

11081. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 98-NM-167-AD; Amendment 39-10734; AD 98-18-18] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11082. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G-V Series Airplanes [Docket No. 98-NM-230-AD; Amendment 39-10731; AD 98-18-15] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11083. A letter from the the Kenneth W. Starr, the Office of the Independent Counsel, transmitting appendices to the Referral to the United States House of Representatives pursuant to title 28, United States Code, section 595(c) submitted by the Office of the Independent Counsel, September 9, 1998; (H. Doc. No. 105-311); to the Committee on the Judiciary and ordered to be printed.

92.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 128. Joint resolution making continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2281. An Act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

H.R. 3874. An Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2281) "An Act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. THURMOND, and Mr. LEAHY, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3874) "An Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints

Mr. LUGAR, Mr. COCHRAN, Mr. MCCONNELL, Mr. HARKIN, and Mr. LEAHY, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1770. An Act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 1998. An Act to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

S. 2193. An Act to implement the provisions of the Trademark Law Treaty.

S. Con. Res. 103. Concurrent resolution expressing the sense of the Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet.

92.5 DOLLARS TO THE CLASSROOM

The SPEAKER pro tempore, Mr. CHAMBLISS, pursuant to House Resolution 543 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3248) to provide dollars to the classroom.

The SPEAKER pro tempore, Mr. CHAMBLISS, by unanimous consent, designated Mrs. EMERSON as Chairman of the Committee of the Whole; and after some time spent therein,

92.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. MINK:

Page 17, strike lines 11 through 13.
It was decided in the { Yeas 200
negative } Nays 207

92.7 [Roll No. 450]
AYES—200

- Abercrombie Danner Hamilton
Ackerman Davis (FL) Harman
Allen Davis (IL) Hastings (FL)
Andrews Davis (VA) Hefner
Baesler DeGette Hinchey
Baldacci Delahunt Hinojosa
Barcia DeLauro Holden
Barrett (WI) Deutsch Hooley
Becerra Dicks Hoyer
Bentsen Dingell Jackson (IL)
Berman Dixon Jackson-Lee
Berry Doggett (TX)
Bishop Dooley Jefferson
Blumenauer Doyle John
Bonior Edwards Johnson (WI)
Borski Engel Johnson, E. B.
Boswell Eshoo Kanjorski
Boucher Etheridge Kennedy (MA)
Boyd Evans Kennedy (RI)
Brady (PA) Farr Kildee
Brown (CA) Fattah Kilpatrick
Brown (FL) Fazio Kind (WI)
Brown (OH) Filner Kleczka
Cannon Ford Klink
Capps Fox Kucinich
Cardin Frank (MA) LaFalce
Carson Frost Lampson
Clayton Furse Lantos
Clement Gejdenson Lee
Clyburn Gephardt Levin
Condit Goode Lewis (GA)
Conyers Gordon Lipinski
Costello Green Lofgren
Coyne Gutierrez Lowey
Cramer Hall (OH) Luther
Cummings Hall (TX) Maloney (CT)

- Maloney (NY) Pallone Snyder
Markey Pascrell Spratt
Martinez Pastor Stabenow
Mascara Payne Stark
Matsui Pelosi Stenholm
McCarthy (MO) Peterson (MN) Strickland
McCarthy (NY) Pickett Stupak
McDermott Pomeroy Tanner
McGovern Price (NC) Tauscher
McHale Rahall Taylor (MS)
McIntyre Ramstad Thompson
McKinney Rangel Thurman
McNulty Reyes Tierney
Meehan Rivers Towns
Meeks (NY) Rodriguez Trafficant
Menendez Roemer Turner
Millender Rothman Velazquez
McDonald Roybal-Allard Vento
Minge Rush Visclosky
Mink Sabo Waters
Moakley Sanders Watt (NC)
Mollohan Sandlin Waxman
Moran (VA) Sawyer Wexler
Morella Scott Weygand
Murtha Serrano Whitfield
Nadler Sherman Wise
Neal Sisisky Woolsey
Oberstar Skaggs Wynn
Obey Skelton Yates
Olver Slaughter Young (AK)
Ortiz Smith (NJ)
Owens Smith, Adam

NOES—207

- Aderholt Frelinghuysen Myrick
Archer Gallegly Nethercutt
Armey Ganske Neumann
Bachus Gekas Ney
Baker Gibbons Northup
Ballenger Gilchrest Norwood
Barr Gillmor Nussle
Barrett (NE) Gilman Oxley
Bartlett Gingrich Packard
Barton Goodlatte Pappas
Bass Goodling Paul
Bateman Graham Paxon
Bereuter Granger Peterson (PA)
Bilbray Greenwood Petri
Bilirakis Gutknecht Pickering
Bliley Hansen Pitts
Blunt Hastert Pombo
Boehlert Hastings (WA) Porter
Boehner Hayworth Portman
Bonilla Hefley Quinn
Bono Herger Radanovich
Brady (TX) Hill Redmond
Bryant Hilleary Regula
Bunning Hobson Riley
Burr Hoekstra Rogan
Buyer Horn Rogers
Callahan Hostettler Rohrabacher
Calvert Houghton Ros-Lehtinen
Camp Hulshof Roukema
Campbell Hunter Royce
Canady Hyde Ryun
Castle Inglis Salmon
Chabot Istook Sanford
Chambliss Jenkins Saxton
Chenoweth Johnson (CT) Scarborough
Christensen Johnson, Sam Schaefer, Dan
Coble Jones Schaffer, Bob
Coburn Kasich Sensenbrenner
Collins Kelly Sessions
Combest Kim Shadegg
Cook King (NY) Shaw
Cooksey Kingston Shays
Crane Klug Shimkus
Crapo Knollenberg Shuster
Cubin Kolbe Skeen
Cunningham LaHood Smith (MI)
Deal Largent Smith (OR)
DeLay Latham Smith (TX)
Diaz-Balart LaTourette Smith, Linda
Dickey Lazio Snowbarger
Doolittle Leach Solomon
Dreier Lewis (CA) Souder
Duncan Lewis (KY) Spence
Dunn Linder Stearns
Ehlers Livingston Stump
Ehrlich LoBiondo Sununu
Emerson Lucas Talent
English Manzullo Tauzin
Ensign McCrery Taylor (NC)
Everett McHugh Thomas
Ewing McInnis Thornberry
Foley McIntosh Thune
Forbes McKeon Tiahrt
Fossella Metcalf Upton
Fowler Miller (FL) Walsh
Franks (NJ) Moran (KS) Wamp

Watkins	Weller	Wilson
Weldon (FL)	White	Wolf
Weldon (PA)	Wicker	Young (FL)

NOT VOTING—28

Blagojevich	Kaptur	Poshard
Burton	Kennelly	Psyche (OH)
Clay	Manton	Riggs
Cox	McCollum	Sanchez
DeFazio	McDade	Schumer
Fawell	MEEK (FL)	Stokes
Gonzalez	Mica	Torres
Goss	Miller (CA)	Watts (OK)
Hilliard	Parker	
Hutchinson	Pease	

So the amendment was not agreed to.

¶92.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. MARTINEZ:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND FINDINGS.

(a) **SHORT TITLE.**—This Act may be cited as the “Class-Size Reduction and Teacher Quality Act of 1998”.

(b) **FINDINGS.**—The Congress finds the following:

(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 three-quarters 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, and 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 well-prepared teachers are hired and appropriately assigned to fill additional classroom positions and if 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 one through three, and by helping to ensure that the new teachers brought into the classroom are well prepared.

SEC. 2. PURPOSE.

The purpose of this Act is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a seven-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. 3. PROGRAM FUNDING.

For the purpose of carrying out this Act, there are authorized to be appropriated \$1,100,000,000 for fiscal year 1999, \$1,300,000,000 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 each of the fiscal years 2005 through 2008.

SEC. 4. ALLOCATIONS TO STATES.

(a) **RESERVATION FOR EVALUATION.**—From the amount appropriated pursuant to section 3 for each fiscal year, the Secretary may reserve up to \$2 million to carry out the evaluation described in section 13.

(b) **RESERVATION FOR THE OUTLYING AREAS AND THE BUREAU OF INDIAN AFFAIRS.**—Of the amount appropriated pursuant to section 3 for each fiscal year and remaining after any reservation under subsection (a), the Secretary shall reserve a total of not more than 1 percent to make payments, on the basis of their respective needs, to—

(1) American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands for activities, approved by the Secretary, consistent with this Act; and

(2) the Secretary of the Interior for activities, approved by the Secretary, consistent with this Act in schools operated or supported by the Bureau of Indian Affairs.

(c) **ALLOCATIONS TO STATES.**—(1) After reserving funds under subsections (a) and (b), the Secretary shall allocate to each State an amount that bears the same relationship to the remaining amount as the amount of funding the State received under section 1122 of the Elementary and Secondary Education Act of 1965 for the previous fiscal year bore to the total amount available for allocation under that section.

(2) If any State chooses not to participate in the program under this Act, or fails to submit an approvable application, the Secretary shall reallocate its allocation to the remaining States, in accordance with paragraph (1).

SEC. 5. APPLICATIONS.

(a) **APPLICATION REQUIRED.**—The State educational agency of each State desiring to receive a grant under this Act shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(b) **CONTENTS.**—Each application shall include—

(1) the State’s goals for using funds under this Act to reduce average class sizes in regular classrooms in grades 1 through 3, including—

(A) a description of current regular classroom class sizes in the local educational agencies of the State;

(B) a description of the State’s plan for using funds under this Act to reduce the average class size in regular classrooms in those grades; and

(C) the regular classroom class-size goals the State intends to reach and a justification for those goals;

(2) a description of the State educational agency’s plan for allocating program funds within the State, including—

(A) an estimate of the impact of those allocations on class sizes in the individual local educational agencies of the State;

(B) an assurance that the State educational agency will make this plan public within the State; and

(C) a description of the current and projected capacity of the State’s school facilities to accommodate reduced class sizes;

(3) a description of the State educational agency’s strategy for improving teacher quality in grades 1 through 3 within the State (which may be part of a broader strategy to improve teacher quality generally), including—

(A) the actions it will take to ensure the availability, within the State, of a pool of well-prepared, certified teachers to fill the positions created with funds under this Act; and

(B) a description of how the State educational agency and the local educational agencies in the State will ensure that—

(i) individuals hired for positions created with program funds (which may include individuals who have pursued “alternative routes” to certification) will meet all of the State’s current requirements for full certification, or will be making satisfactory progress toward achieving full certification within three years;

(ii) teachers in first through third grade will be prepared to teach reading effectively to all children, including those with special needs, and will take part in continuing professional development in effective reading instruction and in teaching effectively in small classes; and

(iii) individuals hired as beginning teachers in first through third grade will be required to pass a teacher competency test selected by the State;

(4) a description of how the State will use other funds, including other Federal funds, to improve teacher quality and reading achievement within the State;

(5) a description of how the State will hold local educational agencies that use a significant portion of their allocations under section 8(a)(2)(B) accountable for that use of funds;

(6) an assurance that the local educational agency and its schools will comply with the requirements of subsections (a) and (b) of section 11; and

(7) an assurance that the State educational agency will submit such reports and information as the Secretary may reasonably require.

(c) **APPROVAL OF APPLICATIONS.**—The Secretary shall approve a State’s application if it meets the requirements of this section and holds reasonable promise of achieving the purposes of this Act.

SEC. 6. WITHIN-STATE ALLOCATIONS.

(a) **STATE-LEVEL EXPENSES.**—Each State may use not more than a total of one-half of one percent of the amount it receives under this part for any fiscal year or \$50,000, whichever is greater, for the administration costs of the State educational agency and for State-level activities described in section 7.

(b) **SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**—(1) Each State shall use the remainder of its allocation to make subgrants to local educational agencies, for the purpose of reducing class size and improving instruction in grades 1 through 3, on the basis of—

(A) current or projected regular classroom class sizes in grades 1 through 3 in those agencies; and

(B) the relative ability and effort of those agencies to finance class-size reductions with their own funds.

(2) Each State shall make the allocations described in paragraph (1) in such manner as to enable local educational agencies to reduce their average class sizes in regular classrooms, in grades 1 through 3, to the average class size proposed in the State application.

(3) Notwithstanding paragraph (2), each State shall ensure, in allocating funds under this subsection, that each local educational agency in which at least 30 percent of the children are from low-income families, or in which there are at least 10,000 children from such families, receives at least the same share of those funds as it received of the State’s allocation under section 1122 of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year.