTS FOR 2 ADDITIONAL HOURS DURING FURTHER CONSIDERATION OF H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the time period established on H.R. 800 for consideration of this bill or amendments under the 5-minute rule be extended for 2 additional hours.

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

Mr. GOODLING. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 42, PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–48) on the resolution (H. Res. 103) providing for consideration of the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 819, FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 1999

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–49) on the resolution (H. Res. 104) providing for consideration of the bill (H.R. 819) to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001, which was referred to the House Calendar and ordered to be printed.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) is to continue in effect beyond March 15, 1999, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities. The last notice of continuation was published in the *Federal Register* on March 6, 1998.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1999*.

TRIBUTE TO BUCKNER HINKLE, SR.

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

Mr. FLETCHER. Mr. Speaker, today I rise to recognize the life and accomplishments of Mr. Buckner Hinkle, Sr. of Bourbon County, Kentucky.

Mr. Hinkle will be missed deeply by his family and community, but his memory will live forever in a place he loved so dearly and worked so hard to preserve. He was a leader in his community and worked tirelessly to make sure Bourbon County was the best it possibly could be.

Mr. Hinkle was a dedicated friend, neighbor and citizen, who showed an ongoing interest for people around him and for the community in which he lived. He gave unselfishly of himself and asked for nothing in return.

I know he will be missed by his loving family and friends, however his memory and many contributions to those around him will live forever. It is an honor to recognize the life of an outstanding American who truly made Bourbon County, Kentucky, a better place.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOSSELLA). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO URBANA HIGH SCHOOL'S CONCERT CHOIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the Urbana High School Concert Choir is scheduled to appear in Rome, Italy during this week of March 12 through March 19 as a representative of the State of Illinois in an American Celebration of Music in Italy 1999.

The Urbana High School Concert Choir is under the directorship of Mr. Willie T. Summerville who hails from Crossett, Arkansas, attended the T. W. Daniels High School, Arkansas AM&N College at Pine Bluff, and earned a master's degree in music education from the University of Illinois at Champaign. The choir will sing during the mass on the 16th of March in St. Peter's Basilica in Rome. They will sing one selection at the beginning while the priests enter, one selection during the offertory, two selections during communion, and one selection at the end of the mass.

Mr. Summerville and his 40 Urbana High School advanced concert choir members are to be commended and congratulated for being among the best in the world. But all of the Champaign-Urbana community are to be commended for their spirit of generosity and cooperation in contributing the $70,000 needed for the group to make the trip.

The choir was selected on the basis of recommendations from State music officials, past accomplishments and superior ratings. All of the $70,000 came from donations, many as tributes to Willie T. Summerville, an outstanding teacher for more than 30 years.

This letter, which I will read, contained the first $1,000 contribution and says it all.

To Mr. Summerville:

Twenty-nine years ago, in the fall of 1969, I was a student in Mrs. Bryan's sixth grade class at Robeson Elementary School in Champaign, Illinois. In September of that year my father was killed as a result of injuries he sustained in a brutal beating that took place at Par 3 Golf Course. As you can imagine, it was a very difficult time for me. I found few things capable of lifting my spirits back then. Fortunately, the one exception was you, your music class and the time spent in the Robeson Chorus.

I can still remember walking into your music class. You greeted many of us with the silly names that you had made up for us. Music class was always an enjoyable, fun time. We traveled to many countries, many cultures and many people thanks to you and your piano. You taught us about racial equality and racial harmony. I still remember the words to the songs you taught us, like Marching to Pretoria, Walk on By and Good Old Days, to name just a few. On a more personal level, for a boy who had just lost his father, you served as a male mentor and for the time we were together helped to fill some of the void left behind.

Even outside the classroom, you were an influence in my life. As you may recall, I learned to play trumpet from the band teacher, Phil Garringer, and at his insistence participated in two statewide annual solo music competitions. You were my accompanist for both of those contests, and each time I took home medals. But you were more than an accompanist. You were my coach, my conscience and the driving force behind my success in those contests. You taught me that you play like you practice. You taught me about goals and challenged me to set high standards for performance. You taught me how to work to achieve them. Most of all you taught me to believe in myself at a time when my confidence was shaken. In so many ways, you helped to shape my life and teach me lessons that I still use and practice today. In short, you touched my life.

I am so pleased to learn that you are still shaping and touching young lives. A trip to Rome for your students will no doubt be a life-changing experience for many of them. They will never be the same again for having gone to Italy or for having had you as their teacher. I am thankful that it is finally my turn to help you, and in a very small way repay you for all that you have done for me. I have no doubt that you will succeed in raising the funds you need for the trip. To you and your students, I say learn and enjoy. And thanks again for the memories and lessons on life.

Tim Miller, Vice President, General Counsel, Crane Plastics.

Again I say congratulations to the Urbana High School Concert Choir, to the Champaign-Urbana community, and all of those who made this opportunity possible for 40 outstanding young people to make a trip that they otherwise never would have experienced.

Again I say congratulations to my cousin, Willie Summerville and his wife Valeria, both outstanding teachers, outstanding parents, parents of the year, humanitarians, and I say thanks to you for looking out for the young people from Chicago who come to Champaign-Urbana to attend the University of Illinois. I am certain that Moses and Lenora Summerville are proud of your work and the impact that you have had on the lives of others.

Again, congratulations to you, all of the people of Champaign-Urbana, and certainly to the 40 outstanding young people who will get the opportunity to sing at St. Peter's Basilica.

INTRODUCTION OF MILITARY FAMILY FOOD STAMP TAX CREDIT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, approximately 11,000 of our military families are on food stamps. Let me repeat that. Eleven thousand military families are on food stamps. The men and women who volunteer to protect and defend the citizens and freedoms of this Nation are struggling to make ends meet. Our troops accept the most awesome responsibility, yet they are so severely underpaid that many must take on second jobs. Others are forced to accept food stamps in order to feed their families. Still many others out of pride refuse government assistance and their families suffer silently.

Mr. Speaker, I find this absolutely inexcusable. These men and women are willing to defend and die for this Nation and yet our troops are paid so little that thousands can barely afford to feed their own families. Unfortunately, the problems that face our military extend well beyond pay levels. Today's average soldier, sailor, airman and marine is both overworked and undercompensated, and it is not surprising. Defense spending has been cut nearly in half under the current administration. President Clinton will not pay for the increased operational needs of the armed services, but he continues to deploy our forces at a rate greater than any other President in peacetime since World War II. These deployments, which often have no direct bearing on our national security, have cost our Nation over $13 billion. Frequent deployments are taking their toll on our aging equipment, they are separating our troops from their families, and are quickly wearing out our forces.

I have the honor of representing a district with four military bases, Cherry Point Marine Air Station, Camp Lejeune Marine Base, Seymour Johnson Air Force Base and the Elizabeth City Coast Guard Base. I have spent many hours meeting privately off-base with dozens of pilots, commanders and enlisted personnel. They will tell you, Mr. Speaker, the current state of our military is cause for concern. We cannot continue to do more with less, nor can we expect to continue to recruit and retain men and women to an all-volunteer force until we address the issues that affect the quality of life of our troops.

Mr. Speaker, at this point our military has all but hit the bottom of the barrel. Over the last few years, Congress has continued to bring this serious discrepancy between civilian and military pay to the attention of this administration. As a result, the administration has finally started to consider a pay increase to combat the growing problem. This is a good first step, but we need to build upon this momentum.

Today I introduced a bill to curb what I consider one of the most unacceptable situations that faces our military families, and that is that our military families need food stamps. The bill I filed today, the Military Family Food Stamp Tax Credit Bill of 1999, will extend a tax credit to military families to ensure that they no longer have to depend on the government to put food on their table. The tax credit also helps our enlisted troops overseas who currently cannot participate in the food stamp program. With the anticipated increase in basic pay and this tax credit, we can look forward to raising the income level of our Nation's military so they will no longer be forced to rely on food stamps.

I hope that my colleagues on both sides of the political aisle will join me in honoring the important role of our United States military and support this bill.

QUESTIONS THAT MUST BE ASKED REGARDING OUR NATION'S COMMITMENT OF GROUND FORCES TO KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Mexico (Mrs. WILSON) is recognized for 5 minutes.

Mrs. WILSON. Mr. Speaker, tomorrow this House will debate whether the United States ground forces should be deployed to Kosovo as part of a NATO force to oversee the implementation of an agreement negotiated by a group of countries led by the United States. This body does not often debate foreign policy. Under our Constitution, foreign policy is generally the responsibility of the executive branch. But there are some limitations to that power. It is up to us to ask the tough questions, to oversee, to be the check in a system of checks and balances that generally works in the people's best interests.

We are the People's House. And while professionals might sometimes decry our provincialism, collectively we bring a perspective, an important and different perspective, to these decisions. The troops that will go to Kosovo to us are not unit designations or blocks on an organization chart. They are kids, the sons and daughters of members of our Kiwanis Clubs. They played football at our high schools and sang in the church choir. They are the kids who delivered our newspapers and struggled with math homework. They decided to go into the service because their dads did, or because they really have not decided what they want to do with their lives, or because they wanted to earn money for college, or see the world a little bit before they settled down, or because of duty to country.

There will be 4,000 names and faces with families from our hometowns who will be asked to go to a province most of them probably could not have found on a map a few months ago, and before we send them overseas, we need to ask ourselves some tough questions. I know that, because I used to be one of them. I am the first woman veteran in the history of the United States to serve in the House of Representatives. I have friends and classmates who serve tonight in the Gulf, in Korea, in Europe, and all over the United States. I also know a little bit about NATO and European security policy, having served as a member of the United States Mission to NATO and as a director on the National Security Council staff at the White House during the period of the fall of the Berlin Wall and the collapse of the Warsaw Pact. I am a strong supporter of NATO and of American engagement in the world. But my support is not unconditional or blind, nor should it be for any of us.

Let us not underestimate how profoundly serious our vote tomorrow will be. We will endorse or reject the indefinite assignment of 4,000 American men and women as part of a 30,000-person NATO deployment into the territory of a sovereign country, with which we are not at war and over the objections of that country, on the grounds that the administration of the province of Kosovo is not in accordance with international humanitarian standards. While we may have come to this point by small steps, the policy we will debate tomorrow is an extraordinary departure from what was envisioned in the NATO charter, and I would argue a departure from much of American diplomatic history.

I rise tonight not to argue with you for or against the Kosovo resolution, that will be for tomorrow, but to suggest to my colleagues some of the questions we must answer and ask on behalf of our constituents.

□ 1915

First, what is the threat to U.S. security or a vital U.S. national interest? We need to be able to answer this not in vague and rhetorical ways, but very specifically.

Second, what is the political objective we are trying to achieve, and is the deployment likely to achieve that political objective? In Kosovo, the purpose seems to be to stop oppression of the Kosovars and begin a process that will lead to a referendum on autonomy, but not independence.

Third, is the size and structure of the proposed force, their rules of engagement, their lines of command, clearly defined and adequate to the task so that risks are mitigated? Who do our forces report to, and who decides what they can and cannot do? Whom do they shoot at and for what causes? Do they have the armored vehicles and the air support they will need if everything does not go exactly as planned? And it will not. How are forces to react when KLA members refuse to disarm, as many will? How should they react to outside intervention, unlike Bosnia where there are enclaves that different ethnic groups claim? In Kosovo, the Serbs and the Kosovars are claiming the same territory, and we are led to understand that Serbs and Kosovars and NATO forces will be all in the same area. How do we protect our troops in that situation? And what are they allowed to do?

Mr. Speaker, tonight we have a lot to think about as we prepare for the debate tomorrow.

RATIFY CEDAW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to ask my colleagues, my colleagues in the House of Representatives, to take a stand for women. In honor of Women's History Month, I am reintroducing a resolution urging the Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women known as CEDAW, C-E-D-A-W. The convention holds governments responsible for first condemning and then working to eliminate all forms of discrimination against all women. This agreement establishes rights for women not previously subjected to international standards including political laws, including employment law, including education and health care.

CEDAW was approved by the United Nations General Assembly 19 years ago to codify women's equality, 19 years ago. Since then more than 160 nations have ratified CEDAW. Also, more than two-thirds of the U.N. members have gone on record dedicating themselves to ending state sanctioned discrimination against women and girls. The one glaring exception is the oldest democracy in the world, the United States.

Mr. Speaker, since 1994 the President has repeatedly submitted this treaty to the Senate where it has languished in the Committee on Foreign Relations. The position of the United States as an international champion of human rights has been jeopardized by its failing to consider and ratify CEDAW. Worse yet, our failure to act strips the United States of its ability to sit on an international committee established in the treaty to ensure that nations are adhering to the treaty's guidelines. This action sends a message loud and clear to women in this country and all over the world. The message is that we are unwilling to hold ourselves publicly accountable to the same basic standards of women's rights that other countries apply to themselves. This is despite the fact that since federal and state laws already prohibit many forms of discrimination against women, the United States could ratify the convention without changing domestic law.

The President, the Secretary of State, Madeleine Albright, and national and international women's groups have expressed their commitment to CEDAW. Let us ratify CEDAW this year and make the 21st century the first century in the history of humanity where women do not know government sanctioned discrimination.

I encourage my colleagues to join me on this resolution with 41 other original cosponsors and make our desires known loud and clear that we want CEDAW, we want it ratified and we want it now.

TRIBUTE TO CHICAGO POLICE OFFICER JAMES H. CAMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I solemnly rise today in tribute to a Chicago police officer who has fallen victim to the senseless violence that is suffocating far too many of our Nation's neighborhoods. Just today we are now mourning the death of Officer James H. Camp, a 35 year old gang tactical officer who was gunned down during a routine traffic stop made across the street from the Albert Einstein Elementary School located in my district.

When Officer Camp approached the vehicle and ordered the driver out, the driver refused. As Officer Camp began to remove the driver from this vehicle, a struggle ensued. The driver grabbed Officer Camp's gun and fatally shot him in his face. Just like that Officer Camp lost his life and became the second Chicago police officer to die in the line of duty this year.

Mr. Speaker, many of his colleagues described him as a young, aggressive, effective police officer whose focus and whose hard work produced many good arrests. Others of his colleagues, his fellow officers, say that he was a polite man who was friendly, he was well liked and he was dependable. These are all wonderful descriptions of this man who committed his life and who contributed quality to his service to the citizens of Chicago.

Today I would like to also add another personal characteristic to this list describing Officer Camp. Officer James Camp was heroic. Every day for the last 4-and-a-half years he bravely and unselfishly served the citizens of Chicago. Yesterday his efforts cleared the way for the children of Einstein Elementary School so that they could walk home in peace. His efforts brought that neighborhood closer to a community that is free of drug activity. His efforts made the first congressional district of Illinois specifically and the City of Chicago in general a much better and a much safer place to live.

It is very important for us, Mr. Speaker, to remember at this time that Officer James Camp's service and dedication is duplicated a thousand times by brave members of the Chicago Police Department. Their bravery, which is exhibited day and night, should never ever be taken for granted. They literally risk everything that they have, including their lives, for our protection.

In closing I would like to reiterate that Officer James Camp in his short life of 35 years made quite a difference to the city, to our Nation. Indeed the Nation should thank Officer Camp for his service, for his commitment and for his dedication, and we as a Nation should extend to his widow of just three months our continued prayers for God's strength and God's grace during her time of bereavement.

HUNGER IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlelady from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the Senate has proposed that the emergency supplement appropriation bill, a bill to help those ravaged by storm in Central America, be offset by hurting those ravaged by hunger in North America. This proposal, inappropriately so, requires offset from the food stamps to pay for it. This proposal fails to recognize a hunger in America is more than just a word. It is a harsh and cruel reality that affects millions and millions of Americans, including children.

According to the Catholic charities, the demand for emergency food assistance increased by 26 percent in the first half of 1998. The United States Department of Agriculture and the Census Bureau report that one in eight families in America remain on the edge of hunger. We are in an economic boom, but many working people, their families, their children, far too many, face a food crisis and a hunger burst. Indeed the U.S. Conference of Mayors tells us that close to 40 percent of those seeking food aid in 1997 were members of families where at least one person in the household was working.

That is why I support allowing participants in the Food Stamp Program to own a reliable car. Under the current law, food stamp participants cannot own a car valued at more than $4650. This limit in the law discourages progress and promotes poverty. A reliable car is essential for daily necessity, but more importantly, this is essential for getting to work. It is important, lifting the artificial cap on rent, mortgage payments and utility bills that are used in calculating food allowance for food, also indeed is addressed. Nearly a million households, the vast majority of which include children, receive low food allowance because a cap on their housing expense is there.

In addition, the food stamp program should be available to all legal immigrants, including elderly legal immigrants, especially those that were in the country before the welfare reform was enacted, and the WIC program should be fully funded so that the nearly 10 million women, infants and children who are now eligible can be covered by this vital program. Children Nutrition, the School Lunch Program, is very, very important.

It seems to me that if there is any Federal program that has worked consistently throughout the years and has stood the test of time, it is our National School Lunch Program. Nearly 26 million children are served every day. Through this program children have a healthy meal, a healthy start so they can be alert in school, thereby giving them a chance, a chance for a change, a chance for improvement in their lives.

□ 1930

One does not have to be a rocket scientist to know that a child needs to eat to function. To educate our workforce, we must have a good school system and good teachers. That is why I believe we should fully fund the school breakfast program authorized in the 1998 child nutrition authorization program.

Whether this Congress will make the substantial and significant investment in the school breakfast program is yet to be seen. The debate over how to use this Nation's resources now, fortunately centers around what we do with the surplus.

Now that the deficit has been eliminated, we want to use our resources to help people, especially our children.

I urge my colleagues in the House to reject the Senate proposal to help those in Central America by hurting those in North America.

Everyday, twenty-six million children are served.

When a child has breakfast, that child is going to be more attentive, more alert, and his grades will improve.

When a child has breakfast, he will not have to visit the school nurse or the school principal for discipline as often.

It doesn't take much to understand that.

If America is to be competitive in the world market, we must educate our workforce.

But, good teachers can only be effective if our children are fed and not hungry in the classroom.

As you know, the President, in his budget, has requested Thirteen million for Fiscal Year 2000 for the School Breakfast Pilot Program.

It is very important that we fight for these funds. We must not take them for granted. School breakfast is not a welfare program. It is an education program. School breakfast is not charity. It is a chance for our children

Thirteen million dollars is a modest amount. But, for the children who will eat, it is an amount that will have a major impact. It seems strange that we must fight for food for those who can

not fight for themselves. America is a strong Nation, and we are strong because we can provide quality food at affordable prices. There are many places in the World where the same can not be said.

But the real strength of America is not due to our advanced technology, our economic base or our military might.

The real strength of America is its compassion for people, those who live in the shadows of life.

The real strength of this Nation is its compassion for the poor, the weak, the frail, the disabled, our seniors, our children—the hungry.

America's compassion makes us strong.

It really is time to stop picking on the poor.

Less than three percent of America's Budget is targeted for feeding the hungry. Nutrition programs are essential to the well-being of millions of our children. They do not ask much. Just a little help to sustain them through the day. Nutrition programs, in many cases, provide the only nutritious food that millions of our Nation's children receive on a daily basis.

COMMON CONCERN AND ENTHUSIASM FOR THE PROSPECTS OF REDUCING THE TAX BURDEN ON THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, I am joined here on the floor by a number of Members from the Republican Conference, and those of us in particular tonight are gathered out of common concern and enthusiasm for the prospects of reducing the tax burden on the American people. There are many of us here in Congress who believe very firmly and passionately that the size of the Federal Government not only is too big but that this government collects far more income and revenue from the American people than is necessary.

Furthermore, we are united in the firm belief that this surplus, this additional revenue that the Federal Government collects, confiscates from the American people and transports here to Washington, D.C., would be better utilized and in fact more powerful if left in the hands of those who work hard to earn this income in the first place.

Very, very clearly, what President Kennedy and President Reagan as well, have shown the Nation is that by reducing the effective tax rates on the American people, through economic growth and productivity of the American people, that the Federal Government actually generates more revenue.

Again, it is the entire distinction between growth in a strong vibrant economy and strengthened family budgets as opposed to slower economic growth and larger government budgets that divides the Congress, quite frankly, and it is the ultimate basis and difference between the Republican Party and the Democrat party.

We do stand squarely for a smaller Federal Government, for a lower tax burden, for stronger family budgets, and for economic prosperity through a deliberate plan to grow the economy of the United States of America.

We are joined and honored to be joined tonight by the majority leader, and I yield the floor to him immediately, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, let me thank the gentleman from Colorado (Mr. SCHAFFER) for yielding and let me thank the gentleman from Colorado for reserving this hour for us to discuss this.

We are joined by a good many of our colleagues here. I thought it might be interesting to sort of set the stage, for the American people to have a look at where it is we have brought this budget situation to, since we took over in the elections of 1994 and, of course, commencing in 1995.

Remember, in 1995 we had deficits for as far as the eye could see, and obviously because we were successful in restraining government spending, we have transformed this situation. The fascinating thing, the gentleman from Colorado (Mr. SCHAFFER) made a reference to it earlier, we have now in just these few short years, moved from the public policy discussions of deficits for as far as the eye can see to the current discussion of budget surpluses for as far as the eye can see.

Yet it seems like the terms of the debate between the two major political parties have not changed a bit. Republicans are still saying essentially that the Federal Government is too big and takes too much of your money and that we ought to use the surplus to fulfill our obligation to the American people. Whereas the Democrats seem to say, no, the problem is we really need to grow the government larger and we ought to do so by further prevailing upon the American people for tax increases.

This really centers around this next fiscal year, fiscal year 2000, the first new year of the millennium. We have now, as we look forward to next year, a $137 billion surplus in the Federal budget; that surplus in the budget comes almost exclusively from payroll taxes that are paid in excess of current, particularly Social Security outlays.

Let me just talk about that a little. My daughter, who is a young working professional in her early thirties, who probably represents that generation of Americans that is most worried about their own retirement security in America today, wears a little pin on her lapel and the little pin says, who in the devil is FICA and why is he taking my money?

I think that question is being asked by a lot of our young working people starting their new families and trying to get started in their life.

FICA, or the payroll taxes that we all have withdrawn from our check, is the money that the Federal Government takes for the purpose of fulfilling our obligations to our senior citizens for their retirement.

The youngsters, who are feeling the burden of this tax, are indeed a very loving and generous generation of Americans. We will hear them talk, and I hear them across the country, and they will say, look, these taxes are tough on us, they are tough on our young families. We have our own hopes for our children and our own retirement, but if it is for grandma's and grandpa's retirement, we will pay the taxes.

Now what these youngsters are discovering is, in just next year alone, they will pay $137 billion more in those taxes to that entity called FICA, in their payroll taxes, than what is necessary next year for grandma's and grandpa's retirement.

The young people are quite correctly coming to us and saying, let us have an accounting on that. The first thing they will say is we owe that to grandma's and grandpa's retirement, and bless their little hearts they are saying do not spend it on other government programs like has been done; put it aside for grandma and grandpa. That is what they intended.

This is what we have done. We set aside the entire $137 billion for our seniors. The President has $52 billion of new government spending, growth in the government, and only $85 billion set aside for the seniors.

If one translates this over the next 5 years, what the Republicans are saying to our youngsters on behalf of their grandma and grandpa is, look, we will take $768 billion of your hard earned taxes and for the first time in the history of Social Security we will actually lock that away to make sure that grandma and grandpa are taken care of. The kids, bless their heart, are the first to demand that.

How many times have we heard a 20 or 30 year old youngster, starting their own family, look at that tax and say, this is a moral obligation to grandma and grandpa? It just warms the heart to see the generosity and the love.

President Clinton and Vice President Gore, on the other hand, they are saying, well, only $569 billion, because we need the rest of that for these government programs of growth.

We have also said that to the youngsters, we understand your concern that government grows out of control and it costs too much money. Look down the road. Take a young married couple

today with a two or three year old baby, and they are thinking about now where will I get the money, when that youngster is 15 and 16, for the braces and so forth? They feel the burden of the taxes imposed on them to support the government, and yet what the Clinton-Gore people are saying is, we are going to continue growing the government even in these times.

What we have said is, look, in 1997, the Republican majority in the House and the Senate, every one of the gentlemen who are here, made an agreement with the President, and that agreement was that we would hold the line against further growth in the government. That is known as caps on spending, to stop the growth.

What the Clinton and Gore budget says is, let us increase that budget spending each of those years.

We believe that is wrong. We think a deal is a deal. We think we should hold those caps and we should do so in regard to those young people.

Then finally, the Clinton-Gore budget says they are going to raise taxes on those very same young people over the next 5 years, while we say not only can we hold the caps, not only can we set aside every bit of that Social Security payroll tax that these young people are paying for their grandma and grandpa, but we can get them a $146 billion tax reduction. So we find ourselves back to where we were.

The President and his party look at these tax cuts that we are trying to get for the American people. They throw up their hands with despair and they say, oh, that is just Republicans getting tax cuts for the rich. They, in turn, want to have tax increases.

Let us just stop for a moment. Where would their tax increases fall? Look again at that young married couple just trying to get their life together, finally out of their mom's and dad's home, into their own home. They have got a wonderful Tax Code that they work within. We know how generous our Tax Code is, that gives every one of those a home mortgage deduction so they can buy their own home and then they hit them with a marriage penalty so they are tempted to live out of wedlock, but the youngsters are dealing with that tax, doing the best they can. When we take a look at this and say, my gosh, the largest number of people hit are who, it is those people making $24,000 or $25,000. That is the young folks just getting out of college, just finally getting on with their lives. They are the people that bear the burden of this tax; those people who so desperately need the most take-home pay they can get right now because they have a new baby on the way. They want to redecorate that one extra room they have in that house that they managed to put together at the lower interest rates because of the budget deficit being eliminated, so that they can build a nursery.

Yet the other side is saying that money which would be put into redecorating that room for that nursery we need to, what, build some new government program.

Then after that, the $25,000 to $50,000 income category. So once again, relatively low income, younger people struggling to make ends meet, trying to build their family, are being asked by President Clinton and Vice President Gore to pay the tax increase so we can have the new government programs, and that is where we want to focus our attention tonight.

I believe when the gentleman from Colorado (Mr. SCHAFFER) contacted me and talked about this special order and invited all these other folks, he wanted to focus the Nation's attention on this question. When we have this area where finally after all the years we have struggled, where we can get to surpluses, where we can honor our commitment to grandma and grandpa on their retirement, and hold the line on the growth of government, and literally give these young people starting their young families a chance to have a little relief from the burden of this taxation that they feel so heavily, we feel like we have an obligation to all of these generations to step up and do our best. I think we have done that with our budget.

What have the President and Vice President said? Let us put big government first.

□ 1945

That is where we are, and that is what this debate is all about.

I know I have gone on too long, but it seemed to me, and I know the gentleman from Illinois (Mr. WELLER) had been looking at these charts and perhaps might want to use these charts and I want to leave them for the gentleman to use. But I think we ought to have a real candid discussion about that matter.

To the gentleman from Colorado (Mr. SCHAFFER), I again appreciate the gentleman yielding me this time, and perhaps if we have a few questions we can talk about it and get some of the rest of us involved.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Indiana (Mr. McINTOSH).

Mr. McINTOSH. Mr. Speaker, let me say, because our leader is a modest man and is not going to brag about one of the things that he has done, but I think it is important that we bring this forward and let people know what we are doing to try to reduce that tax burden.

One of the things I want to commend the majority leader on is his America Deserves A Refund campaign that the gentleman launched here in the Capitol, bringing a family with, I believe it was 6 children who were able to benefit from the prime tax cut that Republicans put into the 1997 agreement, the $400 this year and $500 in future years tax credit per child. For that family, that is $2,400 more in their paycheck that they get to keep this year because of that Republican initiative that we were able to put into law.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, it is so neat to see the 6 daughters, the family had 6 daughters, and when they realized as mom and dad were sitting there working out their taxes that gee, this meant $2,400 more take-home pay for mom and dad because of that new provision we put in the law, I believe it was in 1995 or 1996, and in 1997 we finally got the President to sign it, the girls had a lot of fun thinking, gee, what can be done with mom and dad's new $2,400, and I kind of laughed, and they all kind of thought it might be a good idea to put that money away and save it for a new baby brother. That was a good consensus for the girls.

Mr. McINTOSH. Mr. Speaker, the other thing that struck me about that was a statement the majority leader made about using a hypothetical family, the Smiths. What does this tax burden mean in our everyday life? When they get up in the morning, they flip on the lights and they pay a utility tax. They run the water to brush their teeth or take a shower, and they pay the water and the sewage tax. They have breakfast and everything that they bought for breakfast they paid a sales tax on. Then when Mr. Smith gets in his car to head to work, he pays a gas tax and, in most States, a car tax which Republicans here in Virginia are working to eliminate. Then, when he gets to work, he pays an income tax, a FICA tax that the majority leader discussed earlier on this payroll, and if he is investing any of that money in a savings account or in the stock market, he pays a capital gains tax on the returns of his investments.

Mr. Smith comes back home, and the gentleman was kind enough to mention a bill that my colleague the gentleman from Illinois (Mr. WELLER) and I have been working on to eliminate the marriage tax, because he and Mrs. Smith have decided to stay married, in spite of the fact that they pay on average $1,400 more just because they are married. Then, they pay property tax on their home, and if they then reach the end of their lives and want to pass that on or the other assets on to their children, they pay a death tax. That is just 11 taxes, but it is a huge chunk, as much as 50, 60 percent of many people's incomes that go to taxes at all levels of government.

Mr. Speaker, I want to commend the gentleman for taking the initiative and focusing our effort here in Washington on engaging the American people for this campaign of America Deserves A Refund, rather than using those taxes to grow the size of government. I thank the gentleman for doing that.

Mr. SCHAFFER. Mr. Speaker, this is a topic that as a Republican majority we care about, not only from the perspective of managing government and trying to run a more efficient and leaner government, but from the perspective of our concern for middle class Americans. I want to share a couple of sentences here from a letter, and then I will yield to the gentleman from Illinois.

This is a letter I received from a constituent from my district, and I will point out that what we are hearing here in Congress are the concerns of average American people who are realizing that the $52 billion in tax increases that are being proposed by the President of the United States and the White House is not consistent with the best interests of average American families. Average American families want to see tax relief. Here is a good example.

''Dear Congressman Schaefer: The administration's 2000 budget plan presented to Congress on February 1 imposes new taxes that will make it harder for millions of American families to save for their own retirement needs and will seriously jeopardize the financial protection of families and businesses. Providing for retirement and securing your family's financial security should not be a taxing experience,'' the writer claims.

''Americans are taking more responsibility for their own financial futures and they have made it clear that they oppose both direct and indirect tax bites that jeopardize their retirement security and their ability to protect their families. Congress, on a bipartisan basis, soundly rejected a similar approach last year, and I strongly encourage you to do the same this time around. Please oppose any new direct or indirect taxes like those that commonly are referred to as DAC or COLI on annuities or life insurance products.''

Here is a letter from an average American family in Colorado urging us here in Congress to avoid the kinds of tax increases that the Clinton administration is proposing. They are looking to somebody here in Washington, and I am proud to say that the Republican Party is listening to things like this.

Mr. Speaker, I will now yield to the gentleman from Illinois (Mr. WELLER) to help assure not only this constituent, but others like him around the country who are looking to us for real leadership and guidance on trying to shrink the size of the Federal government and provide real meaningful tax relief for families just like his.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Colorado for yielding and organizing tonight's discussion on some of the issues that are so important for us.

Mr. Speaker, think about it. I have been here now 4 years, I have had the privilege of serving in this body, and we were told time and time again that there was so much that we wanted to do that we could not do it, it could not be done, we could not accomplish it. We balanced the budget for the first time in 28 years; we cut taxes for the middle class for the first time in 16 years; we reformed welfare for the first time in a generation, and we tamed the tax collector, reforming the IRS for the first time ever. Those were all accomplishments that we were told we could not do. It had never been done before, so you cannot do it, but we did.

As a result of that, we have a big challenge and opportunity before us that is something new in Washington. That is, we have some extra money. We have a projected $2.8 trillion surplus of extra tax revenue that is burning a hole in Washington's pocket. And the debate this year is what are we going to do with it?

Of course, the President came in and gave a great speech on his State of the Union and basically promised to spend it all. He says, we will save Social Security and we will spend it. I went back home after that, because I stood up and applauded several times, because it sounded great. But folks back home said, well, wait a second. If we have all of this extra money, why is the President asking for $176 billion in new tax increases in his budget? And then they said, but he says he wants to save Social Security, but he raids the Social Security Trust Fund by $250 billion. I do not understand that. Wait a second here. We have a surplus; why do we need a tax increase? We have a surplus; why do we need to dip further into the Social Security Trust Fund?

That is why I appreciate the leadership that the majority leader and others have shown with the decision that has been made just in the last few days to do something that the seniors back home in Illinois have told me they would like to see done, and that is that we are going to wall off the Social Security Trust Fund, that we are going to put an end to a practice that has gone on since LBJ was President, and that is, hands off Social Security. For once and for all, we are going to wall off the Social Security Trust Fund, and we can no longer spend it on anything other than Social Security. That will also put a stop to the President's idea of raiding the Social Security Trust Fund.

I think that is an important issue, and I really want to salute the Republicans in the House and Senate who took that issue on over the last 4 years, because it is a big victory, and I see it as a bright light at the end of the tunnel as we go through the budget process, doing something this year that seniors have asked us to do.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, talking about that increased spending the President has before us, in his budget he proposed 120 new government programs. Not expansions of existing programs, but 120 new Federal Government programs. I just have to ask Mr. and Mrs. America, when you see where all you find the Federal Government in your life and in your community with this program, that program and the other program, does anybody in America believe that America today needs 120 new government programs? It seems to me that is just wanton growth, almost as if for the sake of the government alone.

Mr. WELLER. Mr. Speaker, in response to the majority leader, the President wants to pay for these 120 new programs by dipping into the Social Security trust fund. We see the young men and women many of us know back home in our home communities, just graduating from high school, they are in college or entering the workforce and they are paying 12.6 percent of their income into the Social Security Trust Fund with little hope, many of them tell me, of ever receiving Social Security benefits.

So unless we wall off the Social Security Trust Fund and stop Washington from dipping into the Social Security Trust Fund to spend on new government programs, our young people may never see Social Security. That is why it is so important that we make this change in how we budget the process.

Mr. ARMEY. Mr. Speaker, bless the hearts of kids. I love listening to the young people today. They are so good. They are paying these taxes for grandma and grandpa's retirement. They know that is an obligation and responsibility. They are happy to fulfill it. It is just that they cannot understand why then would we take that money that they work so hard for, that they are so willing to give up for grandma and grandpa and give it to 120 new programs they have not even heard of before. It is a fundamental thing, the families that we know and love and trust and we feel responsible for, putting them ahead of new ventures in life, and the kids understand that.

Mr. WELLER. Mr. Speaker, in yielding back my time to the gentleman from Colorado, perhaps I could pose a question to the my colleagues, and that is a question that was posed to me at a union hall back in Joliet, Illinois just a few days ago. This gentleman said, you folks in Washington, you have so much extra money right now, that surplus, over $2 trillion over the next 10 years in extra money, why does the President want to increase taxes? Why does the President say we need $170 billion in new tax increases on the American people and the American economy?

I think that is an important question, and we should be asking the President, but we should also be asking the Congress, why in the world would anyone consider new taxes in a time

when we already have all of this extra money.

Mr. SCHAFFER. Mr. Speaker, it is very clear, we do not need new taxes.

Let me again refer to another real American who wrote to me from Fort Collins, Colorado.

''Last year, we withdrew an additional $1,000 from our IRA and found it increased our Federal income taxes by $515. That's right. We only had $485 left. President Clinton's tax increase to 85 percent of Social Security for affluent seniors,'' and she puts affluent seniors in quotes, ''is what did it.''

She goes on, she says, ''In the 28 percent bracket, each additional dollar is of course taxed at 28 cents, and it also makes an added 85 cents of each Social Security dollar taxable at that rate. So the tax is 28 cents plus 24 cents, or 52 cents on each dollar.''

She asks, with exclamation marks, ''Who else pays at that marginal rate?'' She says, ''If we are wrong about any of this, please let us know. But if we are right, please help.''

Well, we are pleased to be joined here this evening by the gentleman from the great State of New York (Mr. FOSSELLA) who is here to help, and I yield the floor to him.

Mr. FOSSELLA. Mr. Speaker, she should go see her Congressman from Colorado. He is going to give them all the money back.

Let me just commend the gentleman from Colorado as well for putting this together, and also the majority leader, and the gentleman from Illinois (Mr. WELLER), and the gentleman from Indiana (Mr. MCINTOSH); we are joined also here by the gentleman from Wisconsin (Mr. RYAN) of Wisconsin and the gentleman from South Dakota (Mr. THUNE), all of whom are speaking for the American people who feel that they are overtaxed.

The gentleman from Illinois (Mr. WELLER) posed the question about how can we be doing this? How can the White House be making these statements about a so-called surplus and yet spending more money.

I would like to refer folks back to the movie the Wizard of Oz. Remember Oz, the wizard who would say, do not look behind the curtain. Well, in a way, that is what happens here in Washington. Just do not ask those questions. Trust us. Trust the White House spending your hard-earned money. And if the gentleman from Illinois (Mr. WELLER) goes back home and sees that gentleman again and he asks him the question, does he trust people in Washington or the President to spend the money he earns every single day of the year, or would he prefer the freedom and the opportunity and the liberty to spend that?

Mr. WELLER. Mr. Speaker, if the gentleman will yield, that is really an important fundamental question we should be really answering here in Washington and the Congress, and that is who can better spend the hard-earned dollars of the folks back home, those of us here in Washington, or real people trying to meet their own family's needs? When we think about it, if we allow people to keep more of what they earn, and of course I would like to eliminate the marriage tax penalty that punishes 21 million married working couples an average of $1,400 each just because they are married. Now, $1,400 in the south side of Chicago and the south suburbs, that is a year's tuition at a local community college. It is 3 months of day care at a local day care center. It is a washer and a dryer in the utility room.

The point is, it is real money for real people, and if we allow people to keep more of what they earn, they can also make choices themselves, because we in government really are not in the best position to make the best decisions for folks back home, for families. Because if they have more money in their pockets, they can choose whether or not to take care of their children's needs or set a little aside for Johnny's college education fund or give a little extra money at the church or the temple or for a charity that is important to their community.

□ 2000

That is an important choice. That is a fundamental decision that we are really going to be deciding this year, is whether or not we let folks keep more of what they earned, or do we spend more here in Washington.

That is why I am so concerned about the President's $250 billion raid on the social security trust fund and his $176 billion in new tax increases, because that is taking more money out of the pocketbooks of hardworking folks back home in Illinois, New York, and other States.

Mr. FOSSELLA. Mr. Speaker, the interesting point here is we are from all parts of this country: New York, Illinois, Wisconsin, South Dakota, Colorado, Texas. I think we represent really what the heart and soul of what the American people want from us.

That is, those are the folks who work hard every single day to send that money back home, because ultimately in life we have a choice. We have a choice here in Washington, by sending people who want to spend that money, much of it unnecessarily, or send it back home where it belongs, and at the same time set aside money where it belongs in the social security trust fund so it is not treated as a slush fund instead of a trust fund. That is the decision that is going to be made every single day of this Congress and the next.

I believe strongly, despite what the polls say, despite what the pundits say, that the people at home in my district on Staten Island and Brooklyn, and in that of the gentleman from Illinois (Mr. WELLER), feel they pay too much in taxes. I say we give them that $1,400.

Would they prefer to spend it back in Illinois? People I represent would rather have that $1,400 in Staten Island to spend how they see fit, whether it is education, a vacation, a new car, whatever it is, because we believe in what this country is all about: the fundamentals of freedom and liberty, and the notion that if you provide the incentives to go out there and work hard we will see economic growth, we will see new jobs created, we will see new innovation, we will see the creativity, we believe in the American spirit.

I want to thank all my colleagues for taking time out to really be the voice of the American people here in Congress, and I thank again the gentleman from Colorado (Mr. SCHAFFER) for putting this together.

Mr. SCHAFFER. From Erie, Colorado, I received this note: Dear Representative, please cut taxes. The proposed 10 percent tax rate cut is so little, but at least it is a cut. Please cut taxes, sincerely, and the writer or the author of this e-mail was from Erie, Colorado. I mention this just to let this woman from Erie know that somebody is listening from Washington, cares, and is interested in moving in that direction. Mr. Speaker, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I want to thank my friend, the gentleman from Colorado, for yielding, and my other colleagues on the floor this evening for participating in this dialogue.

I think it is fair to say that a tax cut of a $1,000 probably goes farther in South Dakota than it does in Long Island, but in South Dakota, that is a lot of money.

I think the basic question we are all talking about here in Washington right now is who are we going to trust to fix social security, to save Medicare, to pay down the debt, and to see that the American people get to keep more of what they earn. Are we going to trust the group that for 40 years was in charge of this institution and did not do anything to protect social security, or the people who in 1994 came to this town, were elected, the Republican majority in the Congress, and the gentleman from Illinois (Mr. WELLER) was part of that group, and we were able to join him later, who said we are going to reform welfare and then did it; who said, we can balance the budget, and then did it; who said, we can cut taxes, and then went ahead and did it? Or are we going to trust the other group, that for years and years and years continued to squander the taxpayers' money?

Just to give an example of this, if we look at 1995 and what the projection was, and we have seen a lot of numbers out here this evening, but in 1995 the Congressional Budget Office projected 10 years out into the future. They projected that we would have a $3 trillion

deficit, year after year of deficits accumulated. Now the Congressional Budget Office is projecting out for the next 10 years $2.6 trillion in surplus.

The American people I think can do the arithmetic on that and see how far we have come in a very short period of time, 4 year's time. I think it is a great tribute to the hard work and fiscal responsibility of the Republican Congress when they came to this Congress and said that we were going to change business as usual.

I think the ironic thing is that now we have the President of the United States coming up here and saying, we have to pay down debt. We need to invest more in national security. We have the leadership in the Congress on the Democrat side saying that, one, we need to live within the budget caps; and two, we need to look at what we can do to cut taxes.

That tells me we are winning the argument. When we are winning the argument, I think the American people are winning, because it means we are getting more control and more of their hard-earned money back into their hands.

All of us come from different parts of this country. I think we are all a product of those we represent. Where I come from, we have a lot of farmers, a lot of ranchers, a lot of small business people, a lot of hardworking families. It is a place where your word is your bond. It is a place where business deals are still conducted with a shake of the hand. I am proud to represent a place like that.

But they are people who understand that the big hand of big government in Washington is choking them and their existence, if we look at the cost of regulations and the cost of taxes to people who work hard in farming and ranching, and all the ways they get hit. Many of the proposals we are talking about that would reduce the tax burden on people of this country would be directed at people like those I am talking about.

The gentleman from Illinois (Mr. WELLER) has talked about, for example, putting a package together that allows for the deductibility of health insurance premiums for self-employed people. That is critical to farmers and ranchers.

Talk about the death tax, one of the concerns that we have in rural America is how can we keep the family farm and the ranch together? How can we pass it on to the next generation? One of the ways we can do that is to make it easier, so when it comes time and you want to make that transition, and the young person wants to stay on the ranch or the farm, that we do not confiscate it from them through taxes.

If we could do something about the death tax, we would go a long way to preserving the fabric of family farming and ranching in America, which I think strikes at the very heart and soul of the value system of this country. We want to preserve that, and we are not making it easy for them to do that.

If we could address the death tax, if we could address deductibility of health insurance premiums and the burden that we place on hardworking people in this country, the gentleman from Illinois (Mr. WELLER) has been a leader on the marriage penalty.

I think, again, that is something that has been in the tax code for a long number of years, that we have had this notion that somehow if people get married, they are going to be penalized through tax policy. That is just asinine. It is high time we changed it.

The proposals that we are talking about, one, walling off social security and seeing that we preserve that program, and again, I think it is the hard work of the American people and the hard work of this Congress in trying to control spending that has given us the opportunity to say we are going to set the FICA tax aside. We are not going to spend it. The other side, the President, the administration, and the other side of the House, want to, again, raid that social security trust fund.

We are going to set it aside, take that issue off the table, and then let us have a debate, an honest debate in this country about when that is done, are we going to spend more money in Washington on bigger government and more programs, or are we going to give it back to the American people? I think that is one that we win with the American people.

Mr. WELLER. Mr. Speaker, if the gentleman from Colorado (Mr. SCHAFFER) will yield further, that is an important question the gentleman is raising that we probably should ask as we go through the budget process this year. When the President is calling for 120 new government programs, maybe the question we should ask is, who is going to pay for that?

Clearly, in his budget he says that we should take $250 billion out of the social security trust fund and we should increase taxes on top of that another $176 billion. That tells us where the money is coming from, from the pocketbooks of hardworking folks in South Dakota, and also the social security money for young people down the road, as well. I think that is an important question we should ask, where is that money coming from? If they propose a new government program, clearly they are raiding social security to pay for that new government program.

Mr. THUNE. I thank the gentleman for making that point. The irony is that in all of this, we hear an awful lot of demagoguery and an awful lot of rhetoric about what they want to do to protect social security, and yet the numbers bear out. The numbers do not lie.

If we look at the commitment that is made in terms of the rhetoric that comes out of the White House, and then if we look at how this thing actually goes when we read the fine print, it is a very different story.

I would simply say that I think we have a responsibility as guardians of the public trust and as those who defend the people who work hard in this country and pay taxes to see that we do not take any more from them than is absolutely necessary.

If we look at the tax burden, the regulatory burden, and the gentleman was reading some letters, the gentleman from Colorado (Mr. SCHAFFER), from people. We got one the other day. We have a situation in South Dakota where there is a small business deal where a city is taking gravel out of a pit, putting it on the back of a pickup, but because they used a conveyer belt to do it, they fall under the Mine Safety and Health Administration of the Department of Labor. It is considered mining, because they used a conveyer belt.

Under the regulations for mines, one has to have a porta-potty, so they had to put a porta-potty out there for 2 weeks' time, and it costs them $300. It did not get used once, not once. Then they were fined for other things, because they were not complying with some silly regulation because they were trying to move some gravel to the back of a pickup. This is just how ludicrous and ridiculous some of the stuff becomes.

I am not saying for a minute that there is not a need for health and safety type regulations, but there are an awful lot of people in this town who I think have way too much time on their hands who come up with some very ridiculous things.

That is what really this debate is about; again, how do we come up with a government that is more user-friendly, that is modernized, and that sees that because of the hard work of the American people, that we are not taking any more from them than is absolutely necessary.

If we look at what they can spend, if we take a $1,200 tax cut and think about how America could spend it, 15 weeks of child care, 24 weeks of grocery bills, 3 months of rent and housing, three car payments. This is real stuff. This hits people where they really live.

I welcome the opportunity to participate in this debate and talk about what we can do to preserve the way of life where I come from, which is rural America, and how we address some of these agricultural issues, and the tax issues and big government come right into that debate. So I appreciate the chance to visit this evening with my colleagues here.

Mr. SCHAFFER. Mr. Speaker, I ask Members to brace themselves for this. This is a woman from Fort Morgan, Colorado, who writes that she needs to know that there is a Republican Party

back here in Washington who cares about her.

She writes, ''This January I resigned my job and retired early at the age of 50 to cut our taxes. We are penalized for being married and we have no children, so you guys really sock it to us,'' she says. ''The higher fees on everything we buy or use are taxed at higher rates.''

She says, ''We have been putting almost the maximum allowed into our 401(k) to help cut our taxes, but I may not live long enough to spend that money, because you look at my retirement dollars as your money,'' and she is speaking about Washington, D.C. and the Federal Government, of course, ''and are determining for me how and when I can spend it.''

She says, ''When I watched the Senate hearings of Mr. Clinton's budget, it became apparent to me that the era of big government is back. The felon''—her letter may not be compliant with our House rules. Let me skip to the bottom.

''I do not want to hear you guys in Washington say one more time, we have to save social security. Do it now and do it right.'' She says, ''Give us our money.'' Well, Members can hear the frustration and just the tone of the letter from an average constituent. I would suspect that the sentiments that are expressed in this letter are also expressed in the great State of Wisconsin.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. RYAN) to elaborate further on what he is hearing from the people in his home district.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Colorado for yielding to me. I am a new Member from Wisconsin, and I was very honored and privileged to serve on the Committee on the Budget. What we have been doing in the Committee on the Budget has been two things, analyzing the President's budget proposal, taking it very seriously, and crafting our own budget proposal.

It was my first time to sit in this well of this House to watch the State of the Union Address. When the President stood right behind me here and talked about his plans to save social security, everybody remembers that 62 percent number, saving 62 percent of the surplus for social security, well, I was wondering and scratching my head at the time, why 62? Why not 100 percent? Where did the 62 number come from?

We have been analyzing that in the Committee on the Budget. It looks like actually he is not saving even that much for social security. But what that policy that the President has subscribed to allows the President to do is to continue raiding the social security trust fund.

Where I come from in Wisconsin, people believe that if they pay taxes for social security off of their payroll taxes, their FICA taxes, it ought to go to social security, not to other government programs. For 30 years our Congress, our presidency, this Nation has been raiding the social security trust fund. We have been taking money out of the social security trust fund that we have been paying every paycheck in our FICA taxes and spending it on other government programs.

I had thought that we would be able to end that process. Today we have two surpluses coming in Washington. We have a social security surplus and we have an income tax surplus, a surplus from non-social security taxes. In my opinion, what we have to do, and in fact what this Republican Congress is going to do, is to end that 30-year practice of raiding social security.

This chart right here beside me shows the differences that exist between our emerging budget plan and the President's budget plan. It shows that this year we have a $137 billion surplus, this year, 1999. It is all from social security.

The President wants to take $85 billion and put it toward social security. Some $52 billion of social security dollars are going to go to new spending. We are putting all of social security dollars back into social security. We are putting a firewall in our budget back in place that simply says that from now on, Congress can no longer raid the social security trust fund; that every ounce of FICA taxes we pay for social security plus interest will be dedicated solely to social security. Then when Washington starts running other surpluses from non-social security parts of the budget, from our income tax overpayment, we should get our money back.

□ 2015

The good point about the Social Security surplus is that that is part of our national debt as well. We have been raiding our Social Security for so long that we owe over $700 billion back to the Trust Fund. The Trust Fund contains nothing but a bunch of IOUs.

But our budget plan is going to pay down that debt. We are going to pay down our publicly held national debt. The President's plan actually increases the national debt by about $1.6 trillion.

The gentleman from Illinois (Mr. WELLER) talked about the new tax increases in the President's budget. It is very clear that what is emerging here is a sharp division of philosophy, a difference of opinion on the role of the Federal Government, on whose money is whose. Are we the stewards of the taxpayers' money, or does the government own their paychecks? That is the difference.

I think the President did a very good service to the Nation when he was speaking about the budget in Buffalo, New York about 4 weeks ago. I want to quote him, because I do not want to put words in the President's mouth. In talking about the surplus, the other 38 percent of the surplus he planned for other programs, he said this, ''We could give you your money back in the surplus, but we would not be sure that you would spend it right.'' Therein lies the difference. Therein lies the difference of philosophy.

We are going to take all the money that people pay in Social Security taxes and dedicate it to Social Security. We are going to stop the raid on Social Security from now on. Then we are going to pay back the money that was stolen out of there in the first place. Then when people start paying overpayments in income taxes over the next 10 to 15 years, we are going to let them have their money back.

Mr. WELLER. Mr. Speaker, if the gentleman will yield, the point the gentleman from Wisconsin (Mr. RYAN) is making, I appreciate the gentleman from Wisconsin discussing this, because I serve on the Subcommittee on Social Security. The President has had a series of town meetings, televised town meetings around the country. His very first one was in Kansas City. He asked four of us to participate in satellite TV hookups with groups in our districts to talk about Social Security.

So I was in South Holland, Illinois with about 400 senior citizens. We had a discussion before we hooked up with the President. It was almost like the Wizard of Oz. There was this big screen, and there was the President's big smile. But they said, ''Congressman, when you ask the question of the President for us, would you ask this one that is really important?'' This gentleman said, and he is very sincere, ''Ask the President when the politicians in Washington are going to stop raiding the Social Security Trust Fund.''

Of course all the seniors broke into applause because they all agreed with that question. So when I had the opportunity to ask the President some questions on behalf of those in attendance at this televised town meeting with the President, I said, ''Mr. President, the first question they want me to ask of you is they want me to ask, and let me quote this gentleman, when are the politicians in Washington going to stop raiding the Social Security Trust Fund?''

The President just kind of paused and put on a real sincere look and said, ''We are not raiding the Social Security Trust Fund. We are just borrowing it. We are going to pay it back again someday.''

Well, all the seniors laughed because they do not believe it is going to be paid back. I am proud to say that this Congress, this Republican Congress is answering that question from those 400 seniors at the South Holland, Illinois town meeting.

We are saying, ''You are right. We are going to stop that practice. This

Republican Congress is going to wall off the Social Security Trust Fund and ensure that 100 percent of Social Security dollars go to Social Security.'' That is a big victory once we get that done this year.

That is why I am just so excited that, finally, after those of us, like the gentleman's predecessor, Mark Neumann, who really was a leader in this effort, and all of us that worked on the Social Security Perservation Act wall over the last few years, to save the Social Security Trust Fund, to wall off the Social Security Trust Fund, that the light is at the end of the tunnel.

By the time we finish this budget process, we want to stop raids in the Social Security Trust Fund. When the President proposes taking another $250 billion out of the Social Security Trust Fund in the next few years, that tells us why our effort is so important this year, and we want to win this effort.

I really hope that our friends on the Democratic side will join with us to protect Social Security because this is an important fight. The President says 62 percent. We say 100 percent of Social Security dollars must go to Social Security.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield, I think it is important to look at why were they raiding the Trust Fund in these early years. I wanted to find out why could they possibly justify taking FICA taxes and spending it on other government programs when they were dedicated to Social Security in the first place.

What we found out is that we have been running these massive deficits on the general revenue side of the government, the general fund. To pay for this deficit spending, rather than Congress passing the balanced budget amendment, which we have passed out of this House in prior Congresses but the President will not sign into law, rather than balancing the budget and cutting spending when we have deficits, they raided the Social Security Trust Fund to pay to these other deficits on the other side of the government ledger book.

But now we are even running surpluses over there. So there is absolutely no conceivable justification for continuing to raid the Social Security Trust Fund, no justification whatsoever.

What we are simply saying is this, from now on, under this Congress and under the budget we are going to present, every dollar coming from Social Security will go to Social Security plus interest. Then when we start overpaying our taxes on the other side of the government ledger book through income taxes and other types of taxes, one should get one's money back.

We are going to accomplish three historic goals that have not been accomplished here in my lifetime, which is this: we are going to stop the raid on the Social Security Trust Fund. We are going to pay that money back. We are going to give people their money back when they overpay their income taxes, and we are going to pay down our debt. We are going to start paying down massive payments of our publicly held national debt.

For the first time, because of the fiscal discipline of this Congress, we made the first down payment on our national debt last year to the tune of about $60 billion.

But here is the question that is being posed to all of us, and here is the question and the alternatives that America is facing: Do we want to continue to go down the road where Congress still plays this shell game, where they continue to raid the Social Security Trust Fund, as the gentleman mentioned, the President continues to raid it by $252 billion; or do we say enough is enough, stop the raid, put the money back that was taken out?

Then when Americans start overpaying their taxes for the next 15 years in income taxes and other areas, do we plow that money into new spending as the President has asked for these 120 new programs he is proposing in this budget, or do we let people have their money back? That is the difference.

Mr. THUNE. Mr. Speaker, if the gentleman will yield, I want to commend the gentleman from Wisconsin (Mr. RYAN) for taking this issue on. The freshman class that joined us here as sophomores now, and the gentleman from Illinois (Mr. WELLER) as junior, I would like to think at least that we have had a lot to do with trying to get this thing switched around.

I want to elaborate on one point the gentleman makes. I think the American people should not miss this. Make no mistake about it, the President is going to continue spending out of the Social Security surplus. That is simple fact.

What we are saying tonight is in the budget that will be presented here, that that is going to be walled off. What I would like to do is elaborate on one point the gentleman made earlier about what he said in New York, because I think it ties in, it links to what is also being said by the administration and by the leadership, the Democrat leadership in the Congress.

That is that, once we have done that, once we have gotten a surplus, the Social Security is walled off, we have paid that back, and we are starting to generate a surplus in the other aspects of the budget, the question then becomes, are we going to have this debate about whether or not to spend it in Washington on new programs or give it back to the American people?

It is interesting what they say about that. Because what they have been saying in the quotes I have been reading, at least from the Democrat leadership that I have been reading, ''We cannot afford to spend the surplus on tax cuts.'' Now think about what that means. I mean right there they are making a basic assumption that it is Washington's money. They are essentially saying that we are going to spend your money giving it back to you.

See, I think that the mentality which we are trying to crack around here is that it is not Washington's money. It is not the government's money. It is the American people's money. That is a fundamental difference in the way that we approach these issues.

I hope that we get to the point where we actually have a surplus beyond Social Security so we can engage this debate and talk about whether or not we build new bureaucracies in Washington or we get the money back. It is not spending the surplus on tax cuts, it is giving the people back their money in the first place.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield to me, in going down the same direction the gentleman from South Dakota was, what our budget plan is going to include is, we are going to make sure that Social Security is walled off, $100 percent of Social Security goes to Social Security. We then use that money to pay off the Social Security debt and our publicly held debt. So we get our national debt going down, the debt held by the public.

All those bonds that are out there by individual Americans, we are going to start retiring those bonds. But in the non-Social Security side of the surplus, that is what we are trying to spend. These surpluses are growing very rapidly over the next 10 years.

Our budget is going to include a budget mechanism, a trigger mechanism which simply says, we are going to save us from ourselves, we are going to save Washington from itself by making sure that these non-Social Security surpluses, when they materialize, that that money can only be used for reducing our debt or reducing our tax burden, not for new spending. Because if we do look at the President's budget, he is dedicating all of those new surpluses for more spending. Our budget is going to protect against that.

Mr. FOSSELLA. Mr. Speaker, if the gentleman will yield, I think one of the benefits of tonight's discussion, and I really appreciate my colleagues bringing out all they are, because I think the American people deserve the truth, and what my colleagues are doing tonight is presenting them with the truth, is we are having a healthy conversation about tax cuts as well.

Now there may be differences of opinion, for example, within the Republican Party as to what tax cuts should be. I support Mr. WELLER's efforts to eliminate the marriage penalty tax. Mr. THUNE's constituents in South Dakota

as well as mine would benefit from a reduction in the death tax. The constituents of the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Colorado (Mr. SCHAFFER) will benefit from a reduction in the capital gains tax. I happen to believe that we need a reduction in marginal rates across the board.

The important thing to note is it is not just a simple choice between what we are discussing in terms of tax cuts for the American people, and none at all on the other side and what the White House is saying, we are talking about saving Social Security, strengthening Social Security, and tax cuts as opposed to more spending and higher taxes. That is what we are hearing from the other side.

I think the more the American people look at the details of what the Republican Congress is doing, what it has done up until now when given the ability to do so, despite the rhetoric, despite the fear, despite the sky is going to fall from the other side, ultimately, at the end of the day, the American people are going to place their trust in the people who are true to them.

I want to congratulate all my colleagues again.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield, I just want to bring up one more point, and that is the question that I get asked in a lot of my town hall meetings. What if these surpluses never materialize? What if the money does not come? We have to do everything to assure that it does materialize.

But by creating 120 new government programs in Washington, that can become and will become tomorrow's tax increases above and beyond the $176 billion of tax increases in the President's current budget. That becomes tomorrow's debt increases.

One thing that is very important that we need to keep in mind as we look at these budgets is we need these surpluses to materialize so we can pay off these obligations, so we can get ready for the baby boom generation on Social Security, so the money is there in the Trust Fund to pay out benefits when the baby boomers begin to retire, when younger generations begin to retire.

The best thing that we can do to assure strong economic growth which gives us more jobs, produces more taxpayers paying more taxes, giving us the surpluses that they are projecting is to reduce the burden of taxation on the working families of Wisconsin, Colorado, New York, South Dakota, and Illinois.

The best thing that we can do, in addition to keeping our interest rates low by reducing our national debt, which we are doing, is to let people keep more of their own money time after time. Every time we have done that in this century, cut tax rates under Hoover, under Kennedy, under Reagan, we increased economic growth.

We actually increased revenues from those taxes which are going to help us keep the economy growing, produce more jobs in this country, keep these surpluses coming in, so we can pay off our debt, so we can fix Social Security. Because if these surpluses do not materialize, if we go into a recession, all bets are off, and we are stuck with these new government programs. So that is why it is so important to make sure that we pay these obligations down and let people keep more of their money.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, in the remaining 2 minutes that are left, I yield half of that to the gentleman from Illinois (Mr. WELLER) to wrap things up for us.

Mr. WELLER. Mr. Speaker, let me first salute my colleagues here for talking about an important subject tonight, and that is what are we going to do this year in the budget? How are we going to save Social Security? How are we going to lower the tax burden? How are we going to meet our financial obligations and pay off the debt?

The President says that extra money that is burning a hole in Washington's pocket, that $2.6 trillion surplus, he wants to spend it on new government programs and raid Social Security to the tune of $250 billion over the next 10 years.

We have a different approach. The Republican Congress says, look, we are going to stop something that has gone on in Washington for 30 years. We are going to stop the raid on the Social Security Trust Fund and end that practice that President Clinton wants to continue.

We are going to lower the tax burden by eliminating the marriage tax penalty. We are going to pay down the national debt. That is our goals.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I want to thank the Speaker for recognizing a representative sample of the Republican majority here in Congress during this special order.

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In Fort Collins, CO, a woman writes, ''Although our family is not wealthy, it makes sense to me to give the extra money back to the people who paid it.'' That is the operative sentiment that drives us here in Congress.

We, as a Republican majority, ultimately believe that any surplus that this government manages to acquire is better reinvested back into the people who earn that money in the first place. That is a far more profitable prospect than what the Democrats prefer, which is to invest other people's cash into the government charity of the Democrats choice. We stand for something very different. We stand for all these constituents who believe that they should come first; that people should come before bureaucracy.

THE REPUBLICAN AGENDA

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I represent a pretty diverse district. I represent the south side of Chicago and the south suburbs in Cook and Will Counties, bedroom communities like the town of Morris, where I live, as well as a lot of corn fields and farm towns. Representing such a diverse district, city and suburbs and country, I have learned to listen, and to listen for the common concerns that the people ask their elected representatives to look out for.

One clear message that I have heard over the last 4 years that I have had the privilege of serving in this House of Representatives is that the folks back home want us to work together, they want us to get things done, and they want us to come up with real solutions, solutions that meet the challenges that we face. I am pretty proud that we have met that request.

When I was first elected in 1994, I was told it would be too difficult to balance the budget, and surely we could not cut taxes, let alone reform welfare or tame the IRS. I am proud to say in the last 4 years we did just that. By working together, by staying focused, by keeping our eye on the ball and working hard, we balanced the budget for the first time in 28 years, we cut taxes for the middle class for the first time in 16 years, we reformed welfare for the first time in a generation, and we tamed the tax collector, reforming the IRS. That is pretty good. Those are real accomplishments, major changes in how Washington works.

When I am back home in Illinois folks say, that is pretty good, but what is the Congress going to do next; what is the challenge? When I listen to the concerns back home, I hear several things. The folks back home in Illinois tell me they want low taxes and good schools and they want a secure retirement, and that is the Republican agenda this year.

We want to ensure that our local public schools and private schools are strong, and that our public schools are run by locally elected school boards and local teachers and local parents and local school administrators, and that dollars we provide actually reach the classroom to help kids learn.

We also want to save Social Security by walling off the Social Security Trust Fund and ensuring that 100 percent of Social Security dollars go for Social Security. And we want to lower taxes.

Now, that also means we have some big challenges ahead of us. How are we

going to accomplish that? There is a big challenge and an opportunity, and my colleagues and I have participated just in the last hour talking about some of those challenges, but the biggest opportunity and challenge is what are we going to do with the so-called surplus, $2.8 trillion in extra tax revenue, most of which is Social Security?

Well, the President says we should take 62 percent of it for Social Security and spend the rest. Republicans say we want to do it differently; we want to ensure that 100 percent of Social Security dollars go for Social Security, and what is left over, the incomes tax revenue surplus, we want to use to lower the tax burden on working families and pay down the national debt. That is a big challenge.

Our goal this year is to do something that has not been done for a generation. We are going to stop a practice that began with President Johnson, back in the 1960s, when he was looking for a way to finance the Vietnam War and to finance the great society programs and grow government. President Johnson and the Congress in the late 1960's began the practice of raiding the Social Security Trust Fund. Our number one goal this year, as we work to save Social Security is to put a stop to that, to stop the raids on Social Security.

Let me point out something here. This coming year there will be about $137 billion in surplus Social Security revenues. Republicans say let us give 100 percent of that to Social Security. The President, because he only wants to take 62 percent of the surplus, wants to spend a big portion of the Social Security Trust Fund. In fact, he wants to spend about $52 billion of the Social Security Trust Fund revenues this coming year. Over 5 years that is $250 billion raided from the Social Security Trust Fund. We want to put a stop to that.

While we put a stop to the raid on the Social Security Trust Fund, we also want to pay down the national debt. And with money that is left over, after we protect the Social Security Trust Fund dollars, when it comes to those income tax revenues, the extra tax revenue that comes from the income tax, the real surplus beyond Social Security, we want to use that to give back to the people who sent it here.

Some ask, well, how will we lower the tax burden? Taxes are at their highest level in history. Twenty-one percent of our gross domestic product today goes to the Federal Government. The average Illinois family sends 40 percent of their income to local, State, and Federal Government. Clearly, that tax burden is too high. Well, I suggest, as we look for ways of lowering the tax burden on working middle class families, that we work to simplify the Tax Code; to address the fairness issues in the tax codes.

When I am back home, whether at a union hall or the VFW, clearly they identify the need to eliminate the marriage tax penalty, the need to eliminate the death tax and to eliminate the earnings limit. We can save Social Security. Let us wall off the Social Security Trust Fund and bring fairness to the Tax Code.

COUNTRY FACES EDUCATION EMERGENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, several of the previous speakers have mentioned education, and today's agenda in the Congress focused primarily on education.

We had before us the bill which is commonly known as the Ed-Flex bill, H.R. 800, and the rule for that bill allowed for only 5 hours of debate. We need some additional time to discuss it. Why, when the American people have stated that education is one of the highest priorities, do we have only 5 hours in the United States Congress to discuss an important education bill?

It must be important, if it is the first bill that the majority has seen fit to bring to the floor. It is important to them. It is an important proposal that they are making. Some of us contend that what they are doing should not be done in this fashion; that we should have this particular proposal about flexibility considered at the time of the reauthorization of the Elementary and Secondary Education Assistance Act.

We reauthorize the Elementary and Secondary Education Assistance Act every 5 years, and it is up for reauthorization this year. So if we are doing that, why not consider these very important components of that bill all at once?

They are taking a part of the bill, a part of the funds that go into that bill related to Title I, and proposing that a greater portion of it be used in an experiment which grants greater flexibility to the States and localities as to how they spend the money. They are rushing to do that. Already it is suspect, that kind of action. Why are we being stampeded into a consideration of one particular aspect of the Elementary and Secondary Education Assistance Act? What is the hurry?

Why, if we are going to treat education as an emergency, why not bring the entire Elementary and Secondary Education Assistance Act to the floor earlier this year instead of waiting until later? Why not bring it all together instead of Balkanizing it, fragmentizing it, as the Republican majority expects to do? The education emergency faced in this country deserves a serious response from Congress. The emergency is real, and we should go forward in a very serious way to deal with that emergency.

One of the things we should do is to listen to what my Republican colleagues were saying a few minutes ago; that the money that is in the Federal Treasury does not belong to the Federal Government. It does not belong to the Congress, it does not belong to the White House, it belongs to the people. It is the taxpayers' money.

All taxes are local. Tip O'Neill used to say all politics are local. Well, all taxes are local. They come from the pockets of all taxpayers. The biggest tax, of course, is the income tax. It is not only local, it is right into the family, right into the individual's pocket. It is taxpayers' money. If it is taxpayers' money, why can we not match the money up with the priorities the public has set?

In poll after poll we keep hearing that, after Social Security, education is the number one priority. There was a time when education was just one of the top five. There were other things that people wanted done. Crime was a big concern, and it competed with education as one of those top priorities. But it is clear now in all the polls that education is the number one priority, after taking care of Social Security.

If education is the number one priority, then the proposals that the President has made in his budget that he submitted to Congress ought to reflect that priority. The proposals that the Republican majority is making ought to reflect the concern of the public.

We all look at the same kinds of polls. We had a Democratic retreat, we went away and we spent days, and a large part of the time was examining polls, public opinion polls and studies of the voters' attitudes. I am certain that in the Republican Caucus retreat they did the same thing. There is going to be a bipartisan retreat next week. They will probably spend some time with some polls also. The polls repeatedly say the same thing. Pollsters are very good. They take a very scientific approach to things and they do a basically good job. They all come up with the same answers; that, clearly, education is the number one priority of the American people, the American voters.

Why do we not respond? I do not think a single poll has shown that one of the top priorities for consideration by the American voters is defense. The American voters may be concerned about defense, as they should be, but it is not one of their top priorities. It is nowhere near education as a priority. There are a lot of other things that take priority over defense.

The common sense of the American people is amazing. While we stumble around and make problems and create

needs to expend greater amounts of money on defense here in Washington, they clearly see that we have other priorities that ought to be taken care of. They see that there is no more Cold War. There is no more nuclear threat from another superpower. They clearly see that we have the most modernized armed forces anywhere in the world. They clearly see we are big enough to handle most real threats to our national security.

So they have the common sense, the people's wisdom to say, look, education is what we are concerned about. They may even be far ahead of the military strategists, because they recognize what military strategists know when questioned closely; that more than a need for weapon systems, more than a need for additional military hardware, we have a need for manpower capable of operating the modern weapon systems that we have now.

We have systems that are very complicated. We have systems that require people, men and women, who have some training, some knowledge of how to deal with this digitalized cyber world that we are living in. I have cited several times the fact that the Navy floated a super aircraft carrier recently, state of the art in aircraft carriers, state-of-the-art in every respect, and for that reason they had a shortage of personnel. They were 300 personnel short of the necessary number of people needed to man that aircraft carrier.

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Why were they short? Are there not plenty of young people who want to go to sea? Are there not plenty of young people in America, men and women, who would like to be in the Navy? Yes, there are. But they want people with a certain kind of training and aptitude, people who have been developed to the point where they can learn how to operate very sophisticated weapons systems, very sophisticated energy systems.

That aircraft carrier is probably loaded with systems that many of us would consider systems of the future, kinds of things that we do not see every day. They need young people who are already trained to the point where they can easily pick up and be trained specifically for the duties required in that piece of sophisticated floating city with a lot of sophisticated operational systems that deserve the very best.

In general, our military is complaining about a lack of manpower, that they are short of people. Well, they are short of people because they are not willing to take anybody off the street. They need young people who have some kind of training, some kind of prerequisite preparations that allow them to see that they can train these people to run the systems that we have.

So wherever you look, in the military, the answer is in education, a greater need to train young people so that they can deal with the systems that are necessary to make us secure. Education should be the number-one concern of people who care about our defense. And, of course, our economy, it is obvious that our economy has moved into a high tech economy and that we are almost standing alone in this global economy with sophistication in terms of the operation of a cyberworld for business and it is likely to increase, that we are going to have to carry that load. The Japanese, the second or third largest economy in the world, is way behind this country now in terms of digitalized systems in the business world, and there is probably no other country or area that is going to catch up with us. In Europe they are still far behind in terms of the kind of computerized and digitalized systems that are going to carry us forward into the future. We are going to be the leaders in the world for a long time if we are able to man it. The science is there, the technology is there, but where is the manpower? Where are the personnel? How much longer are we going to have to rely on India and other countries to bring over or send over here the information technology workers? How much can they fill for us? How much longer are we going to ship contracts over to places like Bangalore, India and have the income absorbed by people there that ought to be going into our wage structure here so that the workers who get those jobs in information technology can pay into the Social Security fund.

We are going in a circle. Even Social Security would be greatly benefited if we were to focus more on investing in education. The primary problem with Social Security is that we see that the wage earners paying into Social Security in the future is going to decline in proportion to the number of people who are retired and need to be paid out of the Social Security fund. A very simple problem. Very complicated answers are being offered. One of the answers is that we must keep a wage-earning population out there that pays as much as possible. It may not be the only answer. Some other source of funding is going to have to be found, probably, I think, a Social Security tax on unearned income would be one of those ways that we should seek more revenue to put into the Social Security fund. But I am not going to talk about that in detail here. The number-one source of revenue for the Social Security fund for a long time will be the wage earner. We need more wage earners earning the wages in the high tech areas. We do not need foreigners absorbing that portion of our economy. We do not need overseas contractors absorbing great amounts of money that ought to be going into the economy to pay the wage earners who pay into Social Security.

So education becomes the number-one issue even if you look at it from the point of view of the military or the economy. It just again shows the tremendous wisdom of the American people. Tremendous wisdom. They understand what it is hard for us to understand or respond to here in Congress.

What kind of response have we gotten? We have the Ed-Flex bill that is on the floor now. We dealt with two amendments today, we are going to move forward and finish the final hour of discussion tomorrow. I think at least 3, 3½, most of those hours are gone. The question everybody who is listening out there ought to put to their Congressperson is why do we only have 5 hours to discuss the first education bill on the floor? I mean, why only 5 hours? This bill is not just a simple adjustment to the existing Elementary and Secondary Education Assistance Act. It is not a simple adjustment. It is not a little amendment that is going to make things move faster. We are taking an experiment which involved 12 States, and most of those States failed in that experiment according to the General Accounting Office. They did not do very well. Yet we are going to go and broaden the experiment and cover all 50 States. In the process what we are doing, and the reason the Republican majority has put it on the floor and is pushing us into a stampede mode is they want to set a precedent. They want to open the door for the block grant process. They want block grants to be the way of the 106th Congress. What we are going to see is more and more talk of block granting, giving the money in one block, just take the money and give it to the States. Take the money and give it to the governors. Dollars to the governors. They talk about dollars to the classrooms. It is dollars to the governors. The governors never get enough. They want more and more.

The governors have welfare reform money falling out of all their pockets. They have a great welfare reform windfall that they are supposed to spend on job training, day care and other areas related to dealing with the welfare reform situation. The recent surveys have shown that most of the States are not using the money properly. The governors are just using that money to take care of needs that they consider their own special needs or pet needs. They are not following the general mandate of law. They are not going to do it. Why are they not going to do it? I am not sure I know why they are not going to do it, but here is the history of education funding.

The States and the localities have always had the premier responsibility for education. They still do. Most of the funding for education comes from the States and the localities right now.

Less than 10 percent of the funds for education, elementary and secondary education, is provided by the Federal Government. I am being generous. It is more like 7 or 8 percent. Only 7 or 8 percent is provided by the Federal Government. If we are only providing 7 or 8 percent, then we only have 7 or 8 percent of the control and the influence. The other money is being provided by the States, and they have always provided it, and the localities. The States and localities presently have responsibility for education. They have always had responsibility for education.

We heard speeches today which were fantastic on the floor blaming the Federal Government for the state of education in America. Education is in a poor state, they say, because the Federal Government has saddled the States and localities with bureaucratic mandates, paperwork, they have interfered with innovation, et cetera, et cetera. Well, what is happening with the 93 percent of the funds that are strictly State and local funds? They have total flexibility, total flexibility. They have had flexibility since the dawning of this Nation. The Constitution has never seized responsibility for education. It has always been a State matter. The States have that responsibility.

Why did the Federal Government get involved in the first place? The States were not doing a good job. The States were not placing us in a position to be able to mount the kind of technological drive and scientific drive to keep up with the Soviet Union, which is a backward country in many ways but scientifically they put the first sputnik into space and they showed that when they concentrate on a particular area, they could go forward and leave us in the lurch, leave us behind. For a long time our policies were driven by the fact that we wanted to help improve education in order to create the kinds of minds and the kinds of body of expertise in this Nation that would allow us to do the job. We did that. Large amounts of Federal aid went into the defense, the National Defense Education Act, and later on Lyndon Johnson proposed the Elementary and Secondary Education Assistance Act and other Federal aid to education, because the States were not able to do the job, partially because the complexity of the world had run off and left the States. That is only a small part of the problem. The larger part of the problem is that the States have never shown great vision in terms of investing in their populations. Before World War II they were not doing anything to help the total population just stay alive and healthy. When World War II came along, we had a lot of recruits that were unhealthy, a great majority of the recruits and the people who were drafted were just unfit to fight and they had to be put in condition with special procedures in order to just be able to carry a rifle. The States had neglected their populations to that point in basic matters like health care and providing decent, nutritious food to eat. The Federal Government understood that lesson and began to deal with health care and nutrition programs.

We have an act which provided for school lunches, recognizing that the first thing the Government can do for our young people is to make sure that the poorest youngsters get a decent meal at least once a day at school. They also discovered at the time of sputnik that a nation like Russia, the Soviet Union, had left us behind. Japan in terms of industrial development, technological achievements there, had left us behind. So it has been clear that whatever the States have been doing for the last 300 years with respect to education is not enough just to keep up.

But also the States do not show any great compassion and humanity for their total populations. Large portions of State populations, the people without power, have always been left behind. The poor whites; certainly in the South the African Americans; in the Far West and the West the Hispanics. Anybody who belongs in a group that does not have power, left out of power, they have been consistently neglected and abandoned by the States. That has been true historically and it is still true now. The Federal Government's role was to step in and try to compensate for the fact that the States were not doing what they should be doing.

Now we have a situation where the Federal Government has stepped in, its role is still minor, it is not a major player, it is a minor partnership where they are only providing 7 to 8 percent of the funds, leaving the States to take care of the other 93 percent, and they are being accused, the Federal Government is being accused of ruining the public education system in America.

We have a body of 435 people who are among the most talented people in America. You do not get here without being talented in one way or another. Most of the Members of Congress have a great deal of vision. Maybe the vision does not see exactly what I see, the liberals see one way and the conservatives see another, but they have vision and they have a great deal of education. They know how to use data. It is a highly qualified body here, the United States House of Representatives, and the Senate also. We have highly qualified leaders capable of doing great things. But we have allowed ourselves to be driven into a corner where we are discussing really relative trivialities on education. Our first great debate is focused on a charge that the Federal Government must give more flexibility to the States for the small amounts of money that the Federal Government is supplying. They must supply more flexibility for the States in order for us to improve education in America. That is a hypothesis that has no support in fact. It has no support in fact. Again the American people show they have more common sense than this talented body that we have here in the House of Representatives, more common sense.

Common sense will tell you, if you have 93 percent of the control, you are at fault if it goes wrong. Whatever is happening with education in America that is wrong, the States and localities must accept the blame for. What the Federal Government has said is that we want to be partners. We would like to supply some small amount of money, we would like to supply some advice from a national perspective, from an international perspective.

□ 2100

We are the only industrialized Nation that leaves the greater proportion of the decision-making about education up to regions or States or localities. Most other nations have national policies and national education administrations that have much more influence than we have. We defer to the States. The Constitution does not give the Federal Government the responsibility for education, and therefore it defers to the States and has done that traditionally.

So while we in 1999, in the 106th Congress, which has wasted a lot of times with matters that really were not that important, but finally we have gotten moving, why are we debating a bill which is based on the assumption that the problem in America in education is that the States need more flexibility? The Federal Government is preventing the States from doing a good job. That is totally erroneous. The Federal Government is not the problem. The Federal Government is begging to be a partner, the Federal Government is taking certain initiatives to try to move the States beyond their inflexibility. States are inflexible in their incompetence, some States are inflexible in their corruption, inflexible in their cronyism.

Mr. Speaker, as my colleagues know, State government is not a model of government in America. They operate in areas where there are more shadows than there are in respect to the Federal Government. I say that at every level of State government. I was of government. I served at every level. I was a commissioner in New York City of an agency, I was a State senator in New York State, and now I serve here in the Congress. I have served at every level of government, and I think that the level of government which needs the most light shined upon it, the most exposure, who should be held up mostly and examined and critiqued is State government. State government is the

in-between. They do not have a constituency like you have, of the kind you have in city government where the constituency is real, they are living, they are breathing, and they are right there, and they are pushing for real responses from their government. They do not have the kind of problem that the Federal Government has where the whole Nation is looking at what we do here, and the spotlight is on us, and we are dealing with matters at a high policy level that are complicated and deserve a long and intense discussion and will be picked up on by the media, will pick up on what we are doing, and there are a number of reasons why we cannot operate in shadows here.

But State government operates in shadows in State governments and bureaucracies. They do not have the pressure of a constituency, so state government is the least efficient form of government, least efficient area in government, and it should not be glorified. I have said that many times. We should not be here wasting our time debating a bill which is focused primarily on removing Federal involvement, removing Federal wisdom, in my opinion. What the Federal Government is doing is far superior to anything that most States have offered. They do not want to be told you got to do systematic planning. They do not want to be told you got to have real goals. You cannot drop the burden of education totally on the backs of the students and say we are going to test them and kick them out of schools if they do not do well. When they close down schools they do not do well. What are you doing as a government to provide opportunities to learn? They do not like that concept. Governors hate the concept, the opportunity to learn, because it is all related to the whole approach of necessary accountability.

Everybody else is held accountable. Why cannot Governors and local school boards be held accountable? They do not want to deal with that. They want the flexibility not to be accountable. They want the flexibility of never being held responsible for systematic planning, never to be questioned in their arbitrary decisions about sex in personnel, never to be questioned about the fact that they are always making new laws to put more burdens on the backs of students, but they do not guarantee that students are going to have a safe place to study, they do not guarantee the students are going to be able to have decent laboratories and equipment for science, they do not guarantee the students have enough books. They will not do the things that are necessary for education, and they do not want the Federal Government to say, well, we think you ought to show us how you are going to do that before we give you more money on top of the money you already have.

It is all right to give the money back to the States and localities. I began with the assumption it is our money, give it back to us. Give it back to us for school construction. Give it back to us for whatever needs are identified by the people. The people have identified education as a major need. Do not take our money and spend it on defense or spend it excessively somewhere else and neglect the requests we have made that you provide more federal assistance to education.

Let me just conclude about today's Ed-Flex bill today's Ed-Flex bill, H.R. 800. As my colleagues know, there are many of my colleagues who have amendments to offer which are very useful amendments. We had an amendment offered by the gentleman from California (Mr. MILLER) today which was very useful and would have made it possible for many more Members to vote for the Ed-Flex bill if it had passed because it called for accountability. It says if we are going to give the Governors, the States and localities more flexibility as to how they spend a portion of the Title I funds; that is what this is all about; if you are going to do that, then let us have an agreement that they are going to be held accountable in certain specific ways. They refuse to accept that.

We are discussing that there are other amendments that my colleagues on the Committee on Education and the Workforce: the gentleman from New Jersey (Mr. PAYNE), the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Virginia (Mr. SCOTT) have to offer in order to improve the bill. Most of them are going to be rejected, and many of them are never going to be considered because all we have is 5 hours to discuss this bill. Now you say why do you only have five hours? We have a system of rules here that determine how every bill will be processed on the floor, and the Committee on Rules at the request obviously of the leadership and the people on the majority party, members on the Committee on Education and the Workforce, they decided to limit the debate to 5 hours. It is as simple as that. So, if people want to change things right away, why not you call your Member of Congress and ask why we are debating this important bill for only 5 hours.

But let me make my final comment by reading from the New York Times editorial page today, March 10, 1999. The New York Times had an excellent editorial, and it says many of the things that the Democratic members of the Committee on Education and the Workforce education said at the time the bill was up for consideration in our committee, and I will read the entire editorial and submit it also for the RECORD so that it will be clearly known that all the parts are here and there will be no mistakes. It is entitled ''A Threat To Impoverished Schools''. This is a New York Times editorial page of March 10, 1999, and I quote:

The achievement gap between affluent and disadvantaged children is a challenge to American education and a threat to national prosperity. Unfortunately, a bipartisan bill that is scheduled for debate and a vote today in Congress could widen that gap by allowing States to use Federal dollars targeted at the poorest students for other educational purposes. The so-called Ed-Flex proposal could damage the poorest districts which have traditionally been underfinanced by the States and cities even though they bear the burden of teaching the least prepared students.

Let me reread the last sentence from the New York Times editorial. The so-called Ed-Flex proposal could damage the poorest districts which have traditionally been underfinanced by the States and cities even though they bear the burden of teaching the least prepared students.

To continue reading the second paragraph of the editorial:

Title I of the Elementary and Secondary Education Act was the Federal government's way of assuring impoverished children a chance at the supplemental services they need to succeed. Title I money, about $8 billion a year, pays for special courses like remedial reading and math as well as services like counseling. Over all Federal dollars make up only about 8 percent of the public school budgets, but in the poorest schools in the deep rural south Title I can account for more than a third of school spending. The Ed-Flex proposal would allow States to apply for waivers to do what they wish in education with the poverty money on the premise that the States might use it more wisely than federal law allows. The proponents of this process point to ongoing Ed-Flex experiments conducted under the Clinton administration in 12 States. But a report from the General Accounting Office suggests that the experiments have been sloppily handled and should not be duplicated without careful guidelines and performance criteria. The GAO found that of the 12 experimental States only Texas had established clearly-defined goals for employing the waivers and laid out criteria for evaluating the experiment. The Ed-Flex expansion being debated in Congress would extend waivers even to States that have no intention of innovation and no means in place of evaluating what they do.

Let me repeat what the New York Times editorial of today, March 10 says.

The Ed-Flex expansion being debated in Congress would extend waivers even to States that have no intention of innovation and no means in place of evaluating what they do.

Congressman GEORGE MILLER, and I am continuing to read from the New York Times editorial,

Congressman George Miller, Democrat of California, and Dale Kildee, Democrat of Michigan, have proposed an amendment to the plan that would allow waivers only if the States employ serious assessment plans and commit themselves to closing the achievement gaps between disadvantaged students and their peers. The wise thing to do would be to put Ed-Flex aside until later in the session when Congress reauthorizes the entire Elementary and Secondary Education Act.

Let me reread the last sentence.

The wise thing to do would be to put Ed-Flex aside until later in the session when

Congress reauthorizes the entire Elementary and Secondary Education Act.

But if Congress insists on moving forward now, to do so without the Miller-Kildee amendment would be socially irresponsible. The Miller-Kildee amendment was defeated on the floor of the House today as a last act of Congress.

Mr. Speaker, I will enter this editorial in its entirety into the RECORD:

[From the New York Times, March 10, 1999]

A THREAT TO IMPOVERISHED SCHOOLS

The achievement gap between affluent and disadvantaged children is a challenge to American education and a threat to national prosperity. Unfortunately, a bipartisan bill that is scheduled for debate and a vote today in Congress could widen that gap by allowing states to use Federal dollars targeted at the poorest students for other educational purposes. The so-called Ed-Flex proposal could damage the poorest districts, which have traditionally been underfinanced by the states and cities even though they bear the burden of teaching the least prepared students.

Title I of the Elementary and Secondary Education Act was the Federal Government's way of assuring impoverished children a chance at the supplemental services they need to succeed. Title I money, about $8 billion a year, pays for special courses like remedial reading and math as well as services like counseling. Over all, Federal dollars make up only about 8 percent of the public school budgets. But in the poorest schools in the deep, rural South, Title I can account for more than a third of school spending.

The Ed-Flex proposal would allow states to apply for waivers to do what they wish in education with the poverty money, on the premise that the states might use it more wisely than Federal law allows. The proponents of this process point to ongoing Ed-Flex experiments conducted under the Clinton Administration in 12 states. But a report from the General Accounting Office suggests that the experiments have been sloppily handled and should not be duplicated without careful guidelines and performance criteria. The G.A.O. found that of the 12 experimental states, only Texas had established clearly defined goals for employing the waivers and laid out criteria for evaluating the experiment. The Ed-Flex expansion being debated in Congress would extend waivers even to states that have no intention of innovation and no means in place of evaluating what they do.

Congressman George Miller, Democrat of California, and Dale Kildee, Democrat of Michigan, have proposed an amendment to the plan that would allow waivers only if the states employ serious assessment plans and commit themselves to closing the achievement gaps between disadvantaged students and their peers. The wise thing to do would be to put Ed-Flex aside until later in the session, when Congress re-authorizes the entire Elementary and Secondary Education Act. But if Congress insists on moving forward now, to do so without the Miller-Kildee amendment would be socially irresponsible.

Mr. Speaker, I contend that the only reason we are considering the Ed-Flex bill at this time is because it is a Trojan horse designed to open the way for a block grant process. What they really want to do is to block grant the entire Title I program. They want to give it all to the States. This is an experiment; they put it on the floor early. If they set a precedent by passing this, it greases the wheels, and it makes it more likely that we are going to be able to get a block grant where you just pick up the education money and hand it to the States.

Well, Congressman OWENS, why should you object to that if you think that all money comes from the States and localities and it ought to be back to the States and localities?

I object to it because this money ought to go back to the States and localities. It ought to go back with some instructions, some wisdom from the Federal Government, some wisdom gleaned from national experience, some wisdom based on the understanding of where we exist in the global economy, some wisdom based on the fact that our military needs are highly sophisticated, population in order to operate. All of these considerations which States do not seem to care about, the Federal Government must be concerned with.

Give the money back, but why not give it back in ways that are going to promote some new approaches? The States have mostly failed up to now in meeting the needs of education, of students in this 20th century. As we go into the 21st century, let us at least end the arrogance of the States or the arrogance of the Republican majority here in Congress. Let us do away with the ideological addiction which says that States must have the money back and can do far more than the Federal Government.

□ 2115

Why not have a partnership? All the Federal Government is asking is this small amount of money that is being given back to the States should do a few things differently, be more flexible, be more flexible in the approach to education; do not do it the way it has been done for 300 years, and failing.

Let us do it a little differently. Why cannot we have that kind of approach for the benefit of the entire Nation? The States refuse to accept this and the goal is to remove the participation of the Federal Government totally from education.

We are back to 1995. We are back to the Newt Gingrich Congress, the majority, Republican majority, which came into this Congress in 1995. They barnstormed in and said they wanted to eliminate the Department of Education. They barnstormed in and said they wanted to cut education by at least $4 billion. We are back to the process of removing the Federal Government from the process of education reform in America. That is the goal.

I do not know what the motivation is really, because we are not allowed to impugn the integrity of the individuals. I do not care to waste my time describing fully why the party is acting this way. I suspect, however, that if we remove the Federal Government's role in education, it appears to the Republican majority that we have removed another piece of competition in the budget, a valid competitor in the budget, for funds and they can pour more funds into tax cuts and into lucrative defense projects that do not pay off for the American people.

I suspect that the drive to get the Federal Government out of the business of education is based on the assumption that one can make the budget safer for Republican priorities. Why are not Republican priorities the same as the priorities of the American people? Why do not they care about education? I do not know.

They pretend to care about education. When election time rolls around, they bow to the facts that the public opinion polls show us. In 1996, after 2 years of threatening to eliminate the Department of Education, of cutting back on school lunch programs, of threatening to cut the education budget by $4 billion as we approached the 1996 elections in October, at the very last minute the Republican majority went into the Committee on Appropriations process and increased the education budget by $4 billion in response to the overwhelming expression of need that came from the public.

So they are willing to pretend to care about education. When the chips are down and the election is approaching, they pretend to be champions of education, but they really would like to get the Federal Government out of the business of education for their own purposes.

Now we are engaged in a process of wrangling in these discussions about minor matters. The really big issue that ought to be on the table here in this Congress is what will the 106th Congress do about the two primary problems facing our public schools? The Federal Government alone has the resources to deal with the number one problem faced by the schools, and that is school modernization, construction; school acquisition of the technology needed to prepare the students of the day for the cyber civilization that is coming tomorrow.

That is what we need. We need a Federal Government assistance program which can do what most States and localities cannot do fast enough. Yes, there are funds that are available to States and localities which they could use in greater proportion to provide funds for school construction and modernization. They could do it, but they are not doing it.

Certainly New York City and New York State, New York City had a surplus last year of $2 billion. They did not spend a penny on school construction or modernization, even though they have more than 250 schools that have coal burning furnaces. Of the 1,200

schools in New York City, at least 250 still have furnaces that burn coal, polluting the air, immediately threatening the health of children in that vicinity.

We have a great asthma drive on. City Hall is pushing to do something about asthma in dramatic ways but they do not talk about their failure to provide funds for the conversion of the coal burning furnaces. So they could do more.

Every State, most States, could do more. Many have surpluses. Even if they were to put a great proportion of the available funds at the State and local level, they would have to take a long time to catch up with the needs that have accumulated over the years because of the deferring of maintenance and deferring of capital projects.

The General Accounting Office said in 1995 that we needed $110 billion to stay even, to provide adequate schools for the enrollment that existed at that time. Now we have galloped on and there are some estimates that the need is way up at the level of $170 billion to stay even and keep up with the enrollment, to modernize so that we can actually wire schools for the Internet; $170 billion is needed.

We have on the table only the proposals that have been offered by the President with respect to school construction. We should not be debating ed-flex and how to take a portion of the existing title I funds and give them to the governors. We should be debating how we are going to meet the need for space out there in our school districts.

Some districts just need plain space that is clean, that is well lighted, that is safe. Other districts need improvements in existing buildings so that they can wire to be able to bring in technology that is needed to teach students and prepare them for the jobs of tomorrow.

Some districts have a critical need of funds to eliminate health hazards. If the health department of New York City were to be objective and to treat the school system the way it treats private business, they would close down some schools because of the health hazards they pose. We have problems, first, of pollution by coal burning furnaces, asbestos problems, lead poisoning in the pipes, lead poisoning in the paint, and we have schools that have roofs that leak. No matter how much you fix them, the damage keeps occurring. Walls are collapsing.

We have all kinds of health problems that ought to be addressed first. So we need not what the President has proposed. We need far more. The President has proposed $25 billion that would be bonds floated by State and local governments. The Federal Government would pay the interest on those bonds. We are offering to pay the interest on $25 billion in bonds, bonding authority. The interest would amount to about $3.7 billion over a 5-year period. That means that the Federal Government is offering to cope with the construction problem that we have, the need for new schools and modernization of schools. We are offering $3.7 billion over a 5-year period.

The public has said we want the Federal Government to provide more assistance in education to meet the needs of education. The response of the Federal Government in the area construction is $3.7 billion. The need is for $110 billion. The response is $3.7 billion over a 5-year period.

Now, there is something wrong with our democracy if the people, through the polls, keep telling us that we need more Federal assistance and all we get is the $3.7 billion response in the area of construction and modernization.

It is said that is just in the area of construction and modernization. What about in the other areas? We are going to increase the after-school centers to the tune of $400 million. We are going to go from $200 million to $600 million. That will allow us to take care of the after-school center needs, tutoring, counseling, et cetera, for about 1.1 or 1.2 million young people.

We have a policy of no more social promotions that we are proposing, and one of the answers we say to the social promotion is that instead of social promotion, give kids more help through the after-school centers. Do not promote them unless they are ready with the after-school centers. The summer schools will allow them to catch up, but the $600 million to serve the 1.2 million children is all we are offering in that endeavor.

There are 53 million children in the public schools of the Nation right now, 53 million children. If only one quarter of those need help, then one can see how far we are from meeting the needs of that one quarter of 53 million if we are only going to take care of the needs of 1.2 million.

If one adds up all of the increases in education that are being proposed and say that we will be successful, the majority party in the Congress will cooperate, we would get less than $10 million in increases for education, less than $10 million. If we add them all up from the President's budget, then the President is proposing far more than anybody else. So we certainly endorse what the President proposes, but we argue that it is not enough.

We must have a response from the President and from the Congress, which is closer to the need that has been expressed, the priority that has been set, by the public. We have not heard from the public in terms of defense. Nobody has asked for $100 billion over a 6-year period or 5-year period for defense and yet we are proposing to spend $110 billion for defense while we are proposing to spend for school construction only $3.7 billion.

Now tell me what sense that makes. The common sense of the American people has to be brought to bear on this process in order to make the Members of Congress, as well as the President, understand that something is radically wrong. Why not spend $100 billion on construction? When that kind of proposal is made, over a 5-year period, I propose that we spend $100 billion on school construction, $20 billion a year over a 5-year period, we would still not meet the need that the General Accounting Office identified in 1995 but we would be realistic about it. We would be responding to what the American people have said is a priority in a far more responsible way.

The immediate answer we get is that the Federal government cannot spend that kind of money for school construction. We have never done that before. Well, there are many areas where we have never been before. Before Sputnik, we were not in education at all. Before we saw ourselves falling below other industrialized nations, we did not have assistance to education. We recognize that as we go into the 21st Century, the complexities of a high tech economy and a global economy dictate that we need a more educated population so we are going to do things differently.

Why not spent what is necessary, starting with school construction? School construction is the clearest need. School construction is the need that ought to be the least controversial because school construction does not involve tampering with the curriculum. It does not involve telling local school boards what to do. It does not involve a lot of paperwork. One builds a school and they leave it, and local education authorities will run the school.

We could do a great service in an area where only the resources exist at the Federal level to do the job that is needed; $100 billion over a 5-year period. Where is the money going to come from? Well, we could close some loopholes, of course, in the corporate welfare structure. We could raise taxes on unearned income. We could do a number of things.

The simplest thing to do is to take it from the surplus. The surplus, according to the President, and nobody is disputing his priorities here, 62 percent of the surplus should go for Social Security, 62 percent. Fifteen percent he wants for Medicare. We don't argue with that. The next 20 percent, let us have it go for school construction. That is where the money is, the next 20 percent go for school construction. Twenty percent of the surplus each year, or $20 billion, whichever is the smaller amount, let that be the way we deal with the American people's stated priority that education assistance from the government is a great need.

□ 2130

We are going into a cyber civilization. We need an education system which will prepare students for that cyber civilization. We have nothing near that at this point. We are falling further behind as we go along at this point. We have real needs for health and safety. The first priority is to go to those schools that have health and safety problems.

I think that maybe a fair way to do this is to have a per capita distribution of the money for school construction. That is, all districts would get money based on the number of students they have, per capita. Those that do not need to build new schools would modernize their schools for wiring. Those that are modernized and ready for wiring could use the money to buy equipment for technology. The way to deal with it in terms of the money going back to meet needs may be to have a per capita formula.

However, the per capita formula ought to also have, the law should have a provision that in the distribution of the per capita formula, the first priority goes to those areas, not more money, but they get the money first, those areas which have health and safety needs that ought to be met. That is, the money in the first year would be dedicated first to meet the needs of schools that have coal-burning furnaces, lead poisoning, asbestos problems, roofs that are decaying and falling in. Anything that threatens the health and the safety of a child would be the first priority, and we could easily find that out and get that certified.

They would get the first funding, but in the end, when it is all over, they would get no more money, those areas would get no more money than other areas, according to their per capita needs. We would not distribute it the way the Title I formula is distributed, which is fairer in terms of Federal Government helping the poorest districts. We will not get into that. There is a claim that everybody needs help, so let us help everybody at whatever level. They could have the flexibility of spending it on school construction or on school modernization, or on the purchase of technology, they could have that flexibility. But let us understand that we need larger amounts of money. We need $20 billion at a minimum over the next 5 years.

There is a title already in the Elementary and Secondary Assistance Act, I think it is Title XII, it is sometimes stated as Title XI. Title XI or XII, I forget which it is, but it is called the Education Infrastructure Act. It is already in the law. It is already in the law. Carol Moseley-Braun, the Senator from Illinois, and myself, we put it in the law in the last reauthorization of the Elementary and Secondary Assistance Act. It is in the law. The Senate actually helped Carol Moseley-Braun appropriate $100 million to get it started, but the Republican majority came in the following year and took out $100 million, so it never been funded. But it is in the law. It is authorized. Only the Committee on Appropriations needs to act. We could leave it as it is and the Committee on Appropriations could act and begin to take care of the problem.

Mr. Speaker, I am not going to leave it as it is. I intend to amend the title in order to provide for a $20 billion authorization, at a minimum. Mr. Speaker, $20 billion will be less than we are proposing to spend for defense; it will be far less than we authorized last year for highways and transportation. Most of the Members of Congress voted for a bill which provided $218 billion for highways and transportation; $218 billion, because they felt it was needed. There was a general feeling out in the public that it was needed. The public had not said that transportation was a high priority. The public had not said that highways were a priority, but they had no objection.

When we voted on that kind of bill, $218 billion of over I think a 6-year period, there were no objections by the editorial boards, there were no demonstrations, there were no letters; everybody accepted it, that this is a need. Always, we need highways and sidewalks and in New York we need help for our subway system and bus system, so that expenditure was accepted because it made sense, to expend $100 billion over a 5-year period on school construction makes sense.

We have no problem with the general public and the voters out there who are asking us everyday to give education more help. The public must look with great disgust on debates like the one that took place today where the Members of Congress are wasting their time debating a bill which is designed to hand governors more dollars. The greed of the governors knows no end. All kinds of roadblocks are offered when we try to do realistic approaches to meeting the response of the public that they have placed upon us when they ask for more assistance for education.

We have some people who have repeatedly said, we do not want to build more schools because Davis-Bacon will drive up the cost of the schools, and in order to get Davis-Bacon, they do not want to build schools. They are going to punish the children, because two Republicans, one named Davis and one named Bacon, authorized a law some time ago which made a lot of sense that one could not bring contractors from outside an area and lower the standard of living of the people who were workers there by bringing in cheaper labor. If we had a government job involving the Federal Government and we brought in outside labor or used local labor, either way, you are going to have to pay the prevailing wage. The prevailing wage means no more than whatever brick layers, carpenters, whatever they are being paid in that area, you pay it. It makes a lot of sense. Davis and Bacon, Republicans.

Now they are objecting to building more schools because they do not want Davis-Bacon to be utilized because it drives up the cost. We have study after study that shows that we can build schools at basically the same cost or a lower cost when we use the Davis-Bacon contractors.

So let me conclude by saying that I hope the public, the voters who have made it clear that they want education to be a priority will focus intensely on what is happening here in this Congress. It looks as if only the people can turn around the madness that is occurring here, the endless debates about trivialities, the endless debates about changes in the law, rerouting the money which will have minimal effect on the improvement of education, and may have a dangerous impact because it will take the money away from those who need it most.

Mr. Speaker, we need more money for construction, and we should get it as soon as possible.

HONEST SPENDING, HONEST BUDGETING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes.

Mr. COBURN. Mr. Speaker, I find it very interesting that the issue of education and the issue of Social Security, not wanting to spend Social Security money for anything other than Social Security, is described as trivial.

What we are going to talk about tonight is one of the most important aspects of the future of this country, and that is called honest budgeting, honest numbers, so that the American public actually knows what is going on in Washington. So what we hope to describe for you tonight are the issues surrounding the Social Security Trust Fund, the problems associated with it, how the real problem has been covered up by the Washington habit of spending more money when we do not have it.

I have with me tonight, and I would like to recognize, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Minnesota (Mr. GUTKNECHT), and the gentleman from Minnesota is going to spend a few minutes talking about where we have been, where we are today, and where we are going.

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

I think it is important to note that for too long in Washington, the name of the game was how can we spend more of the public's money. In fact, the unwritten rule of Washington always was, no good deed goes unpunished.

There was no real reward for trying to save money, because back in the 1960s, in order to cover the cost of the Vietnam War, they created a whole new system of counting here in Washington. What they did was they took in all of these 66 different trust funds we have, they put them all in the same category, and it made it look like the deficit was smaller than it was.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman from Oklahoma will yield, if we are talking about history, the one thing I appreciate is taking a reference point of 1995, which is when the two of you joined us here in Washington. As my colleagues may remember, I came in 1993, and if my colleagues think the picture was ugly in 1995, they should have been here in 1993, because in 1993 when we came and when I came here with 110 new freshmen and we had a new President, the mentality of Washington was, let us increase spending. Remember, that is when some of my colleagues were maybe motivated to run for Congress, because the message was the economy may be going into a downturn or whatever, when actually the economy was recovering because of what President Bush had done early in the 1990s. But it was like government spending is going to stimulate the economy.

We did not, or the powers that be at that time did not care about the deficits. The deficits were $200 billion per year, as far as the eye could see, and growing. The belief was that to attack some of these issues, it was not to return money back to the American people, but was to take more of their money and to increase taxes. So in 1993, we had deficits as far as the eye could see, growing deficits as far as the eye could see; $200 billion deficits, increasing taxes, increasing spending, saying, that is the new model for this new presidency.

The good thing about it was that that agenda I think spurred many of my colleagues to say, wait a minute, that is the wrong model, so my colleagues came and got elected in 1994, and in 1995 really set a very, very different tone.

So my colleagues recognize what we have done since 1995. I go back two years previous to that and say, boy, if my colleagues had not come here in 1995, we would have continued that trend of 1993 of more spending and higher taxes. I think my colleagues are going to lay out how ugly the picture was in 1995, but it was much worse in 1993, and a very different solution to the problem in what my colleagues helped introduce and helped pass in 1995.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman from Oklahoma will yield, the gentleman from Michigan is absolutely correct. Obviously, we would certainly like to take some credit for what has happened since 1995. But the truth of the matter is, what the American people finally said was, enough is enough. I mean, higher taxes were the answer to every one of our problems, and the American people understood that higher taxes were not the problem. They certainly were not the solution. The problem was too much spending.

I remember when the gentleman from Oklahoma (Mr. COBURN) and I came as freshmen and we looked at what the President proposed, and this is not according to the House Republican Conference, this is according to the Congressional Budget Office. We should have this on a bigger chart, but I think the chart, if people at home or in their offices can see this, can recognize that what was happening was the deficit was bad, but worse, it was going to get worse every single year, and we were looking at potential deficits by the year 2009. This is using the old accounting standard. We are going to talk about the differences and what we really think the next step ought to be. But we were looking at deficits by the year 2009 approaching $600 billion a year.

The Congressional Budget Office came out shortly after we came to Washington in 1995, and the American people said, enough is enough, and they sent 73 new Republican freshmen, including the two of us, to Congress. But they understood, the American people understood that that was not the answer. The Congressional Budget Office told us that if we did not do something about controlling the rate of growth in Federal spending, about eliminating some of the needless duplicative bureaucracy here in Washington, the real problem was that by the time our children reached middle age, and I hate to admit it, but I am approaching that age myself.

Mr. COBURN. Mr. Speaker, I am well past it.

Mr. GUTKNECHT. By that time, Mr. Speaker, they would be paying a tax rate of upwards of 82 percent just to meet the ongoing needs of the Federal Government and the obligations to Social Security.

Now, that is the situation we confronted in 1995. The American people said, that is unacceptable, we said it is unacceptable. We started about eliminating needless waste. We eliminated 400 programs, we reformed the welfare system, we tackled the entitlements, and we have made enormous progress since then.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman from Oklahoma (Mr. COBURN) will yield, just to put this in reference, because we are talking about 1998, we are going to be talking about performance of 1999 and performance of 2000.

Mr. COBURN. Mr. Speaker, CBO is the accounting estimating firm that is part of the Congress that is bipartisan that studies these numbers and makes an estimate.

□ 2145

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for clarifying that.

In 1998 the Congressional Budget Office projected a deficit of somewhere in the neighborhood of $225 billion, the President's plan. In 1999, that number would have been about $250 billion. In the year 2000, it would be about $290 billion. This is a year. We would be in debt $290 billion more.

Mr. COBURN. Mr. Speaker, it is important for everybody to understand when we hear those numbers that that includes spending social security trust fund money to offset even further a worse situation, to the tune of anywhere from $80 billion to $100 billion. So if we had been protecting our seniors' money and protecting our grandchildren's future, in those years the deficit would have been at least $100 billion higher.

Mr. HOEKSTRA. Yes. That brings us to 1999. If we would have treated social security honestly, and we are going to be talking about that later tonight, that number would have been $350 billions of deficit, and for spending of about $1.7 trillion we would have had a deficit of $350 billion.

In the year 2000, we would have been approaching $400 billion. If we would have put in the social security numbers, roughly 20 to 25 percent of our spending would have been deficit-financed, would have been new debt that we would have stacked onto our children, which would have jeopardized the future of social security, either in terms of benefits or eligibility or increasing taxes.

In 1995 the President said that that was good enough. He said, that is where I am going to lead the country. That is when people like the gentlemen here came in and said, wait a minute, that is maybe good enough for this administration, but it is not good enough for the American people, and financing our spending with 20 to 25 percent of debt is just plain wrong. In 1995 we changed the course of this town.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will yield, and it is important to talk about these numbers, because if we add social security, which is about $100 billion a year, we are looking at deficits of $350, $450, $500 billion a year.

Those are just numbers. Most of us do not know what $1 million is, let alone $1 billion. It is hard to imagine what $450 billion is. But let us put that in very simple terms. What does that mean to the average American family? What it means is that we are virtually guaranteed that our children will have a lower standard of living than we have enjoyed.

We can put this in any kind of terms we want, but I think every one of us

recognizes that one of the cornerstones of the American dream is leaving our kids a legacy so they can expect to have a better standard of living than we had. That has been part of the American dream I think since the first Pilgrims came to this country, that they wanted to build a better future for their kids.

Unfortunately, because of the deficit spending, because of profligate spending of previous Congresses, because of the basic attitude that deficits do not matter, we had literally begun a process that guaranteed the next generation that they would have a lower standard of living. That is the thing that had to stop.

It is not just about numbers, because I think sometimes when we talk of numbers, I think all of our eyes start to glaze over. We can look at our children and say, do we really want to leave our kids a lower standard of living than we have enjoyed? I think the answer for every American parent is a resounding no.

Mr. COBURN. Let us move in a little bit and just have a discussion about where we really stand on social security, because too many people I find do not have a realistic expectation of how big the problem is; and number two, unfortunately, the Congress in past years has not been honest with the American public about the problem, so part of our goal tonight is to really kind of dive into that.

Each year this government takes in billions and billions of dollars of social security money. Last year it was about $580 billion. We paid out about $480 billion to people who were on social security, receiving social security as a benefit. What that means is that we paid in an excess amount of actually about $86 billion last year that were excess payments of social security.

As we look at this chart here on the left, and notice what the source of this, this is not a Republican or a Democrat chart, this is the Social Security Administration's numbers, what we saw in this area, and we continue to see until the year 2013, more payments coming into social security than are going to be paid out. But in 2013 something big is going to happen. We are going to pay out more money in social security than is coming in.

The purpose of this exercise is to get everybody to realize the size of the problem, because when we start paying out more money for social security than we take in, what will happen is one of three or four things. We will talk about that in a minute.

The fact is, people who are working every day are paying money in for a social security benefit that the Congress is then taking and spending on something besides social security. So as we see past the year 2013, what happens is the area in blue is the amount of tax revenue that either has to come from the general budget or increased taxes, just to meet the obligations.

If we have a 5-year-old at home this year, when they are 35, that deficit is going to be almost $800 billion per year, one and one-half times the total that we take in.

The problem is big. How does the social security trust fund work now? How is it supposed to work, and what is really happening? What is really happening now is the money comes in, a paper IOU goes in, the government takes the money and uses it for a multitude of other things.

Last year we did take $69 billion worth of social security money and buy off external debt, so we did lower the external debt, but it is not a true lowering of the debt, because we still have an interest obligation and we still have to pay the money back. So we did not lower the debt any. What we did was take social security money out of the trust fund and use it for something other than what it was intended for.

What is going to happen in the year 2013? The money is going to come in, but we are not going to have enough money to pay. So we are going to do one of three or four things. Most likely, somebody's taxes are going to get raised to be able to meet that.

How do we stop doing that? The first way we stop doing that is to be honest about what the numbers are, be honest about what the situation is with social security, and get our hands off of the social security money. Not any portion of it should go to be spent for anything other than for social security. We should not grow the government with new entitlement programs, new programs. I have not found anybody in this country who can tell me that they actually believe that this government runs efficiently.

If we need to increase spending in one area, there are more than enough areas for us to decrease spending in areas that are inefficient. We eliminated 400 programs in 1995 and 1996. There are another 400 programs that need to be eliminated that do not accomplish what they were intended to, that spend more than what they were intended to spend, and have never been measured to see if they are effective. Yet, the Congress has not been able to do that because of this disguised budgetary problem. They have not seen the essence of it.

Mr. HOEKSTRA. If the gentleman will yield, Mr. Speaker, I think what we really want to reinforce tonight is that we are going through various stages of addressing these issues because of the magnitude of the problems we are facing.

In 1993, when I came here, getting to a surplus was a critical issue. In 1995, when these two gentlemen joined us here, we were actually able to move to a surplus. We talked a lot about getting to a surplus. That was only a step in a series of steps that we needed to take.

We reached that last year where we got a surplus, but we used the social security surplus to help us get there. Now we are talking about taking the next step, which is, all right, now let us strive for a genuine surplus, or what some of us would describe as a more genuine surplus by taking social security off-budget and walling that money off.

Mr. COBURN. Mr. Speaker, let me say to the gentleman, I am a doctor by trade. I practice on the weekends. I delivered 97 babies last year. I fly home every weekend.

But my first degree was in accounting. There is no such thing as a genuine surplus. There is either a surplus or a deficit, and one of the things we have to do is to be clear to the American public that we have not had a surplus in this country, we do not have a surplus, and we will not have a surplus unless we quit spending more money. That message has to go out.

One of the main reasons that we are coming to this problem to start addressing it is because America is working, and Americans are paying a ton of tax right now. Through their hard efforts and their work, we have government revenues that are rising.

We did cut $70 billion the first year we were here in spending that would have been spent. That has been extrapolated each year. That is probably worth about $150 billion that would have been spent this year that we cut, so we have done the cutting part that we could do. We need to do more to be able to get there.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, just like there is only a surplus or not, not a genuine and a phony, there is either a real surplus or not a real surplus, the other thing is there is either a real cut or not a real cut.

I think we have to be very clear that when we talk about cuts in Federal spending, that I do not believe in any year since the gentleman has been here, since 1995, that our spending in any year, say for 1996, even though we cut spending, we are not spending less than what we spent in 1995.

Mr. COBURN. That is a great point. The government still grew.

Mr. HOEKSTRA. There is only one cut, and that is when the number goes down. What we have done is we have slowed the growth. The government is still growing, it is still getting bigger. We are spending more money on a number of different issues which this Congress and the President have identified as priorities. In no given year, however, can we go through and say that government is smaller in 1996 than it was in 1995.

This is why I think it is so upsetting when so often we go out and hear about all of those cuts in Congress, that Congress has made on government spending, and we sit there and say, no, we

are spending more than what we did last year. The only thing is we have slowed the growth and tried to demonstrate some restraint, because of the issues we were dealing with. We were looking at $300 billion deficits.

It is a great thing that somebody finally came here and exercised some restraint so we can get to a surplus, or that we will get to a surplus, and all we did was slow the growth. We did not cut. Sure, we eliminated some programs, but we are spending more than what we did.

Mr. COBURN. Let me just jump in here for one second. I want to make sure the American people understand. We do not really care who gets the credit. Right now what we are concerned about is our grandchildren, because if we steal social security money and we allow the government to grow in terms of new programs, our children, our grandchildren have very limited futures.

So it does not matter. We did our job and we worked hard to try to slow the growth, but I want the American public to know that we do not have to have credit for it. The thing we want credit for is for our children a generation from now to be able to have an opportunity to have a standard of living at least to the level of the average standard of living in this country today.

Mr. GUTKNECHT. If the gentleman will yield, both gentlemen have made a couple of very important points. To a lot of average Americans, the language of Washington is very difficult to understand.

We heard about these draconian cuts in education programs, in student loans, when in fact student loans were going up at greater than the inflation rate, but we were slowing the rate of growth. In Washington a lot of people talk about cuts in spending, when all we are really talking about is slowing the rate of growth in spending.

I think one of the greatest Washingtonspeak expressions that was created many years ago is this comment or term ''trust Fund.'' It has a nice ring to it. In fact, if we talk to our constituents and use the term ''trust fund,'' they think, trust, fund, that there must be a fund there somewhere.

What they do not understand, and particularly with social security, and perhaps we need to do a better job ourselves of explaining it to our colleagues, because I think when they think of social security, they think of a pension fund. Frankly, it is not a pension fund in the classic sense, it is a pay-as-you-go system.

I think, Dr. COBURN, you have talked earlier about when it was first started we had 41 people working for every person who was retired. In 1950 we had 16 workers for every person who was retired. Today that number is slightly over 3 people working for every person who is retired. When the baby-boomers start to retire, that number is going to drop to two workers for every person retired. It is a pay-as-you-go system.

In fact, rather than think of it as a pension fund or even as a trust fund, in some respects I think we need to think of it as a checking account, and that right now there is more money coming into the checking account than is being paid out in benefits. But in 2013 that is going to change.

One last thought. When I graduated from college, I happen to remember who the speaker at our commencement address was. He was Director of the United States Census. I was born in 1951. He told us something interesting that day, that there were more babies born in 1951 than any other single year. We represented the peak of the baby boom.

□ 2200

When we start to retire at about 2012, 2013, that is when we begin to draw so deeply on that ''trust fund.'' That is the real issue that is confronting us. It is demographics because of this huge bulge of 81 million baby boomers that start to retire in the year 2010.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I was going to say, I think that if you take a look at two charts, we will outline how critical it was that we made the types of decisions that we made in 1995.

When you combine the chart of deficit outlooks, which the gentleman from Minnesota (Mr. GUTKNECHT) showed us earlier, here is the dynamics that were going on in 1995 when he came here. The deficit was going down. By 2009, the deficit was going to be $600 billion per year. All right. So that is one. Think of it. We are going to spend $600 billion more than what we are going to collect in revenues.

Look at the trend line. The trend line is that this number is going down. So by 2013, we are probably going to be at $700 billion with the accelerating rate.

If we combine that with what was going to happen in Social Security, because right here, 2013, this was going to become a negative. So we have got the deficit on the general fund being a huge number. Then we are going to compound it with this flow from Social Security. There were people saying that is good enough. We take a look at it and say there is no way we can survive.

Now we have taken care of the one chart, which is just the deficit numbers. We have got that under control.

Mr. COBURN. Mr. Speaker, reclaiming my time, by the way, that is the false deficit.

Mr. HOEKSTRA. The false deficit. Mr. Speaker, that is right. But we still are facing this crisis. So we, with the plan now to wall off the Social Security dollars, say, number one, we are getting a handle on it. But it does not take care of these deficits yet. We are going to have to come up with a plan to reform Social Security. I think that leads into your options.

Mr. COBURN. Absolutely.

Mr. HOEKSTRA. Mr. Speaker, we still have this issue to deal with over the next couple of years.

Mr. COBURN. Mr. Speaker, so what are our options? Three are listed here, but there is four. The first is we can save 100 percent of seniors' money. Remember, when we do that, when we save 100 percent of seniors' money, we are doing two things. We are following the obligation that we really have to the American public because they are paying Social Security taxes for their Social Security. But, number two, we are relieving a tremendous burden on their grandchildren.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I mean that is the one thing, the point that I missed on these two charts. The gentleman from Oklahoma brings it out at exactly the right time.

When the deficit is increasing, and we have got that liability coming up on Social Security. The Federal Government going out and borrowing huge sums of money means potentially increased taxes for our kids and our grandkids. It means that the government is going out and borrowing probably billions, hundreds of billions of dollars per year.

As we went through the Committee on the Budget, Alan Greenspan came in and said, ''If you get to a surplus budget or close to a surplus budget, I expect interest rates to drop by 2 percent.'' Do my colleagues know what? He was absolutely right in 1995. That is not a cost. That is a direct benefit to the American people.

The biggest tax cut that we have given American families is to get close to surplus, because that has kept interest rates down on mortgages, on cars, on student loans and all kinds of things.

Mr. COBURN. Mr. Speaker, what we can do is we can save 100 percent of the money and start working on a program that allows some flexibility in the options for the younger generation. We can do that by never threatening and never putting at risk any seniors' Social Security or any near seniors' Social Security. So we can meet the obligations that we have. We can devise a plan where we can work our way out of the Social Security quagmire that we have.

I want to make one other point before I go to option two. Why are we in the problem we are in? It is not all just demographics. This body has the habit of doing things that are politically pleasing but not asking people to pay for them. So we vote increased benefits and programs but say it is not ever going to cost.

What that is, it is a half truth. A half truth, my daddy always told me, was a

whole lie, because all these increased benefits are going to be paid for by my grandchildren and my colleagues' grandchildren. All these benefits that have been passed and increased without accounting for a way to pay for them was an untruthful thing to do to the next two generations.

It got a lot of people reelected because reelection was more important than being truthful with the American public. That is what this debate is all about, absolutely making sure they understand where we are on Social Security.

Second option, we can repay the money taken from the Trust Fund, and we can raise everybody's income taxes. In 2013, the graph that you have up there, something is going to have to happen.

Number three, we can decrease the benefits. We can delay the retirement age. We can raise the payroll taxes. The estimate is, if we do not do something, that the payroll taxes are going to be near 30 percent, just the payroll taxes, counting the employer's contribution in 2015 to account for this large, large deficit in the Social Security system.

Then of course there is the fourth option.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, maybe the gentleman from Minnesota (Mr. GUTKNECHT) can help us out here. But when we take a look at the FICA taxes or the Social Security taxes when an employee at the end of the year gets their W–2 which shows how much income they have made, and it shows how much they have paid in tax, is the full Social Security tax displayed on their W–2 form?

Mr. GUTKNECHT. Mr. Speaker, the answer obviously is no.

Mr. HOEKSTRA. Mr. Speaker, what does the gentleman mean ''obviously?'' It is all the money that they have made. It is all the money that is excluded that is taken out of their check by taxes. Would not it all be covered?

Mr. GUTKNECHT. Mr. Speaker, the average American does not understand that. Not only do we take 6.2 percent of their income, but their employer matches that to a total of 12.4 percent.

What is worse, because a lot of people think of this in terms of a pension plan, if the average American knew what their rate of return was on these funds, they would be outraged.

I think our colleague from South Carolina (Mr. SANFORD) is joining us. But the numbers that I have seen for the average American today, the average rate of return in fact we hear often, and I talk to a lot of groups, I say, ''How many of you heard the expressions Americans do not save enough?'' Most of them raise their hands. The truth is Americans save a lot when we take that 12.4 percent that they and their employer put in Social Security. We are saving an enormous amount of the average worker's income.

The problem is we get such a lousy rate of return. The number that I have seen is 1.9 percent on average. It varies depending on one's age and when one started putting it in. But the rate of return is terrible on Social Security.

Mr. COBURN. Mr. Speaker, actually the Social Security Administration, since 1955, gives a real rate of return of 0.6 percent.

Mr. GUTKNECHT. Mr. Speaker, I am being generous then.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield for just a second, because I think it is going to be a bill that I think I am going to introduce tomorrow. What I do encourage each and every person to do is to take a look at their W–2, to take a look at their FICA number, which is their Social Security tax, and remember that that number, whatever it is, is matched by what their employer paid to the Federal Government. That could have been used for salaries or whatever, but that is money that is coming to the Federal Government. So it is not 6.2. It is 12.4.

Tomorrow I believe we are going to introduce a bill. It say that is the employer, I know we do not like mandates, but that the employer on their W–2, on an employee's W–2 has to put in the employer's share of the tax that they have paid to the Federal Government so that the employee sees that, when they are working, their employer not only pays their salary and their taxes, but there is a hidden 6.2 percent tax that is going to the Federal Government based on the salary that they are making. It is full disclosure. It is truth in budgeting.

Mr. COBURN. Mr. Speaker, reclaiming my time, let me reemphasize first, if I can, four options. One, save the money. Do not spend any of the seniors' Social Security money by growing the government. Number two, raise taxes. Number three, cut benefits. Number four, and that is do nothing. That is what the politically expedient would say, do not do anything with Social Security because one cannot get reelected if one does it.

The fact is we have an obligation to save Social Security. We have an obligation to save 100 percent of the money that is going into it now for Social Security. Then we have an obligation to fix the system for the generations to come.

Mr. Speaker, I yield to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, just following up on the comments of the gentleman from Minnesota (Mr. GUTKNECHT) on rate of return, because I have heard the same 1.9 percent rate of return. I saw a UCLA study that showed that, for a person born in 1970, earning $30,000, they would have to live 110 years just to get their own money back, not a return on the money, but just to get their own money back.

So the bottom line is it is a low rate. What is interesting is, in contrast, I jotted down some numbers here.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will yield for one second, remember, this is a low yield on 12.4 percent of one's income.

Mr. SANFORD. Mr. Speaker, which one earns every week, which one earns every month, and which one earns every year. What is interesting is, in contrast, last year, the Fidelity Contra Fund, for instance, which is a huge mutual fund, earned 32 percent. The Van Camp and Capital B Fund, which is the oldest mutual fund in the United States, it was actually started in 1945, earned 28 percent. The T. Rowe Price Tech Fund earned 9 percent. CDs earned 6.5 percent. Even a checking account earned 2 percent.

The point that I am making here is, one thing I think we need to be watchful for as policy folks in Washington is we do not have two different retirement plans, one retirement plan for wealthy people that is earning 30 percent or 28 percent, and clearly these are not sustainable numbers, those numbers will go down, but the point is one group is earning a lot on their retirement plan, and then this other group, because Social Security taxes are the largest tax that 73 percent of Americans pay and consequently the largest investment that basically 73 percent of Americans make, and another group earning a negative number or 1 percent number, and that really creates a problem in our society that I think needs to be addressed in the Social Security issue.

Mr. COBURN. Mr. Speaker, reclaiming my time, let me jump in here, because one of the solutions to the problem, the first solution is to restrain our spending. I have a graph up here that I want my colleagues to compare.

It is, if we restrain spending, what that means is if we live within the caps this we agreed to with the President in 1997, what my colleagues will see in terms of real numbers, not hokey numbers, not supposed surplus, but real surplus and deficit, what my colleagues see is, in the year 2001, that under the CBO estimated numbers right now, we come to a real surplus just by living to the agreement that we made with the President in 1997.

In contrast to that, and my colleagues also will note over here in the green that these are real surplus dollars, dollars that we can in turn turn back towards Social Security, turn back towards Medicare, turn back towards education if we get there.

There is no absolute guarantee that those numbers are going to be right because we have had the longest nonwar peacetime expansion that we have had since World War II. These are estimates. So if we have a system that is going broke, we dare not trust just estimates. What we dare do is restrain our spending.

Now I want to contrast that with what the President has proposed in his budget. These numbers come from his budget numbers. What my colleagues will see is, under his plan, all this red is new spending. Under his plan, with the same revenue projections, we do not come to a true surplus until 2004.

So if we restrain spending between now and 2004 by living up to the agreement that we had with the President in 1997, all of this becomes all of this.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, all the stuff below the line on the President's proposal is new debt for our children.

Mr. COBURN. Mr. Speaker, reclaiming my time, it is stealing money from Social Security is what it is. We are taking money that is Social Security money and spending it for new programs which will be paid back by my grandchildren and my colleagues' grandchildren at a much higher rate and at a tax rate higher than what we are experiencing today.

Going to the first point of the gentleman from Minnesota (Mr. GUTKNECHT) is one of all the desires of the seniors in my district is to make sure their children have at least the same standard of living as they have had, not worse, and hopefully the opportunity.

What stealing Social Security does and what running a deficit does is takes opportunity away from our children. We are stealing their opportunity. We have to be honest that, with this plan, we are going to be taking money out of the Social Security, we are going to be borrowing that money, and spending it on new programs to be paid back by our children and grandchildren.

□ 2215

Mr. HOEKSTRA. If the gentleman will continue to yield, we can take a look at those two charts, and the chart on the top is what happens if we wall off the Social Security dollars. If we protect the Social Security dollars, it says that by 2001 we will be able to sustain some type of change in economic conditions. The further out we get, if we have an economic downturn or if we have some emergency spending requirements, that we have some room in there that we could still have a real surplus, even with some difficulties in the budget.

The bottom one says that under the best of circumstances, by 2004 we will have a small surplus.

Mr. COBURN. It will look just like that. We will be back to those original numbers.

Mr. GUTKNECHT. If the gentleman will yield. In effect, the top chart is essentially what the congressional leadership budget plan has been agreed to; that we will abide by the spending agreement that we made with the President back in 1997. Even if the President will not, we will abide by the spending caps.

Mr. COBURN. This is what the President agreed to in 1997.

Mr. GUTKNECHT. Exactly. Now, what the President has proposed, though, is about $30 billion a year of additional spending above and beyond the spending caps that he agreed to.

Now, one other point that needs to be made about those two charts. If we abide by those spending caps, it will mean we will have lower interest rates, because the government will not be borrowing so much. And as a matter of fact, we will begin to pay down some of that debt, so we will have lower interest rates. That means that we will have a stronger economy, and a stronger economy is good for everybody.

Mr. COBURN. I would just like to make a correction to make sure we understand. If we borrow the money from Social Security and we buy off treasury bills, we really do not lower our debt. We still pay the same amount of interest, we are just paying it to ourselves, but our children are still going to have to pay it back. So the floated public debt actually does decline, but the amount of money and the lost opportunity for our grandchildren goes up.

It is important the American public knows that, because we do want to pay off the debt. We would like to leave our children debt free, but we also want to leave them debt free with opportunity.

Mr. HOEKSTRA. What the top chart enables us to do, if we stick to the spending caps and we pass our budget, is to really focus on what our colleague here has been working on, which is to seriously take a look at Social Security reform.

Because we have to be honest here, we do not save Social Security. What we do is we position ourselves to save Social Security for our kids and for our grandkids. But that is the next step, again. We get to a surplus, then we get to a point where we have sufficient surpluses to save Social Security but we still have to do a Social Security reform proposal.

Mr. SANFORD. I agree, but I think, if the gentleman will yield, what is interesting is that before we can get to any Social Security plan, and the gentleman is right, I have been a big proponent of a number of different things on that front, we ultimately have to have trust in government.

Mr. COBURN. Absolutely.

Mr. SANFORD. That begins with straightforward and honest accounting, which is what the gentleman from Oklahoma (Mr. COBURN) is getting at.

Looking at the numbers, by any family definition, if we had somebody living on our street that had to borrow from their retirement reserves to put gas in the car or food on the table, we would say that family was not running a surplus. Similarly, in the business world, if a businessman borrowed against his retirement reserves to pay for the current operations of the company, he would go to jail, based on Federal law. Yet that is what the Federal Government has been doing.

So what is being talked about here is a first step of restoring confidence so that people will trust government and they will listen when we propose to them things about Social Security.

Mr. COBURN. One of the things we want people to understand about this is this concept of surplus. I have a little history for us and a little proposal for what we have today. It makes sense, if we have a surplus, that the national debt should not go up; correct?

Mr. HOEKSTRA. Right.

Mr. COBURN. Now, supposedly we had a surplus, yesterday. That is what the politicians in Washington are saying. We had a surplus. Why, then, did the debt go up $120 billion for our children and grandchildren to repay if we had a surplus?

The American public should know this. If they want to know if we have a surplus, we will have a surplus the first time the actual debt goes down. And we will not have a surplus until the American people hear that. So if anybody says we have a surplus, people should ask them at the same time, does that mean a surplus with the debt rising or a surplus with the debt going down. Because the only way we can measure if we have a surplus is if the debt goes down.

We can see in 1997 we had a small deficit, but the debt rose significantly. In 1998 we claimed, politicians, a $69 billion surplus; right? What happened to the debt? It rose from $5.330 trillion $5.445 trillion, another $115 billion increase in the national debt. Yet the politicians in Washington said we had a surplus. We did not have a surplus. It is totally dishonest to speak of a surplus.

We had more money coming in than we paid out, but we borrowed all that plus the 44 trust funds that the gentleman from Minnesota (Mr. GUTKNECHT) talked about, the airport trust fund that we pay $2 each way on every ticket; the inland water trust fund. We took money from all those trust funds, plus Social Security, to run the government, and we have not been honest in the accounting of it.

So it is important for people to understand the only time that we have a true surplus is when the debt goes down or taxes go down.

Mr. HOEKSTRA. What the gentleman is pointing out is that with as much progress as we have made since 1995, there is still a lot of reason to be cautious. There is still a lot of work to do.

There are people here in Washington who are saying, wow, look, $60 billion surplus going up to $110, let us go spend. Let us spend it on this program or let us spend it on that program. I

think my colleague, perhaps in his next chart or one of the charts coming up, is going to talk about when the President came here for his State of the Union speech and spent most of the surplus that we really do not have.

There is still a lot of work to do to get to a real surplus and to begin preparing for the deficits that we are going to be facing in 2013 in Social Security. So there is still a lot of reason to show restraint as it concerns spending here in Washington.

Mr. COBURN. This next chart kind of brings it home. Every man, woman and child in 1997 owed $19,898. That is the debt divided by the population. In 1998 it went up to $20,123. This year, under the budget that we are operating now, the appropriation bills that have been passed, the debt for every man, woman and child in this country is going to go up over $500.

The debt is rising, as we speak, $275 million a day. A day. We are adding $275 million. We are taking $275 million worth of lost opportunity for our children and grandchildren each day that we continue to run under a dishonest accounting system. I think that is something that the American public can relate to.

So a surplus is only a surplus if an individual's portion of the debt is going down. It is only a surplus if the debt is going down.

Mr. HOEKSTRA. If we really think about it, a debt of $20,000 per person, and I am a family of five, meaning that my share of the national debt is greater than my mortgage.

Mr. COBURN. Correct.

Mr. HOEKSTRA. There are five of us, so our share of the national debt is $100,000, and next year it is going to be $103,000. It is going the wrong way.

Mr. COBURN. The three babies I delivered this weekend owed $20,000 at the time I spanked their bottom to get them to start breathing. That is a heck of a legacy for us to leave those children. They are born, they come into this world, and we are going to strap them with a $20,000 debt.

I have here a little chart based on what is happening right now under the budget we are under and under the proposal of President Clinton. I want to carefully choose my words here as we go through this. I think the American public can understand.

The excess payments in Social Security last year, this year, are expected to be $127 billion. More comes into the trust fund than will be paid out. If we had kept the 1997 spending caps and not, with a gun at our heads, passed an omnibus reconciliation package last year, we would have had a deficit this year of $1 billion. From $220 billion, $350 billion, to $1 billion. But we did not, we gave up $15 billion above the caps in October-November last year.

Then we have the proposal from the President to spend a billion dollars for the disaster in South and Central America, which had no recommendation that we pay for it. That money has to come from somewhere. So we will borrow it from the Social Security Trust Fund. So what is happening right now is, already this year $17 billion of the excess has already been stolen for 1999, leaving $110 billion.

But that is not the important point of this. We can fix that, if we will restrain spending this year and move that $15 billion back up in this next year. But look at what the estimates are from the bipartisan, that is Democrat and Republican, Congressional Budget Office. We are going to get $138 billion in excess payments in the year 2000. That is what they are estimating right now. The Congressional Budget Office estimates right now that the Congress is going to spend $5 billion of that, just on the track that they are on right now with the 1997 agreements. If we add the new programs that President Clinton has in his budget, we steal another $20 billion. Then, if we take what the President said, which is even technically misleading, that he wants to reserve 62 percent, and we spend the rest on the programs that he wants to spend, what we actually do is spend all but 59 percent of the Social Security money.

So the important thing is that, if we look at the green here, we went from $110 billion of savings in Social Security, and now we are looking at a, quote, politician's surplus. And what is happening to it? It is getting spent. So the politician's surplus is going to decline to $81 billion. It is not a real surplus, just how it is measured in Washington.

So not restraining spending means that $57 billion of our seniors' money, of our grandchildren's futures are going to be spent this year in new programs, growing the government and stealing opportunity from our children.

Mr. SANFORD. If the gentleman will yield, I think what is important about that point is that people remember, and, in fact, we all have heard that one simple fact about real estate, where the equation is location, location, location. Well, in Washington the equation is politics, politics, politics. That is not a bad thing; that is not a good thing, but that is certainly the way this city works.

Therefore, I think the real issue to be thought about here is that it is the squeaky wheels that get greased in politics. It is important for people to speak out at town meetings across the country, in writing their Congressmen, in writing their Senators, to say if they are given the choice between spending their children's inheritance or not which one they want done. People really need to be making noise about this, because otherwise the immediate is what gets taken care of in Washington and the money gets spent.

Mr. HOEKSTRA. I think that is exactly right. That is the problem that we are facing. We have had the debate within our own conference, where we talk about debt reduction and getting our fiscal house in order, and people say, well, that does not sell.

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In reality, I think when you lay out some of the charts that we laid out earlier that talk about the burden that we are facing, that we are placing on our children, I think when you go back to the chart that the gentleman from Oklahoma (Mr. COBURN) has up there and you start saying, wait a minute, we had $138 billion within our grasp, and in one year we took it away from Social Security and we pile it back on to new debt for our kids, I think the American people would embrace saying, ''Wait a minute, let's restrain the spending. We see this bubble coming up on Social Security. Now is the time to act.'' They understand these kinds of issues. They understand the crisis that we can face with the baby boomers. I think they look very positively at starting to set some of this money aside and getting our fiscal house in order. Again, this is $57 billion of new spending. This is not to get to $138 billion, you are going to cut spending by $57 billion. This is $57 billion of growth beyond what we already are planning on growing the Federal Government. This is brand new growth, brand new growth, brand new spending.

Mr. COBURN. Above the spending caps agreed to in 1997. I would like to make a point. Our country is rightly worried about education. We are going to have a lot of debates on this House floor on how we do that. But to assume that we cannot reprioritize the spending of the Federal Government to direct more money to education by eliminating waste, eliminating duplication, by doing the oversight to make sure that the programs that are out there are working means that we are lazy and we are not willing to do our job. Nobody feels that this government is efficient. It is not efficient by any standard. We can exact more efficiency from this government. If we had a crisis today in this country, if we were to go to war or some other, we would come in here and we would make the cuts that we need to make to still offer the services but we would ensure that it was done efficiently. That is what we have to do. We have to restrain spending. We can direct more money to education, but that money should not be stolen from Social Security. It should come from the wasteful programs that this government funds today. For us to do something less than that means that we violate the very oath for the reason that we came up here.

Mr. SANFORD. We were talking a little bit earlier, and I want to go back for just one second, on possible cures

for Social Security. One of the things that the President proposed in his plan was to invest about a fifth of the, quote, trust fund in equities. While that sounds very alluring, I think it is a very dangerous thing, because as Chairman Greenspan pointed out, you need to create a firewall between Social Security money and political forces in Washington.

Mr. COBURN. That is exactly what we are trying to do. We are trying to say, it is time to be honest, it is time to be straight, it is time to get the hands off the Social Security money that is there and start working on a solvable solution for it, but not use it to expand the government and compound the problem associated with Social Security for the future. Remember, in 2013 we are going to be coming back, somebody is going to be coming back—I am not—to the American public and if we have not done our job in this Congress about walling off the Social Security money, we are going to be asking people to cough up a ton more money, regardless of what the economic conditions are. We are going to have to do it to meet the commitments to the seniors that are out there at that time. So we have to start. We have to start today. We have to start this year, this session of this Congress and not let anybody steal the first penny from Social Security for any program.

Mr. HOEKSTRA. The gentleman just brought up education. As he well knows over the last 2 years we have had the opportunity to go to 17 different States and take a look at the Department of Education, 760 education programs, 39 different agencies. For every dollar we spend on education, 30 to 35 cents of it stays in Washington, never gets to a child, never gets to a classroom, never gets to the local level where a parent, a school board, a teacher can say, ''Let's spend this money in this way to help our kids achieve academic excellence, to get them to be able to do reading and writing and math.'' The problem is not that we do not have enough money here in Washington for education. The problem is that we are keeping too much of that money here in Washington. We debated a bill today that just said we are going to give some level of flexibility to local school boards, to State governments, to take this money to get rid of red tape, to get rid of the abuse and to make this system more efficient so that rather than throwing more dollars into an inefficient system, let us make the system efficient so we can get 95 cents of every dollar into the classroom rather than the current 65 to 70 cents.

Mr. COBURN. Let me just summarize. We have about 30 seconds left. A surplus is a surplus is a surplus if it reduces the debt, reduces the debt, reduces the debt. We need to not allow anyone to spend the first dollar of Social Security on anything other than Social Security. I hope the American public can understand what we are trying to do here is to get truth-in-government back in terms of the budgeting process, so that we can start the process of saving Social Security. We will never start that process until we make the firewall and get our hands off the money that is coming in today.

Does the gentleman from South Carolina have any closing comments?

Mr. SANFORD. No, but I will see the gentleman back on the floor tomorrow morning.

Mr. HOEKSTRA. I thank the gentleman for taking the time to do this and look forward to continuing this dialogue.

Mr. COBURN. I appreciate the gentleman's help.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of family illness.

Mr. FROST (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of surgery.

Mr. SHERMAN (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. MINGE (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. BILBRAY (at the request of Mr. ARMEY) for today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mrs. WILSON, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and on March 11.

Mr. FOSSELLA, for 5 minutes, today.

Mr. DEMINT, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELLER, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which were thereupon signed by the Speaker:

H.R. 882. An act to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, March 11, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of December 17, 1998]

A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to Rule III, clause 2, of the Rules of the House. (H. Doc. No. 105–330); to the Committee on House Administration and ordered to be printed.

[Omitted from the Record of January 6, 1999]

A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to Rule III, clause 2, of the Rules of the House. (H. Doc. No. 106–37); to the Committee on House Administration and ordered to be printed.

[Submitted March 10, 1999]

958. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 1998–99 Marketing Year [Docket No. FV99–982–1 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

959. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Additional Option for Handler Diversion and Receipt of Diversion Credits [Docket No. FV99–930–1 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

960. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Assessment Rate [Docket No. FV99–989–2 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

961. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Relaxations to Substandard and Maturity Dockage Systems [FV99–989–1 FIR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

962. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary of Defense, transmitting the Office's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Provider Certification Requirements—Corporate Services Provider Class (RIN: 0720–AA27) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

963. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules Concerning Private Land Mobile Radio Services [WT Docket No. 97–153] (RM–8584, RM–8623, RM–8680, RM–8734) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

964. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Publication or Submission of Quotations Without Specified Information [Release No. 34–41110; File No. S7–5–99] (RIN: 3235–AH40) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

965. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Registration of Securities on Form S–8 [Release No. 33–7646, 34–41109; File No. S7–2–98] (RIN: 3235–AG94) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

966. A letter from the Secretary, Department of Agriculture, transmitting the Management Report of the Inspector General for the 6-month period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

967. A letter from the Chairman, Board of Governors, Postal Service, transmitting the Semiannual Report of the Inspector General and the Postal Service management response to the report for the period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

968. A letter from the Executive Director, Securities and Exchange Commission, transmitting the SEC's Government Performance and Results Act Annual Performance Plan for fiscal 2000; to the Committee on Government Reform.

970. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Utah Abandoned Mine Land Reclamation Plan [SPATS No. UT–032–FOR] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

971. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Sturgeon Fishery; Moratorium in Exclusive Economic Zone [Docket No. 990119023–9023–01; I.D. 111898B] (RIN: 0648–AL38) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

972. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea [Docket No. 981021264–9016–02; I.D. 021799A] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

973. A letter from the Marshal of the Court, Supreme Court, transmitting the Annual Report of the Marshal of the Supreme Court; to the Committee on the Judiciary.

974. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Amendments to Regulations Governing Restrictive Foreign Shipping Practices, and New Regulations Governing Controlled Carriers [Docket No. 98–25] received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 774. A bill to amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program (Rept. 106–47). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 103. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement (Rept. 106–48). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 104. Resolution providing for consideration of the bill (H.R. 819) to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001 (Rept. 106–49). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JACKSON of Illinois (for himself, Ms. WATERS, Mr. WATT of North Carolina, Ms. LEE, Ms. PELOSI, Mr. KILDEE, Ms. LOFGREN, Mr. CUMMINGS, Mrs. MINK of Hawaii, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. DAVIS of Illinois, Ms. VELÁZQUEZ, Ms. KILPATRICK, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, Mr. SANDERS, Ms. CARSON, Mr. GUTIERREZ, Mr. WYNN, Mr. SERRANO, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. MCKINNEY, Mr. HILLIARD, Mr. FALEOMAVAEGA, Mr. OWENS, Mr. PAYNE, Mr. BLAGOJEVICH, Mr. FATTAH, Mr. STARK, Mr. DEFAZIO, Mrs. CLAYTON, Mr. MCGOVERN, Mr. BONIOR, Mr. TOWNS, Ms. SANCHEZ, and Ms. BERKLEY):

H.R. 1048. A bill to amend title VII of the Civil Rights Act of 1964 to make such title fully applicable to the judicial branch of the Federal Government; to the Committee on the Judiciary.

By Mr. BLAGOJEVICH:

H.R. 1049. A bill to authorize an individual or the estate of an individual who has suffered damages from the discharge of a firearm to bring a civil action in a district court of the United States against the manufacturer, distributor, or retailer of the firearm for such damages if the firearm had been in interstate commerce and the firearm's manufacturer, distributor, or retailer was negligent in its manufacture, distribution, or sale and also to bring such action on behalf of the political subdivision and State in which such individual resides to recover the healthcare and law enforcement costs of the State or political subdivision arising out of the discharge of firearms; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. BROWN of California, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HINOJOSA, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. KILPATRICK, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. MARTINEZ, Mr. MCDERMOTT, Mrs. MINK of Hawaii, Mr. NADLER, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Ms. PELOSI, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mr. TOWNS, Mrs. JONES of Ohio, Mr. OLVER, and Mr. FILNER):

H.R. 1050. A bill to establish a living wage, jobs for all policy by instituting overall planning to develop those living wage job opportunities essential to fulfillment of basic rights and responsibilities in a healthy democratic society; by facilitating conversion from unneeded military programs to civilian activities that meet important human needs; by producing a Federal capital budget through appropriate distinctions between operating and investment outlays; and by reducing poverty, violence, and the undue concentration of income, wealth, and power, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on the Budget, Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COYNE:

H.R. 1051. A bill to eliminate the fees for Federal administration of State supplementary SSI payments; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 1052. A bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers; to the Committee on Transportation and Infrastructure.

By Mr. FRANK of Massachusetts:

H.R. 1053. A bill to amend the Higher Education Act of 1965 to repeal the provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; to the Committee on Education and the Workforce.

By Mr. GOODLING (for himself, Mr. METCALF, Mr. CUNNINGHAM, Mr. BRADY of Texas, and Mr. BAKER):

H.R. 1054. A bill to prohibit certain foreign assistance to countries that consistently oppose the United States position in the United Nations General Assembly; to the Committee on International Relations.

By Mr. JONES of North Carolina (for himself, Mr. JENKINS, Mr. SHOWS, Mr. UNDERWOOD, and Mrs. MYRICK):

H.R. 1055. A bill to amend the Internal Revenue Code of 1986 to allow a $500 refundable credit to certain low-income members of the uniformed services; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 1056. A bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. MARKEY (for himself, Mr. MCDERMOTT, Mr. FROST, Ms. KAPTUR, Mr. MOAKLEY, Ms. ROYBAL-ALLARD, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. CROWLEY, Mr. GREEN of Texas, Mr. MCGOVERN, Mr. LUTHER, Mr. SANDERS, Mr. MASCARA, Mr. BROWN of California, Mr. ROMERO-BARCELO, Mr. DELAHUNT, Mr. DEFAZIO, Mr. CAPUANO, Mr. STARK, Mr. STRICKLAND, and Ms. LOFGREN):

H.R. 1057. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida:

H.R. 1058. A bill to promote greater public participation in decennial censuses by providing for the expansion of the educational program commonly referred to as the ''Census in Schools Project''; to the Committee on Government Reform.

By Mr. MINGE:

H.R. 1059. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the pay-as-you-go requirements; to the Committee on the Budget.

H.R. 1060. A bill to amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business to locate or remain within the government's jurisdiction shall be taxable to such business, and for other purposes; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1061. A bill to amend the Internal Revenue Code of 1986 to provide that ministers may elect at any time not to be covered by Social Security with respect to future services as a minister; to the Committee on Ways and Means.

By Mr. PORTER (for himself and Mr. CONYERS):

H.R. 1062. A bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mrs. LOWEY, Mr. OLVER, Mr. BROWN of California, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, Mr. ENGLISH, Mr. UNDERWOOD, Mr. FILNER, Mr. MCGOVERN, Mr. BARRETT of Wisconsin, Mr. KENNEDY of Rhode Island, Mr. PORTER, Mr. TANCREDO, Mr. ROHRABACHER, Mr. CLAY, Mr. GARY MILLER of California, Ms. SCHAKOWSKY, Mr. VENTO, Ms. MCKINNEY, Mr. SANDERS, Mr. GOODLING, Mr. LUTHER, Mr. WYNN, Mr. LATOURETTE, Mr. RUSH, Mr. BLAGOJEVICH, Mr. ABERCROMBIE, Ms. PELOSI, Mr. BROWN of Ohio, Mr. MARKEY, Mr. STARK, Mr. OBERSTAR, Ms. KAPTUR, Mr. MOAKLEY, Mr. CUMMINGS, Mr. LANTOS, Mr. THOMPSON of California, Ms. RIVERS, Mr. WOLF, Ms. LEE, Ms. BALDWIN, Mr. SERRANO, Mr. HALL of Ohio, Mr. KUCINICH, Mr. TIERNEY, Mr. STRICKLAND, Mr. BERMAN, and Mr. DEFAZIO):

H.R. 1063. A bill to prohibit the provision of defense services and training under the Arms Export Control Act or any other Act to foreign countries that are prohibited from receiving international military education and training or any other military assistance or arms transfers; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. HOYER, Mr. PORTER, Mr. ENGEL, Mr. BURTON of Indiana, Ms. SLAUGHTER, Mr. ROHRABACHER, and Mr. MORAN of Virginia):

H.R. 1064. A bill to authorize a coordinated program to promote the development of democracy in Serbia and Montenegro; to the Committee on International Relations.

By Mr. STUPAK:

H.R. 1065. A bill to require the Attorney General to add to schedule III of the Controlled Substances Act, the ''Date Rape'' drugs ketamine hydrochloride and gamma y-hydroxybutyrate; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 1066. A bill to establish an independent nonpartisan review panel to assess how the Department of State can best fulfill its mission in the 21st century and meet the challenges of a rapidly changing world; to the Committee on International Relations.

H.R. 1067. A bill to amend title 10, United States Code, to improve the access to military treatment facilities for retired members of the uniformed services, and their dependents, who are over 65 years of age, to provide for Medicare reimbursement for health care services provided to such persons, and to permit such persons to enroll in the Federal Employees Health Benefits program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Armed Services, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Mr. BROWN of Ohio):

H.R. 1068. A bill to amend title XIX of the Social Security Act to include a definition of audiologist; to the Committee on Commerce.

By Mr. BLUMENAUER (for himself, Mr. OBERSTAR, Mr. COOKSEY, Mr. BOEHLERT, Mr. HOUGHTON, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. SABO, Mr. BAIRD, Mr. THOMPSON of California, Mr. NADLER, Mr. BROWN of California, Mrs. CAPPS, Mr. FORBES, Mr. SHAYS, Mr. DEFAZIO, and Mr. TRAFICANT):

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of New Jersey:

H. Con. Res. 50. Concurrent resolution authorizing the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Ms. SANCHEZ (for herself, Ms. LOFGREN, Mr. SMITH of New Jersey, and Mr. DAVIS of Virginia):

H. Con. Res. 51. Concurrent resolution expressing the sense of the Congress that Dr. Doan Viet Hoat is to be praised and honored for his commitment to fight for democratic change in Vietnam; to the Committee on International Relations.

By Mr. SHUSTER (for himself and Mr. OBERSTAR):

H. Con. Res. 52. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. KENNEDY Center for the Performing Arts; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL (for himself, Mr. ACKERMAN, Mr. HINCHEY, Mr. GILMAN, Mr. HOUGHTON, Mr. LAFALCE, Mr. OWENS, Mr. WEINER, Mr. SERRANO, Mr. KING of New York, Mr. LAZIO, Mrs. LOWEY, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. CROWLEY, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. BOEHLERT, Mr. MCHUGH, Mr. FOSSELLA, Mr. REYNOLDS, Mr. QUINN, Mr. SWEENEY, Mr. NADLER, Mrs. MCCARTHY of New York, Mr. WALSH, Ms. SLAUGHTER, Mrs. KELLY, Mr. MEEKS of New York, and Mr. ENGEL):

H. Res. 105. A resolution recognizing and honoring Joe DiMaggio; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania (for himself, Mr. DELAY, Mr. CUNNINGHAM, Mr. HOLDEN, Mrs. MORELLA, Mr. SAXTON, Mr. TRAFICANT, Mr. UNDERWOOD, Mr. NEAL of Massachusetts, Mr. CROWLEY, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. SHOWS, Mr. SALMON, Mr. WOLF, Mr. PETERSON of Pennsylvania, Mr. BARRETT of Nebraska, Mr. STUMP, Mr. FRANKS of New Jersey, Mrs. KELLY, Mr. NEY, Mr. GREEN of Texas, Mr. LOBIONDO, Mr. LARGENT, Mr. BARR of Georgia, Mr. MCGOVERN, Mr. LUTHER, Mr. COYNE, Mr. ENGLISH, Mr. TANCREDO, Mr. LATHAM, Mr. FOLEY, Mr. CALVERT, Mr. BALLENGER, Ms. LOFGREN, Mr. REYES, Mr. SESSIONS, Mr. BLILEY, Mr. GIBBONS, Mr. RAMSTAD, Mr. WALSH, Mr. WATTS of Oklahoma, Mr. STEARNS, Mr. MCNULTY, Mr. EWING, Mr. GONZALEZ, Mr. GOODE, Mr. WYNN, Mr. PORTMAN, Mr. MEEHAN, Mr. DAVIS of Florida, Mr. FOSSELLA, Ms. KILPATRICK, Mr. SENSENBRENNER, Mrs. CHENOWETH, Ms. KAPTUR, Mr. FROST, Mr. HYDE, Mr. HAYWORTH, Mr. ROGAN, Mr. DAVIS of Virginia, and Mr. COLLINS):

H. Res. 106. A resolution expressing the appreciation and thanks of the House of Representatives for the extraordinary efforts of

the United States Capitol Police during the impeachment proceedings; to the Committee on House Administration.

By Ms. WOOLSEY (for herself, Ms. NORTON, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Ms. MILLENDER-MCDONALD, Ms. DEGETTE, Ms. LEE, Mr. SANDERS, Mr. MARKEY, Mr. GEORGE MILLER of California, Mrs. MORELLA, Ms. KAPTUR, Ms. PELOSI, Ms. JACKSON-LEE of Texas, Mr. TIERNEY, Mr. OLVER, Mr. SHAYS, Mr. ABERCROMBIE, Ms. WATERS, Mr. FILNER, Ms. DELAURO, Mr. CONYERS, Mr. UNDERWOOD, Mr. PAYNE, Mr. SERRANO, Mr. LAFALCE, Mr. WAXMAN, Mrs. JONES of Ohio, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Ms. STABENOW, Ms. ESHOO, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Mrs. NAPOLITANO, Mr. THOMPSON of California, Mr. FARR of California, Ms. RIVERS, Mr. GEJDENSON, Ms. MCKINNEY, Mr. VENTO, and Mr. LAMPSON):

H. Res. 107. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on International Relations.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. RAMSTAD, Mr. DUNN, Mr. TRAFICANT, and Mr. HEFLEY.

H.R. 25: Mr. QUINN, Mrs. KELLY, Mr. ACKERMAN, Mr. FORBES, Mr. MCNULTY, Mr. HOUGHTON, and Mr. TOWNS.

H.R. 38: Mr. SAM JOHNSON of Texas.

H.R. 44: Mr. WOLF, Mr. GALLEGLY, Mr. GOODLING, Mr. WYNN, Mr. MALONEY of Connecticut, and Mr. MCGOVERN.

H.R. 45: Mr. ETHERIDGE, Mr. GARY MILLER of California, Mr. BARR of Georgia, and Mr. EVERETT.

H.R. 49: Mr. LUTHER.

H.R. 50: Mr. SHOWS.

H.R. 53: Mr. HALL of Texas, Mr. SHOWS, Mr. RAHALL, and Mr. NEY.

H.R. 65: Mr. GALLEGLY, Mr. MALONEY of Connecticut, and Mr. DEFAZIO.

H.R. 89: Mr. MCINTYRE.

H.R. 116: Mr. HILL of Indiana, Mr. JENKINS, and Mr. GRAHAM.

H.R. 119: Mr. REYES and Mr. MCHUGH.

H.R. 152: Mr. MARTINEZ, Mr. STUPAK, and Mr. HINCHEY.

H.R. 170: Mr. CARDIN, Mrs. MYRICK, Ms. CARSON, Ms. MILLENDER-MCDONALD, Mr. UNDERWOOD, Mr. GILMAN, Mr. WELDON of Pennsylvania, Mr. QUINN, Mr. COOKSEY, Mr. KASICH, Mr. BILIRAKIS, Mr. BARRETT of Wisconsin, Ms. DANNER, Mr. HILLIARD, Mr. OLVER, Mr. CASTLE, Mr. GILCHREST, Mrs. KELLY, Mr. FRANKS of New Jersey, Mr. WAMP, Mr. STENHOLM, Ms. SLAUGHTER, Mr. SALMON, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. FROST, Mr. BISHOP, Mr. BILBRAY, Mr. GREENWOOD, Mrs. THURMAN, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. SAXTON, Mr. HINCHEY, Ms. PELOSI, Mr. LAFALCE, Mr. FALEOMAVAEGA, Mr. STARK, Mr. KUCINICH, Mr. BALDACCI, Mr. TANNER, Mr. WISE, Mr. BENTSEN, Mrs. CHRISTENSEN, Mr. BOYD, Mr. ANDREWS, Mr. SHOWS, Mr. WYNN, Mr. TAYLOR of Mississippi, Mrs. CAPPS, Mr. GIBBONS, Mr. FRELINGHUYSEN, Mr. INSLEE, Mr. MCGOVERN, Mr. UPTON, Mr. GANSKE, Mr. RAMSTAD, Mr. DEAL of Georgia, Mr. COOK, Mr. FORBES, Mr. GEKAS, Mr. GILLMOR, Mr. HORN, Mr. WELLER, Mrs. BIGGERT, Mr. BEREUTER, Mr. BORSKI, Mr. DEFAZIO, Mrs. JOHNSON of Connecticut, Mrs. MORELLA, Mr. WEXLER, Mr. BATEMAN, Mr. OXLEY, Mr. FOLEY, Mr. KOLBE, Mrs. EMERSON, Mr. WATKINS, Mr. LUTHER, Mr. EWING, Mr. LATOURETTE, Mr. EHLERS, Mr. TRAFICANT, Mr. SWEENEY, Mrs. ROUKEMA, Ms. PRYCE of Ohio, Mr. EDWARDS, Mr. HILL of Indiana, Mr. YOUNG of Alaska, Mr. SHAYS, Mr. GARY MILLER of California, Mr. HALL of Texas, Mr. HOLDEN, Mr. DOYLE, Mr. SMITH of New Jersey, Mr. MENENDEZ, Mr. PASCRELL, Ms. NORTON, Mr. MOAKLEY, Mr. BROWN of California, and Mr. BLAGOJEVICH.

H.R. 206: Mr. ETHERIDGE.

H.R. 216: Mr. GRAHAM and Mr. ANDREWS.

H.R. 218: Mr. KING of New York, Mr. RYAN of Wisconsin, and Mr. BAIRD.

H.R. 237: Mr. HANSEN and Mr. INSLEE.

H.R. 274: Mr. BALDACCI and Mr. ROTHMAN.

H.R. 275: Mr. SHOWS.

H.R. 303: Mr. GALLEGLY, Mr. HUTCHINSON, Mr. LOBIONDO, Mr. MALONEY of Connecticut, and Mr. DEFAZIO.

H.R. 351: Mr. WALDEN of Oregon, Mr. TURNER, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. BENTSEN, Mr. FLETCHER, Mr. OSE, and Mr. SWEENEY.

H.R. 355: Mr. STRICKLAND, Mr. WYNN, Mr. ENGEL, Mr. HILL of Indiana, Mr. LATOURETTE, Mrs. MEEK of Florida, Mr. OBERSTAR, Mr. BARR of Georgia, Mr. INSLEE, Mr. KLINK, and Mr. BOEHNER.

H.R. 357: Mr. CLYBURN, Mr. RAHALL, and Mr. MOORE.

H.R. 358: Mr. WATT of North Carolina.

H.R. 408: Mr. LARSON, Mr. OLVER, Mr. BLUNT, Mr. GUTKNECHT, Mr. MARTINEZ, Mr. CUNNINGHAM, Mrs. EMERSON, Mr. TANNER, Mr. KIND of Wisconsin, and Mr. EVANS.

H.R. 415: Mr. WEINER.

H.R. 483: Mr. WELDON of Florida.

H.R. 528: Mrs. MYRICK and Mr. GRAHAM.

H.R. 531: Mr. FORD, Mr. BEREUTER, and Mr. JENKINS.

H.R. 541: Mr. PALLONE, Ms. LEE, Mr. PASTOR, Ms. BROWN of Florida, Mr. BLAGOJEVICH, Mr. FRANK of Massachusetts, and Mrs. CAPPS.

H.R. 555: Mr. SANDERS and Mr. HINOJOSA.

H.R. 556: Mr. MALONEY of Connecticut.

H.R. 561: Mr. ANDREWS.

H.R. 573: Mr. BARR of Georgia, Mr. TAYLOR of Mississippi, Mr. PALLONE, Mr. SANDERS, Mr. BENTSEN, Mr. MOORE, Mr. MASCARA, Mr. KANJORSKI, Mrs. JOHNSON of Connecticut, Mr. BACHUS, Mr. JOHN, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADERHOLT, Ms. BALDWIN, Mr. BERRY, Mr. BISHOP, Mr. BOSWELL, Mr. CRAMER, Mr. STRICKLAND, Ms. DUNN, Ms. STABENOW, Mr. TOWNS, Mrs. TAUSCHER, Mr. EVERETT, Mr. NADLER, Ms. ROYBAL-ALLARD, Mr. ETHERIDGE, Mr. DINGELL, Ms. WOOLSEY, Mr. HYDE, Mr. SCARBOROUGH, Mr. LARGENT, Mr. EVANS, Ms. DEGETTE, Mrs. EMERSON, Mr. BLUMENAUER, Ms. SANCHEZ, Mrs. MCCARTHY of New York, Mr. OBEY, and Mr. SAXTON.

H.R. 574: Mr. PETERSON of Pennsylvania.

H.R. 582: Mr. SISISKY, Ms. BROWN of Florida, and Mr. PALLONE.

H.R. 585: Mr. HAYWORTH and Mr. CUNNINGHAM.

H.R. 586: Mr. SMITH of New Jersey.

H.R. 590: Mr. GOODLING.

H.R. 599: Mr. WYNN and Ms. MCKINNEY.

H.R. 610: Mr. BARRETT of Wisconsin and Mr. SHOWS.

H.R. 611: Mr. MEEHAN, Mr. MALONEY of Connecticut, Mr. SKELTON, Mr. TURNER, Mr. DOOLEY of California Mr. DEMINT, and Mr. DEFAZIO.

H.R. 612: Mr. EDWARDS, Mr. BORSKI, Mrs. JONES of Ohio, Mr. WISE, Mr. OBERSTAR, Mr. LUTHER, and Mr. DAVIS of Illinois.

H.R. 614: Mrs. NORTHUP, Mr. GOODE, and Mr. GRAHAM.

H.R. 621: Mr. GOODE, Mr. SHOWS, and Mr. SMITH of Washington.

H.R. 625: Mr. ENGLISH.

H.R. 640: Mrs. JOHNSON of Connecticut.

H.R. 641: Mr. THOMPSON of Mississippi, Mr. BONIOR, and Mr. SWEENEY.

H.R. 654: Mr. HOBSON and Mr. UDALL of Colorado.

H.R. 664: Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Ms. WOOLSEY, Ms. MCCARTHY of Missouri, and Mr. RUSH.

H.R. 697: Mr. DELAY, Mr. LARGENT, Mr. SHADEGG, Mr. PAUL, Mr. REYNOLDS, Mr. STEARNS, Mr. ADERHOLT, Mr. PICKERING, Mr. SHOWS, Mr. GUTKNECHT, Mr. DEAL of Georgia, Mrs. MYRICK, and Mr. GRAHAM.

H.R. 698: Mr. GOSS, Mr. EHRLICH, Mr. ENGLISH, Mr. BORSKI, Ms. RIVERS, Mr. BOEHLERT, Mr. DELAHUNT, Mr. LAHOOD, Mr. WAMP, Mr. BARRETT of Wisconsin, and Mr. ANDREWS.

H.R. 775: Mr. STENHOLM, Mr. ROEMER, Mr. FOLEY, Mr. KNOLLENBERG, Mr. GILLMOR, and Mr. OSE.

H.R. 783: Mr. FARR of California, Mr. TALENT, Mr. BUYER, Mr. KILDEE, Mr. DICKS, Mr. PICKETT, Mrs. CUBIN, Mr. LATOURETTE, Mrs. EMERSON, Mr. NETHERCUTT, Mr. ADERHOLT, Mr. HOBSON, and Mr. OXLEY.

H.R. 784: Mr. ROMERO-BARCELO.

H.R. 792: Mr. NUSSLE, Mr. GARY MILLER of California, Mr. COMBEST, Mr. SMITH of Texas, Mr. CRANE, Mr. DUNCAN, Mr. BAKER, Mr. COX, Mr. LUCAS of Oklahoma, Mr. ROYCE, and Mr. BILBRAY.

H.R. 796: Mr. BATEMAN, Mr. SESSIONS, Mr. FOLEY, Mr. BARTLETT of Maryland, and Mr. RAMSTAD.

H.R. 815: Mrs. NORTHUP, Mr. JONES of North Carolina, Mr. PETERSON of Pennsylvania, and Mr. BROWN of California.

H.R. 826: Mr. ENGLISH, Mr. PETERSON of Pennsylvania, Mrs. MORELLA, and Mr. WOLF.

H.R. 828: Mr. SCOTT and Mr. GOODE.

H.R. 833: Mr. BLILEY, Mr. BURTON of Indiana, Mr. CRANE, Mr. HOYER, Mr. PICKETT, Mr. WELLER, Mr. BOEHNER, Mr. BLUMENAUER, Mr. FOLEY, and Mr. HOLDEN.

H.R. 845: Mr. FRANK of Massachusetts and Mr. STRICKLAND.

H.R. 846: Mr. SANDLIN and Mr. MCGOVERN.

H.R. 847: Mr. SANDLIN, Ms. BROWN of Florida, and Ms. LOFGREN.

H.R. 850: Mr. HALL of Ohio, Mr. FORBES, Mr. HOLT, and Mr. GIBBONS.

H.R. 868: Mr. GILLMOR.

H.R. 872: Mr. FRANK of Massachusetts, Mr. NADLER, Mr. MALONEYof Connecticut, Mr. HINCHEY, Mr. HILLIARD, and Mr. ROMERO-BARCELO.

H.R. 884: Mr. GUTIERREZ, Mr. SWEENEY, Ms. DELAURO, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. OBERSTAR, Mr. DELAHUNT, and Mr. GILMAN.

H.R. 894: Mr. HOSTETTLER.

H.R. 901: Mr. SWEENEY.

H.R. 906: Mr. WATT of North Carolina, Ms. NORTON, and Mr. FALEOMAVAEGA.

H.R. 933: Mr. JENKINS.

H.R. 975: Ms. WOOLSEY, Mr. FARR of California, Mr. EVERTT, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Ms. SLAUGHTER, Mr. WEYGAND, Mr. FATTAH, Mr. HEFLEY, Mr. RILEY, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Ms. WATERS, Mr. KASICH, Mr. WATT of North Carolina, Mr. WAMP, Mr. TOWNS, Mr. PETERSON of Minnesota, Mr. CONYERS, Mr. CROWLEY, Mr. GIBBONS, Mr. MARKEY, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. WHITFIELD, Mr. HOSTETTLER, Mr. MARTINEZ, Ms. BALDWIN, and Mr. MENENDEZ.

H.R. 981: Mr. GILMAN and Mr. GEORGE MILLER of California.

H.R. 1032: Mr. BAKER, Mr. SAXTON, Mr. JONES of North Carolina, Mr. BACHUS, Mr. RILEY, Mr. DEAL of Georgia, Mr. DOOLITTLE, and Mr. TIAHRT.

H.R. 1035: Mr. CLEMENT.

H.R. 1040: Mr. CALLAHAN.

H.R. 1042: Mr. MCCOLLUM, Mr. BOEHNER, and Mr. CHAMBLISS.

H.J. Res. 9: Mr. GREENWOOD, Mr. TALENT, Mr. PORTMAN, Mr. BLUNT, Mr. BASS, Mr. GOODLING, Mr. COLLINS, Mr. FOLEY, Mr. UPTON, Mr. WALDEN of Oregon, Mr. SAXTON, Mr. HILL of Montana, Mr. BOEHNER, and Mr. CHABOT.

H.J. Res. 35: Mr. TIAHRT, Mr. SWEENEY, and Mr. HUNTER.

H. Con. Res. 24: Mr. COLLINS, Mr. DEAL of Georgia, Mr. SIMPSON, Mr. MANZULLO, Mr. GALLEGLY, Mr. GEPHARDT, Mr. BARTON of Texas, Mr. TAYLOR of North Carolina, Mr. GRAHAM, Mr. ROEMER, Mr. BILIRAKIS, Mr. VISCLOSKY, Ms. BROWN of Florida, Mr. BOYD, and Mr. REGULA.

H. Con. Res. 34: Mr. MCGOVERN, Mr. GUTIERREZ, Mr. INSLEE, and Ms. KILPATRICK.

H. Con. Res. 39: Mr. BARTON of Texas.

H. Res. 35: Mr. OBERSTAR, Ms. MCCARTHY of Missouri, Mr. BARRETT of Wisconsin, Mr. GEPHARDT, Mr. PASCRELL, Mrs. MEEK of Florida, Mr. NADLER, Mr. UNDERWOOD, Mr. GILMAN, Mr. WALSH, Mr. LAFALCE, Mr. KING, Mr. PASTOR, Mr. HOLT, Mrs. MORELLA, Mr. BOYD, and Mrs. MCCARTHY of New York.

H. Res. 41: Mr. FILNER, Mr. GONZALEZ, Mr. HAYWORTH, Mr. HOYER, and Mr. PALLONE.

H. Res. 89: Ms. PRYCE of Ohio, Mr. MOAKLEY, Mr. CUNNINGHAM, Mr. HORN, Mr. BLAGOJEVICH, Mr. GONZALEZ, Mr. ETHERIDGE, Mr. COOKSEY, Mr. BACHUS, Mr. OSE, and Mr. FRANK of Massachusetts.

H. Res. 94: Mr. SCHAFFER, Mr. WALSH, and Mr. FROST.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H. CON. RES. 42

OFFERED BY: MR. COX

AMENDMENT NO. 1: On page 2, after line 14, insert the following:

SEC. 4. CONDITIONS PRECEDENT TO DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

Nothing in this resolution shall be deemed to authorize the deployment of United States Armed Forces to Kosovo, and such action shall not be authorized, unless and until the President has first transmitted to the Congress a report as described in section 8115(a) of the Fiscal Year 1999 Defense Appropriations Act (Public Law 105–262) that consists of the following:

(1) The President's certification that the presence of those forces in Kosovo is necessary in the national security interests of the United States.

(2) The reasons why the deployment is in the national security interests of the United States.

(3) The number of United States military personnel to be deployed to Kosovo.

(4) The mission and objectives of forces to be deployed.

(5) The expected schedule for accomplishing the objectives of the deployment.

(6) The exit strategy for United States forces engaged in the deployment.

(7) The costs associated with the deployment and the funding sources for paying those costs.

(8) The anticipated effects of the deployment on the morale, retention, and effectiveness of United States Forces.

H. CON. RES. 42

OFFERED BY: MR. ENGEL

AMENDMENT NO. 2: Page 1, line 8, strike ''has caused'' and insert '', caused by Slobodan Milosevic's brutal policies, has resulted in''.

H. CON. RES. 42

OFFERED BY: MR. ENGEL

AMENDMENT NO. 3: Page 2, line 1, strike ''The'' and insert ''The Government of Serbia-Montenegro, the''.

H. CON. RES. 42

OFFERED BY: MRS. FOWLER

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 4: Strike all after the resolved clause and insert the following:

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Limitation on Peacekeeping Operations in Kosovo Resolution''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) President Clinton is contemplating the introduction of ground elements of the United States Armed Forces to Kosovo as part of a larger North Atlantic Treaty Organization (NATO) operation to conduct peacemaking or peacekeeping between warring parties in Kosovo, and these Armed Forces may be subject to foreign command.

(2) Such a deployment, if it were to occur, would in all likelihood require the commitment of United States ground forces for a minimum of 3 years and cost billions of dollars.

(3) Kosovo, unlike Bosnia, is a province of the Republic of Serbia, a sovereign foreign state.

(4) The deployment of United States ground forces to enforce a peace agreement between warring parties in a sovereign foreign state is not consistent with the prior employment of deadly military force by the United States against either or both of the warring parties in that sovereign foreign state.

(5) The Secretary of Defense, William Cohen, has opposed the deployment of United States ground forces to Kosovo, as reflected in his testimony before the Congress on October 6, 1998.

(6) The deployment of United States ground forces to participate in the peacekeeping operation in Bosnia, which has resulted in the expenditure of more than $10,000,000,000 by United States taxpayers to date, which has already been extended past 2 previous withdrawal dates established by the administration, and which shows no sign of ending in the near future, clearly argues that the costs and duration of a deployment to Kosovo for peacekeeping purposes will be much heavier and much longer than initially foreseen.

(7) The substantial drain on military readiness of a deployment to Kosovo would be inconsistent with the need, recently acknowledged by the Joint Chiefs of Staff, to reverse the trends which have already severely compromised the ability of the United States Armed Forces to carry out the basic National Military Strategy of the United States.

(8) The Congress has already indicated its considerable concern about the possible deployment of United States Armed Forces to Kosovo, as evidenced by section 8115 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2327), which sets forth among other things a requirement for the President to transmit to the Congress a report detailing the anticipated costs, funding sources, and exit strategy for any additional United States Armed Forces deployed to Yugoslavia, Albania, or Macedonia.

(9) The introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities may occur, clearly indicates authorization by the Congress when such action is not required for the defense of the United States, its Armed Forces, or its nationals.

(10) United States national security interests in Kosovo do not rise to a level that warrants the introduction of United States ground forces in Kosovo for peacekeeping purposes.

SEC. 3. PROHIBITION ON DEPLOYMENT OF UNITED STATES GROUND FORCES TO KOSOVO.

(a) IN GENERAL.—The President is not authorized to deploy ground elements of the United States Armed Forces to Kosovo as part of a North Atlantic Treaty Organization (NATO) operation to implement a peace agreement between the Republic of Serbia and representatives of ethnic Albanians living in the province of Kosovo.

(b) RULES OF CONSTRUCTION.—Nothing in this concurrent resolution shall be construed—

(1) to prevent United States Armed Forces from taking such actions as the Armed Forces consider necessary for self-defense against an immediate threat emanating from the Republic of Serbia; or

(2) to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 5: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike ''(3)'' and insert ''(5)''.

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

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

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating

in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 6: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike ''(3)'' and insert ''(5)''.

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

(c) DECLARATION OF POLICY RELATING TO SUPPORT FOR ARMED FORCES.—The Congress unequivocally supports the men and women of the United States Armed Forces who are carrying out their missions in support of peace in the Balkan region, and throughout the world, with professional excellence, dedicated patriotism, and exemplary bravery.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 7: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike ''(3)'' and insert ''(5)''.

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

(c) DECLARATION OF POLICY RELATING TO SUPPORT FOR ARMED FORCES.—The Congress unequivocally supports the men and women of the United States Armed Forces who are carrying out their missions in support of peace in the Balkan region, and throughout the world, with professional excellence, dedicated patriotism, and exemplary bravery.

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 8: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike ''(3)'' and insert ''(5)''.

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

(c) DECLARATION OF POLICY RELATING TO SUPPORT FOR ARMED FORCES.—The Congress unequivocally supports the men and women of the United States Armed Forces who are carrying out their missions in support of peace in the Balkan region with professional excellence, dedicated patriotism, and exemplary bravery.

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 9: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike ''(3)'' and insert ''(5)''.

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DECLARATION OF POLICY.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 10: Page 2, after line 3, insert the following:

(3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.

(4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.

Page 2, line 4, strike ''(3)'' and insert ''(5)''.

Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) DECLARATION OF POLICY RELATING TO INTERIM AGREEMENT.—The Congress urges the President to continue to take measures described in (b) to support the ongoing peace process relating to Kosovo with the objective of reaching a fair and just interim agreement between the Serbian Government and the Kosovar Albanians on the status of Kosovo.

(b) AUTHORIZATION FOR DEPLOYMENT OF ARMED FORCES.—If a fair and just interim agreement described in subsection (a) is reached, the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing such interim agreement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 11: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement, but any such deployment may be made (1) only after the signing of a peace agreement by the President of the Republic of Serbia, representatives of the Kosovo Liberation Army, and the six member nations of the Contact Group, and (2) only for a period not to exceed one year from the date of the adoption of this resolution.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 12: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed statement in writing explaining the national interest of the United States at risk in the Kosovo conflict.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 13: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report, in classified and unclassified form, that addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 14: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Congress a detailed report, in classified and unclassified form, that addresses the impact on military readiness of such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 15: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate and detailed report that addresses—

(1) any intelligence sharing arrangements that have been established as a result of the Kosovo peace agreement;

(2) the intelligence sharing arrangement that currently exists within NATO and how such arrangement would be modified, if at all, in the Kosovo context; and

(3) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO forces would affect, impede, or hinder any such intelligence sharing arrangement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 16: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report outlining and explaining the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 17: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report prepared by the Secretary of State outlining and explaining the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 18: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report prepared by the Secretary of State outlining and explaining the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be determined.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 19: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress—

(1) a definitive statement as to the chain of command for any such deployed United States Armed Forces personnel; and

(2) a certification to the Congress that all United States Armed Forces personnel so deployed will be under the operational control only of United States Armed Forces military officers.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 20: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the percentage of United States Armed Forces participating in any NATO deployment in the Kosovo peace keeping operation, including ground troops, air support, logistics support, and intelligence support, compared to the other NATO member nations participating in that operation.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 21: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a certification as to the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 22: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United

States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed and unambiguous explanation of the rules of engagement under which all United States Armed Forces participating in the Kosovo NATO peace keeping operation shall operate.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 23: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress in classified and unclassified form, a detailed report on the budgetary impact for fiscal year 1999 and each fiscal year thereafter for the next five fiscal years on the Department of Defense, and each of the military services in particular; on the Intelligence Community; and on the Department of State as a result of any such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 24: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the scope of the mission of the United States Armed Forces personnel.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 25: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President shall be authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit, in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee of the Senate, a detailed report that addresses the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 26: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitation set forth in subsection (b), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed report prepared by the Secretary of State explaining the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict. Such report should include—

(1) a detailed discussion and explanation of any side agreement, whether or not all parties to the overall peace agreement are aware of the side agreement;

(2) a detailed discussion and explanation of any obligations of the United States arising from the peace agreement, including any such obligations with respect to the introduction of weapons into Kosovo and Serbia;

(3) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States has agreed to undertake as a result of the Kosovo peace agreement;

(4) a detailed discussion and explanation of the funding source for any future plebescite or referendum on independence for Kosovo; and

(5) a detailed discussion and explanation of any requirement for forces participating in the NATO peace keeping operation implementing the peace agreement to enforce any provision of such peace agreement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 27: Strike section 3 and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—The President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATION.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel to Kosovo if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 28: Strike section 3 in its entirety and insert the following:

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—Subject to the limitations in subsections (b) and (c), the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) REPORTS TO CONGRESS.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo do each of the following:

(1) Personally and in writing submit to the Congress—

(A) a detailed statement explaining the national interest of the United States at risk in the Kosovo conflict; and

(B) a certification to the Congress of the United States that all United States Armed Forces personnel so deployed pursuant to subsection (a) will be under the operational control only of United States Armed Forces military officers.

(2) Submit to the Congress a detailed report that—

(A) in classified and unclassified form addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment;

(B) outlines and explains the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(C) certifies the chain of command for any such deployed United States Armed Forces personnel; and

(D) provides the percentage of United States Armed Forces participating in any NATO deployment in the Kosovo peace keeping operation, including ground troops, air support, logistics support, and intelligence support, compared to the other NATO nations participating in that operation.

(3) Submit to the Congress a detailed report that—

(A) in classified and unclassified form addresses the impact on military readiness of such deployment;

(B) certifies the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo;

(C) in classified and unclassified form provides an unambiguous explanation of the rules of engagement under which all United States Armed Forces personnel participating in the Kosovo NATO peace keeping operation shall operate;

(D) in classified and unclassified form provides the budgetary impact for fiscal year 1999 and each fiscal year thereafter for the next five fiscal years on the Department of Defense, and each of the military services in particular; on the Intelligence Community; and on the Department of State as a result of any such deployment.

(4) Submit in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee on the Senate, a detailed report that addresses the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

(5) Submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate a detailed report that addresses—

(A) any intelligence sharing arrangement that has been established as a result of the Kosovo peace agreement;

(B) the intelligence sharing arrangement that currently exists within NATO and how such arrangement would be modified, if at all, in the Kosovo context; and

(C) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO forces will affect, impede, or hinder any such intelligence sharing arrangement.

(6) Submit to the Congress a detailed report on the scope of the mission of the United States Armed Forces personnel.

(7) Submit to the Congress a detailed report prepared by the Secretary of State that—

(A) outlines and explains the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(B) outlines and explains the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be determined;

(C) in classified and unclassified form, explains the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict. Such report should include—

(1) a detailed discussion and explanation of any side agreement, whether or not all parties to the overall peace agreement are aware of the side agreement;

(i) a detailed discussion and explanation of any obligations of the United States arising from the peace agreement, including any such obligations with respect to the introduction of weapons into Kosovo and Serbia;

(ii) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States has agreed to undertake as a result of the Kosovo peace agreement;

(iii) a detailed discussion and explanation of the funding source for any future plebiscite or referendum on independence for Kosovo; and

(iv) a detailed discussion and explanation of any requirement for forces participating in the NATO peace keeping operation implementing the peace agreement to enforce any provision of such peace agreement.

(c) LACK OF AUTHORIZATION IN CERTAIN CIRCUMSTANCES.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel in Kosovo, if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 29: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed statement in writing explaining the national interest of the United States at risk in the Kosovo conflict.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 30: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report, in classified and unclassified form, that addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 31: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Congress a detailed report, in classified and unclassified form, that addresses the impact on military readiness of such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 32: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a) submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate a detailed report that addresses—

(1) any intelligence sharing arrangements that have been established as a result of the Kosovo peace agreement;

(2) the intelligence sharing arrangement that currently exists within NATO and how such arrangement would be modified, if at all, in the Kosovo context; and

(3) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO forces would affect, impede, or hinder any such intelligence sharing arrangement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 33: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report outlining and explaining the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 34: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report prepared by the Secretary of State outlining and explaining the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 35: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report prepared by the Secretary of State outlining and explaining the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be determined.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 36: At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress—

(1) a definitive statement as to the chain of command for any such deployed United States Armed Forces personnel; and

(2) a certification to the Congress that all United States Armed Forces personnel so deployed will be under the operational control only of the United States Armed Forces military officers.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMMENDMENT NO. 37. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the percentage of United States Armed Forces participating in any NATO deployment in the Kosovo peace keeping operation, including ground troops, air support, logistics support, and intelligence support, compared to the other NATO member nations participating in that operation.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMMENDMENT NO. 38. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a certification as to the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMMENDMENT NO. 39. Strike section 3 and insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed and unambiguous explanation of the rules of engagement under which all United States Armed Forces participating in the Kosovo NATO peace keeping operation shall operate.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMMENDMENT NO. 40. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress in classified and unclassified form, a detailed report on the budgetary impact for fiscal year 1999 and each fiscal year thereafter for the next five fiscal years on the Department of Defense, and each of the military services in particular; on the Intelligence Community; and on the Department of State as a result of any such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMMENDMENT NO. 41. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress a detailed report on the scope of the mission of the United States Armed Forces personnel.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 42. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit, in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives;

and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee of the Senate, a detailed report that addresses the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 43. At the end of section 3 insert the following:

LIMITATION.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo pursuant to subsection (a), submit to the Congress, in classified and unclassified form, a detailed report prepared by the Secretary of State explaining the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict. Such report should include—

(1) a detailed discussion and explanation of any side agreement, whether or not all parties to the overall peace agreement are aware of the side agreement;

(2) a detailed discussion and explanation of any obligations of the United States arising from the peace agreement, including any such obligations with respect to the introduction of weapons into Kosovo and Serbia;

(3) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States has agreed to undertake as a result of the Kosovo peace agreement;

(4) a detailed discussion and explanation of the funding source for any future plebescite or referendum on independence for Kosovo; and

(5) a detailed discussion and explanation of any requirement for forces participating in the NATO peace keeping operation implementing the peace agreement to enforce any provision of such peace agreement.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 44. At the end of section 3 insert the following:

LIMITATION.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel to Kosovo if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. GOSS

AMENDMENT NO. 45. At the end of section 3 insert the following:

REPORT TO CONGRESS.—The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo do each of the following:

(1) Personally and in writing submit to the Congress—

(A) a detailed statement explaining the national interest of the United States at risk in the Kosovo conflict; and

(B) a certification to the Congress of the United States that all United States Armed Forces personnel so deployed will be commanded by United States Armed Forces military officers.

(2) Submit to the Congress a detailed report prepared by the Secretary of Defense that—

(A) in classified and unclassified form addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment;

(B) outlines and explains the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(C) certifies the chain of command for any such deployed United States Armed Forces personnel; and

(D) provides the percentage of United States Armed Forces participation in any NATO deployment in Kosovo, including ground troops, air support, logistics support, and intelligence support when compared to the other participant nations involved in the NATO deployment.

(3) Submit to the Congress a detailed report prepared by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff that—

(A) in classified and unclassified form addresses the impact on military readiness of such deployment;

(B) certifies the date by which all United States Armed Forces personnel shall be withdrawn from Kosovo;

(C) in classified and unclassified form provides an unambiguous explanation of the rules of engagement under which all United States Armed Forces personnel deployed in Kosovo shall operate;

(D) in classified and unclassified form explains the budgetary impact for Fiscal Years 1999, and every year thereafter, on the Department of Defense, and each of the military services in particular; the Intelligence Community; and the Department of State as a result of any such deployment.

(4) Submit in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee of the Senate, a detailed report prepared by the Secretary of Defense and the Director of Central Intelligence that addressing the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

(5) Submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate a detailed report that addresses—

(A) any intelligence sharing arrangement that has been established as a result of the Kosovo peace agreement;

(B) the intelligence sharing arrangement that currently exists within NATO and how this would be modified, if at all, in the Kosovo context; and

(C) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO troops will affect, impede, or hinder such intelligence sharing arrangements.

(6) Submit to the Congress a detailed report prepared by the Secretary of Defense and the Secretary of State on the scope of the mission in which the United States Armed Forces personnel so deployed shall be engaged.

(7) Submit to the Congress a detailed report prepared by the Secretary of State that—

(A) outlines and explains the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(B) outlines and explains the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be adjudged;

(C) in classified and unclassified form, explains the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict, including:

(i) a detailed discussion and explanation of any and all side agreements, whether or not all parties to the agreement are aware of such;

(ii) a detailed discussion and explanation of the obligations of the United States with respect to the flow of weapons into Kosovo and Serbia;

(iii) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States would be bound;

(iv) a detailed discussion and explanation of who will fund any future plebescite or referendum on independence for Kosovo; and

(v) a detailed discussion and explanation of the obligations of the NATO troops to enforce any provision of such peace agreement.

(a) LACK OF AUTHORIZATION IN CERTAIN CIRCUMSTANCES.—Notwithstanding subsection (a), the President is not authorized to order the deployment of any United States Armed Forces personnel in Kosovo, if there will be any participation by Russian military personnel in the military peacekeeping activities of the NATO forces in Kosovo.

H. CON. RES. 42

OFFERED BY: MR. NETHERCUTT

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 46: Strike all after the resolved clause and insert the following:

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Limited Authorization for Peacekeeping Operations in Kosovo Resolution''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The conflict in Kosovo has caused great human suffering and, if permitted to continue, could threaten the peace of Europe.

(2) The Government of Serbia and representatives of the people of Kosovo may agree in Rambouillet, France, to end the conflict in Kosovo.

(3) President Clinton has promised to deploy approximately 4,000 United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation implementing a Kosovo peace agreement.

(4) The mission in Bosnia has become an open-ended military commitment for the United States and shows no signs of ending, as evidenced by the following:

(A) In 1996, the United States stationed approximately 16,500 troops in Bosnia and President Clinton insisted that the mission would end in December 1996.

(B) In November 1996, President Clinton extended the commitment of United States Armed Forces in Bosnia until June 1998.

(C) In December 1997, President Clinton extended the commitment of United States Armed Forces in Bosnia indefinitely.

(D) In March 1998, NATO allies agreed that the NATO-led Stabilization Force (SFOR) would remain in Bosnia until significant progress has been made in the implementation of the Dayton Peace Agreement.

SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—The President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) LIMITATIONS.—

(1) TERMINATION OF AUTHORITY.—The authority to deploy Armed Forces personnel to Kosovo under subsection (a) shall terminate on March 15, 2000.

(2) PROHIBITION ON NON-NATO COMMAND.—The authority to deploy Armed Forces personnel to Kosovo under subsection (a) is subject to the limitation that the Armed Forces personnel participating in a deployment described in such subsection may not be placed under the operational control, at any level of the chain of command, of an officer of a non-NATO member country.

SEC. 4. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall transmit to the Congress reports on the following with respect to the deployment of United States Armed Forces to Kosovo under section 3(a):

(1) The reasons why the deployment is in the national security interests of the United States.

(2) The number of Armed Forces that are participating in the deployment and the number of personnel participating in support of the deployment.

(3) The mission and objectives of the Armed Forces.

(4) The functions of the Armed Forces and the relation of those functions to the mission, including the objectives of the mission.

(5) The effects of the deployment on the overall readiness of the Armed Forces, with specific information on frequently utilized military specialties, spare parts and equipment, morale, and retention.

(6) The expected schedule for accomplishing the objectives of the deployment.

(7) The exit strategy for Armed Forces engaged in the deployment, including consideration of the expected transfer of United States responsibilities to NATO allies.

(8) The estimated cost of the deployment to date and the estimated cost of the deployment for the remainder of the fiscal year.

(b) REPORTING DATES.—The first report under this section shall be transmitted not later than 60 days after the date on which the first United States Armed Forces are deployed to Kosovo and each subsequent report shall be transmitted not later than 60 days after each immediately preceding report is required to be transmitted.

(c) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The reporting requirements of this section do not supersede the reporting requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 5. DEFINITIONS.

In this resolution:

(1) DAYTON PEACE AGREEMENT.—The term ''Dayton Peace Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, and associated annexes, negotiated in Dayton, Ohio, and signed in Paris, France, on December 14, 1995.

(2) FUNCTIONS.—The term ''functions'', used with respect to the United States Armed Forces, means the specific actions or activities performed on a regular basis by the United States Armed Forces.

(3) KOSOVO PEACE AGREEMENT.—The term ''Kosovo peace agreement'' means a signed agreement between authorized representatives of the Kosovo Liberation Army and the Government of Yugoslavia.

H. CON. RES. 42

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 47: Page 1, line 4, before ''Peacekeeping'' insert ''Limited Authorization for''.

Page 2, after line 8, insert the following:

(4) The mission in Bosnia has become an open-ended military commitment for the United States and shows no signs of ending, as evidenced by the following:

(A) In 1996, the United States stationed approximately 16,500 troops in Bosnia and President Clinton insisted that the mission would end in December 1996.

(B) In November 1996, President Clinton extended the commitment of United States Armed Forces in Bosnia until June 1998.

(C) In December 1997, President Clinton extended the commitment of United States Armed Forces in Bosnia indefinitely.

(D) In March 1998, NATO allies agreed that the NATO-led Stabilization Force (SFOR) would remain in Bosnia until significant progress has been made in the implementation of the Dayton Peace Agreement.

Page 2, after line 14, add the following:

SEC. 4. LIMITATIONS.

(a) TERMINATION OF AUTHORITY.—The authority to deploy United States Armed Forces personnel to Kosovo under section 3 shall terminate on March 15, 2000.

(b) PROHIBITION ON NON-NATO COMMAND.—The authority to deploy Armed Forces personnel to Kosovo under section 3 is subject to the limitation that the Armed Forces personnel participating in a deployment described in such section may not be placed under the operational control, at any level of the chain of command, of an officer of a non-NATO member country.

SEC. 5. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall transmit to the Congress reports on the following with respect to the deployment of United States Armed Forces to Kosovo under section 3:

(1) The reasons why the deployment is in the national security interests of the United States.

(2) The number of Armed Forces that are participating in the deployment and the number of personnel participating in support of the deployment.

(3) The mission and objectives of the Armed Forces.

(4) The functions of the Armed Forces and the relation of those functions to the mission, including the objectives of the mission.

(5) The effects of the deployment on the overall readiness of the Armed Forces, with specific information on frequently utilized military specialties, spare parts and equipment, morale, and retention.

(6) The expected schedule for accomplishing the objectives of the deployment.

(7) The exit strategy for Armed Forces engaged in the deployment, including consideration of the expected transfer of United States responsibilities to NATO allies.

(8) The estimated cost of the deployment to date and the estimated cost of the deployment for the remainder of the fiscal year.

(b) REPORTING DATES.—The first report under this section shall be transmitted not later than 60 days after the date on which the first United States Armed Forces are deployed to Kosovo and each subsequent report shall be transmitted not later than 60 days after each immediately preceding report is required to be transmitted.

(c) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The reporting requirements of this section do not supersede the reporting requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 6. DEFINITIONS.

In this resolution:

(1) DAYTON PEACE AGREEMENT.—The term ''Dayton Peace Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, and associated annexes, negotiated in Dayton, Ohio, and signed in Paris, France, on December 14, 1995.

(2) FUNCTIONS.—The term ''functions'', used with respect to the United States Armed Forces, means the specific actions or activities performed on a regular basis by the United States Armed Forces.

(3) KOSOVO PEACE AGREEMENT.—The term ''Kosovo peace agreement'' means a signed agreement between authorized representatives of the Kosovo Liberation Army and the Government of Yugoslavia.

H. CON. RES. 42

OFFERED BY: MR. PAUL

AMENDMENT NO. 48: Page 2, after line 14, add the following:

SEC. 4. RULE OF CONSTRUCTION.

The authorization in section 3 meets neither the requirements of Article I, section 8 of the Constitution nor the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.) and therefore any deployment of United States Armed Forces personnel described in that section lacks the proper legal authority.

H. CON. RES. 42

OFFERED BY: MR. PAUL

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 49: Strike all after the resolved clause and insert the following:

SECTION 1. PROHIBITION OF USE ON DEPARTMENT OF DEFENSE FUNDS FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment of United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation implementing a Kosovo peace agreement.

(b) EXCEPTION.—The prohibition against the deployment of United States Armed Forces personnel to Kosovo in subsection (a) shall not apply if such deployment is specifically authorized by a law enacted after the date of the adoption of this resolution.

SEC. 2. REPEAL OF WAR POWERS RESOLUTION.

The War Powers Resolution (Public Law 93–148; 50 U.S.C. 1541 et seq.) is hereby repealed.

H. CON. RES. 42

OFFERED BY: MR. PAUL

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 50: Page 2, strike line 9 and all that follows and insert the following:

SECTION 1. PROHIBITION OF USE ON DEPARTMENT OF DEFENSE FUNDS FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

(a) IN GENERAL.—None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment of United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation implementing a Kosovo peace agreement.

(b) EXCEPTION.—The prohibition against the deployment of United States Armed Forces personnel to Kosovo in subsection (a) shall not apply if such deployment is specifically authorized by a law enacted after the date of the adoption of this resolution.

H. CON. RES. 42

OFFERED BY: MR. SKELTON

AMENDMENT NO. 51: Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President shall not deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation unless a Kosovo peace agreement has been reached.

H. CON. RES. 42

OFFERED BY: MR. SKELTON

AMENDMENT NO. 52: Page 2, strike line 9 and all that follows and insert the following:

SEC. 3. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.

The President shall not deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation unless—

(1) a Kosovo peace agreement has been reached; and

(2) such deployment is specifically approved by the Congress.

H. CON. RES. 42

OFFERED BY: MR. TURNER

AMENDMENT NO. 53: At the end of the resolution, add the following new section:

SEC. 4. LIMITATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE SENIOR CITIZENS' FREEDOM TO WORK BILL

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, on March 1, COLLIN PETERSON of Minnesota and I introduced H.R. 5, the ''Senior Citizens' Freedom to Work Act of 1999.'' This legislation will eliminate the so-called Social Security ''earnings limit.'' Under current law, our senior citizens aged 65–69 can earn $15,500 before they lose $1 in Social Security benefits for each additional $3 of earnings. This limit is unfair, discriminatory, and adversely effects our country's economy. The Social Security earnings limit must be eliminated.

The Social Security earnings limit is unfair and inappropriate because it imposes a ''means'' test for a retirement benefit. As we all know, our seniors have earned Social Security benefits through a lifetime of contributions to the program and they should not be penalized because they choose to work. We have a fundamental right to work in America and earn money without government intrusion.

Additionally, the Social Security earnings limit discriminates against senior citizens who must work in order to supplement their benefits and is unfair to our nation's senior citizens who have the greatest need for additional income.

It is a Depression-era law whose time has long since come and gone. In the 1930's, the earnings limit was used to force seniors out of the workforce. Today, with unemployment at record lows, seniors are needed in the workforce.

The disincentive effect is magnified when viewed on an after-tax basis. Senior citizens who work lose a large percentage of their Social Security benefits due to the Social Security earnings limit, but they must also continue to pay Social Security taxes, and probably federal and state income taxes as well. The Social Security earnings limit forces seniors to avoid work or seek lower-paying or part-time work.

In addition to being complicated and difficult for the individual senior citizen to understand, the Social Security earnings limit is complex and costly for the federal government to administer. For example, the test is responsible for more than one-half of retirement and survivor program overpayments. Elimination of the earnings limit would help minimize administration expenses, and recipients would be less confused.

Finally, repealing the Social Security earnings limit would aid our country's economy. Our senior citizens would be likely to work more and the American economy would benefit from their experience and skills. The combined increase in the amounts that they would pay in Social Security and other taxes, as well as the additional contribution to our Gross National Product, would largely offset the increase in benefit payments. For decades, our senior citizens worked and dutifully paid their Social Security taxes; it is only fair that they receive all of the Social Security benefits when they are at the retirement age.

I fought for freedom in two wars and I believe that freedom entitles our seniors the ability to work without a penalty. America's seniors want, need and deserve the repeal of the Social Security earnings limit.

HONORING THE VICTORIA HIGH SCHOOL VARSITY CHEERLEADERS OF VICTORIA, TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. PAUL. Mr. Speaker, I rise today to pay honor to the winners of the National High School Cheerleading Championship sponsored by the Universal Cheerleaders Association—the Victoria High School Varsity Cheerleaders from Victoria, Texas. Under the able leadership of Denise Neel and Terese Reese, the squad of teens took the title for 1999 following an impressive history of second place in 1998, and third place in 1997. Each year, the cheerleaders set their mark higher, worked harder, trained longer, and kept their eyes on their goal. Their training and perseverance paid off when they brought the national trophy home to their school.

The cheerleaders competed against a field of 74 squads in the Medium Varsity Division to reach the national trials. There, they competed against the thirteen regional finalists, coming out on top. The VHS cheerleading team is the first Texas squad to ever win the National Championship.

In addition to their cheerleading duties which include cheering at every sporting event held by their school and a rigorous practice schedule, each of these girls must maintain a grade of at least 80 in each class. They also participate in numerous community activities, such as the American Cancer Society's Relay for Life and the March of Dimes Walk America. Additionally, they worked with the elementary and middle schools during TAAS testing and Red Ribbon Week, and the Gulf Bend Mental Health-Mental Retardation during Friendship Fest.

This group of students deserve the honor they have earned. I commend each one of them:

Liz Lasater and Kendra Serold—Co-Head Cheerleaders
Natalie Cole
Leah Green
Melissa Myers
Laurie Beck
Lindy Burns
Amy Reimann
Amber Clemmons
Sara Dickson
Courtney Horecka
Haley Kolle
Amanda Rodriquez
Karla Sterne
Melissa Keefe
Chelsie Luhn
Sara Carville

I am proud to have these national champions in the 14th Congressional District of Texas, and trust all my colleagues join me in congratulating them on this impressive achievement.

CONGRATULATIONS VA CENTRAL CALIFORNIA HEALTH CARE SYSTEM

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate The VA Central California Health Care System on the outstanding score received with the Joint Commission on Accreditation of Health Care Organizations. This organization is dedicated to improving government health care through voluntary accreditation.

The VA Central California Health Care System, known as the VA Medical Center Fresno, received high scores on its accreditation from the Joint Commission on Accreditation of Health Care Organizations (JCAHO). Formed in 1951, JCAHO is dedicated to the improvement of America's public and private health care system through a process of voluntary accreditation. The accreditation serves as proof of an organization's commitment to providing quality health care on an ongoing basis. The mission of the VA Central California Health Care System is to deliver this commitment to its veteran patients.

The JCAHO scores achieved by the VA Central California Health Care System were outstanding. For its Hospital Accreditation Program (HAP) a score of 96 was given. For its Ambulatory Care service a score of 100 was obtained. The VA also scored 100 for its Alcohol and Drug treatment program. The Long Term Care program received a 99 and the Home Care program was given a 98. Special recognition was received for the Infection Control and Performance Improvement Programs and the Computerized Pharmacy Processing System. All of the scores represent great accomplishments for this health care system. The hospital staff worked together to meet the challenge, scoring above the national average.

Mr. Speaker, I rise today to congratulate the VA Central California Health Care System on this outstanding accomplishment. I urge my colleagues to join me in wishing the administration and staff of the VA Central California Health Care System congratulations on this achievement and many years of continued success.

A GIFT OF LIFE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize an extraordinary little girl from my state of Illinois, Megan Dawson. Five-year old Megan is a liver recipient. An organ became available for Megan in time to give her a chance at what hopefully will be a long and active life. But everyone is not as lucky as Megan. Every two hours, one of the more than 60,000 Americans now on transplant waiting lists dies for lack of an available organ.

Megan's story should remind all of us that organ donation is the most precious gift that one human can give to another. During the first nine months of last year in my state, almost 800 residents had life-saving transplants of the kidney, liver, pancreas, intestines, lung or heart. They all received the gift of life.

Unfortunately, while the science of transplantation has made dramatic gains, the number of organ donors is not keeping pace. As a result, we have growing waiting lists. The only way to address this growing crisis is to discuss transplantation and organ donation with our families.

It shouldn't actually be all that hard a subject to bring up, because what we are really talking about is the miracle of transplantation—the miracle that gives a little girl like Megan a second chance at life. The subject for the family discussion is the wonders of modern medicine. And since we would hope that the miracle of a new chance at life through transplantation would be available to a member of our family in a time of need—and it would be, provided an organ becomes available—shouldn't we agree as a family to do the right and generous thing if the situation is ever reversed. It's really no more than that—the application of the old Golden Rule to modern medicine.

That is why I am proud to have signed on to the First Family Pledge. The First Family Pledge is a non-partisan effort sponsored by the American Society of Transplant Surgeons. I encourage my colleagues and constituents to pay attention to this life-saving initiative. And on April 14th, I will be proud to participate in the First Family Pledge Congress. At that time, I and many of my colleagues from both sides of the aisle will greet young children from across this great nation who have received organ and tissue transplants. They are truly living examples of what it is to receive the gift of life.

TRIBUTE TO THE MISSOURI STATE SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SKELTON. Mr. Speaker, today I ask all members of the House to join me in honoring the Missouri State Society Daughters of the American Revolution (MSSDAR) as they celebrate a "Century of Service" at their 100th State Conference on March 12–14, 1999. The century celebration will feature remembrances of ten decades of conference highlights, recognition of this year's Outstanding State History Teacher, and the presentation of scholarships and awards to exemplary Missouri students. The first state conference was held in a stately St. Louis home on November 15, 1899 with eight members in attendance.

Today, the MSSDAR, founded in 1894 in Kansas City, has over 5,500 members in 116 Chapters throughout the state dedicated to historic preservation, promotion of education and patriotic endeavor. Additionally, they play a leadership role in helping inform its members and the general public about the need for a strong national defense.

The MSSDAR is affiliated with the National Society Daughters of the American Revolution (NSDAR). Incorporated by an Act of Congress in 1896, the NSDAR is a non-profit, non-political, volunteer service organization with nearly 180,000 women in some 3,000 chapters in each of the fifty states, the District of Columbia, Australia, Canada, France, Mexico, the United Kingdom and Japan. The Society was founded in Washington, D.C. on October 11, 1890, and has celebrated more than 100 years of service to the nation.

Mr. Speaker, I know the Members of the House will join me in paying tribute to the Missouri State Society Daughters of the American Revolution as they celebrate their "Century of Service."

TRIBUTE TO RULON STACEY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to commend Mr. Rulon Stacey who was named Young Health Care Executive of the Year by the American College of Health Care Executives. He is the Chief Executive Officer of Poudre Valley Hospital in Fort Collins, Colorado.

Poudre Valley Hospital is not only the largest hospital in my district, it is the hub of a much larger health care system serving communities throughout eastern Colorado, Wyoming, and Nebraska. Since Mr. Stacey joined the Poudre Valley Health System in 1996, the system has grown to include Mountain Crest Orthopedic Center of the Rockies, Estes Park Medical Center, Children's Clinic, Northside Health Center, and regional trauma, heart, and neuroscience centers.

Mr. Stacey earned this award because he has worked to bring together diverse interests in the medical community into a partnership. His talents have earned him the respect of his colleagues and associates. The ultimate benefactors of his work, however, may never know his name. They are the patients and their families served by the network of care at the Poudre Valley Health System. On behalf of my constituents, I congratulate Mr. Stacey on his award and commend his work to the House of Representatives.

TRIBUTE TO LOUIS BRYANT

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mrs. NORTHUP. Mr. Speaker, I rise today to honor a teacher from my district who has received national recognition for his exemplary courage and selflessness in the face of adversity. Mr. Louis Bryant of Louisville is a social studies teacher at Ballard High School who recently accompanied a group of students to Ghana, Africa, on a cultural exchange program. During an afternoon excursion the group's bus was in a terrible accident. Mr. Bryant—the most seriously injured passenger—refused to leave his students even though he had been told that, without an immediate airlift to the United States and emergency surgery, he could lose his hand.

The U.S. Embassy in Ghana reported that Mr. Bryant ignored his own injuries and instead tried to keep his students optimistic and upbeat. He remained at the hospital in Ghana with his students until they all returned home together. Nearly 4 weeks later, Mr. Bryant still is undergoing painful surgery and rehabilitation in an effort to save his hand. Not once, however, has he expressed regret about his decision to remain with his students.

Without question, Mr. Bryant's dedication, courage, and self-sacrifice warrant the admiration of his community and this Nation. He is evidence that there are heroes among us. I heartily applaud Mr. Bryant and, once again, wish to express to him the gratitude that all members of the Louisville community feel for his heroic actions.

EXPRESSING SUPPORT FOR FREE, FAIR, AND TRANSPARENT ELECTIONS IN INDONESIA

SPEECH OF

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. EVANS. Mr. Speaker, I rise today to join my colleagues in support of H. Res. 32, a resolution calling for free, fair and transparent elections in Indonesia, but also to commend the attention of my colleagues to the plight of the people of East Timor, the tiny island illegally occupied by Indonesia for over 25 years.

I have been greatly encouraged by recent demonstrations of reform in Indonesia, yet the

post-Suharto government still has far to go to prove that it is serious about addressing basic human rights. Most urgent is the humanitarian crisis that continues to embroil the people of East Timor. Even as President Habibie announces that he will support independence for East Timor should its citizens reject an autonomy plan, I receive daily reports indicating a serious increase in violent actions by several armed militias, including those by the Makihit, Alfa, Saka and Mahidi. In the last two months, these groups have reportedly attacked villagers in several areas, most recently around Sua, killing civilians and precipitating a refugee crisis with over 5,000 seeking refuge on the grounds of a local church and school. Indonesian Generals have admitted to arming these groups. In this supposed era of promise, turmoil and unrest persist.

In addition, there are reports of on-going and extreme human rights abuses on the part of the Indonesian military in the areas of West Papua, Irian Jaya, Aceh, and Ambon. The summary executions, kidnappings, arbitrary arrest, beatings and torture of civilians continue to create a climate of fear, intimidation. I believe it will be virtually impossible to hold a truly democratic election.

While I support the spirit in which H. Res. 32 was written and support its intentions wholeheartedly, Congress must take this opportunity to encourage the Clinton Administration to press the Indonesian government to address the civil and human rights issues plaguing this nation and its provinces. In addition, we must continue to call for the withdrawal of Indonesian troops, the introduction of U.N. monitors and the immediate and unconditional release of political prisoners in East Timor. Without these crucial steps, Indonesia will not be on a true path to reform.

TRIBUTE TO STELIO MANFREDI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Stelio Manfredi on his retirement from Lucca's Restaurant. Mr. Manfredi has been a respected member of the Madera community for many years. "After all these years, it's finally time to turn the lights out," Manfredi said.

Stelio Manfredi was already one of the most well-known men in town; a life-long Maderan, his face, and name, are among the most recognizable in the community. Manfredi was a bartender at Lucca's Restaurant for 40 years, and during that time he shot the breeze with many, many community members, and listened to the problems of so many more. He always tried to lend a sympathetic ear or give them some advice from the wisdom he's gained in his 83 years of living.

The restaurant's decision to only serve lunch prompted Manfredi's decision to step away, giving himself more time to spend with his wife of 59 years. Being friendly was always Manfredi's nature, as he worked behind the bar at Lucca's. Manfredi, known for his margaritas, will now spend more time in his garden and tending to his many trees and bushes. Leaving behind the people that he befriended will be the hardest part of retiring from the job.

Stelio and Eve Manfredi have lived in the same central Madera home for 52 years, and during that time they have nurtured their shrubs and trees to the point that it is a lush, virtual paradise. "It's therapy for me," Manfredi said of the many hours he spends outside tending to Mother Nature's creations.

Manfredi hopes to go to the Madera Center and work on his General Education Diploma (GED). Stelio and Eve have two children and six grandchildren. As they raised their family, Stelio worked as a bottling room foreman at Hueblein Winery. He also had his own bar on Gateway Drive for 16 years.

The couple has developed a deep respect and commitment for Madera as they grew up, a feeling they continue to have to this day. Madera has grown tremendously since the early days of their childhoods, they say there will never be another place they will call home. The couple attends St. Joachim's Church and Stelio is a member of the Italo-American Club. Stelio Manfredi said he couldn't ask for more out of life.

Mr. Speaker, I rise today to pay tribute to Stelio Manfredi on his retirement and service to the community of Madera and Lucca's Restaurant. Stelio Manfredi has been a fixture in the community for many years. I urge my colleagues to join me in wishing Stelio and Eve Manfredi many years of continued happiness.

TRIBUTE TO THE BAY CITY GIRLS SOFTBALL ASSOCIATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. PAUL. Mr. Speaker, later this month I will attend the 40th anniversary celebration of the Bay City Girls Softball Association. The Association has a distinguished history of providing recreational opportunities to girls in Bay City, Texas.

Begun in 1959 with the fielding of the Delta Sparks by Lila Ray and Jerry Babik, currently the association serves youth ages 4 to 18. Among the honors received by the group are induction in 1975 of the Bay City VIPs led by Coach Ratliff into to the National Amateur Softball Association Hall of Fame, and the receipt of the National Association's "Most Improved Award" in 1944.

With heroic community leaders like Jack Rice and Palmer Robbins and recent activists such as Mike Mariner, Judd Perry, J.B. Smith and Dennis Mueck the business of preparing and making available playing fields for the association has been a real community effort in Bay City.

And, with a storied history including legendary players like Patty Branagan, Diane Herreth, Carol Ray, Jeannie Mathis, Linda Babik, Diana Slliva and Connie Brooks and renowned coach Lila Ray the ladies have certainly made the most of these opportunities.

Mr. Speaker, I wish to commend and congratulate the Bay City Girls Softball Association and all the community activists who contribute to this association, on this the 40th Anniversary celebration of this important group.

TRIBUTE TO LINDSEY NICHOLS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to commend my constituent, Lindsey Nichols for placing third in the 1999 Voice of Democracy contest. Lindsey is a junior at Collinsville High School in Collinsville, IL. This statewide contest was sponsored by the Veterans of Foreign Wars and Kahokian Memorial Post 5691 and held in Springfield, IL. I insert her entry for the RECORD:

I sat patiently while Dad attempted to reason with the sales manager over a recently purchased, yet non-functioning, vacuum cleaner. Thirty minutes later I watched as he walked away from the counter, shaking his head in dismay and muttering, "*No one* believes in service anymore!"

Unfortunately, I'd heard him speak these words on other occasions—while pulling away from fast food drive-ups, standing in a long line at a single open check-out lane or listening to automated voice instructions on the phone.

So I asked, "Dad, what do you expect that you aren't getting . . . what exactly is good service?" He was ready with an answer; for he'd obviously been giving thought to this all his years as a consumer. He replied, "Excellent service is when pride is priority and there is a willingness to go beyond what is necessary, to seek no excuses and to accept responsibility for the outcome."

Wow! That was a lot to think about. For the next couple of days that's exactly what I did. I let those words roll around my head, sort of free-floating, and a funny thing happened. They triggered a memory of the voice of President John F. Kennedy saying, "Ask not what your country can do for you, ask what you can do for your country." Then, another memory, the voice of President George Bush calling for service in the form of "a thousand points of light."

Wait a minute—what was happening here? Well, my brain was telling me that what my Dad had said was tied to a bigger picture. Service to customers was merely a model for a much more important concept that we all need to act on, service to country.

However, excuses seem to get in the way of service and there are as many of them as there are people in the world. We sometimes want to do what's easy, to look for a back door, a reason not to "go the extra mile."

During W.W. II the female pilots who flew supply planes never said, "What can I do? I'm just a woman." Nor did the countless women who kept the factories producing for the war effort or the six nurses who won medals of valor for their actions in the Corregidor.

The Native American servicemen, known as the Navajo Code Talkers never said, "Why should I help? I don't owe them a thing." They didn't let racial issues get in the way when their country needed their unique abilities. The Japanese-American soldiers of the 442nd Regimental Combat Team didn't either when they fought for their country even though their families were being held in internment camps.

Nine-year old Melissa Poe never said, ''They can't expect anything from me, I'm just a kid.'' Instead she founded Kid's FACE in 1989, a national organization of youth united for a clean environment.

Instead of excuses all these people said, ''I'm an American! I believe in the value of my service and in my ability to make a difference.'' So you see, everyone can support their country through service—regardless of race, gender, or age.

How can I let my point of light shine? School and community programs offer me opportunities for service through volunteerism. I can take part in community clean-up days, recycling efforts, holiday projects for the underprivileged, and the list goes on. I do realize, however, that as I grow what is expected of me will also grow proportionately. Will I show initiative, help my community, and be a positive example to others?

I think of the word ''service'' as an acronym, each of the letters representing a philosophy to guide me. ''S'' is for selflessness; ''E'' is for effort; ''R'' is for responsibility; ''V'' is for volunteerism; ''I'' is for initiative; ''C'' is for community; and ''E'' is for example.

So I've come to modify my dad's definition of service and I hope each day to let this motto remind me of my duty—''Proud service to my country is a priority and I will go beyond what is necessary. I will seek no excuses and will accept responsibilities.''

COLORADO NONPROFIT DAY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the fourth annual Colorado Nonprofit Day. Coloradans have set aside today to honor the 12,660 charitable nonprofit groups registered in our state. We are very fortunate to have these groups operating in our cities, towns, and countryside. Because of the strong spirit of volunteerism in our state, Colorado ranks 15th in the country in voluntary community participation. We exceed national levels of nonprofit participation in such areas as religion, recreation, the arts, and environmental and scientific research.

Few Coloradans have not experienced the joy, fun, succor, reprieve, shelter, guidance, or friendship from these agencies. From churches and synagogues, to boys and girls clubs, to senior associations, to charities for the poor and infirm, Colorado nonprofits provide a great benefit to our communities.

For those people serving the poor, the aged, the young, the infirm, the lost, and each of us in times of want and times of plenty, I commend the energy, compassion, and dedication of nonprofits to fellow Coloradans. I applaud them for the impact they have had on our communities and the lives they have saved and enriched through service to others. They have cared for neighbors and strangers with equal zeal. They have mended the social fabric and knitted us together. Colorado recognizes their sacrifices. Colorado's nonprofits make us proud.

CONGRATULATIONS TO HARVEY WILLIAMS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that Harvey Williams of Versailles, MO, was selected by the Versailles Chamber of Commerce as the 1999 Citizen of the Year.

Williams was chosen for his various generous contributions to the community. He has been president of the Versailles Area Chamber of Commerce and served on the chamber board. He was instrumental in bringing Gates Rubber Company and Wal-Mart into Versailles.

He has been president of the Morgan County Fair Board and held several other offices while an active member of the Versailles Lions Club. He has also served on the Olde Tyme Apple Festival organizing committee, and was instrumental in incorporating the Royal Theater. He still serves on the Royal Theater Board of Directors.

Williams is a former chairman of the Morgan County Health Center Board of Directors and has spoken on behalf of the local cancer society on cancer survival from personal experience as a cancer survivor.

Williams is Vice-President of Mercantile Bank, and he and his wife are owners of Harvest Designs in Versailles.

I wish to extend my congratulations to Mr. Williams for his well deserved award as the Versailles Chamber of Commerce's 1999 Citizen of the Year.

TRIBUTE TO MARIAN KRISTEN CHURCH OF GIRL SCOUT TROOP 395

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. BACHUS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scout Gold Award by the Cahaba Girl Scout Council in Birmingham, Alabama. She is Marian Kristen Church of Girl Scout Troop 395. She has been honored for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development. The award can be earned by a girl aged 14 through 17 or in grades 9 through 12.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and carried out through close cooperation between the girl and an adult Girl Scout Volunteer.

As a member of the Cahaba Girl Scout Council, Marian Kristen Church began working toward the Girl Scout Gold Award on August 20, 1998. She completed her project, Landscaping of Alabama Mining Museum Sign, and I believe she should receive the public recognition due her for this significant service to her community and her country.

INTRODUCTION OF THE UNITED NATIONS VOTING ACCOUNTABILITY ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. GOODLING. Mr. Speaker, today I am introducing legislation which is long overdue, requiring real accountability of the U.S. foreign military assistance program. In these tight budgetary times we must not lose sight of eliminating wasteful spending and ensuring the usefulness of all federal programs. It is well known that U.S. foreign assistance initiatives have always been among the least popular federal programs. Primarily, this is because U.S. foreign aid programs seem ineffective and counterproductive. Members of Congress either oppose foreign assistance outright, or those who support it find themselves defending foreign aid as ''serving the interests of the United States.'' I believe Members subscribing to either position will be interested in the ''United Nations Accountability Act,'' which I introduced today.

The Department of State is required by the law to submit a report to Congress each year outlining voting trends in the United Nations General Assembly (UNGA). The overall voting coincidence with the U.S. (the number of times that nations voted the same as the U.S. on all votes) is always appallingly low. In 1997, it was 46.7%—down from 49.4% in 1996 and 50.6% in 1995. Despite that, a number of nations receive foreign aid from the U.S. that clearly do not see things the way we do. It is no coincidence the world's most brutal regimes vote with the U.S. such a low percentage of the time in the U.N. Americans would be surprised to hear the U.S. often provides military aid to the very regimes which are cited for human rights violations, disregard for democracy, and disdain of free market practices.

Simply, this bill would prohibit military assistance to countries which failed to support the U.S. at least 25% of the time in the UNGA. Humanitarian aid and developmental assistance would be left intact. The House on previous occasions has approved this language as part of both authorization and appropriation bill.

I believe our message to these nations is making an impact. In just the past four years, the number of nations voting with the U.S. less than 25% of the time in the U.N. and receiving U.S. military assistance has been reduced from 43 nations to 6 and from $187 million to $13.4 million in military assistance. Our

intent should be to encourage countries to adopt our domestic traditions and commitment to human rights.

A 25% voting coincidental is not asking too much. We are not coercing states to vote our position. However, we have right to withhold aid if we believe that the states we are currently aiding do not share our ideals and values. We should not support military assistance to oppressive regimes which consistently oppose American efforts in the U.N. General Assembly. We must ensure the money we spend on foreign assistance best serve the interests of the American taxpayer. If we cut or reform domestic programs that are not working, why not require it of our foreign aid program? Mr. Speaker, I strongly encourage Members interested in accountability, reform and fiscal responsibility to cosponsor this timely and imperative initiative.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. KENNEDY of Rhode Island. Mr. Speaker, on February 24 and 25 and March 4 I was unavoidably detained and consequently missed several votes.

Had I been here I would have voted: "Yes" on passage of H.R. 438; "yes" on passage of the Journal for February 25; "yes" on passage of H.R. 514; and "yes" on passage of H.R. 707.

DON'T BLOW AWAY SOCIAL SECURITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SANDERS. Mr. Speaker, I would like to call your attention to an article printed in the March edition of the Labor Party Press, and ask that it be printed in the CONGRESSIONAL RECORD for my colleagues' benefit:

"DON'T BLOW AWAY SOCIAL SECURITY"

There is no Social Security crisis. But if Democrats and Republicans get their way and privatize the system, there will be.

"It's weird," says economist Dean Baker of the Preamble Center, who has been studying and writing about Social Security reform. "We're all looking at the same numbers, and what the numbers say—even the pessimistic ones—is that we could take absolutely no action on Social Security for the next 34 years, and the program would continue to pay out all its benefits." And yet, politicians of both parties are all aflutter about the need to radically reform Social Security right away.

The picture they paint does sound grim. Mostly because people are living longer, today's workforce is supporting a greater and greater number of Social Security recipients. And the trend will probably continue. In 1995, there were nearly five people under 65 for every one person over retirement age. But by 2030, the ratio will be more like three workers for every retiree. And since Social Security is actually a pay-as-you-go system—current workers pay for current retirees—that spells trouble. (See "Social Security Basics" on page 4.) For the time being, we can supplement the shortfall by drawing from the extra pot of money the Social Security system has amassed (the Social Security Trust Fund). But then, in 2034, according to some projections, that fund will be depleted, and Social Security money will have to come from active workers alone. And, under the current formula, they would only be able to cover about 75 percent of the benefits retirees had been promised from Social Security.

President Clinton and members of Congress say "saving" Social Security is at the top of their agenda (after impeachment, of course). Many recipes have been written for rescuing Social Security. The most extreme plans involve privatization. Some people want the Social Security payroll withholding to go into our own "personal security account" that we can invest ourselves. Less radical plans would allow the Social Security Trust Fund to be invested in the stock market, where it would supposedly get a higher return than where it is invested now, in U.S. Treasury bonds.

President Clinton favors a combination of both ideas. He wants to invest part of the Social Security Fund (eventually up to 15 percent of it) in the stock market. He also proposes setting up voluntary new private accounts for middle- and low-income Americans—but outside the Social Security system.

At a time when the stock market is in the stratosphere, record numbers of Americans are investing, and the airwaves are full of experts advising the general public on how to get the best return, the idea of turning Social Security into a personal Wall Street investment portfolio is appealing to a lot of people.

But not everybody's sold on the idea. To begin with, many people question whether there even will be a Social Security shortfall. They argue that the Social Security hullabaloo is all based on some very gloomy economic projections made by Social Security trustees. In their reports, the trustees assume that over the next 75 years, the U.S. economy will grow at less than half the rate it has grown for the past 75 years. According to a report by the New York-based Century Foundation, an increase in annual economic growth of just .15 percentage points over the next 35 years would raise output by as much as the combined increase in the cost of both Social Security and Medicare. Meaning: Workers of the future may have no trouble supporting the growing ranks of the retired.

And yet, our politicians have managed to convince a majority of Americans that there really is a crisis at hand. Polls of younger Americans show that many believe they can expect little or no money from Social Security when they retire (unless, perhaps, the system is radically changed).

So who started this rush for a "solution" to the Social Security "crisis"? Follow the money. Wall Street could stand to gain $240 billion in fees within the first 12 years of a privatized system, according to economist Christian Weller. That, he points out, is enough to give 20,000 fund managers an annual salary of $1 million each. No wonder the financial industry has spent millions of dollars of late to promote the idea of Social Security privatization.

Economist Dean Baker believes there's a deeper motive behind the privatization push: "I think much of this is being driven by people who are just plain anti-government," he says. "And Social Security is the government's flagship social program."

It may be, says Baker, that some minor adjustments will need to be made to allow the Social Security system to continue in good health. (See the sidebar on "What We Should Do.") But privatizing the system and investing Social Security money in the stock market is not the way to go. In fact, he believes, it would take the "security" out of Social Security. Most of us would see our retirement incomes dramatically reduced.

HONORING GAIL WALLACE PETERSON ON HIS RETIREMENT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. CONDIT. Mr. Speaker, I rise to recognize and honor the distinguished career of my good friend, Chief Gail Wallace "Pete" Peterson. On March 26th, Pete will step down after 16 years as the Chief of Police/Director of Public Safety for the City of Ceres and retire after 40 years in law enforcement.

Pete has accumulated a very impressive and broad range of experience. Rising through the ranks, Pete proved that setting high standards and meeting them on a daily basis is the key to success. I think we take for granted the role people like Pete play. As critical as the police chief is—particularly in small communities—Pete is more than just the head of law enforcement. He's a role model, a friend, and an excellent example.

I am proud to report Pete proved his commitment to leadership in bringing both police and fire services under one department to better serve the city. He has played an active role in supporting initiatives to enhance school safety, prevent gang violence and provide a drug-free environment.

I appreciate Pete very much. He's been a good friend to me and he's been very good for the people of Ceres. It's hard to ask anyone for more than that. Under his watch the city met the challenge of developing community-oriented policing with an impressive list of new programs and initiatives including the city's first K–9 unit and motorcycle division. There are more police officers on the street thanks to his efforts. From the Explorer Scouts to the Bicycle Patrol program. Volunteers in Public Safety to working to increase traffic safety, Pete is responsible for several proactive programs to forge an effective bond with the public.

Outside the law enforcement arena, Pete is also a proven leader in a number of other areas including the Chamber of Commerce and Rotary. Pete is one of the invaluable people who always seem to be there for the community on a moment's notice.

I consider it an honor to call Pete my friend. He has served our community well and I wish him and his wife, Karen, much happiness as he begins his retirement. Mr. Speaker, I ask that my colleagues in the House of Representatives rise and join me in honoring Pete Peterson as he retires from a distinguished law enforcement career.

INTRODUCTION OF THE CLERGY FREEDOM OF CHOICE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. PAUL. Mr. Speaker, today I introduce the Clergy Freedom of Choice Act. Under current law, clergy may opt out of Social Security within 2 years of ordination. My legislation extends this provision, to allow clergy to opt out at any time in their career.

For some clergy, they will choose to opt out for religious reasons, while others will do so because their particular denomination, sect or organization makes other arrangements for their retirement. It is important to note that this opt-out will only apply to income derived from pastoral duties.

I expect this legislation to be non-controversial, as it simply extends the current opt-out option for our religious leaders, providing them with a way to exercise their freedom of choice.

I ask my colleagues to join me in giving our pastors, priests, rabbis, and other clergy this choice.

THE INTRODUCTION OF THE INTERNATIONAL MILITARY TRAINING TRANSPARENCY AND ACCOUNTABILITY ACT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. EVANS. Mr. Speaker, today, with the leadership of Congressman CHRISTOPHER SMITH and the bipartisan support of 48 of my colleagues, I sponsored the International Military Training Transparency and Accountability Act. This legislation will ensure that the United States armed forces ceases to assist foreign militaries that do not share our respect for human rights.

Specifically, the bill prohibits the U.S. from providing military services or training to countries that are restricted by U.S. law from receiving International Military Education and Training (IMET) or other military assistance because of their strong record of human rights violations. This bill will also ensure that the Department of Defense cannot circumvent Congressional intent and find other methods in which to engage with foreign militaries that are notorious human rights abusers.

The Pentagon's relationship with the Indonesian military in recent years demonstrates the urgency and necessity of this legislation. In 1992, Congress banned U.S. taxpayer funded IMET training in the wake of the brutal Dili massacre, where over 270 peaceful demonstrators were shot down in an East Timor cemetery. This ban was enacted in an attempt to put an end to the egregious human rights abuses the Indonesian government committed against its own people and the people of East Timor.

Since 1975, the Indonesian government has engaged in a reign of terror in East Timor, implementing a policy of severe repression of the Timorese people. Since the onset of the occupation, over 200,000—one-third of the original population—have perished. Extra-judicial killings, kidnappings, tortures and imprisonments have become a way of life for those who challenge the authoritarian regime.

In 1997, I wrote Secretary of Defense William Cohen, requesting detailed information on the training of members of the Kopassus, the elite, special forces division of the Indonesian military. The Kopassus is infamous for its role as the ruthless enforcer of Indonesia's illegal occupation of East Timor. Shortly thereafter, I received a response from the Pentagon describing the United States' continued training of the Indonesian military under another program—the Joint Combined Exchange and Training (JCET) program. While the JCET program is legal, it violated the spirit of Congressional efforts to ban any military assistance to the notoriously brutal and repressive Indonesian armed forces.

Under the auspices of the JCET program, U.S. Special Operations forces trained the Kopassus in sniper skills, marksmanship, and close quarter combat, all while the Kopassus continued to repress and terrorize the people of East Timor. In Spring, 1998, the Pentagon announced it would cease its military relationship with Indonesia indefinitely. Yet, the Pentagon's decision to end military exercises with the Indonesian forces should not have come voluntarily. It should be illegal for our armed services to engage in any manner with known human rights violators.

More important, this legislation will limit U.S. assistance to egregious violators of human rights. In Latin America, and in Africa—the U.S. continues to train and engage with forces that are well-known for their disregard for basic human dignity. The International Military Training Transparency and Accountability Act will clarify our stance on engagement with brutal military forces. We have a responsibility to ensure that our national security policy embodies the very democratic principles it seeks to defend.

NORTHERN IRELAND PEACE PROCESS—ST. PATRICK'S DAY, MARCH 1999

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. GILMAN. Mr. Speaker, as Saint Patrick's Day approaches once again, permit me to share some thoughts with my colleagues concerning the peace process in Ireland.

Ireland is at another critical crossroads in its search for a lasting peace and justice. The difficult struggle in the north of Ireland is of concern to millions of Americans, as well as the peace loving people all over the world.

Last year was an historic chapter in Irish history. The Good Friday accord was signed on April 3rd. The Irish people, both in the north and south, overwhelmingly endorsed that peace accord in a public referendum. The people in the north in May then elected, as part of the terms of the peace accord, a new Northern Ireland assembly to govern much of their own internal affairs.

Regrettably, as has so often been the case over the last several years, the issue of IRA arms ''decommissioning'' is still a major obstacle to further progress in the effort to bring about a permanent lasting peace and real concrete change to the north of Ireland. These are common goals which we, and most of the people in all of Ireland accept, and want desperately for their children and for future generations.

What is still lacking is the political will and leadership on the ground in the north, especially in the unionist community, to begin to bring about the much needed real change, genuine ''power sharing'' and an end to the unsatisfactory status quo of unionist domination.

The arms issue is once again being used as the old ''unionist veto'' which blocks progress and full implementation of the Good Friday peace accords.

In particular, the decommissioning issue is being used to block the creation of a new Northern Ireland cabinet level executive intended to help govern the north, as well as to help implement the new North/South bodies under the Good Friday accord. All of the steps needed to devolve that power sharing arrangement have been taken by Westminster, and now all we need is strong leadership from the Northern Ireland Secretary of State, the British government and the unionist leadership in the north to create the new executive.

The new cabinet executive must include the second major nationalist (Catholic) party Sinn Fein. It won that legitimate right through the ballot box and the democratic process to participate and govern the north, as well as to participate fully in the new North/South cross border bodies to govern the new Ireland.

Like it or not, the unionists must acknowledge that Sinn Fein has a legitimate democratic mandate, which under the terms of the accord, entitles them to two ministerial posts on the new Executive Cabinet to be formed.

The Good Friday Accord did not make the issue of IRA decommissioning a precondition to Sinn Fein's entry into government and the new institutions it established. It provides only for best efforts and the hopeful completion of the arms decommissioning process by the year 2000.

What is needed is not more calls for symbolic arms destruction gestures in the midst of a genuine cease-fire, but substantial power sharing as envisioned by the Good Friday accord.

The entire complex Good Friday accord and peace process will work only if everyone keeps their word and does not seek revenge on those portions of the agreement they now profess to dislike.

There can be no unilateral re-negotiations now of portions of the accord that some parties decide they don't want to honor, especially now that the day for power sharing is soon to be upon them.

Yet, sadly, the IRA arms issue is once again being used as a red herring to re-write and undo the Good Friday accord and to thwart the will of the Irish people who voted in massive numbers for the accord and for peaceful political change.

It is time to get on with it, and put an end to the unionist veto which for far too long has

been used to maintain the unsatisfactory status quo which is in the north of Ireland today.

We all know far too well how political vacuums in the past have been filled in Northern Ireland. No one wants a return of violence on all sides.

Change must come on the ground. The nationalist community must be given equality and be given their rightful voice in the future of the new north. Many in the nationalist community have chosen Sinn Fein to represent them in the new government and no one has the right to try to undo that election.

We also need to see new and acceptable community policing in the north, and equal opportunity and a shared economic future.

Our House International Relations Committee will be holding full committee hearings on April 22nd on the need for new and acceptable policing in the north. We will be taking constructive testimony from witnesses from the north and the leading international human rights groups on the question of reform of the Royal Ulster Constabulary (RUC), and the compelling need for new and acceptable policing. The new police service must be both responsive and accountable as envisioned by the Good Friday accord.

We look forward to constructive ideas for meaningful police reform in the north to emerge from our hearings and examination of this vital question. More than 9000 witnesses and 2000 written submissions on this important issue have been presented to the Patten Commission which has been examining this issue in Northern Ireland.

Our hearing efforts will add to that record and will consider police reform in other parts of the world, which have brought about change and improved public support for the police.

We must work together to bring about concrete meaningful change and reform in the north.

At a minimum, if the RUC is not disbanded, as many in the nationalist community are demanding based on years of harsh experience and great pain and suffering, we need real and concrete responses and a major change as soon as possible. At a minimum, there must be root and branch reforms of the RUC including such proposals as follows:

1. Bringing in new police leadership, starting at the very top, who will publicly apologize to all of the community for past policing abuses to help bring about much needed reconciliation. The new leadership must also actively work to bring about fundamental changes essential to building broad cross community support through, among other things, actively working to make the police representative of the community as a whole.

2. A new, younger police personnel, including new mid-level officials who truly reflect and substantially represent the whole community they serve, which will help the new policing gain badly needed community acceptance and support. If this fundamental reform requires a one time temporary change in the Northern Ireland Fair Employment laws to help build a representative police service, it will be justified by a current 93% dominated Protestant force.

3. Clear and unequivocal right to dismiss (consistent with due process) by the head of the policing service of any police officers who do not measure up to new performance and human rights standards, and/or who based upon evidence of their human rights records have failed to respect fundamental human rights, and/or the diversity that is the north of Ireland.

Both within the police service (reporting directly to the head of the police), and outside the new police entity as well, there must be independent investigative authorities. These investigative entities must be freely able to conduct inquiries into police abuses and misconduct, which may in turn justify and require the firing of police officers acting under their direction to the head of the police based on their investigative findings; or alternatively where appropriate based upon their investigations, the prosecution of police officers under the law by authorities outside the police.

These strong no nonsense disciplinary actions must regularly follow whenever evidence of wrongdoing is uncovered (either by internal or external methods), and they must result in appropriate and timely disciplinary action and/or prosecution where warranted.

4. Prohibition on police membership in the Orange Order and any other societies whose very principles and practices are inconsistent with developing broad cross community support for the police. This too may require a change in current Northern Ireland law, but is fully justifiable. This is critical to helping develop a working environment that can and will attract, as well as to hold Catholics in the police service. Any on the job harassment or intimidation of the nationalist community members must also be banned, and severely punished, whenever it is established.

5. Repeal of the emergency power authorities, and restoration of the right to silence without any adverse inferences of guilt to be drawn from the exercise of this fundamental right by those detained for questioning by the police in Northern Ireland. Such reforms will help make more routine, as well as clearly define and normalize daily contacts by the police with the community.

6. Increased professional human rights and respect for diversity training, both for new recruits and current police personnel at all levels. The increased training should also include cross border training and exercises with the Garda in the Republic of Ireland.

7. De-centralization of the police force from the few current and large divisional levels down to much smaller units (e.g. precincts, wards, or constituency based units). This would help bring the new police much closer to the community and increase the ability to communicate and inter-act together. It can serve to build better local community support through greater accountability for the ''faceless police force'' that serves many nationalist areas today.

8. Close Castlereagh and other interrogation centers as a important gesture of reconciliation and change to many who see it as ''symbolic'' of so many of the RUC abuses in the nationalist community.

9. Eventual devolution of the policing issue to local government control when true power sharing and equality have been established. This too can help increase ''local accountability'' and build support for the new policing service.

10. Recruitment and processing for entry into the new police service should be done in as many local communities (including nationalist areas) as possible throughout the north of Ireland and not limited in just one location in a unionist area. This will better serve in helping to outreach, and increase the diversity and attractiveness of the new police force, to the nationalist community.

11. End the paramilitary role and ethos of the RUC, and turn the new service into a community policing service to serve the needs of all the community, not suppressing and politically controlling portions of it. Based on the British policing model, the new policing service in a peaceful north of Ireland, should prevent the carrying of sidearms.

12. Change the title, uniform and other unacceptable symbols of the current police service in order to help create a new and acceptable community policing service. The process of separation of the policing duties from the security situation and concerns, must begin as soon as possible. These symbolic changes must also be made in a sensitive and mindful way, especially for the families of the more than 300 RUC officers who have been killed wearing the current uniform during the troubles.

As we approach Saint Patrick's Day 1999, it is time to get on with the peace process, ending the foot dragging, and implement the will of the good and generous Irish people in the north of Ireland.

May we soon see peace, justice and a unified Ireland.

HONORING HEALTH ADVOCATES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. KILDEE. Mr. Speaker, I rise today on behalf of a wonderful organization devoted to improving the quality of life in Michigan and throughout the country, the American Lung Association. On March 18, the American Lung Association of Michigan, Genesee Valley Region, will hold their 16th Annual Health Advocate Awards Dinner, where they will honor Dr. Samuel J. Dismond, Jr. as their Individual Health Advocate and HealthPlus of Michigan as Corporate Health Advocate for the year 1998.

The Association's criteria for Individual Health Advocate includes a minimum of 5 years on a health association board or participation in a health related activity, and outstanding contributions to health education and promotion of research, Dr. Samuel Dismond, Jr. serves as a shining example of this commitment to health issues.

Dr. Dismond currently serves as Chief of Staff at Hurley Medical Center in Flint, Michigan, which employs approximately 2,500 employees and 475 attending physicians who serve more than 20,000 patients annually. He has been honored as Michigan Family Physician of the Year in 1997 by the Michigan Academy of Family Practice, and also as 1999 Family Physician of the United States by the American Academy of Family Physicians. Dr.

Dismond has made many contributions not only on behalf of family medicine, but throughout the Flint area as well. He has been an influence in non-medical groups such as the NAACP, Boy Scouts of America, the Urban League of Flint, and the Flint Institutes of Art and Music. He has also been honored for his commitment to substance abuse treatment, and his dedication to community service.

For the honor of Corporate Health Advocate of the Year, the American Lung Association has listed as requirements a definitive plan to promote lung health in the workplace, demonstration of commitment to social responsibility on the part of its employees, a positive display of financial support, and a dedication to improving the quality of life for the citizens of the region. HealthPlus of Michigan has consistently proven itself worthy of this distinction.

After determining that smoking was a serious issue in regard to their membership, HealthPlus of Michigan actively set into motion a series of objectives designed to improve the quality of life for their clients, including the implementation of smoking guidelines, behavioral and education programs, and the creation and publication of the HealthQuest Directory of community programs and resources.

Mr. Speaker, since 1904, the American Lung Association has provided an invaluable resource to the country for information and research of lung disease and health. I commend the Association for recognizing and honoring Dr. Samuel Dismond, Jr. and HealthPlus of Michigan as their Health Advocates of the Year. I ask my colleagues to join me in congratulating Samuel Dismond, Jr. and HealthPlus of Michigan.

THREE-MONTH EXTENSION OF REENACTMENT OF CHAPTER 12, TITLE II, UNITED STATES CODE

SPEECH OF

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. MINGE. Mr. Speaker, I rise in support of the bill H.R. 808 which extends Chapter 12 of Title 11 of the U.S. Code. This short-term extension is a good start, but it does not give our small farmers the security of mind they need in an already desperate agricultural economy. I recently introduced legislation, H.R. 763, to make the farm bankruptcy provisions a permanent part of the bankruptcy law. A sense of stability is needed to help farmers and financial planners alike.

We know that during these periods of low commodities prices that some farmers simply won't be able to cash flow their operations. Current Chapter 12 bankruptcy law helps farmers restructure their debts to allow them to keep farming during the toughest times. We need to permanently extend this law because it works. Families are able to save their farms and map out a manageable repayment schedule. And we have seen that creditors are comfortable with this debt reorganization approach because it simply allows families to lengthen the period they have to repay their loans.

IN HONOR OF POLICE OFFICER DANIEL ALDAY AND HIS 26 YEARS OF SERVICE TO THE RESIDENTS OF MILPITAS, CA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. STARK. Mr. Speaker, I would like to honor Officer Daniel Alday, a dedicated member of the Milpitas Police Department for over two decades. Officer Alday retired on February 14, 1999 and will be honored later this month by the Milpitas Police Department.

Officer Alday joined the Department on January 31, 1977, after four years of experience as a County Animal Control Officer. Officer Alday's bilingual abilities were a great asset to the Department over the years. His ready assistance was much appreciated by other officers and the Hispanic community.

Officer Alday was a K–9 officer from 1980 to 1983. During this time, he and his dog were productive in locating and apprehending suspects; they received numerous commendations from the community, and neighboring police agencies.

From 1983 to 1992, Officer Alday served in the traffic division as a Motorcycle Traffic Officer. He attended the California Highway Patrol Academy for motorcycle training, and surpassed their rigorous requirements. During his tenure as a traffic officer, Officer Alday was certified by the courts as an expert in DUI cases. He advanced to accident reconstructionist after completion of accident reconstruction school and certification by the State of California.

From 1989 to 1996, Officer Alday served as a hostage negotiator. He assisted in many difficult situations that ended peacefully.

Officer Alday returned to patrol in 1992 and was selected for the position of DARE Officer. In 1994, Dan was assigned to the Public Relations Unit as a DARE Officer. He taught the DARE curriculum each year to four elementary schools, where he was instrumental in bringing new ideas to the DARE program. DARE activities included Skate Night for DARE students, lunch with the DARE Officer, and slide presentations of Student DARE activities that promoted parent participation to DARE graduations.

Officer Alday's duties also included giving safety presentations to women's groups, businesses, and the community-at-large. He also conducted Mock Robbery Training courses for bank employees. Officer Alday continued to receive commendations from the community during his time with the Public Relations Unit.

Regretfully, Officer Alday's police career is ending early because of a job-related injury. He has been an asset to the Milpitas Police Department because of his long-term service to the community. His contributions are numerous and his example is an inspiration. I join the Milpitas community in applauding Officer Alday's dedication, expertise and achievements. I wish him continued success in his future endeavors.

THREE-MONTH EXTENSION OF REENACTMENT OF CHAPTER 12, TITLE II, UNITED STATES CODE

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 808, a measure that would extend by an additional 3 months the Chapter 12 farm bankruptcy code. This legislation is a stopgap measure that would continue the program past its April 1 expiration date.

Farmer friendly bankruptcy and reorganization provisions are needed now more than ever before. This past Friday, dairy farmers saw their price collapse by 39% as the February Basic Formula Price fell to $10.27 per hundredweight, a $6 decline from the proceeding month.

When Congress originally passed the Chapter 12 farm bankruptcy code in the mid-1980s they realized that our nation's family farmers oftentimes face economic difficulties that were not of their making and are essentially out of their control. The prices of nearly all commodities including livestock, milk, grains and feedstuffs were or are at near record low prices. As a result, it is imperative that Congress work to create federal financial mechanisms that recognize these difficulties.

Mr. Speaker, I am happy to join my colleagues in supporting this worthwhile measure.

HONORING THE JAMES H. QUILLEN COLLEGE OF MEDICINE AT EAST TENNESSEE STATE UNIVERSITY IN COMMEMORATION OF ITS 25TH ANNIVERSARY

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. JENKINS. Mr. Speaker, I rise today to honor the James H. Quillen College of Medicine at East Tennessee State University located in the First District of Tennessee. This month, the Quillen College of Medicine celebrates its 25th anniversary.

The College of Medicine at East Tennessee State University was established in March of 1974 by the Tennessee General Assembly. It was formally dedicated as the James H. Quillen College of Medicine in honor of the tireless efforts of my predecessor and friend, Congressman James H. (Jimmy) Quillen, who served the First District with distinction for 34 years. Congressman Quillen recognized the severe shortage of primary care physicians in the 1970's, especially in many of the rural areas in East Tennessee, and was instrumental in the efforts to establish this school.

In August of 1978, the first class of 24 students enrolled at the College of Medicine. Since their graduation in 1982, the college has awarded more than 850 Medical Doctor degrees, including a significant number of resident physicians, fellows, and biomedical students. A substantial number of these students

are serving the health care industry today as primary care physicians, filling many of the shortages which led to the creation of the institution in 1974.

The Quillen College of Medicine remains focused today on primary care and has earned notes of recognition by several national organizations and publications for the institution's successful rural medicine programs and its efforts to train more primary care physicians.

One of the more innovative approaches utilized by the Quillen College of Medicine is its utilization of the region's hospitals. Rather than having one teaching hospital, East Tennessee State University has affiliated itself with nine area hospitals, providing its students with access to more than 3,000 beds in the areas and training in every area of primary and tertiary care medicine. Furthermore, the immediate success of the college in its primary care work led to the receipt of the largest grant in the university's history, $6 million in 1991 from the W.K. Kellogg Foundation. This financial support allowed the college to move into two additional rural communities in the First District, training over 80 students on site using a team approach in which the medical, nursing, and public and allied health students learn together.

The ETSU Quillen College of Medicine continues to expand its scope while remaining focused to its original purpose of creating primary care physicians. All of the teaching and research facilities at the university and its affiliated hospitals are fully supported by modern classrooms, laboratories, and clinical facilities. New facilities are being built to serve the expanded demands of this popular school, and I am confident that the Quillen College of Medicine will continue to meet the growing needs of the health care industry in the next millennium.

Mr. Speaker, I am proud of the great accomplishments of the James H. Quillen College of Medicine in its 25th year of existence. It has served the region and the country well, providing a wealth of trained, experienced doctors to serve our health care needs. Its presence has been a leading force in revolutionizing the health care industry in the Upper East Tennessee/Southwest Virginia region. There will be many great things to come from this fine institution, and it is my hope that my colleagues here in the Congress will join me in honoring the college's alumni, students, residents, fellows, faculty, staff, and others for their past and future contributions to improving health care in America.

A TRIBUTE TO ROBERT L. OZUNA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. LEWIS of California. Mr. Speaker, I rise today to pay a heartfelt tribute to Robert L. Ozuna, Chief Executive Office of New Bedford Panoramex Corporation from 1966 to date. My good friend died on Saturday, March 6, 1999, at Queen of the Valley Hospital in West Covina at the age of 69.

Robert Ozuna was the oldest of four children born in Miami, AZ to Mexican-American parents. In 1940, after his father's early death, the family moved to East Los Angeles where he grew up with his mother, brother, and two sisters. Robert was required to seek steady work at an early age to assist the family in meeting their financial burdens.

Robert Ozuna emerged as one of the leading Mexican-American entrepreneurs in Southern California as Founder and President of New Bedford Panoramex Corporation (NBP). He gained his business experience on the job and his engineering education by attending night school in the California community and junior college system.

In 1966, Mr. Ozuna began to build his company with a second mortgage on his residence, a few electrician's hand tools, hard work and entrepreneurial instincts into the thriving electronic manufacturing business it is today in Upland, CA. NBP engages in the design, development, and manufacturing of electronic communication systems and remote monitoring systems for its primary client, the U.S. Government.

Mr. Ozuna's hard work and dedication has been rewarded by receiving the Department of Transportation Minority Business Enterprise Award in both 1987 and 1991. He received the Air Traffic Control Association Chairman's Citation of Merit Award in 1994. He continued to be an active member of the California Chamber of Commerce for various cities and a founder of Casa De Rosa Annual Golf Tournament which he instituted to raise funds for the Rancho de Los Niños Orphanage in BajaMar, Mexico.

As industrious as he has been in business, he has been equally involved in sharing his prosperity with many philanthropic activities in his community. He is the sponsor of many events in the Hispanic neighborhood where he grew up and was a founding director in the East Los Angeles Sheriff's Youth Athletic Association, which promotes educational, athletic and drug awareness programs for more than 60,000 youths in the Los Angeles Metropolitan area.

Robert Ozuna is remembered by his employees at New Bedford Panoramex Corporation as a handsome man who had a passion for life. His concern for his employees and their families along with his abundant generosity to them was always present.

Robert Ozuna was married for 35 years to Rosemary, who passed away in November 1998. He is survived by his mother, Amelia Ozuna; his sons, Steven Ozuna and Jeff Dominelli; his daughters, Nancy DeSilva and Lisa Jarrett; his sisters, Lillian Gomez and Vera Venegas; and his brother, Tony Ozuna. He also leaves eight grandchildren.

Mr. Speaker, Robert Ozuna epitomized the American Dream. It is a dream that promises that any citizen of this country can achieve anything to which he or she aspires, as long as they work hard and play by the rules. Robert Ozuna achieved that dream and he will be greatly missed. I ask my colleagues to join me in paying tribute to him today.

''A SENSE OF AUTHENTIC FREEDOM''

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. HYDE. Mr. Speaker, on Sunday October 4, 1998, Francis Cardinal George, OMI, the Archbishop of Chicago, delivered the homily at St. Matthew's Cathedral in Washington, D.C. at the annual Red Mass, celebrated on the Sunday prior to the first Monday in October, which traditionally marks the opening of the Supreme Court's new term.

I am pleased and honored to place into the RECORD the text of Cardinal George's inspiring remarks, for the edification of my colleagues: ''Homily, 1998 Red Mass.''

RED MASS

(By Francis Cardinal George, OMI)

Your Eminence, Cardinal Hickey. Your Excellency, Archbishop Cacciavillan. Members of the judiciary and of the bar and of the government and Congress Members of the John Carroll Society and friends.

The picture of Jesus given us by the evangelist Luke places him in the synagogue of Nazareth, his home town, ready to begin his public ministry under the inspiration of the Holy Spirit. This was to be his only, his last occasion to preach in Nazareth, for his mission took him elsewhere in Judea and Israel and, finally, to his death outside Jerusalem. In the mission and preaching of his disciples after Jesus' resurrection from the dead, Luke has Jesus taken farther: to Antioch and Corinth and Rome, to the ends of the earth.

In Luke's Gospel, Jesus does not preach until after listening and proclaiming the word of God. In the text within our Gospel text, the prophet Isaiah proclaims a time of Jubilee, of deliverance from captivity, a time of liberation; only then does Jesus speak and explain the prophet in such a way—''This day, these words are fulfilled in your hearing.''—that Jesus' friends and neighbors, far from being liberated by his words, took him to the edge of the hill on which their city was built and tried to kill him. Jesus listened, he spoke, he escaped to take up elsewhere the mission given him by his Father. That mission makes possible our coming together today at this end of the earth as we and the entire world, with renewed self-consciousness as a globe, look toward the celebration of a new millennium.

If we today believe that where there is Jesus there is Jubilee, how is it that we are still enslaved? Every five years, as you may know, each bishop of the Catholic Church goes to Rome to pray at the tombs of Peter and Paul; then he goes in to talk with Peter's successor. This year, the bishops of the United States are making their visits *ad limina apostolorum*, and the bishops of Illinois, Indiana and Wisconsin made theirs together last May. When I went in to talk with the Holy Father, he listened politely as I explained that the report he had received had been drawn up by my staff since I had only recently come to Chicago. He looked at it, put it aside and asked me a single question: ''What are you doing to change the culture?'' I was surprised, but shouldn't have been, for the Pope has spoken often of how culture liberates us, creates the world in which what is best in human experience can be passed on and celebrated and of how, conversely, culture can also blind us, enslave us and must

sometimes be changed in the light of God's word.

Taken by surprise, I spontaneously began to speak to the Holy Father about the Church's relation to the legal profession in Chicago, of the many contacts and gatherings, of the several Chicago priests who are also civil lawyers, of the pro bono work for the poor, of the Catholic law schools and of many initiatives similar to what takes place here through the good offices of the members of the John Carroll society. Then I backed up and began to explain that, in the United States, the law is a primary carrier of culture. In a country continuously being knit together from so many diverse cultural, religious, and linguistic threads, legal language most often creates the terms of our public discourse as Americans. A vocation to make and to serve the law is a calling to shape our culture.

We live in worded worlds. If there is no common language, very likely there is no common vision and citizens find themselves trapped in separate worlds. Listening to God's liberating word, in this Mass and elsewhere, believers must wonder where the language of civil law and the language of faith might share a common vocabulary. The Catholic Church has tried for some generations to speak here a language of natural law, a language that presupposes God speaks in nature as well as in history, a language, therefore, able to speak of God's ways without explicitly confessional terminology. But our various attempts have not really provided a dictionary shared between American culture and Catholic faith. The National Conference of Catholic Bishops often tries to speak the language of policy, hoping that well argued policy statements will influence legal discussion; but the common understanding generated has clear limitations. There is the language of Holy Scripture itself, common to great extent to all Christians and Jews, but the Bible's phraseology and stories are no longer common cultural parlance in our country.

Speaking, in order to be heard today, a language largely shorn of religious nuances, the believer can still ask two questions of the vision behind legal discourse:

First, can the vision of courts and legislatures expand to see at least dimly God's actions and purposes in history? Abraham Lincoln of Illinois used public language to speak of God's purpose at the end of a bloody American civil war. ''With firmness in the right, as God gives us to see the right, let us strive to finish the work we are in.'' Lincoln, who wrestled like a biblical prophet with God's purposes in history and his judgment on this nation, grew, because of his public service, in his ability to bring together, always tentatively, the law he defended finally with his own life and God's word which, like a two-edged sword, cuts through the rhetoric of public as well as personal deceit. Lincoln knew that God judges nations as well as persons, and he forged a language which, and the end, placed even the personal liberty to which this nation was dedicated second to the designs of God himself. Are we permitted to speak similarly today or must the language of law, rather than setting us free, blind us and leave us mute in any world not constructed by our private interests and intentions?

And a second question, put to us often these days by Pope John Paul II: does the vision of the human person found in public laws and decisions adequately express what it means to be human? Do our laws not only protect contracts but also tend to force all human relations into them? Is the language of contract becoming the only public language of America? Does the model of association which is accorded public rights tend more and more to constrain or even exclude the natural family, the life of faith, cultural and racial groupings, relations which cannot be unchosen without destroying the human person shaped by them.

Christian faith gives us a vision of a person we call the Word of God, made flesh. Crucified and risen from the dead, Jesus sends us the Holy Spirit, who speaks every language and gives every good gift. This vision should set us free from any lesser picture of things; the language of faith should keep us from supposing that we adequately understand reality in its depths and heights. This is a vision that should humble and, in humbling us, open us to other worlds. Approaching a third Christian millennium (using what is now a common calendar), we gather to worship the God we believe to be the Father of Our Lord Jesus Christ and therefore, in Christ, our Father as well. It is good to do so, for if we do not worship God we will inevitably end up worshiping ourselves. Nations worshiping themselves have plagued this last century of the second millennium, and God's word prompts us now to examine anew ourselves and our history. Without warrant, we have associated ourselves with the biblical city on a hill, not Nazareth but Jerusalem itself. Without right, we too often judge other people and nations by our standards and interests, assuming that our interests must be universal. Without sense, we even seriously consider if this nation is the end of history, as if our present political and economic arrangements were surely the culmination of God's designs for the universe. Lincoln, who had the good grace to speak of us only as an ''almost chosen people'', would surely blush, and so should we.

Today, as yesterday and tomorrow, the Church speaks a language of respect for public office holders, whose vocation is shaped by the constraints of law; but the Church, today as yesterday and tomorrow, also speaks as best she can to judge the actions and decision of public officials, and the culture shaped by them, when these are inadequate to the vision given us by the truths of faith. ''Faith must become culture,'' Pope John Paul II says. ''What are you doing to change the culture?'' he asks. But how can we speak of change in America today when the law itself blinds us to basic truths? One egregious blind spot is our very sense of liberation construed as personal autonomy. An autonomous person has no need of jubilee, of freedom as gift; he has set himself free. The fault line that runs through our culture, and it is sometimes exacerbated rather than corrected by law, is the sacrificing of the full truth about the human person in the name of freedom construed as personal autonomy. It is a blind spot as deep as that in Marxism's sacrifice of personal freedom in the name of justice construed as absolute economic equality. Such a profound error makes our future uncertain. Will the United States be here when the human race celebrates the end of the third millennium? Not without a very changed, a very converted culture.

The Church, however, must also listen first to God's word before she speaks, before she translates God's word into the words of our culture or any other. Hence the Church can speak only with deep humility a language which purports to give definitive access to God's designs in history. Even prophetic judgment, while certain in its proclamation, is tentative in its final outcome. The Spirit is always free, but never self-contradictory.

Tentatively, then, let us try the language of prayer and ask that God's judgment fall lightly on us and our nation. Gratefully, I pray that God reward your dedication to public service and your desire to create a common language adequate to the experience of all our people and open to all others. Joyfully, let us hope that the Jubilee introducing the coming millennium may restore to the United States a sense of authentic freedom rooted in an evergrowing generosity of spirit. May God bless us all. Amen.

A TRAGIC LOSS

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. CAMPBELL. Mr. Speaker, my state and our nation recently suffered a grievous loss in the passing of California State Senator Milton Marks. I expressed my sorrow in a letter to his wife, the Honorable Carolene Marks, San Francisco Commissioner on the Status of Women, and I would like to put into the RECORD of the House of Representatives my letter to her, as a tribute to him.

DEAR CAROLENE: My heart sank with an empty feeling the moment I learned of Milton's passing. Both Susanne and I send our heartfelt condolences to let you know that we share your loss. It was my personal joy and honor to call Milton a colleague and dear friend. He will be missed by those who knew of his dedication and service to the citizens of San Francisco and the State of California.

Carolene, there are no words that can be spoken, no words that can be written, to relieve the pain and sorrow of losing Milton. He was the consummate statesman who worked hard at his profession using his drive, dedication and spirit to champion many causes. He lived life with compassion by creating laws that protected our youth from harm, by improving the quality of our environment, and by encouraging the development of economic policy that makes California the greatest state in the nation. His service to the public will be a lasting memory for the next generation. May God bless you and your loved ones in this time of grief.

THE SOAP BOX DERBY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. HOYER. Mr. Speaker, for the last eight years, I have sponsored a resolution for the Greater Washington Soap Box Derby to hold its race along Constitution Avenue. Yesterday, I proudly introduced H. Con. Res. 47 to permit the 58th running of the Greater Washington Soap Box Derby, which is to take place on the Capitol Grounds on July 10, 1999. This resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements for carrying out running of the Greater Washington Soap Box Derby in complete compliance with rules and regulations governing the use of the Capitol Grounds.

In the past, the full House has supported this resolution once reported favorably by the full Transportation Committee. I ask for my colleagues to join with me, and Representatives ALBERT WYNN, CONNIE MORELLA, and JIM MORAN in supporting this resolution.

From 1992 to 1998, the Greater Washington Soap Box derby welcomed over 40 contestants which made the Washington, DC race one of the largest in the country. Participants range from ages 9 to 16 and hail from communities in Maryland, the District of Columbia and Virginia. The winners of this local event will represent the Washington Metropolitan Area in the National Race, which will be held in Akron, OH on July 31, 1999.

The Soap Box Derby provides our young people with an opportunity to gain valuable skills such as engineering and aerodynamics. Furthermore, the Derby promotes team work, a strong sense of accomplishment, sportsmanship, leadership, and responsibility. These are positive attributes that we should encourage children to carry into adulthood. The young people involved spend months preparing for this race, and the day that they complete it makes it all the more worthwhile.

IN HONOR OF GARY A. POLIAKOFF

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Gary A. Poliakoff, soon to be awarded the Learned Hand Human Relations award by the American Jewish Committee. This prestigious award is given annually to members of the legal profession, and there could be no better candidate that embodies the spirit of the award than Gary Poliakoff. Gary's work on co-ownership housing personifies the thoughtful and humane spirit of Judge Hand, one of the most distinguished scholars in American jurisprudence.

Recognized internationally as an expert in co-ownership housing, Gary's contributions to this important legal field epitomize the ideals on which this award is based. After receiving his law degree from the University of Miami in 1969, Gary established his strong roots in the South Florida community as founding principal of Becker and Poliakoff, P.A. Serving as President of the firm since its inception, Gary has dedicated much time and effort to become an authority on co-ownership housing. He has provided his expertise to State legislatures, Senate Committees, and the White House, helping to draft legislation and addressing concerns regarding the sale, development, and operation of condominiums. Additionally, he has lectured internationally, addressing the Parliament of the Czech Republic on issues relating to the conversion of State housing to private ownership, as well as the Russian Academy of Jurisprudence in Moscow on co-ownership issues.

Serving on the Board of Governors of the Shepard Broad Law Center of Nova Southeastern University, Gary shares his wealth of knowledge on co-ownership housing through his course on Condominium Law and Practice. He has served as chairman of the State Advisory Council on Condominiums and as a board member of the Board of Governors of the College of Community Association of Lawyers. Finally, Gary is an accomplished author, creating a national treatise, The Law of Condominium Operations, West Group 1998, and co-authoring Florida Condominium Law and Practice for the Florida Bar Association.

Aside from his wealth of knowledge and experience in the legal profession, Mr. Poliakoff is a known leader in philanthropic and community causes in South Florida. Serving as Chairman of the Southeast Region of the American Jewish Committee for the Shaare Zedek Medical Center in Jerusalem and as a pro bono counsel to the Miami Youth Museum, Gary recognizes the importance of community spirit and dedicates a good part of his time to the betterment of society.

Mr. Speaker, Gary Poliakoff has shown a tireless devotion to both his profession and his community. I could not think of a more deserving recipient of this prestigious award. I wish to convey a heartfelt congratulations to Gary, his wife, and his children on this special day, as well as many thanks to him for his work on behalf of the entire South Florida Community.

HONORING THE 75TH ANNIVERSARY OF THE BOROUGH OF FAIR LAWN

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. ROTHMAN. Mr. Speaker, March 11 marks the 75th anniversary jubilee of the founding of the Borough of Fair Lawn, NJ, a town in New Jersey's 9th Congressional District where I, and more than 30,000 other residents, make our home.

Fair Lawn is a compact community located in the Northwest corner of Bergen County, one of the most densely populated areas of our State. But it is a very liveable community, with interesting sites, and a distinctive history that I would like to briefly call to the attention of the House.

The 75th Anniversary jubilee celebration kicks off on March 11. To get the year-long series of anniversary events underway, the Fair Lawn League of Women Voters has invited residents to tour the building which houses the office of their local government, and to "Meet Fair Lawn's Government-Live!"

Beginning at 7 p.m., guests can be escorted into the Council Chambers and greeted by League members, Mayor David Ganz, Borough Manager Barbara Sacks, the Borough Council, 75th Anniversary Committee Chairman John Cosgrove, and some 75 year Fair Lawn residents.

Visitors will be able to select five or six departments to visit and Borough employees will be available to explain how their department works and to answer any questions guests may have. Among the departments available will be: Recreation, Fire, Engineering, Public Works, Finance, Building Tax Collector/Assessor, Police, Borough Clerk, Health, and Welfare.

Local students will act as ushers and help to distribute literature. As a special bonus, the first 300 visitors will receive a copy of the League's popular 45-page book, the "1999 Citizen Guide,", which is everything you wanted to know about New Jersey Government.

No historic account of Fair Lawn would be complete without recognition of the Lenni-Lenapi ("original people"), native tributes of northern New Jersey. Their trails, campsites, rock shelters and hunting grounds became the roads and towns that Fair Lawn uses today.

When the first Dutch settlers made their way up to what we know as the Hackensack and Passaic Rivers, it was to establish fur trading posts with the Hackinghaesaky Indians, one of the tribes of the Lenni-Lenapi. The great chief of the tribes was Oratam. As settlements grew, the Lenni-Lenapi were forced further west to unsettled land.

They left behind place names of Indian origin. Few of us realize how many such names are still with us, for example: Passaic (either "where the river goes over the falls" or "valley"), Paramus ("fine stream" or "place of wild turkeys"), Wagaraw ("crooked place" or "river bend"). Typically, River Road, one of the oldest roads in the eastern part of our country, was once an Indian trail, leading to the "Great Rock" tribal council site in Glen Rock.

The most interesting Indian relic in Fair Lawn is the fist trap (weir) in the Passaic River. It can be seen during low water 200 yards upstream from the Fair Lawn Avenue bridge. The trap consists of two rows of stones forming a V-shaped dam into which the Indians drove the fish during migration, closing the opening at the point of the "V" with weighted nets. The Dutch called this the "soltendam," or "sloterdam" from the verb sluiten, "shut."

This give rise to the name of Slooterdam (also spelled Sloterdam) which was used to describe the surrounding area. Fair Lawn was known as Slooterdam as late as 1791, and River Road was called the "Slauterdam Road" until after the Civil War.

Probably the oldest structure standing in Fair Lawn is the Garreston-Brocker home, now known as the Garreston Forge and Farm Restoration, on River Road, south of Morlot Avenue. The west wing, the kitchen, was the original building built some time between 1708–1730. The main wing was built before 1800 but the gambrel roof, dormer and porch were added in 1903. The property, known at its purchase in 1719 as the Sloterdam Patent, was originally a huge plantation stretching between the Passaic and Saddle Rivers.

Another structure, almost as old, was built by Jacob Vanderbeck. It is located off Fair Lawn Avenue (formerly Dunkerhook Road) east of Saddle River Road. Nearby, on Dunkerhook Road ("Donckerhoek" or "dark corner" in old Dutch) is the Naugle House, built in the 18th century by Jacob Vanderbeck's son-in-law, a paymaster to General Lafayette's troops. Lafayette stayed in this house for several days in 1824 when he returned to this country after the Revolutionary War.

Another old structure is on Fair Lawn Avenue, east of Plaza Road. It is known as the "Dutch House" and has been a restaurant or tavern since 1929. The sandstone construction

is typical of the early Flemish Colonial style. No early ownership has been established but it is believed to be the Bogert House built between 1740 and 1760. The land stretched to the Glen Rock area and was farmed until the Radburn developers bought it in the late 1920's.

The Thomas Cadmus House was moved to its site north of the Radburn railroad station from nearby Fair Lawn Avenue to save it from demolition. It is now the official Fair Lawn Museum. It has a typical dressed stone front and roughly coursed sides, wide board floors and hewn beams. It is thought to have been built before 1815.

The only other old sandstone house still standing in Fair Lawn is the G.V.H. Berdan House on River Road between Berdan and Hopper Avenues. Although the exterior was carefully reconditioned with respect for its historic style when the building was converted to offices, the end facing the street has since been marred by numerous signs.

The "Old Red Mill," which is located along the Saddle River south of what is now Route 4, is another well-known landmark of the area. The original mill, believed to have been located on the Fair Lawn side of the river, was a central meeting place for the neighboring farmers. It gave the name "Red Mill" to the area. The mill, a large red wooden building, was built in 1745 and stood two and one-half stories high.

At the outbreak of the Revolutionary War, the mill was converted to manufacture woolen blankets and yarn from flax grown in Fair Lawn. During the Civil War, the mill produced blankets for the Union Army. The mill was visited by at least two famous persons: Aaron Burr was honored at a Christmas party there during the Revolution and President William McKinley visited Easton's renowned lake and fountains.

Only a few minor skirmishes were fought during the Revolutionary War in the area later to be known as Fair Lawn. But Bergen County had the distinction of being the only county in all the nation which saw George Washington during each of the eight years of the War. When Washington and his troops retreated from the British across New Jersey to Pennsylvania in 1776, it was John H. Post of Sloterdam who dismantled the bridge across the Passaic River, preventing pursuit by Cornwallis after Washington's troops reached safety on the other side. With foresight, Post stacked the bridge planks on the far side of the river for future use.

The railroad came through town in the early 1880's and the trolley line to Hackensack and the Hudson River in 1906. Toward the end of the 19th century and in the early 20th, homes were built near the Passaic River, off Fair Lawn and Morlot Avenues ("the flats") and at Columbia Heights, to house workers for Paterson's mills and factories and for the Textile Dyeing and Finishing Co. on Wagaraw road. Warren Point also developed at the end of the 19th century, with a railroad station and post office, but most of the development was in what is now Elmwood Park.

Within Fair Lawn's boundaries is a unique community called Radburn. One of the first modern planned communities in the United States, it was intended originally to be a self-sufficient entity known as "Town for the Motor Age." The architect-planners Clarence S. Stein and Henry Wright enlisted the practical aid of financier Alexander Bing who had organized the City Housing Corporation in 1924. Bing's enthusiasm brought his corporation to New Jersey, and Radburn was born in 1928.

Unhappily, the Great Depression in 1929 struck Radburn hard and in 1933 the corporation went bankrupt. Unfortunately, the hope for self sufficiency for 25,000 residents in Radburn reached only 5,000 by 1964 when Anthony Bailey wrote his "Radburn Revisited" report in the New York Herald-Tribune. The Radburn idea did not die, however; it was admired, copied and improved on in England, Scandinavia, India, Canada, Russia, and in many "new towns" in the United States.

Fair Lawn's greatest period of growth was during the 1940's and 1950's. Vast areas of farm lands were developed for single-family homes and several large garden apartment complexes. The population grew from 9,000 in 1940 to an estimated peak of about 37,000 in 1968. Fair Lawn Industrial Park on Route 208 was developed during the 1950's with several additions in the following decade. Among the Industrial Park's corporate residents are internationally known firms such as Kodak, Nabisco and Lea & Perrins.

By 1970, the last large tracts of land had been utilized. The last farm in Fair Lawn was a 20-acre tract in the Industrial Park at Fair Lawn Avenue. In 1998 this tract started development as apartments, and by the end of this year, there will be more than 340 new apartment units open. The certificates of occupancy for the first units were issued just a few weeks ago.

What began as an agricultural hamlet has grown into a suburban town providing homes, schools parks and shops for residents and jobs for thousands of workers in businesses, offices and industries.

All of us who reside in Fair Lawn are proud of our community and Mr. Speaker, I thought it would be appropriate to bring to your attention that this jubilee celebration gives us all the opportunity to celebrate not only a town and good government, but its good people.

TRIBUTE TO ROBERT L. OZUNA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today to pay a heartfelt tribute to Robert L. Ozuna, Chief Executive Officer of New Bedford Panoramex Corporation from 1966 to date has died. Robert Ozuna died Saturday, March 6, 1999 at Queen of the Valley Hospital in West Covina. He was 69.

Robert Ozuna was the oldest of four children born in Miami, Arizona to Mexican-American parents. In 1940, after his father's early death, the family moved to East Los Angeles where he grew up with his mother, brother and two sisters. Robert was required to seek steady work at an early age to assist the family in meeting their financial burdens.

Robert Ozuna emerged as one of the leading Mexican-American entrepreneurs in Southern California as Founder and President of New Bedford Panoramex Corporation (NBP). He gained his business experience on the job and his engineering education by attending night school in the California community and junior college system.

In 1966, Mr. Ozuna began to build his company with a second mortgage on his residence, a few electrician's hand tools, hard work and entrepreneurial instincts into the thriving electronics manufacturing business it is today in Upland, California. NBP engages in the design, development and manufacturing of electronic communication systems and remote monitoring systems for its primary client, the United States Government.

Mr. Ozuna's hard work and dedication has been rewarded by receiving the Department of Transportation Minority Business Enterprise Award for 1987 and again for 1991. He received the Air Traffic Control Association Chairman's Citation of Merit Award in 1994. He continued to be an active member of The California Chamber of Commerce for various cities and a founder of Casa De Rosa Annual Golf Tournament, which he instituted to raise funds for the Rancho de Los Ninos Orphanage in BajaMar, Mexico.

As industrious as Mr. Ozuna has been in business, he has been equally involved in sharing his prosperity with many philanthropic activities in his community. He is the sponsor of many events in the Hispanic neighborhood where he grew up, and he was a founding director in the East Los Angeles Sheriff's Youth Athletic Association, which promotes educational, athletic and drug awareness programs for more than 60,000 youths in the Los Angeles Metropolitan area.

Robert Ozuna is remembered by his employees at New Bedford Panoramex Corporation as a handsome man who had a passion for life. His concern for his employees and their families along with his abundant generosity to them was always present.

Robert Ozuna was married for 35 years to Rosemary, who passed way in November of 1998. He is survived by his mother, Amelia Ozuna; his sons, Steven Ozuna and Jeff Dominelli; his daughters Nancy DoSilva and Lisa Jarrett; his sisters, Lillian Gomez and Vera Venegas and his brother Tony Ozuna. He also leaves 8 grandchildren.

A Memorial Service will be held on Friday, March 12th at 12:00 noon, at St. Gregory's Church, 1393 E. Telegraph Rd., Whittier, CA. The burial will follow at Queen of Heaven Cemetery.

Mr. Speaker, Robert Ozuna epitomized the American dream. It is a dream that promises that any citizen of this country can achieve anything to which he or she aspires, as long as they work hard and play by the rules. Robert Ozuna achieved that dream and he will be missed.

HONORING MR. WALTER D. WEBDALE

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to an individual who has

dedicated the past 25 years of his career and life to serving the people of Fairfax County, VA. On Friday, February 26, 1999, Mr. Walter D. Webdale will retire as Director of the Fairfax County Department of Housing and Community Development (HCD).

The Department of Housing and Community Development was established in 1974, and Mr. Webdale has been the Director since its inception. Under his leadership of the last 25 years the HCD has won nationwide recognition as one of the preeminent policy leaders and innovators in the fields of affordable housing and community development. The Agency has been the recipient of more than 40 major awards and special recognitions for project design and development, community development, property management, and affordable housing finance.

But more important than the national accolades are the tangible improvements he was able to provide to the people of Fairfax County. During Mr. Webdale's 25 years of service, the HCD built or acquired more than 800 units of public housing. Additionally, 1,500 more units were developed under the Fairfax County Rental Program, an initiative of Mr. Webdale's, which preserved existing affordable housing and made it available to seniors and moderate income households not able to find housing through Federal housing projects.

One of Mr. Webdale's most lasting contributions to Fairfax County, and the Nation, will be the mixed income/mixed financing program which combines the use of Low Income Housing Tax Credits with Public Housing development funds, and has become the model which is being replicated across the Nation. Because of this innovative program, coupled with the Agency's financing expertise, the HCD secured the designation as an FHA Risk-Sharing Agency in Virginia. The Fairfax County Housing and Community Development Agency was the only local housing authority in Virginia to qualify for this designation.

While Mr. Webdale dedicated much of the Agency's resources to developing low-income housing, the HCD also implemented a strong series of programs to support and encourage first-time home buyers. All told over the past 25 years more than $26 million was invested in needed home improvements to almost 1,700 qualified homeowners under the Home Improvement Loan Program. Complimenting the improvement funds, two separate home ownership programs were created which have subsequently provided more than 1,000 first-time home buyers with home ownership opportunities.

Mr. Speaker, I have merely hinted at the contribution Walter Webdale has made to Fairfax County. He is recognized nationwide as one of the leading Housing and Community Development professionals in the country. A number of the initiatives he developed in Fairfax County have been adopted by other Housing Authorities across the Nation. Mr. Walter D. Webdale has dedicated the best years of his life in the service of others, and has done it with a determination and professionalism well beyond the norm. Mr. Speaker, on behalf of the people of Fairfax County, VA, I wish to sincerely thank Mr. Webdale for all he has done and wish him well as he enjoys a long-overdue vacation.

TRIBUTE TO THE WHITE MOUNTAIN REGIONAL HIGH SCHOOL CLASS M CHAMPION GIRL'S BASKETBALL TEAM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. BASS. Mr. Speaker, I rise today to pay tribute to the White Mountain Regional High School Class M Champion Girl's Basketball team. On Saturday, February 27, 1999, the Regional Girl's Basketball team capped what can only be described as a perfect season. It was perfect not only because the team won the first Class M Girls Basketball Title in the 30 year history of the regional high school, but because they did so by going an impressive 22–0 over the course of the entire season.

It should be said, however, that the climax of this spectacular season was not a fluke, as they say, but, instead, the result of years of practice, preparation, and commitment. In particular, the dedication of the team's coach, James Haley, has been instrumental to the success of the team over the last several years. Coach Haley revitalized the girl's basketball program by instituting summer programs and traveling teams that developed the girls' skill on and off the court. The results for Coach Haley have been obvious. Over the last four seasons, the White Mountain Regional Girl's Basketball program has amassed a record of 79 wins and only 6 losses.

Coach Haley deflects any praise he receives to his talented team and players. A few highlights from this team include all six seniors being selected for the 1999 Class M All-Academic Team. Senior Becky Hilton broke her own school record for the most 3-point shots made during a season. Senior Jennifer Martin scored her 1000th high school career point during the team's quarter final game against Mascoma, which is a tremendous achievement for any high school basketball player.

Mr. Speaker, I would like to list all the coaches, members, and managers of the 1999 Class M Champion Girl's Basketball Team: Coach James Haley, Coach Adrianna Champney, Captain Jennifer Martin, Captain Becky Hilton, Stephanie Wallace, Kris Odell, Keira Russell, Liz Ehlert, Jaclyn Comeau, Kerry Brady, Jessica LaPlante, Becky Quay, Martha Harris, Amanda Kay, Gail Snowman, Adriane Kilby, Liz Samson, Manager Christi Nugent, and Manager Emily Tenney.

Mr. Speaker, the White Mountain Regional Girl's Basketball Team's coaches, team members, fans, family, and school should be extremely proud of this accomplishment. Through no small effort are state championships won, and for 1999 the Class M Girl's Basketball Championship is going home to the White Mountain Regional High School.

THE SERBIA AND MONTENEGRO DEMOCRACY ACT OF 1999

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing the Serbia and Montenegro Democracy Act of 1999, a bill which will target much needed assistance to democratic groups in Serbia and Montenegro. I am joined by Representatives BEN GILMAN, STENY HOYER, JOHN PORTER, DAN BURTON, ELIOT ENGEL, DANA ROHRABACHER, LOUISE SLAUGHTER and JIM MORAN, all strong promoters of human rights worldwide and the original cosponsors of this Act.

It is fitting that this important piece of legislation be introduced today, as a high-level envoy for the United States is in Belgrade to seek the blessing of Yugoslav President Slobodan Milosevic for a political settlement which hopefully will restore peace to the troubled region of Kosovo. We are dealing directly with the man most responsible for the conflict in Kosovo, not to mention Bosnia and Croatia. Milosevic has maintained his power from within Serbia throughout the 1990s at the cost of 300,000 lives and the displacement of 3 million people. He has relied on virulent Serbian nationalism to instigate conflict which will divide the people of the region for decades.

The most fundamental flaw in U.S. policy toward the region is that it relies on getting Milosevic's agreement, when Milosevic simply should be forced to stop his assaults on innocent civilians. It relies on Milosevic's dictatorial powers to implement an agreement, undermining support for democratic alternatives. In short, U.S. policy perpetuates Milosevic's rule and ensures that more trouble will come to the Balkans. There can be no long-term stability in the Balkans without a democratic Serbia.

Moreover, we need to be clear that the people of Serbia deserve the same rights and freedoms which other people in Europe enjoy today. They also deserve greater prosperity. Milosevic and his criminal thugs deny the same Serbian people they claim to defend these very rights, freedoms and economic opportunities. Independent media is repeatedly harassed, fined and sometimes just closed down. University professors are forced to take a ridiculous loyalty oath or are replaced by know-nothing party hacks. The regime goes after the political leadership of Montenegro, which is federated with Serbia in a new Yugoslav state but is undergoing democratic change itself. The regime goes after the successful Serb-American pharmaceutical executive Milan Panic, seizing his company's assets in Serbia to intimidate a potentially serious political rival and get its hands on the hard currency it desperately needs to sustain itself. The regime also goes after young students, like Boris Karajcic, who was beaten on the streets of Belgrade for his public advocacy of academic freedom and social tolerance.

Building a democracy in Serbia will be difficult, and it is largely in the hands of those democratic forces within Serbia to do the job. However, given how the regime has stacked the situation against them—through endless

propaganda, harassment and violence—they need help. This Act intends to do just that. It would allocate $41 million in various sectors of Serbian society where democratic forces can be strengthened, and to encourage further strengthening of these forces in neighboring Montenegro. It would ensure that this funding will, in fact, go to these areas, in contrast to the Administration's budget request which indicates that much of this funding could be siphoned off to implement a peace agreement in Kosovo. Another $350,000 would go to the Organization for Security and Cooperation in Europe and its Parliamentary Assembly, which could provide assistance on a multilateral basis and demonstrate that Serbia can rejoin Europe—through the OSCE—once it moves in a democratic direction and ends its instigation of conflict.

This Act also states what policy toward Serbia and Montenegro must be: to promote the development of democracy and to support those who are committed to the building of democratic institutions, defending human rights, promoting rule of law and fostering tolerance in society.

This funding, authorized by the Support for East European Democracy Act of 1989, represents a tremendous increase for building democratic institutions in Sebia and Montenegro. This fiscal year, an anticipated $25 million will be spent, but most of that is going to Kosovo. The President's budget request for the next fiscal year is a welcome $55 million, but, with international attention focused on Kosovo, too much of that will likely go toward implementing a peace agreement. Make no mistake—I support strongly assistance for Kosovo. I simply view it as a mistake to get that assistance by diverting it from Serbia and Montenegro. We have spent billions of dollars in Bosnia and will likely spend at least hundreds of millions more in Kosovo, cleaning up the messes Milosevic has made. The least we can do is invest in democracy in Serbia, which can stop Milosevic from making more problems in the future.

Building democracy in Serbia will be difficult, given all of the harm Milosevic has done to Serbian society. The opposition has traditionally been weak and divided, and sometimes compromised by Milosevic's political maneuvering. There are signs, however, the new Alliance for Change could make a difference, and there certainly is substantial social unrest in Serbia from which opposition can gain support. In addition, there are very good people working in human rights organizations, and very capable independent journalists and editors. The independent labor movement has serious potential to gain support, and the student and academic communities are organized to defend the integrity of the universities. Simply demonstrating our real support for the democratic movement in Serbia could convince more people to become involved.

Finally, Montenegro's democratic changes in the last year place that republic in a difficult position. A federation in which one republic is becoming more free and open while the other, much larger republic remains repressive and controls federal institutions cannot last for long, yet Montenegrins know they could be the next victims of Milosevic. It would be a mistake to leave those building a democracy in Montenegro out on that limb. They need our support as well.

In conclusion, Mr. Speaker, I am today introducing the Serbia and Democracy Act of 1999 because I feel our country's policy in the Balkans has all too long been based on false assumptions about the region. Granted, social tensions, primarily based on ethnic issues, were bound to have plagued the former Yugoslavia, but it is an absolute fact that violence could have been avoided if Slobodan Milosevic did not play on those tensions to enhance his power. As we prepare debate the sending of American forces to Kosovo to keep a peace which does not yet exist, we must address the root cause of the conflict in the former Yugoslavia from 1991 to today. This Act, Mr. Speaker, does just that, and I urge my colleagues to support its swift and overwhelming passage by the House. The Senate is working on similar legislation, and hopefully the Congress can help put U.S. policy back on the right track.

WINTHROP EAGLES WINS THE BIG SOUTH CONFERENCE TOURNAMENT

HON. JOHN M. SPRATT JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. SPRATT. Mr. Speaker, I want to salute the Winthrop Eagles—the men's basketball team at Winthrop University, located in my district in Rock Hill, South Carolina. For the first time in the program's 20-year history, the team has won not only the regular season championship, but the Big South Conference Tournament as well, and will go on to compete in the NCAA tournament.

The Eagles racked up 12 wins in a row—the longest winning streak in the history of the university and the conference. Nine were against Big South teams, the most Winthrop has ever had. It is no wonder the Eagles were the top seed in the Big South Conference Tournament, and no wonder that Coach Gregg Marshall, in his first year, was named the Big South Conference men's basketball coach of the year.

This is a sports success story I wanted to share with the House. Congratulations on a job well done are due all of the Eagles, Coach Gregg Marshall and his fine staff, and everyone who helped make this a real win for Winthrop.

INTRODUCTION OF THE SSI BENEFIT PROTECTION ACT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. COYNE. Mr. Speaker, I rise to introduce the "SSI Benefit Protection Act."

The Supplemental Security Income (SSI) program serves some of our poorest and most vulnerable citizens. SSI recipients qualify because they are elderly, blind, or disabled, and have annual income of less that $6,000 a year—a total income of less than $500 a month. Qualified medical personnel have determined that their disabilities are so severe that they are incapable of gainful employment. Nationally, about 6.6 million people qualify for SSI.

SSI is a subsistence income that barely pays for life's basic necessities. The maximum federal payment is less than 75% of the poverty level. And the average federal SSI payment is about $340 a month—over $100 less than the maximum.

15 states and the District of Columbia offer additional help to their aged and disabled citizens by sending money to the Social Security Administration to supplement payments to their residents. The average state supplement is between $50 and $100 a month, which brings SSI recipients a little closer to the poverty line.

A little-noticed provision in the 1993 Omnibus Budget Reconciliation Act began charging the states that supplemented SSI payments a small monthly "processing fee" for each check. The fee was not based on any assessment of SSA's costs and in fact, did not go to SSA. It was simply a revenue-raiser. The fee was increased substantially in the 1997 Balanced Budget Act, and it is now scheduled to increase to $8.50 per recipient, per month, in 2002. This year in my home state of Pennsylvania, the governor's office estimated that the fees paid for "processing" totaled about $24 million. In Pennsylvania, if the whole fee was passed on to recipients it would reduce their state supplement by almost 25%.

Understandably, this rapidly increasing fee has had a chilling effect on state willingness to increase the supplement. State program costs have continued to increase because of the fee, but no state being charged the fee has increased its payment to beneficiaries since 1993, not even to keep up with inflation. Six states have reduced their supplement and one eliminated it.

The Congress should be encouraging states to maintain and increase the supplement so that our most vulnerable citizens can afford food and shelter, not punishing those states that have reached out to help. Even a small increase in benefits can markedly improve life for SSI recipients, and even a small cut has devastating consequences.

That is why I have introduced the "SSI Benefit Protection Act." It would repeal this unfair fee, which is not justified by any analysis of SSAs costs. I hope removing this burden from states will encourage them to reassess their current SSI supplementation levels and increase them to a reasonable level. I hope the Congress and the states can work together to provide for our aged and disabled citizens.

HAPPY 30TH BIRTHDAY, WTOP

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. WATTS of Oklahoma. Mr. Speaker, today I want to wish WTOP, 1500 AM, 107.7 FM, a happy 30th birthday. From the Apollo XI

mission to put a man on the moon to home rule for the District of Columbia, from the Reagan Revolution to the first Republican Congress in 40 years, this top-flight radio station has established a tradition of excellence for delivering comprehensive, up-to-the-minute coverage of news, traffic, weather, and sports.

WTOP Congressional correspondent Dave McConnell's informative "Today on the Hill" broadcasts are a prime source of the latest developments on Capitol Hill and an integral part of WTOP's thorough news coverage. I truly hope Dave stays on the Congressional beat another 30 years.

So on behalf of all House Republicans, happy birthday, WTOP. May you have many more.

TRIBUTE TO STAFF SERGEANT JAMES T. TAYLOR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. DUNCAN. Mr. Speaker, one of the most solemn duties an Army Soldier can perform is to protect the Tomb of the Unknowns at Arlington National Cemetery. Those soldiers fortunate enough to serve as honor guards at the Tomb of the Unknowns refer to their watch simply as "the walk."

Recently one of my constituents, Staff Sgt. James T. Taylor, completed his 785th walk, thus concluding his memorable service as a sentinel at the Tomb of the Unknowns.

Mr. Speaker, I know that I speak for the entire Congress when I say that our fallen soldiers, both identified and unknown, deserve this fitting tribute and recognition at Arlington National Cemetery. They also deserve to be guarded by soldiers like Staff Sgt. James T. Taylor and other members of the "Old Guard," who are prepared to maker personal sacrifices in order to preserve the sanctity and memory of their fallen comrades.

Mr. Speaker, I would like to personally commend Staff Sgt. Taylor on his dedicated and meritorious service to this grateful Nation. Our country is a better place because of his service.

Finally Mr. Speaker, I have attached a copy of an article from the Pentagram that honors the "last walk" of Staff Sgt. Taylor and would like to call it to the attention of my colleagues and other readers of the RECORD.

[From the Pentagram, Jan. 22, 1999]

TOMB OF THE UNKNOWNS SENTINEL MAKES HIS LAST WALK, PAYS HIS FINAL RESPECTS

(By Renee McElveen)

An ice storm the night before left everything encased in crystal, creating a surreal atmosphere.

The only sounds at that hour were the popping sounds of tree branches breaking off under the weight of the ice, and the measured clicks of metal on marble as Staff Sgt. James T. Taylor's boots traced a precise pattern.

It was 6:45 a.m. on Jan. 15 in Arlington National Cemetery. Taylor was making his final preparations for what would be his 785th walk, his final walk, as a sentinel. He had a chance to prepare now, before the cemetery opened to the public, and run through one time with others the last-walk ceremony that would mark the end of his tour as an honor guard at the Tomb of the Unknowns.

This day was a long time coming for the 32-year-old Tennessee native. He was a materiel storage and handling specialist attending Advanced Individual Training in 1986 at Fort Lee, Va., when his platoon traveled to Washington, D.C., to see the guard-change ceremony at The Tomb of the Unknowns.

He was so impressed by the ceremony, he asked his platoon sergeant how he could go about becoming a sentinel. At that time, the duty Military Occupational Speciality was limited to Infantrymen. Taylor did not think he could ever become a sentinel since he was serving in a logistics MOS.

He completed his enlistment in 1988 and left active duty to join the Tennessee National Guard back home. Taylor attended college in Berea, Ky., then transferred to Middle Tennessee State in Murfreesboro, where he earned a bachelor of arts degree in special education in 1993.

He re-enlisted that same year as an infantryman. Taylor said he decided to go back on active duty because he missed the Army and the camaraderie of military service.

"You don't get that anywhere else," he explained.

Taylor was assigned to the 3rd Infantry Regiment (The Old Guard) in the Military District of Washington in 1994 and spent a year in Delta Company performing ceremonial duties in the cemetery. He volunteered to become a sentinel for The Tomb of the Unknowns, and was transferred to Hotel Company.

Taylor then entered an intensive training program for his new assignment. The train-up period for a sentinel is about six months.

"It just depends on how quickly a soldier grasps the knowledge and progresses," Taylor explained.

Not only does the sentinel have to learn "the walk," he must become proficient in the manual of arms for the M–14 rifle, prepare his uniform to standard, learn a seven-page history of The Tomb of the Unknowns, memorize 150 locations of headstones as well as pages upon pages of facts about the cemetery in "The Knowledge Book."

Some of the facts about the cemetery which the sentinels must memorize are:

1. Name the caparisoned horse for the funeral of President John F. Kennedy.

Answer—Black Jack.

2. How many POWs are buried in Arlington National Cemetery?

Answer—Three (2 Italian and 1 German).

3. What is a cenotaph?

Answer—A headstone erected in memory of someone whose remains are not recoverable.

The purpose of learning all of these facts about the cemetery is for the sentinel to be able to answer questions during the frequent visitor tours of their quarters below the amphitheater, Taylor said. Also, the sentinels are often stopped on their way to their cars by the tourists and asked about locations of burial sites of famous individuals.

The Knowledge Book also contains the mission statement of the sentinel, the "guard of honor" for the Tomb of the Unknowns. The sentinel is to be responsible "for maintaining the highest standards and traditions of the U.S. Army and this nation while keeping a constant vigil at this national shrine." The sentinels' "special duty is to prevent any desecration or disrespect directed toward The Tomb of the Unknowns."

Sentinels are tested periodically throughout their training, according to Master Sgt. Richard K. Cline, sergeant of the guard for the sentinels. Oral exams are administered at the three-, six-, nine-, and 12-week intervals. Cline said a timed performance exam accompanies these tests. Sentinels must take the test administrator to the headstones of persons named by the administrator and give biographical sketches on the notables within the time allotted.

In order to "graduate" and qualify to wear the Tomb Badge, sentinels must take and pass a written exam, pass a uniform inspection, and demonstrate proficiency in the time-honored ritual of maintaining the guard sentinel, referred to simply as "the walk."

Taylor said that he had to learn how to eliminate any bounce whatsoever in his walk, which translates to a technique of rolling the feet in a particular manner. His trainer told him the walk should make people think of the way a ghost might move, drifting along smoothly with no up and down movement.

In addition, the sentinel's arms must not bend at the elbows during the walk, but instead swing in a straight line like a pendulum on a grandfather clock. The eyes must stay focused straight ahead, ignoring the crowds of tourists, which can number up to 2,000 at a single changing of the guard ceremony during the summer months, Cline said.

Taylor said it irritates him when soldiers outside The Old Guard tell him he has "easy duty" because all he does is "walk back and forth." He says they have no idea of the intensive training involved, the performance standard required in all weather conditions, and the level of commitment sentinels have to their job.

"This is probably the greatest honor I ever will have," he said.

Taylor said he has performed his sentinel duty under all types of weather conditions. Snow, sleet, rain, heat, or even thunderstorms do not deter the sentinels from guarding The Tomb of the Unknowns.

A poem submitted by a visitor (known only as Simon) to The Tomb of the Unknowns in 1971 has since been adopted as "The Sentinel's Creed."

"My dedication to this sacred duty is total and wholehearted. In the responsibility bestowed on me never will I falter, and with dignity and perseverance my standard will remain perfection. Through the years of diligence and praise and the discomfort of the element, I will walk my tour in humble reverence to the best of my ability. It is he who commands the respect I protect his bravery that made us so proud. Surrounded by well-meaning crowds by day, alone in the thoughtful peace of night this soldier will in honored glory rest under my eternal vigilance."

Sentinels are on duty for 24 hours, then off for 24 hours. During the winter months, sentinels perform two of three hour-long walks each 24-hour period and two hour-long night shifts. During the summer months, sentinels perform six or seven 30-minute walks, and two night shifts.

Cline said the walks are shortened to 30 minutes during the summer months to accommodate the large number of tourists visiting the MDW area. Shorter walks result in more changing-of-the-guard ceremonies, which are a popular tourist attraction at the cemetery.

Taylor said he has had many memorable moments as a sentinel. Two moments, one very public and one very private, stand out in particular.

In 1997, he was selected as the presidential wreath bearer for President Bill Clinton during the Veterans Day Ceremony at The

Tomb of the Unknowns. Taylor admits he was nervous, but once the National Anthem started playing, he said, ''I felt like a giant out there.''

The private moment occurred during one of his early morning walks. The only visitor at the cemetery at that hour was a man wearing uniform items from the Vietnam War era. Taylor said the man stood at attention at the end of the plaza near the guard booth, saluting him. The man watched him for the entire hour and appeared to be very emotional, watching him perform his duty.

''It was a real moving experience for me,'' Taylor said.

He said he changed his uniform after his tour, then went back up to the amphitheater to try to find the man so that he could speak with him, but he was already gone.

While assigned to Hotel Company, Taylor held five positions at The Tomb of the Unknowns. He was a sentinel, an assistant relief commander, a relief commander, an assistant sergeant of the guard and a trainer.

One of the sentinels he trained, William Q. Hanna, returned for Taylor's last walk. Hanna completed his enlistment in the Army in December. He said he served with Taylor for more than two years, and wanted to be present for his ''special moment.''

Hanna explained that the last walk is a ''rite of passage'' and an extremely emotional event for a sentinel as he pays his final respects to The Tomb of the Unknowns.

''I could hardly get through mine,'' he recalled.

At 10:45 a.m., Taylor asked Hanna to drive to the Vistors Center to pick up his family and bring them back to the amphitheater. His mother, Sandra S. Taylor of Knoxville, Tenn., had driven 10 hours through the ice storm so that she could be there for his last walk. His father, James L. Taylor, and stepmother, Linda Taylor, of Middlesboro, Ky., had spent nine hours on the road as well.

While waiting for his final hour-long walk as a sentinel, Taylor made, adjustments to his uniform. He pulled the brim of his Dress Blues service cap down and adjusted it over his eyes, checking his reflection in the mirror. Pfc. Daniel Baccus took a large piece of masking tape and blotted up any stray lint on Taylor's raincoat. Taylor then went to the water fountain and ran water over his white gloves and rubbed them together. The water provides a better grip on the wooden stock of the M–14 rifle.

At 11 a.m., the bells toiled the hour and Taylor made his way down the marble sidewalk to take his place on the plaza for the last time. Cline inspected his uniform and weapon. The guards were changed, and Taylor spent the next hour guarding the Tomb of the Unknowns.

At noon, the bells toiled the hour again, Taylor walked to the center of the plaza to retrieve four red roses from his fiancee, standing at the base of the steps.

He placed one red rose at the base of each of the three crypts, and the fourth rose at the base of the marble tomb. A bugler played ''Taps.'' Taylor saluted. His last walk as a sentinel at The Tomb of the Unknowns was over.

HONORING MORRIS KING UDALL, FORMER UNITED STATES REPRESENTATIVE FROM ARIZONA

SPEECH OF

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 1999

Mr. FROST. Mr. Speaker, I rise to add my voice in commemoration of the remarkable career of Mo Udall.

During my first term in Congress, the great respect that we all had for Mo was demonstrated in an incident that took place in the Rules Committee. We had under consideration the rule on the Alaska National Land Act, the landmark legislation which preserved thousands of acres of pristine wilderness in the state of Alaska.

There were two competing versions of the bill: one that was reported from the Interior Committee and one that was authored by Mo. Mo's bill was defeated in his own committee and the reported bill was supported by interests who sought to drill for oil in the Alaska wilderness, a position Mo vigorously opposed. Mo acknowledged his defeat in committee but still sought the right to offer his bill as a substitute on the floor.

There was a fierce battle over the rule. Everyone knew that Mo had the votes in the House to pass his substitute. Mo's bill was favored by the environmental community and they lobbied furiously to allow the Udall substitute to be considered in the House. However, the opponents of Mo's bill were lobbying just as hard to deny him the chance to present his substitute once the Alaska Lands bill came to the floor.

The Rules Committee was closely divided on the question of whether or not to specifically make Mo's substitute in order. I was the most junior Member of the committee and would thus vote last on the roll call. When the vote got to me, the vote was tied: everyone in the room assumed that since I was from Texas, an oil producing state, that I would side with the oil industry and against Mo.

However, I held Mo Udall in such high regard as a person and as a legislator, that I voted with him to allow him to offer his substitute on the floor. He was, after all, the Chairman of the Interior Committee and a champion of protecting the wilderness, and there was little doubt in my mind, in spite of my home-state loyalties, that he should be given that opportunity.

Ultimately, the rule passed and when Mo's substitute was voted on, it passed by a vote of 268 to 157. The bill itself, as amended with the Udall substitute, was ultimately passed by an overwhelming vote of 360 to 65.

I can honestly say that had it been any other Member of Congress who had asked to have this far-reaching version of the Alaska Lands bill made in order that, as a freshman, I probably would not have gone against an important industry in my home state.

However, there was no way in good conscience that I could have denied Mo his day in court and his vote on the floor of the House. He was that good a man; that good a legislator. Mo had the moral authority to command fair treatment. And that, Mr. Speaker, is what made him a great legislator.

I am honored to have known him and more honored still to have served with him in this House. His legacy will live on for many generations of Americans both in the crown jewels of our national park system in Alaska and here in the House of Representatives.

LEHIGH VALLEY HEROES

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. TOOMEY. Mr. Speaker, today I would like to deliver a Report from Pennsylvania's 15th District.

So many good things are happening in Pennsylvania's Lehigh Valley. There are scores of good people doing amazing things that make our communities better places to live and I would like to share their stories with my colleagues and the American people. These good people should be recognized, lifted up and known as Lehigh Valley Heroes.

In my book, Lehigh Valley Heroes are individuals who reach out and lend a helping hand to others. Today I'd like to recognize all the individuals involved with Lehigh Valley's Summerbridge after-school-tutoring program in Bethlehem, Pennsylvania.

The Summerbridge Program tutors and mentors young children from inner city schools. These young children may be the first-member in their family who has an opportunity to go to college. These volunteers help young students with their homework and take them on field trips. Additionally, the primary goal is to help ensure they are on a path for college.

Mr. Speaker I'd like to recognize all of the tutors at the Summerbridge Program for making a difference. By helping young students learn, these heroes are making our community a better place to live.

LEHIGH VALLEY TUTORS

Jen Auman, Matthew Schultz, Sarah Noblitt, Kelly Cannon, Michelle Hoffman, Chris Balassano, Harry Foley, Michelle Anderson, Daniel Surria, Jessica Rappa, Maria Calafati, Natalie Paraska, Danny Pichardo, Rebecca Kross, Dave Yuan, Payal Shah, Steph Katsaros, Rich Taylor, Brian Brunner, and Kristin Vasquez.

Tami Votral, Brooke Kraus, Sunil Samtani, Michelle Williamson, Kelly Schaeffer, Albert Kelly, Brandi Gilmore, Darren McGill, Lori Wehr, John Fritzky, Steph Kilgge, Dorene Brill, Terri Ertle, Cheyenne DeMulder, Allison Sheniak, Mays Nimeh, Elizabeth Hohenstein, Jaime Silfies, Jarred Weaver, and Nicole Oertman.

Jason Erk, Suzanne Mlynarczyk, Nicky Rothdeutsch, Emily Deck, Nicky Krupa, Brandi Christine, Melissa Hummel, Claudi Reycraft, Chris Verdier, Capri Thornton, Brandi Schultz, Vanessa Boyer, Steph Ropel, Alicia Giasi, Jessica Almond, David Rodriguez, Molly Shank, and Justin Christein.

Marisol Ocasio, Shawna Hasford, Kori Newman, Mandy Burkhardt, Stacey Barron, Steve Weiss, Corrine Reph, Tabitha Hymans, Diana

Rodebaugh, Autumn Rainere, Maria Bainbridge, A.J. Bradley, Jeannot Gangwisch, Asad Nawaz, Megan Markulies, Amber Zettlemoyer, Robyn Christine, Sarah Clautier, and Sarah Eitzen.

Kari Druckenmiller, Amy Simonka, Steph Miller, Jacquin Pierce, Steve Schenk, Dana Popkave, Becky Balog, Crystal Leidy, Christine Tessier, Vanessa Vanderberg, Jodi Glenn, Jen Yamerik, and Holda Adams.

PLANTING TREES TO REDUCE GLOBAL WARMING

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. PICKERING. Mr. Speaker, I would like to request that the following be included in the Extension of Remarks. It is a op-ed written by a Mr. Chester Thigpen, a constituent of mine from Montrose, Mississippi, that appeared in the Clarion-Ledger on February 27, 1999.

Mr. Chester Thigpen has worked his entire life as a tree farmer to provide for his family—his wife and four children.

Mr. Thigpen's first day's work, in 1918, yielded him 35 cents but, today he is a successful tree farmer. He has been a tree farmer for over forty years and is living the American dream.

In his editorial, he raises some valuable points that members should bear in mind and I encourage them to read this editorial.

[From the Montrose Clarion-Ledger, Feb. 27, 1999]

PLANTING TREES MAY HELP REDUCE GLOBAL WARMING

(By Chester A. Thigpen)

I hope that I can be forgiven for feeling like a bystander in the national debate on global warming. As I try to sift through the news coming out of Washington, the problem seems to pose a high environmental as well as economic danger.

Yet something can be done about it, if President Clinton and Congress will mobilize Americans in a campaign to plant trees everywhere they will grow, especially on millions of acres of marginal farmland.

As a farmer in Mississippi, I know something about the value of trees. Stands of loblolly pine on my 650-acre farm provide shade and prevent erosion, and they soak up huge amounts of carbon dioxide.

There is plenty of reason to believe that a coordinated program to plant trees and properly manage our nation's forests is precisely the way to minimize the greenhouse warming problem, and it can be done without harming American living standards.

Climate change affects us all, yet I'm struck by how little attention is being paid to actually dealing with the problem. Yes, President Clinton has asked Congress for $105 million to conduct research into how forest can offset greenhouse gas emissions by absorbing carbon dioxide. But convincing proof of nature's role in carbon storage already exists.

Recently, a team of scientists, including experts from Columbia University and Princeton University, determined that more carbon may be stored by forests and other ecosystems in the United States than is released by industrial activities in this country. Scientists believe that one reason global temperatures have not increased as much as expected over the past half century may be that the forested portion of the Western world has grown during that time.

Because young trees take in and store carbon dioxide, they act as nature's "sink" for vast amounts of carbon. It is through photosynthesis that trees and other vegetation generate life-giving oxygen and store carbon for decades in the form of wood.

A nationally coordinated program to plant large numbers of trees and improve the health of the nation's forests could have a major impact. A study by American Forests, the nation's oldest conservation organization, estimated that such a program could offset 20 percent to 40 percent of the estimated 1.5 billion tons of carbon dioxide emitted each year in the U.S.

Why not launch a serious tree planting effort now? Anything that can be done to save forests and plant trees on millions of acres might have more effect on global warming than all the emission regulations combined.

Acre-for-acre, U.S. forests store 20 times more carbon than croplands do. Under the Federal Conservation Reserve Program, an estimated 4 million to 5 million acres of eroded land once used to grow crops have been converted to timberland. But with appropriate incentive to landowners, more than 100 million acres of marginal land considered biologically suitable for trees—an area three times the size of North Carolina—could be reforested.

Planting large numbers of trees would provide many additional benefits—erosion control, protection of drinking water sources and better habitat for wildlife. Moreover, forests provide great economic benefits in valuable wood products.

We should also plant more trees in cities and suburbs. By increasing the amount of shade in residential areas, trees and shrubs reduce the need for air conditioning while storing carbon from automobile exhausts and other fossil-fuel combustion. More trees mean cleaner air, and they provide green space for recreation.

THE FORTIETH ANNIVERSARY OF THE TIBETAN UPRISING AGAINST CHINESE SUBJUGATION—TIBETAN NATIONAL DAY 1999

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. LANTOS. Mr. Speaker, today the international human rights community commemorates the fortieth anniversary of the uprising of the Tibetan people against Communist Chinese oppression. On March 10, 1959, the people of this sparsely populated mountain region rose up against a despotic regime intent on destroying its liberty, its culture, and its ancient religious heritage. Inspired by the leadership and courage of His Holiness the Dalai Lama, the Tibetan people stood up and repulsed Chinese efforts to deny them their individuality and their rights. We celebrate Tibetan National Day to pay tribute to their brave crusade.

The uprising of March 10, 1959, was crushed by China's immense military might. The Beijing authorities promptly instituted martial law and used armed soldiers in their brutal effort to suppress the Tibetan people. The Dalai Lama was forced to flee to India in order to preserve his own life, and some 120,000 Tibetans joined him in exile. The government of India has graciously permitted the Tibetan people and His Holiness to remain in India.

Chinese guns and tanks, however, could not destroy the indomitable spirit of the Tibetan people. Guided by the moral strength of the Dalai Lama, who was awarded the Nobel Peace Prize in 1989 for his peaceful effort to resolve the conflict over Tibet, knowledge of the tragedy of the Tibetan people has spread from the Himalayan foothills to the consciousness of the international community.

China's heavy-handed brutality continues to this day. Buddhist monks and nuns as well as others who value and seek to preserve Tibet's unique cultural and historical heritage have suffered imprisonment, torture, and constant abuse at the hands of Beijing authorities. All signs of Tibet's pre-1959 existence, from its religion to its architecture to its music, have been targets for Chinese officials seeking systematically to destroy every vestige of Tibet's identity.

Mr. Speaker, our American democratic and pluralistic heritage and our principled views on religious tolerance and cultural diversity mandate that we stand firmly against these outrageous crime against international law and human decency.

The Chinese Government has marked the 40th Tibetan National Day by continuing its decades-long strategy of spewing deceitful propaganda about the Dalai Lama and his followers. the chairman of the so-called "People's Congress of Tibet" declared that the Dalai Lama "is the chief representative of the feudal serf system," and that "under his rule, the Tibetan people were reduced to animal status." The overseas edition of the official People's Daily accused the Dalai Lama of attempting "to stir up riots and terrorist activities."

In stark contrast with these Chinese absurdities, the Dalai Lama has expressed a genuine desire to achieve a just and fair resolution of the Tibetan issue. His Five Point Peace Plan—one of the principal reasons for which he received the Nobel Peace Prize—reflects a thoughtful and reasoned position in his quest for a peaceful settlement. As his Holiness stated ten years ago in his Nobel acceptance speech in Oslo, his sole desire is that his homeland to become "a sanctuary of peace and non-violence where human beings and nature can live in peace and harmony." The Dalai Lama is not asking too much.

I invite my colleagues, Mr. Speaker, to join me in urging Chinese authorities to take a more reasonable and more forthcoming position in dealing with representatives of His Holiness. It is time to make a serious effort to bring peace, justice, and religious freedom to the Tibetan people so that the Tibetans have the opportunity to preserve and perpetuate their unique culture.

Mr. Speaker, this 40th anniversary is a sorrowful event, an occasion that we mark in sadness and regret. But we also mark this event with rejoicing that, despite four decades of brutal repression, the people of Tibetan continue their struggle. The Chinese have not

succeeded. Growing legions of friends of Tibet around the world join them in their fight. This anniversary reminds us that the struggle will be long, but it also reminds us that ultimately it will be successful.

NURSING HOME RESIDENT PROTECTION AMENDMENTS OF 1999

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. BACHUS. Mr. Speaker, I rise in strong support of H.R. 540, the Nursing Home Resident Protection Amendments. This much needed legislation will protect nursing home residents from being unfairly evicted just because they are on Medicaid. I commend my colleagues from Florida, Mr. DAVIS and Mr. BILIRAKIS, for introducing this measure and I am very proud to support it.

Mr. Speaker, this bill prohibits nursing homes that decide to withdraw from the Medicaid program from evicting current residents already admitted under the Medicaid program.

Nursing home residents should not have to live in fear of eviction simply because they must depend on Medicaid for help in paying their nursing home bills. After we pass this bill and get it signed into law, families can be confident their elderly loved ones won't be evicted because of economic factors.

This is a problem in the United States today. One nursing home in Florida tried to evict Medicaid residents and replace them with higher-paying, privately insured residents last year. After a relative of one of the residents of that Florida nursing home brought suit, a federal judge issued an injunction and the residents were allowed to remain in the nursing home. The Wall Street Journal reported last year that similar evictions were attempted at thirteen homes in nine states. We cannot allow this to happen.

Under the Nursing Home Resident Protection Amendments, a nursing home that decides to withdraw from Medicaid must provide notice to future residents that it no longer participates in the program and won't accept Medicaid payments. Existing residents, however, are protected.

Mr. Speaker, all of us want to do something to help our senior citizens. We talk about that every day in Congress, sometimes in terms of saving Social Security, sometimes in terms of strengthening Medicare. But today, we can do more than just talk about helping our seniors. Today, we can actually do something to help millions of our senior citizens who face the real threat of being unfairly evicted from their nursing homes. Let's pass H.R. 540. Let's help our senior citizens. Let's protect them from these unfair evictions.

TRIBUTE TO THE HONORABLE ANTONIO CRUZ CRUZ

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. UNDERWOOD. Mr. Speaker, on Friday, January 29, 1999, the island of Guam lost one of its most prominent legislators. The Honorable Antonio Cruz Cruz passed away at the age of 86.

A member of the House of Assembly during the days of the Guam Congress and an eight-term member of the Guam Legislature, the late Senator Cruz was one of the most honored and active members of the Democratic Party on Guam. Better known as "Ton Gaga," he was born in the city of Hagåtña on May 21, 1912—the son of Maria Perez Cruz and Vicente Iglesias Franquez.

He attended the Guam Public High School and later worked as a clerk messenger for the Naval Government's Department of Public Works and the Bank of Guam in the late 1920's and early 1930's. After holding on the position of bookkeeper at the Bank of Guam for several years in the 1930's, he gained employment with the government serving in administrative capacities for a Refugee Camp in the mid-1940's, the Land Claims Commission, the Alcoholic Beverage Control Board, and the Federal Housing Administration.

Prior to being elected to the Guam Legislature, Senator Cruz served as a member of the pre-Organic Act Guam Congress and House of Assembly, serving from 1946 to 1950. He was elected to the Guam Legislature serving in the First through the Sixth legislatures. At the conclusion of the First Session of the Sixth Legislature, Senator Cruz opted to resign in order to fill the post of chief of the Department of Labor and Personnel's Retirement Division. Later that year, he was named assistant Director of the Guam Housing and Urban Renewal Authority. He also served in the Ninth and Tenth Legislatures.

In the eight terms that he served in the Legislature, the late senator introduced and cosponsored numerous bills focused on the issues of education. He was instrumental in establishing a student loan program, developing the Government of Guam retirement system, enhancing personnel benefits for government employees, and funding a number of community projects.

Taking time off his official duties, the former senator always made it a point to be an active member in the village of Barrigada. He served as Secretary for the Barrigada Democratic Party of Guam Precinct. In addition, he also served as Vice-President and Treasurer of the Holy Name Society at San Vicente Catholic Church.

The legacy he leaves behind includes over three decades of government service, of which twenty years were spent as Assemblyman and senator. I join his widow, the former Mercedes Garrido Camacho, and their children Julia, Joseph, David, John, Frank, and Edward in celebrating his accomplishment and mourning the loss of a dutiful husband, a loving father and fellow legislator. Adios Senator Cruz.

CHARTER DAY CLOSING AT THE COLLEGE OF WILLIAM AND MARY

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. BATEMAN. Mr. Speaker, I rise today to share with you a speech I recently heard at my alma mater, the College of William and Mary. It was delivered by the President of the College, Timothy J. Sullivan, at the college's Charter Day ceremonies on February 6, 1999 in Williamsburg, Virginia. Charter Day, which is held annually, commemorates the anniversary of the granting of the royal charter by King William III and Queen Mary II for the establishment of the college in 1693.

CHARTER DAY CLOSING

(President Timothy J. Sullivan, February 6, 1999)

"I tremble for my country when I reflect that God is just." So wrote Thomas Jefferson—about slavery—the great stain on our national story. Might we not today—for different reasons—borrow Jefferson's words. Should not we "tremble for our country when we consider that God is just?"

Our President has broken a bond of precious trust. He has degraded the great office that was our gift to him. He has embarrassed his country. And if that were all, it would be tragedy enough.

But this is not a one-man show. The full dimensions of this sad tale verge on the operatic—with principal players—secondary figures—extras by the hundreds—and multiple story-lines.

And no matter how many times the tenor gets stabbed, he'll sing loud enough to reach the cheap seats.

It is as sickening as it is astounding—an American epic that most wish would just go away.

But it will not. Nor should we delude ourselves that closure beckons with the end of the impeachment process. It may take a long time to fully measure what this means for our Republic or to discover what we have done to ourselves.

For in the end, it is to ourselves that we must turn. Leaders do not spring from the ground in full flower. We grow them, water them, allow them to bloom—we the people—we bear the ultimate responsibility for the Republic. Whatever it becomes says much about what we have become. So—yes—the impeachment debacle is cause for pain. But what really worries me—what causes me to "tremble for my country"—is the almost certain accelerating effect that this sorry spectacle will have upon an already cynical popular view of politics, of politicians and of the making of public policy.

For at least a generation we have borne the burden of politicians—some in office—some merely hungry for office—who have based their campaigns—indeed their careers on the crackpot notion that *our* government—the *American government*—is the mortal enemy—of our liberty—of our honor—of our legitimate aspirations.

It is one thing—and a right thing—to argue about the cost of government—about its scope—about its competence. These are legitimate—these are vital issues. It is quite another to suggest that by its very nature our freely elected government is evil. That idea—in our America—is historically inaccurate—constitutionally unimaginable—and profoundly dangerous.

Dangerous because the growth of such a distorted notion was first a cause—and later a justification—for the damaging flight of so many from the vital duties of active citizenship.

There are other forces which have degraded our public life and fueled public cynicism about our elected leaders. Perhaps the most potent of these is a stunning popular ignorance about our constitutional system and the defining events in our national history. In a 1996 Washington Post national poll, only 24% of those surveyed could name their United States Senators, just 26% knew the length of a United States Senator's term, and 6% could identify the Chief Justice of the United States.

We have all read the full results of these surveys. They need no further repetition.

But here is the terrible truth. Our founders created a government that will survive as a guardian of liberty only with the active support of citizens who are both engaged and informed. Those honored with the power to govern must be accountable to voters who care about the vitality of our public institutions—and who understand what is required to preserve that vitality.

Last November, 36% of eligible voters participated in congressional elections. In 1996, barely 49% of our fellow citizens voted in the presidential elections. These are signs of sickness—not of health—these are clear warning signs that the foundation upon which our representative government depends is weakening and growing weaker.

A public culture crippled by apathy and infected by ignorance spawns other enemies of freedom. As more and more reject the idea of active citizenship, many who remain engaged embrace intensely focused but narrow views. These activists are passionate about a single issue and indifferent to all others. They are one-cause citizens, and they see the complexities of our time through the distorting prism of a glass that makes balance impossible and context irrelevant. Name the subject—you will find a ''one-cause caucus'' eager to impose what are inevitably minority views upon an indifferent—and thus unrepresented—majority.

We have—to take one example—seen the rise of preacher-politicians or politician-preachers who seem convinced that God is a politician with views just like their own. Does God really have a firm opinion about the right number of rest stops on interstate highways? I hope He doesn't. In the American system, you cannot make a religion of politics and you should not make religion political. But we are in danger of doing both.

Our founders took measured—determined steps to insure that our country would never be *constitutionally* a Christian nation—that we would never be a nation with a state religion of any kind. But they took equally measured—determined steps to guarantee that the private right to worship would be meticulously protected. Understanding that critical constitutional difference demands a thoughtful and engaged electorate. That so many of our fellow citizens manifestly do not understand is yet another of the dangers we confront.

The rising tide of constitutional and historical ignorance is exacerbated by the popular media's increasing abdication of its responsibility. The columnist, Russell Baker, has written about

''Our dependence on entertainments that are almost ritualistic in their repetitious shootings, capers, chases, carnal congresses and witless humor—thought is almost entirely absent from these entertainments. Their producers clearly assume that there is no audience for thought.''

And thought is not the only thing absent. Also nearly invisible is any serious attention to important matters of public policy. The capers—congresses—and chases—are dominant almost to the point of exclusion.

Mine is a somber message. Many—even those who share some of these concerns—will argue that I have missed the larger point—the larger point being that America has never been richer—safer—or more content. We do enjoy unprecedented prosperity. As journalist Greg Easterbrook reminds us, ''Even home runs are at an all-time high.''

To those who argue that proposition—and I respect them—I reply that you have missed an even larger point. Economic progress, social stability, the true happiness of our people—none can be long sustained if our public life is impoverished by citizen neglect—if our constitutional system is left to the mercy of accidental leaders unaccountable to an informed electorate. Political liberty—economic freedom both depend upon citizens who understand and who care and who are passionate about the discharge of their duties as free men and women. Upon this proposition our founders staked their ''lives, their fortunes and their sacred honor.'' What was true for them—remains true for us.

The citizen leaders who imagined and created our government were not afraid to remind us of its demands. As the delegates to the Constitutional Convention left Independence Hall for the last time, the crowd that met them was anxious and concerned. One in that gathering shouted out above the din, ''What have you given us?'' To that question, Benjamin Franklin replied,—''a republic—if you can keep it.'' A republic—if you can keep it.

And throughout our history, our greatest leaders have been those who knew that government's purpose is far more than to preserve public ease—it is also to promote public service. And so these leaders—true leaders—were not afraid to remind us of our public obligation. More than 60 years ago, in the midst of the great depression—in the shadow of the Second World War, Franklin Roosevelt spoke words that still stir—and still shine:

''There is a mysterious cycle in human events. To some generations much is given. Of other generations much is expected. This generation of Americans has a rendezvous with destiny.''

To my generation and the one which follows, much has been given. But not much has been expected. We turn now to face *our* destiny—a destiny I believe that will depend upon whether—we have the will—the intelligence—the civic soul—to place safely into later hands the glorious republic it has been our honor to inherit.

Of our destiny, what would we have history say?

IN HONOR OF POLICE CHIEF WILLIAM J. HARRIS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor Police Chief William J. Harris of Manhattan, Illinois as he retires from the Village of Manhattan's police department which he served for over 30 years.

Chief Harris was born on December 15th, 1938 in Joliet, Illinois where he resided until he and his family moved to Manhattan in 1945. Following his high school years, William Harris served our country in the United States Air Force's Security Division from 1956 through 1960. On October 20, 1962 Mr. Harris joined Ms. Mary Jane Buitenwerf in a marriage that has produced three sons; David, Daniel, and Michael. Bill and Mary Jane have lived their entire married life in Manhattan.

While working for the Caterpillar Tractor Company in Joliet, Mr. Harris began his tremendous record of public service while working as a part time Manhattan police officer in 1965. Nearly four years later, Mr. Harris took over the position as acting police chief on June 1, 1969. Only six months later, on January 1, 1970, William Harris was hired as Manhattan's full time police chief where he has served to present day.

In addition to his dedication to keep Manhattan a peaceful community, Mr. Harris was a member of the Manhattan Volunteer Fire Department for several years. He still enjoys active memberships with both the Will County Police Chief Association and the Illinois Association of Chiefs of Police.

Mr. Speaker, I believe it is fitting and appropriate to honor the lifetime of service Mr. Harris has given to his community. Undoubtedly, there are many families in Will County who are thankful each day for the service Bill Harris has done for Manhattan. The Village of Manhattan is a quiet and safe community, and its residents can point to Chief Harris' good work as the reason for this.

I wish Chief Harris, his wife Mary Jane, and their children and grandchildren all the best life can offer in the coming years.

PERSONAL EXPLANATION

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. HOSTETTLER. Mr. Speaker, on rollcall Vote No. 35, I was unavoidably detained in my congressional district due to weather constraints. Had I been present, I would have voted "yea" on this vote to pass H.R. 540.

TRIBUTE TO WTOP RADIO ON ITS 30TH ANNIVERSARY

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. HASTERT. Mr. Speaker, I submit the following statement about WTOP Radio to the CONGRESSIONAL RECORD:

It is with great pleasure that I note that today is the 30th anniversary of WTOP Radio in Washington, D.C. This organization plays a vital part in our city by being a prime source of information on major news events. Over the past 30 years, WTOP has offered extensive, up-to-the-minute coverage of all the important happenings in the nation's capital and around the world.

On this occasion of WTOP's 30th anniversary, it is with great honor that I wish the entire organization a hearty congratulations on its many accomplishments. From detailing the weather to helping our children know how to dress for school each morning to providing the latest sports scores, WTOP has provided comprehensive reporting.

Through my personal experience of being interviewed by WTOP's congressional correspondent Dave McConnell, I know that WTOP—and Dave—always provide fair, balanced and accurate reporting. It's always been a pleasure to work with Dave and WTOP.

To all the hard-working staffers of WTOP, I offer my sincere congratulations. I look forward to hearing news from you for the next 30 years!

TRIBUTE TO JERRY REGAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. PALLONE. Mr. Speaker, on Tuesday, March 9, 1999, the Jersey Shore area lost one of its leading citizens with the passing of Jeremiah F. Regan of Oceanport, NJ. Jerry Regan was one of those individuals who could find time for a seemingly endless list of professional, community, political and religious activities, and yet still devote himself to his family and friends. His contributions will continue to be felt across the community, particularly by our young people to whom he devoted so much time and heartfelt concern.

Mr. Speaker, Jerry Regan's influence was felt throughout New Jersey, as well as here in our nation's capital. Jerry served as campaign director and comptroller for the late Rep. James J. Howard, a Member of this body for nearly a quarter of a century. He had a longstanding involvement in education issues, including his service as New Jersey delegate to the National School Boards Association and represented school boards in New Jersey's Sixth Congressional District on the Federal Relations Network, a public school advocacy effort. He was a member of the Oceanport Board of Education, and adjunct professor at Monmouth College, and an active leader in the Monmouth County and New Jersey school boards associations. He was President of the Executive Board of the New Jersey School Boards Association from 1988 to 1990, and held other senior posts with the Association.

An Army veteran of World War II, Jerry had a long and highly decorated career at Fort Monmouth. He was promoted to the highest civilian level in the Department of Defense. He also served with me and several of my Congressional colleagues past and present on the Save Our Fort Committee.

Jerry also served on the Diocesan Education Advisory Council of the Diocese of Trenton. He was a communicant of St. Michael's Roman Catholic Church in Long Branch, NJ, and was active in the St. Vincent DePaul Society. He was a Scoutmaster for Boy Scout Troop 58 in Oceanport for 12 years. Jerry was also a member of the Oceanport Senior Citizens and the Oceanport Division of the Veterans of Foreign Wars, and he served on the Public Employees Relations Commission.

Born in Skibbereen in County Cork, Ireland, Jerry came to the U.S. in 1932. He became an American citizen while serving in Germany with the Army. Throughout his life, Jerry maintained a strong devotion to both America and Ireland.

My heart goes out to Jerry's wife Marilyn (Pinky) Regan, who has for many years done an absolutely superb job in my campaign office. I also extend my heartfelt condolences to their two sons and three daughters, six grandchildren and other relatives on both sides of the Atlantic.

Mr. Speaker, even if I didn't know Jerry Regan personally, I would be proud to pay tribute to such an outstanding citizen. But, besides working with him on public policy matters, I was proud to call Jerry a friend. His passing leaves a big void in all of our lives, but the memory of his hard work, his generous spirit and his wonderful sense of humor will continue to be an inspiration for me and everyone lucky enough to know Jerry Regan.

A TRIBUTE TO ROBERT OZUNA

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. DREIER. Mr. Speaker, today I rise to honor Robert Ozuna, a businessman, philanthropist, and friend, who truly lived the American dream. The son of Mexican-American parents, Mr. Ozuna was a self-made success story. He worked his way through school, and started New Bedford Panoramex, a firm that has become an important regional employer and leading supplier of advanced electronics equipment to the FAA and other agencies. Through his career Mr. Ozuna came to be respected by many as a leading entrepreneur, and a supporter of charitable causes through Southern California. Mr. Ozuna's passing on Saturday is a major loss to the community, and he will be missed.

Robert Ozuna was born in Miami, Arizona, the oldest of four children, and he lost his father when he was only about ten years old. After his father's death, Mr. Ozuna's family moved to East Los Angeles, where he began working to help support his mother, brother, and two sisters. Through his years on the job he acquired important business experience, and he both supported himself and paid for his education in electrical engineering.

In 1966 Mr. Ozuna founded New Bedford Panoramex. Under his leadership as CEO for the last 33 years, NBP has grown into a thriving electronics-manufacturing business, a leader in the development and manufacture of electronic communications systems and remote monitoring systems. For his work Mr. Ozuna earned the Air Traffic Control Association Chairman's Citation of Merit Award, and was twice honored with the Department of Transportation's Minority Business Enterprise Award.

Over the years Mr. Ozuna ensured that his community benefitted from his success. He sponsored many philanthropic activities, and was a founding director in the East Los Angeles Sheriff's Youth Athletic Association.

Mr. Speaker, Mr. Ozuna will be missed. I want to take this opportunity to extend my heartfelt condolences to his mother Amelia Ozuna, his sons Steve Ozuna and Jeff Dominelli, his daughters Nancy DeSilva and Lisa Jarrett, his sisters Lillian Gomez and Vera Venegas, his brother Tony Ozuna, and his eight grandchildren.

UPLAND ENTREPRENEUR OZUNA DIES AT 69

(By Joan Kite)

UPLAND.—Robert L. Ozuna, a Mexican-American entrepreneur who turned a garage-based electronics manufacturing business into one of the largest companies in Upland, selling instrument landing systems to the American government, died Saturday. He was 69.

Mr. Ozuna, president and CEO of New Bedford Panoramex Corp., died of cancer at Queen of the Valley Hospital in West Covina, months after his wife died of leukemia, said Mr. Ozuna's daughter-in-law, Gina Ozuna.

''He was a real fighter. He was only given two months to live, but he lasted six months,'' Gina Ozuna said. ''He worked up until the day before he went into the hospital.''

That was two weeks ago.

Mr. Ozuna was born to Mexican-American parents in Miami, Ariz.

In 1940, his father died of cancer, and Mr. Ozuna assumed much of the responsibility for his brother and two sisters while his mother worked.

Taking out a second mortgage on his Whittier home, Mr. Ozuna used that money to start his business in 1966. He built that business up and attended community college to learn about electronics engineering.

The business took off. Mr. Ozuna's most important customer was the American government. He flew back and forth from Washington, D.C., hobnobbing with politicians.

At the peak of the company's growth, Mr. Ozuna had about 500 employees working for him at 1037 W. Ninth St.

Mr. Ozuna was married twice. His first wife, Yolanda, died of cancer when Mr. Ozuna's son, Steve, was 8.

Gina Ozuna's husband, Steve, will now take over New Bedford Panoramex Corp.

A humanitarian as well, Mr. Ozuna founded the East Los Angeles Sheriff's Youth Athletic Association, which promotes healthy living and smart choices for about 60,000 young people.

Mr. Ozuna is survived by his mother, Amelia Ozuna; sons Steven Ozuna and Jeff Dominelli; daughters Nancy DeSilva and Lisa Jarrett; sisters Lillian Gomez and Vera Venegas; brother Tony Ozuna; and eight grandchildren.

A memorial service will be noon Friday at St. Gregory's Church, 13935 E. Telegraph Road, Whittier. Interment will follow at Queen of Heaven Cemetery in Rowland heights.

The family requests donations to Make a Wish Foundation, Rancho de Los Niños Orphanage and City of Hope.

NURSING HOME PROTECTION AMENDMENTS OF 1999

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1999

Mr. STUPAK. Mr. Speaker, I rise today in support of H.R. 540, The Nursing Home Resident Protection Amendments. I am an original co-sponsor of this legislation and want to thank Chairman BILIRAKIS and Chairman BLILEY for their support of this measure. In addition, I want to thank Mr. DAVIS of Florida for his hard work as well as the Democratic Ranking Members Mr. DINGELL and Mr. BROWN.

Mr. Speaker, for senior citizens a nursing home is a home. Our Nation's elderly or disabled should not have to worry that they will be evicted from their nursing homes, merely because they are on Medicaid.

This bill will prevent incidents, like the one in Florida, where a nursing home lied to the residents and their families about undertaking renovations as a pretext for evicting their Medicaid residents.

Some of my colleagues have voiced concerns during the markup in committee that since we repealed the Boren amendment, States could readjust their payments to pay nursing homes less than the cost of service. I would be very concerned if this would occur, because the Governors lobbied Congress to repeal the Boren amendment, based on a promise they would not lower rates below reasonable payments. However, I agree with my colleagues that we need to be vigilant in watching whether States lower their Medicaid payments to unreasonable levels and believe we should take action if that occurs. I urge my colleagues to vote for this bill.

PERSONAL EXPLANATION

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1999

Mr. HOSTETTLER. Mr. Speaker, on rollcall vote No. 34, I was unavoidably detained in my congressional district due to weather constraints. Had I been present, I would have voted "yea" on this Journal vote.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 11, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 12

9 a.m.
Judiciary
To hold hearings on President's proposed budget request for fiscal year 2000 for the Department of Justice.
SD–226

MARCH 16

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine education programs for the disadvantaged.
SD–430

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on the Environmental Protection Agency's Risk Management Plan Program of the Clean Air Act.
SD–406

10 a.m.
Small Business
To hold hearings on the President's proposed budget request for fiscal year 2000 for the Small Business Administration.
SR–428A

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee To resume oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD–366

MARCH 17

9 a.m.
Environment and Public Works
Business meeting to consider pending calendar business.
SD–406

9:30 a.m.
Indian Affairs
To hold hearings on S.400, to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance.
SR–485

Health, Education, Labor, and Pensions
Business meeting to markup S.326, to improve the access and choice of patients to quality, affordable health care, and to consider pending nominations.
SD–430

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

Governmental Affairs
To resume hearings on the future of the Independent Counsel Act.
SH–216

Energy and Natural Resources
Foreign Relations
To hold joint hearings on proposals to expand Iraqi oil for food.
SD–419

10:30 a.m.
Environment and Public Works
To hold hearings on loss of open space and environmental quality.
SD–406

MARCH 18

Time to be announced
Finance To resume hearings to examine spending trends in the Medicare program, the impact on those trends of Medicare savings in the Balanced Budget Act of 1997, and the President's proposed budget request for fiscal year 2000 for Medicare, including the fifteen-percent surplus funding proposal.
SD–215

9:30 a.m.
Environment and Public Works
To resume hearings on loss of open space and environmental quality.
SD–406

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the readiness of the United States Air Force and Army operating forces.
SH–216

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

MARCH 22

1 p.m.
Aging
To hold hearings to examine the quality of care in nursing homes.
SH–216

MARCH 23

9 a.m.
Aging
To hold hearings on a proposal to support family care givers.
SD–106

MARCH 24

9:30 a.m.
Indian Affairs
To hold hearings on S.399, to amend the Indian Gaming Regulatory Act.
SR–485

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on active and reserve military and civilian personnel programs and the future years defense program.
SR–222

APRIL 14

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the published scandals plaguing the Olympics.

SR–253

Indian Affairs

To hold oversight hearings on the implementation of welfare reform for Indians.

SR–485

APRIL 21

9:30 a.m.

Indian Affairs

To hold oversight hearings on Bureau of Indian Affairs capacity and mission.

SR–485

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building