

OFFERING PRAYERS TO THE
GRIEVING AFTER A SENSELESS
TRAGEDY

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

Mr. COOKSEY. Mr. Speaker, there is little that can be said during such moments of tragedy such as what the Nation witnessed yesterday in Colorado. There are thousands of disaffected, terribly disturbed teenagers across the country, but few will resort to violence. In this case, two of them did. Their violence was of a self-destructive sort resulting in their own self-inflicted deaths after they took the lives of innocent children.

It is all too easy for armchair psychologists to draw hasty conclusions about what explains this tragedy and the five other school shootings our Nation has witnessed over the past 2 years: guns, the culture, violence on television, nihilistic music and video games, frightening Internet sites. It is simply not possible to explain the cause.

Who could explain why millions and millions of other teenagers, nearly all exposed to the same influences, do not choose to embark on such a senseless path? It is a senseless tragedy, nothing more. We can only offer our prayers to the grieving.

MEDICAID NURSING INCENTIVE
ACT

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

Mr. OLVER. Mr. Speaker, today I am reintroducing the Medicaid Nursing Incentive Act of 1999, and I want to thank the gentlewoman from Connecticut (Mrs. NANCY JOHNSON) and the 13 other original cosponsors, men and women from all over this country and from both parties, for joining me in this introduction.

This bill will provide direct Medicaid reimbursement for all nurse practitioners and college nurse specialists. Each year millions of Americans go without the health care they need simply because physicians are not available to treat them. From the streets of Los Angeles to the hill towns of western Massachusetts and all in between, Americans cannot find physicians who are willing to practice in their urban or small rural communities.

There is an exception to this trend, however. Nurse practitioners and clinical nurse specialists often serve in areas where others refuse to work. Federal law requires Medicaid reimbursement only for certified family and pediatric nurse practitioners and certified nurse midwives.

Extending Medicaid coverage to all nurse practitioners and clinical nurse specialists, as 22 States have done, makes good common sense. By expand-

ing this coverage, these qualified health professionals will finally be able to provide the care so many of our constituents need.

PRAYERS FOR THE PEOPLE OF
LITTLETON, COLORADO, AND
FOR CONCERNED SCHOOL OFFI-
CIALS WORKING TO HELP CHIL-
DREN

(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, the deaths caused by two troubled youths in Littleton, Colorado, point out the tragedy of those lonely, alienated teens in our society who feel there is no one to help, no one to turn to when their lives seem empty and pointless.

Many turn to self-destructive outlets: drugs, alcohol, nihilistic subcultures which celebrate death and destruction. They think there is no one to help them, but they are wrong. The help that is offered by parents, teachers, school psychologists and kindly guidance counselors is rejected. No one can reach them.

But those whose occupations touch the lives of our teenagers must not lose heart. They must continue to do the good work that they rightly take pride in. They must not be discouraged by the failures that they see, the children whom they cannot comfort, and the anger they cannot dispel.

Our prayers go out today to the people of Littleton, and to all those school officials who try so hard to help all of our children.

EDUCATION FLEXIBILITY
PARTNERSHIP ACT OF 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 143 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 143

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 800) to provide for education flexibility partnerships. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SHIMKUS). 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 purposes of debate only.

Mr. Speaker, House Resolution 143 provides for the consideration of the conference report on H.R. 800, the Education Flexibility Partnership Act of 1999, better known as the Ed-Flex bill.

Yesterday the Committee on Rules, by a vote of 11 to zero, granted the customary rule waiving all points of order against the conference report. The House will have 1 hour to debate the merits of this legislation.

As my colleagues may recall, back in March the House passed the Ed-Flex bill by a bipartisan vote of 330 to 90.

□ 1030

The Senate followed suit by passing its Ed-Flex legislation by an overwhelming vote of 98 to 1.

It is encouraging to know that Democrats and Republicans can come together on at least one aspect of our Nation's education policy. There are numerous competing ideas for improving our schools and teaching our children; but we all agree that education, perhaps more than any other issue, will dictate our Nation's future, and it must be a top priority.

I do not think anyone would argue that many of our Nation's schools are failing, and there is no excuse. We are the world's only remaining superpower, yet we allow our children to graduate from high school without basic reading and writing skills. Something is not working. It is time to move beyond the status quo and encourage innovative reform.

Passing the Ed-Flex conference report is a good first step in the right direction. This legislation will allow all 50 States to participate in a program that gives local school districts the freedom to implement effective reforms by liberating them from restrictive one-size-fits-all Federal requirements.

This approach recognizes that the Federal Government does not have the magic pill that will remedy the ailments of each and every school. But the least we can do is clear away some of the obstacles found in onerous Federal regulations that are blocking our schools' path to improvement.

The Ed-Flex program is founded in the principle of trust, trust in our State and local leaders who we believe will make good choices for their communities. Ed-Flex has worked in the 12 States that are currently eligible, including my own State of Ohio. This success strongly suggests that we expand Ed-Flex to all 50 States, and that is what this legislation is all about.

Let us be clear. The Ed-Flex program does not simply dissolve Federal education law. We are not simply handing out money and turning our heads the other way. To be eligible for Ed-Flex, States must demonstrate that they have an effective plan for improving the education of poor and disadvantaged children, and they must agree to be held accountable for the results. In fact, this conference report strengthens the accountability provisions of current law.

All told, the conference report actually contains very few changes from the House-passed bill, and it should receive the same broad support. The bipartisan spirit surrounding the Ed-Flex

bill was carried over into the conference committee to produce a bill that both the House and Senate can approve and the President should sign.

One example of this bipartisan effort is the decision of the Republican conferees to drop a Senate amendment which the Democrats and the President opposed. The amendment would have provided additional flexibility to schools, giving them discretion to devote more funds to special education, which is a top Republican priority.

I cannot say I understand the President's opposition to giving local school districts the option of putting resources into education for children with special needs. However, I appreciate the decision of Republican conferees to compromise on this issue in the interest of quickly moving this important legislation to the President's desk where it can be signed into law.

I am pleased to report that the gentleman from Pennsylvania (Chairman GOODLING) has assured the Committee on Rules that the Republican commitment to funding special education will remain high on his committee's agenda. Other changes agreed to in the conference will ensure that our Nation's poorest schools continue to receive priority consideration for Title I funding.

In addition, the conference report clears up some confusion created by the Department of Education's interpretation of the Individuals with Disabilities Act which governs the treatment of children who possess a weapon at school. Under this legislation, it is made clear that children who possess weapons will be subject to the same discipline procedures as children who carry weapons. After yesterday's horrifying incident in Colorado, it is clear that we must enforce strict rules of no tolerance for guns in school. This is a step in that direction.

The conferees also agreed to an amendment designed to benefit rural school districts. Specifically, small school districts that reduce class size to 18 or fewer children will be allowed to devote funds to professional development without joining consortiums.

Outside of these few changes, the conference report mirrors the House-passed bill. Fifty governors, the National School Board Association, the Chamber of Commerce, the American Association of School Administrators all support this legislation.

So I urge my colleagues, in the spirit of bipartisanship and in the name of innovative education reform, to move expeditiously to adopt this rule and agree to the Education Flexibility Conference Report. We cannot afford to wait any longer to remove the obstacles that stand in the way of our children's opportunities to learn.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary time.

Mr. Speaker, even as the Committee on Rules was considering the rule to accompany H.R. 800, the Education Flexibility Partnership Act, an unspeakable tragedy was unfolding in Littleton, Colorado.

Mr. Speaker, I am a parent, and my grandson is visiting me here this week. We know what is truly precious in our lives, and we are literally heartsick over what has happened to the people of Littleton. Our prayers are said for them, and our hearts are heavy for them, and the Nation mourns their terrible loss and ours.

Mr. Speaker, we have children and family members in our schools across the country, and parents are afraid to send their children to school. But we are also members of our communities in which we live and who send us here. Here on this floor, we are elected officials with the responsibility to do what we can to guard against future tragedies. As we continue to discuss how to improve our schools, we have got to redouble our efforts to keep our children from slipping through the cracks.

I have offered legislation to provide students, educators, and communities constructive activities that they can be involved in, not just during but after-school activities to steer our children away from guns and drugs and violence. I implore this House to pass it.

This and the tragedies that other communities have endured all too recently remind us that we have children living their lives in the shadows, on the edges, children who may not be reached by traditional means, who may not be involved in traditional school activities; too many guns, too much violence in the media, too little love in our hearts, who knows for certain? But, sadly, we really cannot yet explain what is truly unexplainable. We really do not know what makes children who have lived so little feel so hopeless about the rest of their lives, but what we do not know we are obliged to try to learn.

Our efforts at after-school education and education in general cannot focus solely on students whose behavior might more readily identify them as in need or at risk. We must also cast the light of caring and concern into those shadows where our children have retreated. By doing so, we can begin to help them build the self-esteem that is crucial in their ability to respect themselves and others.

Mr. Speaker, as the author of after-school legislation, I will urge this House and this Congress to set aside funds for school districts who want to provide their students more counseling and mentoring opportunities as well as tutoring. That request and my efforts in that regard are in keeping with the legislation which we are considering today, legislation giving schools more flexibility to do what works while being accountable for the results.

Earlier last month the House passed a bill to extend the eligibility of the Ed-Flex program to all 50 States. This program, which has broad bipartisan support, allows State education agencies to waive a wide range of requirements that generally apply to certain Federal elementary and secondary education assistance programs.

Along with many of my colleagues, I stood in this very well and urged Members to consider the importance of accountability when undertaking such an endeavor.

I am pleased that, during the conference on this legislation, the majority agreed to make two important changes to this bill. First, they chose not to include language which would have reversed the decision of this body to hire and train 100,000 new teachers so that we may begin to reduce class size in the early grades. Mr. Speaker, study after study has told us the importance of doing just that. Second, they allowed a provision requiring that Title I funding must continue to give priority to schools with more than 75 percent of their children below the poverty line.

This bill is an improvement over what passed last month and, as a result, I will not oppose it. But I will remain concerned with its timing, particularly with the decision to bring it forward when the majority knows full well that these decisions will have to be reevaluated as Congress continues work on reauthorization of all of our elementary and secondary education programs.

Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentlewoman from New York, for yielding me the time.

Mr. Speaker, I rise as a coauthor of the Ed-Flex bill with the gentleman from Delaware (Mr. CASTLE), and proudly proclaim that we have made it a long way in the last 8 or 9 months when we introduced this bill through committee, through the markup process, on to the floor where we had 112 Democrats support this bill, and then into a conference last week. I am delighted to say that we have accomplished this with true trust and reaching out, Democrat to Republican and Republican to Democrat.

We have improved on a pilot bill that has existed in 12 States for the last 4 years, built on the successes that the pilot program and Ed-Flex has accomplished in States like Maryland and Texas and Ohio, improved on those pilot programs, applied some of the strengths of those programs to our bill.

So that is the first reason I hope that people will vote for this conference report, that this is an old value and a new idea. The old value is to trust the local schools to do what is in their best interest, to educate our children with the right curriculum, the right values, the right discipline. We will trust those

local schools in Indiana and Delaware and California to do it.

But the new idea is to say that we are not going to keep new handcuffs on them and new regulations and new paperwork. But we are going to have one rope of accountability for this Federal money, and that is student scores and student performance. If students do better, they will stay in the Ed-Flexibility program. If their students see significant declines in their scores, they will be terminated from the program and they will go back to the old regimented system. So it is an old value. It is a new idea. It is based upon a 12-State pilot program.

The second reason is accountability. We have tougher accountability in our bill than in current law. We must make our schools accountable for better school performances from our students. This bill does it. It does it through the gateway into the program. It does it with tougher assessment and accountability standards. It does it, as I mentioned before, with the termination clause.

Thirdly, I urge my colleagues to vote for this bill because it is even improved coming out of the Senate. In the Senate they attached the Lott amendment to the bill which would have restricted the President's proposal, initiated last year, already being practiced, that allows the localities the opportunity to hire new teachers and do something about the teacher-student ratio.

The Lott amendment would have greatly curtailed the availability of that program, the applicability of that program at our local level. It would have not allowed that program to go forward. That Lott amendment has been removed. That was a concern of the President. That was a concern of some Members when they came to the floor, when this bill first went from the floor into conference. That amendment has been removed.

So I would hope that my colleagues would vote for this Ed-Flex Conference Report, and we can build on the 112 Democrats that support it on the floor. We can build on the bipartisanship that we reached in crafting this bill and getting it through to the President. The President has indicated that he will support this bill in addition to the 50 governors supporting this bill.

I look forward to helping children get a better education when this bill becomes law.

□ 1045

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, I clearly want to recognize the hard work that the subcommittee chair, the gentleman from Delaware (Mr. CASTLE), and the gentleman from Indiana (Mr. ROEMER) put into this legislation, and I clearly want

to state that I strongly support the concept of increased flexibility to improve educational programs at the local level, and I have voted for the original legislation, Goals 2000, which was to establish the Ed-Flex program, but I must say, after viewing the conference report, that I come at it from a different direction with respect to accountability.

I think it is time that the Federal Government, in its use of the taxpayers' money to fund the Elementary and Secondary Education Act, start to hold the States and local districts accountable for the education of all children. We all know that public officials today are talking about holding people accountable but rarely do we, in fact, do it.

Most recently, as we have started a program of high standards and assessment of how students are doing on those standards, we now see we are plagued with school districts all over the country that are taking poor performing students out of the testing pool so that it will look like they are doing better when they report to the parents in that school district. It will look like everybody achieved better. But what they did is they went around and took the tests of the kids that were not doing so well out of the pool. They rigged the results, and now they want to say that they are accountable.

Just recently a prosecution was entered against a school district in Texas for tampering with the public evidence. That is why we need accountability. We need accountability because we must know how all of our children are doing, in rich school districts, in poor school districts, how minority children are doing, how poor children are doing, and others. Unfortunately, this legislation is weak on accountability. They have failed to require the States aggregate the data so that those States will be held responsible for all students. They give a passing notion that maybe they will look at it by groups, but even there the language has been weakened from what the House put in.

In the committee and on the floor the gentleman from Michigan (Mr. KILDEE), the gentleman from New Jersey (Mr. PAYNE), the gentleman from Virginia (Mr. SCOTT), and myself offered an amendment to try to hold school districts accountable, to try to make sure that we, in fact, knew how children were doing, because the time has come when we must, in fact, make sure.

We have now invested over the last decade maybe \$50, \$60 billion in this program, and one of the great hallmarks was touted the other day when it was suggested that the reading scores have improved. Yes, they have. They have improved back to where they were in 1990. So we have invested \$60 billion in a program and we are getting ready to invest another \$60 billion in the program and yet we are unable as public stewards of public policy and of the taxpayers' money to ask the

States what is it we can expect in the way of success 5 years from now? Because what we have gotten over the last decade is failure.

If we are going to put the public's money back into this program, we want to know how are they going to measure and how are they going to tell how these students are doing. Unfortunately, that evidence failed, and that is why I must oppose this legislation.

I think a number of States that have engaged in some of the provisions that are allowed under flexibility have done some very good things, and the committee heard testimony from States like Texas and Maryland and North Carolina that do not have it but are engaged in that kind of process, to rethink how they are delivering education. But flexibility cannot be an excuse for accountability. They must go hand-in-hand, and, unfortunately, the evidence we have to date through the GAO report, through the Inspector General's report tells us that the States have not done terribly well under the pilot program and, unfortunately, this legislation does not go far enough to hold them accountable.

No longer can we as a society write children off. No longer can we accept the level of failures that we see today in our local school districts. The time has come to cut the mustard. The time has come to hold districts accountable, to hold States accountable for the uses of these dollars, and I do not think we can continue to accept a lot of rationales for why districts should not be held accountable.

It is rather simple. We know there are proposals that have been submitted to the Federal Government to hold districts accountable in a very strict fashion. Then we would be able to tell how this Nation is doing in education. Today we cannot. Today, many of the States cannot put the data together to tell us how their schools are doing or, at best, they can tell us how the average student is doing but it does not tell us how the other students are doing.

I urge a "no" vote on the conference report.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I would like to report back to my colleagues of the enthusiastic response I received from my time in the district at a number of schools about the Ed-Flex legislation.

I rise today to speak in favor of the rule, but let me begin by saying, Mr. Speaker, how deeply sorry I am for the parents, classmates, friends and families of the students who perished and were wounded in the tragic events of yesterday in Littleton, Colorado. I am truly sick with grief over this tragedy, and I pledge to the mourning families and all Americans alike that I will do all I can as a Member of Congress to end the senseless violence preying on our students, our families, and our communities.

After initial passage of the Education Flexibility Partnership Act of 1999 in March, I spent time during the Easter recess in the classrooms of the schools of my 8th District in North Carolina talking to teachers, students, and administrators about Ed-Flex. This bill will allow innovative ideas in teaching to evolve at the local level.

I spoke with Captain Jack L. Ahart at A L Brown High School in Kannapolis, North Carolina, who is teaching civics in his JROTC class. He told me that Ed-Flex will allow him to incorporate more computers into his classroom and expand the students' learning experience.

I spoke with Scott Bennett and his 9th grade history students at Ellerbee Junior High regarding their visit to Washington, D.C. and Mr. Bennett's creative involvement with the kids' experiences in the classroom environment.

I spoke with Miss Pam Van Riper and Principal Kevin Wimberly at Wingate Elementary School about the challenges they face in a rural community.

Each of these teachers are excited about the possibilities that greater freedom to work within their local school districts will provide in the way of a better learning experience for all their students.

As I have said before, Ed-Flex addresses the basic fact that what works in New York City does not necessarily work in Rockingham, North Carolina. I encourage my colleagues to support the rule and to show our teachers in the classroom that we support their hard work and their new ideas.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Fort Wayne, Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank my friend, the gentlewoman from Ohio, and want to again commend those who have worked so hard for this bill; to the gentleman from Pennsylvania (Mr. GOODLING), and subcommittee chairman, the gentleman from Delaware (Mr. CASTLE) castle, and the gentleman from Indiana (Mr. ROEMER), my colleague from an adjacent district.

It has been a long process, but we are nearing the end of at least this small step towards flexibility for schools in Indiana and around this country. I say it is a small step because we should not kid ourselves. We had other opportunities and will have more opportunities to actually make funding available. I personally am very disappointed that we had to withdraw the Senate amendment that would have allowed some of these funds to be used from last year's teachers program, if a school so chose, for IDEA.

Because, in fact, this sets parameters for the Federal Government to grant waivers under certain conditions, but that would have given real dollar flexibility to schools if they felt that they had their class size down. Like in Indiana, where we have mandated that the class size go down, many of the schools have reached those class sizes. There-

fore, they are not eligible for the teachers funds in most cases and they would like to be able to use their money for IDEA.

So to some degree, when we micro-manage from Washington, we punish those States that have actually done a better job of fixing certain conditions and problems in their States and to reward those States that have not done it. That is why we cannot micro-manage schools all over America. We need to have flexibility.

Unlike many bills that come out of the House, this is at least slightly better than when it went into conference committee. So we have a little bit more flexibility, but I am very disappointed that we had to yield on the House side and the Senate withdrew on the Lott amendment. We will revisit that subject.

Because one consequence of looking at the terrible tragedy of yesterday in Colorado ought to be to say it is not the school's fault. The schools and the teachers are struggling with tremendous social problems in this country. We in Washington should not try to tell them how to do it. We need to help them in their local flexibility, not by having more standards or more accountability.

The problem here is not that they are not reporting enough to us. The problem is they are fighting in their local communities with how to deal with the terrible problems of reading, of social adjustments, of violence on television. We need to give them the flexibility in their schools that says, what is that particular school's need for their high-risk students? Are some emotionally disadvantaged? Do some have physical handicaps that they are short of money on? Do some have particular reading needs where they have LDD or ADD, or is it their class size is too big, or do they need school construction or do they need it for computers?

The local people know this. They are committed to education. We should not sit here in Washington and say we do not trust our teachers, we do not trust our principals, we do not trust our school boards, we do not trust our superintendents. They are on the line. They are fighting every day. They have terrible problems they are struggling with, and we need to help them by giving them flexibility, and this bill is a first step.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself the balance of my time, and just say in closing that I want to emphasize once again this is a bipartisan bill. The conference report is virtually identical to the bill that the House passed by a vote of 330 to 90. All of my colleagues who supported this legislation back in March should register their support again today.

Let us take the first step toward education reform together by voting "yes" on both the rule and the Ed-Flex conference report.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GOODLING. Mr. Speaker, pursuant to House resolution 143, I call up the conference report on the bill (H.R. 800) to provide for education flexibility partnerships.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MCHUGH). Pursuant to House Resolution 143, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of April 20, 1999, at page H2144.)

The SPEAKER pro tempore. 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. Speaker, I yield myself such time as I may consume.

This morning we had a panel discussion on bipartisanship in education, and I indicated to them at that time that they really were missing some people that should be on the panel, and those people, I reminded them, were the press. Because just yesterday, as a matter of fact, my staffer said to the press, we will have a press conference on education flexibility and the response was, "Oh, the fight's over. We only cover fights."

I say that simply because in the last 2 years we had the most effective education effort in the history of the Congress of the United States in a bipartisan fashion. The Higher Education Act, the new Individuals with Disabilities Education Act, the Reading Excellence Act, the Perkins Vocational Educational Amendments, the Work Force Investment Act, the Head Start Reauthorization, the Charter Schools Expansion Act, and the Child Nutrition Reauthorization Act all passed the House and the Senate with more than three-fourths of the total vote.

□ 1100

So we start out the new year with another bipartisan effort. As was mentioned several times, it passed overwhelmingly here in a bipartisan effort, and I think it was something like 97-1 or 98-2 or something of that nature in the other body.

Well, the bill is Ed-Flex; and Ed-Flex is about giving local schools and districts the freedom to do things a little differently if they can demonstrate it is in the best interest of the children and then prove by using performance data that it works. Ed-Flex gives the local schools the freedom to request permission to make some of these changes.

It is not that the Federal Government was necessarily wrong when it passed the law. It is impossible for Congress to design programs that effectively and adequately address the

needs of every school district in the Nation.

If a school district can demonstrate that they have a more effective way of helping poor and disadvantaged children improve faster and are willing to be accountable for the results, the Federal Government should want to remove all obstacles as soon as possible.

And accountability we have in the bill is proportional to the flexibility we are giving. States cannot take their Federal dollars and turn it into a block grant, so we should not require any more of States than we give them.

It was mentioned that some people in some areas removed people from tests in order to show that they have done better. Well, I want to remind my colleagues that those tests that were talked about were Federal tests, were the NAEP tests; and I assume the Federal Government permitted them to remove those students from taking those tests. If they did not permit it, then they should not have been crowing about the fact that there have been tremendous gains under this administration because of the results of those tests. They were Federal tests.

I want to take this opportunity to thank those people who have been instrumental in crafting the legislation and guiding it through the legislative process. First of all, I would like to thank the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) for all of their efforts to produce a bipartisan bill that grants real flexibility to States.

I would like to thank the members of the conference committee, the Republican members of the House Committee for their efforts, as well as Senators FRIST, WYDEN and JEFFORDS, who moved this legislation through a grueling process on the Senate side.

Many thanks to all the 50 governors who supported this bill, but in particular to Governor Ridge of Pennsylvania and Governor Carper of Delaware.

Then I would like to thank many staff members, some of which I will forget, who worked long and hard on the legislation: Christine Wolfe and Kent Talbert; Sally Lovejoy and Vic Klatt; Melanie Merola and Booth Jameson; and Gina Mohoney, Jo-Marie St. Martin, and Pam Davidson, to mention a few.

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

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

Mr. Speaker, I oppose this conference report for the same reason that I voted against the original bill, H.R. 800. This report fails to include strong accountability provisions and fails to adequately protect Title I provisions that target assistance to our poorest children.

It is legislative folly, Mr. Speaker, to let States and school districts waive the Elementary and Secondary Act before its reauthorization has been even drafted or passed. To proclaim an ur-

gent need for this bill is part of the fall and the foolishness.

Current law authorizes Secretary Riley to give flexibility to States and school districts by waiver. And the Secretary has granted hundreds of waivers to school districts based on requests that permitted flexibility yet preserved the sound principles of accountability and targeting the funds to areas of greatest educational need.

But, Mr. Speaker, this bill creates unprecedented loopholes for States and school districts to avoid their obligation to serve poor school children first. It eliminates the long established requirement that only schools with poverty rates of 50 percent or greater can create school-wide programs with these Federal funds.

This bill permits States to serve wealthier schools before serving poor ones and allows States to reduce per-student allocations at poor schools or pass over poor schools entirely to fund those wealthier schools.

This conference report also strikes the sunset provision sponsored by the gentleman from Michigan (Mr. KILDEE) which was contained in the House-passed bill. The Kildee provision would have required us to review these waiver provisions during the ESEA reauthorization. Despite the strong recommendation by Secretary Riley to consider the waiver provisions as part of the reauthorization of ESEA, the majority conferees agreed to strike the sunset provision.

I am pleased however, Mr. Speaker, that the conferees did support my motion instructing conferees to strike the Lott amendment. This amendment was a reckless abandonment of our commitment to parents and students to reduce class sizes. By striking the Lott amendment, we ensured that the \$1.2 billion class size reduction fund will be made available this July as promised.

Now that we are nearing the completion of this bill, I hope that we can go to work on reauthorizing the Elementary and Secondary Education Act and other education priorities. Mr. Speaker, we must act to authorize the class size reduction program so we can finish the job of hiring 100,000 new teachers that we started last year.

We should help communities struggling to pay for school modernization by supporting the Clinton school construction legislation. We must also continue our work to help communities recruit new, highly qualified teachers, and to strengthen accountability for our elementary and secondary education programs.

So I urge Members to vote "no" on this legislation because it fails to contain minimum accountability provisions and basic protections for poor school children. We should vote against this proposal because it permits Federal funds to be taken from those students in greatest need and given to those in least need.

Mr. Speaker, I urge a "no" vote.

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

Mr. GOODLING. Mr. Speaker, I yield what time he may consume to the gentleman from Delaware (Mr. CASTLE), former Governor of Delaware, one of the authors of the legislation and the subcommittee chair.

Mr. CASTLE. Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. GOODLING) not only for yielding but for the excellent input and value the assistance that he gave to the gentleman from Indiana (Mr. ROEMER) and to myself in getting this bill to the place where it is today. We appreciate that tremendously.

I do rise today in absolute full support of the conference report to H.R. 800, the Education Flexibility Partnership Act of 1999. I cannot thank the gentleman from Indiana (Mr. ROEMER) enough. He was there through thick and thin. We went through about 8 or 9 months of this. We thought we were going to get it done last year. We were not able to do so. We were able to come back and get it done this year. And I think this is a day of great hope for both the gentleman from Indiana (Mr. ROEMER) and myself and I think for all of us in Congress and the school kids across the country.

I would also like to acknowledge particularly the help of my Governor, who is both my predecessor and successor because he is now the Governor of Delaware, Tom Carper. His pushing for this was tremendously helpful amongst all the governors, as well.

The gentleman from Indiana (Mr. ROEMER) and I introduced this legislation because we believe it will provide schools and their students with the tools to improve academic achievement. It allows local school districts to think outside the box, which is something we needed forever, 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, which is so often the case now, now the districts will be able to develop a vision of how to use local, State, and Federal resources to more effectively improve student performance and to make that vision a reality.

This will extend education flexibility to all 50 States. We all need to understand that 12 of our States have it now. They have used it extraordinarily well. They have shown dramatic improvement in certain areas. Now all of our States are going to be able to use it, which we think is of vital importance, as well.

We have measurably improved current law by increasing that flexibility and making more programs eligible for Ed-Flex waivers. In fact, one of the things in the conference was the Technology Literacy Challenge Fund, and that is I think an important step as well.

Under the conference agreement, States are required to submit clear educational objectives and locals are required to set specific and measurable

objectives. So while the gentleman from California (Mr. MILLER) apparently is not going to support it, a lot of what he had to say I think ended up being incorporated, not as far as he wanted to go of course, in what we are doing. And in that way I think his position on this was constructive, as well.

We have also improved current law by providing protections for Title I schools and students. Now, this is important, because Title I is a program that all of us should be legitimately concerned about. It is a program which basically is aimed at those school districts which have more children in poverty than others. And for the first time in a demonstrable way under Ed-Flex, particularly in Maryland and Texas, we are seeing test scores from Title I schools which are actually showing dramatic improvement for those students who are poorer students in those schools, because of things they were able to put together through the Ed-Flex program.

That is something that has been undemonstrated over all the years with all the monies put into Title I. So it is a tremendous help for that reason. I hope my colleagues will consider that when they come to the floor to vote on this particular piece of legislation.

The Senate, as we know, prohibited waivers to the requirement that school districts must allocate funds to schools with more than 75 percent poverty first, and in the rank order. And we said in the House provision, we had a different measure in the conference report that basically retained both of these measures, which provides a lot of protections to people in the Title I programs.

Now, who supports this bill? And this is important I think for all of us to consider. It was reported out of committee in March here in the House by a vote of 33-9. It was passed in the House by a vote of 330 yeas to 90 nays, both parties voting in the majority for it. It was passed in the Senate by a vote of 98 yeas to 1 nay.

Last week it was reported out of conference by voice vote. It has the support of every single governor in this country. And as a former governor, I can attest to the fact that getting all 50 governors to agree to anything is a miracle.

In addition, it has received support from the administration and other education organizations around the country. It is a good strong bill that each and every one of us can proudly support because it supports schools and students, it loosens the reins of the Federal Government, and allows for creativity in student learning. Ed-Flex will help our Nation's schools, and I hope we will all support it.

I would like to close, Mr. Speaker, this probably will not help with the problems directly in Littleton, Colorado, and I do not even want to connect it to that. But since we are discussing education on the floor, my own grief in this situation and sorrow for the people

out there is something that I should state and that everybody in this country feels.

I do not know if the problem is with our ability to obtain guns, it is with our families, it is with the perhaps lack of help needed in school to help the children who seem to have troubles, or it is a societal problem at large with all the activities we read about, cults and everything else. So there are no easy answers. But I, for one, believe we need a national discussion on this issue; and I hope, if there is anything possibly good that could ever come out of a tragedy like that, it is that we have that discussion.

I appreciate the time that the chairman has yielded me. I would ask for my colleagues' support for the Ed-Flex legislation.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, the bill before the House today does not have the full scope of provisions which I and other Democrats have sought during the several months which we have worked on this legislation.

The conference report on H.R. 800 does, however, make much-needed improvements to the existing Ed-Flex demonstration program in the areas of accountability and targeting of resources, and because of this will receive my support today.

The existing Ed-Flex demonstration program is found by GAO to require little accountability for increased student achievement. The gentleman from California (Mr. MILLER) and I offered an amendment, both in committee and on the floor, which attempted to address these concerns.

While this amendment was not adopted, the legislation's provision requiring the Secretary to judge the specificity and measurability of a State's educational goals and strengthen reporting requirements, including the requirement to provide reliable and accurate data on student performance, are improvements over the existing demonstration program that will provide us with the information we need to truly analyze the link between flexibility and student performance.

In addition, while the existing Ed-Flex demonstration program allows waivers of nearly all Title I targeting protections, this new legislation ensures that States must continue to fund the highest poverty schools and have only marginal flexibility in sending Title I dollars to lower poverty schools.

It is important to note that even existing Ed-Flex States, such as Michigan, once their opportunity to operate under the present authority expires, will have to apply under the stricter requirements of this legislation.

I was also pleased that the conferees realized the importance of dropping the

Lott amendment dealing with class size reduction and IDEA funding. This amendment injected politics into what was a healthy debate over the policy objectives of expanding flexibility, and pitted the needs of disabled children against non-disabled children.

□ 1115

This was an ill-advised amendment, and its absence from the conference report is critical to the success of today's legislation.

Overall, I believe this bill makes some needed improvements to the present Ed-Flex demonstration programs. It is not the bill I would have written, but it is a bill I will vote for. I think it is vital to reexamine the decisions made in this legislation in the context of the policy decisions we make during our work this Congress. That is why I wanted the sunset, but we put language in the report talking about this reexamination.

While I will support the legislation before the House today, I strongly believe we need to revisit Ed-Flex to ensure that the steps taken by this bill to ensure accountability and protect targeting of resources are sufficient. I look forward to this reexamination of Ed-Flex during our deliberations in ESEA.

Mr. GOODLING. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA), a senior member of the Committee on Education and the Workforce.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for having yielded this time to me.

Mr. Speaker, I rise in strong support of this legislation and appreciate the fact that we have yet again seen another demonstration of bipartisan support, and I think that is very important for all of us to understand, as the gentleman from Pennsylvania (Mr. GOODLING) has already referenced. But I want to make a couple of points here about how I think we are meeting the needs here.

Certainly one of the most important things, in my opinion, is that we are preserving State and local control in terms of what Ed-Flex is doing for us. The decisions about our children's education should be made by parents and educators and at the local and State level, not by politicians in Washington, D.C., and I think that is terribly important for us to protect. We in Washington should be supporting and supplementing those efforts and giving direction but not overriding them.

So, aside from, however, the local control and State control aspect of this, I think this legislation very well preserves accountability, accountability that will require the States and the school districts to make their own decisions, but they must meet specific and measurable educational objectives. The school may apply for a waiver, but they must justify that waiver when the application is made, and I think the

bill very well puts that into not only perspective but into enforceable ways. Ed-Flex gives greater authority to the States to determine their particular goals but holds them accountable.

In terms of the accountability, I think this bears repeating and stressing. The accountability means first that under the monitoring provisions the States and local educational agencies must report their progress on how they are specifically meeting their goals. Secondly, regulations relating to parental involvement cannot be waived. I think that is very important. And third, by providing public notice and comment for application for waivers Ed-Flex recognizes the importance of community input and so that there must be notification for that kind of waiver.

In summary I guess, Mr. Speaker, I would say that this legislation gives authority over decisions concerning children's education to principals, teachers, parents and local communities, where in my opinion it belongs. That is the only way we can strengthen our public school system, and I think this will be an extraordinarily valuable tool for advancing the quality of education across the Nation.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my friend and my ranking member, the gentleman from Missouri (Mr. CLAY) for the time, and I appreciate his friendship while we have disagreed on the policy of this legislation.

I rose to speak on the rule, Mr. Speaker, so I will not get into the specifics and the minutiae and the detail of the legislation that I have offered with my good friend from Delaware (Mr. CASTLE). I did want to thank two additional people. I want to thank Governor Frank O'Bannon, who worked this issue very, very hard for our delegation in the State of Indiana and with his colleagues at the National Governors' Association, and I also want to thank Gina Mahony, who without good staff, we do not go as far as we would like and we are not as important as we think as a Member of Congress, where we have and are blessed with great staff in this body, and I wanted to thank her for her help.

I also want to talk about the larger picture of education. It has been very difficult, Mr. Speaker, to penetrate through the press, through the stories of impeachment and now war, about some of the successes we have had in bipartisan ways on education. We have written a bipartisan bill on charter schools and public choice, which is helping. We have written and passed a bill on alternative route certification to get more people in mid careers into the teaching profession. That is helping. We passed a down payment on teacher ratio last year, 30,000 of the 100,000 teachers, and we need to emphasize quality of those teachers. That is helping. And now today we have education flexibility, which will soon pass.

But we need even more arrows for the quiver. We need a national dialogue. James Madison talked about a larger vision of America, and we need that now for our most important issue in America, which is education.

When we talk about Kosovo, Mr. Speaker, and we will soon talk about an emergency supplemental for our troops in Kosovo, we do not talk about are we going to fund Apaches, or F-16s; are we going to fund F-15s, or are we going to fund B-2 bombers? We are going to get the troops the support they need. And now, with the most important issue we face in this country, our next step after Ed-Flex, we need to make sure we fund IDEA, but it does not have to come out of education funds, it should be out of a tax cut. We need to look at how we fund more troops to teachers. That is an idea that has worked, moving people from the military into the teaching profession; we need to move it into the private sector. We need to look at ways by which we put safe schools as a priority and have a national dialogue on more of our guns in society penetrating more of our schools, more of our hatred in society penetrating our schools.

Let us rise to James Madison's call for a national dialogue, and let us address all these education issues in a fair and bipartisan and thorough way in the future.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON), our newest member on the committee and an outstanding Member.

Mr. ISAKSON. Mr. Speaker, I consider it a fortunate privilege for me to have been elected to this House in a special election, even more fortunate to have met the two principal cosponsors in my first committee meeting in education and for that to have dealt with the Ed-Flex bill, and I obviously stand in support of the conference report and in support of the initiative, but in particular to address the question of the national dialogue.

I would like to share for just a minute what a great first step I think this Congress is taking, but I would like to share it not from the perspective of a Congressman who stands and thinks he knows a lot about a subject, but rather from one who just fortunately, the last act I did in Georgia before I left to come here was a submission of the \$5 billion state education budget for the State of Georgia, 97.2 percent of which was State tax dollars and local government tax dollars, but 2.8 percent of which was money, much of it covered by the flexibility we are now granting in terms of regulations and rules within seven categorical programs.

Giving flexibility and the ability to waive Federal and state standards on the spending of this money with accountability to ensure that after 2 years there must be improvement and cannot be a decline is a great gift to the people in public education, our

States. The fact of the matter is the amount of money necessary for creativity in education at the local level is shrinking every day because of mandates that we pass on in our areas or mandates the general assemblies pass on. But it is those small dollars that sometimes flexibility is granted upon that bring about the greatest of change.

I just like to give one example which both gives credit to a school back in Georgia, but also demonstrates precisely what I think we are on the verge of doing in this country. I attended a school that was about to be closed 3 years ago. It is 100 percent free and reduced lunch, total poverty, surrounded by a chain link fence with razor wire. It was my first visit as the chairman of the State Board of Education, and my visit was because we had been asked to grant substantial waivers by that principal, a new principal, of State rules to try and allow him to get his hands around the problems of discipline and despair and a system that was failing. Two years later the school was turned around in large measure because we granted at the State level the flexibility to allow that school to deal with the difficulties it was confronting, and a school that was hopeless, maybe even hapless, was turning around the lives of poor and disadvantaged children.

It is my belief that the flexibility granted in this act, in the programs that it governs, is the beginning of greater flexibility that we can grant to educators that deal with the most precious asset we have and hopefully will be the foundation upon what national dialogue we do have on many other areas where this Congress and this country must focus on our greatest asset and resource of all, and that is the children of the parents of the United States of America.

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

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

Mr. PAYNE. Mr. Speaker, the bill before us today boasts better flexibility while allocating Federal funds in school districts, but I have to say a number of times, as I have done in the past in reference to Ed-Flex, if we want to give States the flexibility they desire, we need to get in return some type of assurance that funds will still go to low income Title I children as Title I was created to do.

Title I funds are supposed to go to children in disadvantaged school districts or children who are disadvantaged. This bill will give school districts and States the right to take Title I funds and spread them among other students in the school that are not necessarily disadvantaged. This dilutes the entire purpose of Title I, and it will leave students who are poor and indeed in need of special attention without the help they need.

The final version of the bill will ensure schools with poverty levels of

above 75 percent are served Title I funds first, and it retains language from the House bill that allows a larger number of schools to receive Title I funds only if the number of children living in poverty is at most 10 percent below the districtwide poverty level. This seems the least we can do to protect the children who are most in need of Title I funds.

But I was supportive of even stronger measures to assure that those students were being served during the House consideration of the Ed-Flex bill, and I continue to believe that language addressing targeting in Title I schoolwide programs must be included in this bill. The absence of such language is one of the reasons that I cannot support the final version of this bill we are asked to vote on today.

Additionally, as the gentleman from California (Mr. GEORGE MILLER) has stated, much of the language in the House bill that improved the reporting and accountability measures of those states and school districts that are given Ed-Flex authority has been removed from the final version of this bill. The absence of strong accountability language will leave us in the dark about how effective Ed-Flex has been, and I know no one wants to revisit Ed-Flex issues, preferably during the reauthorization of Elementary and Secondary Education Act, with little or no information about how it works and who it is working for. But it looks like that will be the case because without accountability and without targeting for schoolwide programs, I continue to oppose this bill, because it is not, in my opinion, in the best interest of people that Title I was supposed to serve, those who are disadvantaged, and with the lack of accountability we are moving in the dark as we move towards more legislation.

□ 1130

Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. FOLEY), and I want to take this opportunity to thank his father publicly, since I never wrote a thank you note, for the fine golf match we had when I visited Florida a couple of years ago.

Mr. FOLEY. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time.

Mr. Speaker, while the gentleman brings up the subject of my father, I am the proud son of an educator, a public school teacher and a public school principal. So I have grown up in a home where education came first, and dealing in the public setting, public education was vitally important. So I suggest, as we look at the Education Flexibility Partnership Act of 1999, capably brought to this floor by the gentleman from Pennsylvania (Chairman GOODLING), we see an issue now that can give local schools, local officials, the tools they need to educate our students.

We know the Federal Government contributes less than 7 percent to our overall budget for schools, but it is our responsibility here in this Chamber to ensure that this funding has the greatest possible impact, and Ed-Flex, this bill, does just that. By handing control back to local educators, Ed-Flex gives schools the flexibility to navigate the mire of federally imposed and often conflicting program requirements.

Our good friend, the gentleman from Delaware (Mr. CASTLE), traveled to Florida on his own time this past month to visit with educators, to visit with school board members, to visit with parents and students in a panel we set up, and there was over 3 hours of discussion and debate.

One of the things that became most clear from each of those who contributed to the dialogue was please unleash us from the shackles of mandates from the Federal Government. We want to teach. We want to be face-to-face with students. We want to make a difference. We want to seek alternatives. We want to do things that will enable us to bring children up in the 21st Century with the tools they need to be successful.

Regrettably, in Washington, everybody here in this city thinks they have got a better idea of how to mandate just a little opportunity for the kids back home.

My father is a principal and a Marine and a person who loves this country. He was often spending hours at his desk just trying to read the books that they were sending from the DOE down to the Department of Education in Tallahassee. He would read all these volumes of books, and he was conflicted about what to do, how to teach, how to give guidance to teachers in his school.

So I rise in very strong support of this measure. I know it will result in efficiencies, in greater improvement in the school system, in higher academic achievements, because we will unleash the potential of teachers who best know how to solve the academic dilemmas of their students.

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

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

Mr. KIND. Mr. Speaker, I thank the gentleman from Missouri (Mr. CLAY), the ranking member, for yielding me this time.

Mr. Speaker, first of all I want to commend my good friends, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) for the bipartisan spirit in which they approached this legislation. It is a good peace of legislation.

As a member of the Committee on Education and the Workforce, I am proud to stand here on the floor in support of the legislation. As I travel around my district in western Wisconsin meeting with the educators and parents, one of the constant refrains

they continuously tell me in regards to programs that they are in charge of implementing is to give us some flexibility so we can implement some creative and innovative ideas that work at the local level. That is what this legislation will give them.

I think the other provision, important provision in this legislation, is equally as important, and that is the accountability provisions that exist. That is what we policymakers need so when we go home and face the people that we represent and look them in the eyes we can tell them that their money is being wisely spent.

One of the other issues that the administrators and educators and parents continuously tell us is, yes, we like the flexibility; in fact, heap on all the accountability on us, but do not underfund the programs that we are being asked to implement. Give us the resources we need to make the changes that are necessary to improve quality education at the local level.

The Committee on Education and the Workforce just this last Monday had a field hearing in Chicago with the gentleman from Illinois (Mr. HASTERT), where we met with Paul Vallas, chief executive officer of Chicago Public Schools, and others in charge of the reforms happening at the Chicago public school system. That was something that he emphasized time and time again, is that give us flexibility, give us all the accountability as well, but also make sure that the programs are funded that we need to succeed.

That is going to be the true mark of whether or not we succeed in this session. The hallmark of the 106th session should not just be how much we can increase defense spending but whether or not we are going to increase the commitment of education reform and the quality of education for our children. That is the test that we face in this session of Congress.

Let us hope that, working together in a bipartisan spirit, we are going to rise and meet that test and not fail it, for the sake of our children.

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

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

Mr. GEORGE MILLER of California. Mr. Speaker, I think it comes down to this: We ran a pilot project on educational flexibility with 12 different States and when we got back the results of that pilot project, what we found was that essentially 9 or 10 of those States gave us back educational babble about what they were going to do with this money and how they were going to be accountable for the money in terms of the performance of their students, in terms of how well their students were able to improve their mathematics scores, their reading capabilities and their critical thinking.

We got back educational babble about realizing the potential of the

educational atmosphere to enhance the environment, to improve the capabilities of the students to perform better. Babble.

One State, the State of Texas, came back to us and said, in exchange for flexibility our goal in the State of Texas over the next 5 years, in a numerical sense, is to have 90 percent of our students pass the Texas State Assessment, and to go beyond that, to have 90 percent of our Hispanic students, 90 percent of our African-American students, 90 percent of our poor students, pass the Texas State Assessment. That is how we wish to be measured, and we put into the State law and into our agreement with the Federal Government that that is our goal.

I do not know whether Texas will make it or not, and I am not here to micromanage the system to tell them how to make it, but at least they came forward and set down on the table a numerical means by which they were prepared to be measured. They also told us that they would be using the same assessment from year-to-year.

This bill does not require the same assessment from year-to-year. Numerical goals, this bill does not require numerical goals. There is no requirement here that States make the effort to close the gap between minority students and majority students, and yet in the most recent assessment we have received, after pouring billions of dollars into this program, the gap between Hispanic and white students, the gap between African-American and white students, continues to increase, continues to increase, but there is no requirement here or accountability for school districts to try and to close that gap.

There is no accountability here that we have an assessment system so we can measure that over the life of this program. I think it is important to understand that that is the difference about why we support or oppose this legislation, that this legislation continues to put the Federal Government in the position of being the enabler, being the enabler of States not having to be accountable, not having to be accountable for the performance of all students, not the average student, not some students but all students, so then we can measure whether or not we as the investors of the public money, some \$60 billion to \$70 billion over the next 5 years, whether or not we are getting a return on our investment that the public is in fact entitled to.

We cannot assure the public that we can get that return on the investment and therefore I will vote "no" on this conference report.

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

Mr. Speaker, let me say that I once again urge all Members to vote against this legislation for two reasons. One, that it fails to contain minimum accountability provisions and, two, that the basic protections for spending Federal money in the poorest districts

have been stripped away from this legislation. I urge a "no" vote on this.

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

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

Mr. Speaker, I too want to join my colleagues in indicating to the people of Colorado who are going through a very, very difficult time, and many of those young men and young women will have that scar with them for years to come, that our thoughts and our prayers in the Congress of the United States are certainly with them.

Some years ago, the State of Pennsylvania introduced a program called Communities that Care. They gave an opportunity to local school districts to join in that effort if they wished. Communities that Care is a research-based prevention program that identifies and seeks to reduce the risk factors that make children vulnerable to crime. I am very proud of one of several of the districts in my district that took advantage of this opportunity.

I, at one point, was the president of the school board, and the Dallastown area school district joined in this effort. They joined with the Healthy York County Coalition, which is an affiliate of the York Health Systems, because that system had determined that the greatest health problems that we faced in the area were those dealing with violence.

One of the things that the Dallastown area school district did is started tracing early in the elementary career of a student just exactly what their attendance factors show. It became very evident to them that as these early childhood children, in elementary school, were missing more and more school, there certainly had to be a reason and a cause.

One of the things that they did was assign a high school mentor to each of these children that were having difficulty in elementary school, and in 90 percent of those cases those mentors became very, very positive role models for those children. The whole effort was to steer them away from violence, to keep them in school and to do well in school, just a program that is working and a program that, of course, I think will be duplicated and replicated and is being replicated all over the country.

Early intervention is very, very important and those signs show up very, very early in a child's life in elementary school. We need to deal with those problems early on to prevent what we have seen happen yesterday and what is happening across the country on an all too regular basis.

Ms. SANCHEZ. Mr. Speaker, I rise today in support of H.R. 800, the Education Flexibility Partnership Act of 1999. But on behalf of the students, parents and educators of my district in Orange County, California, I'd like to remind you of a few things.

Yes, the "Ed Flex" bill returns the decision-making power to our local school districts. And that's why I support this bill, because teach-

ers, parents and administrators know what's best for our kids.

But remember that this isn't the only problem facing American schools. You don't have to look any further than the TV screen in the wake of yesterday's tragedy to know that schools have other problems to deal with.

Particularly in states like California, schools are struggling to keep up with the demands of educating a student population with growing needs. And they're doing it with a level of federal support that hasn't kept up with these trends.

In particular, schools are bursting at the seams. Kids are going to school in portables and rooms that used to be closets. They're going to school in split schedules, they're going to school on different year-around plans, they're taking double lunches—all in order to keep them from overflowing our buildings.

I've introduced HR 415, The Expand and Rebuild America's Schools Act. It enables local communities to raise the bond money they need—if and when the voters approve—to build new schools and classrooms.

My fellow colleagues, Ed Flex is great. But all the educational flexibility in the world does no good in a school with no place to put it to use. So as we prepare to give this bill our final stamp of approval, let us not forget that this is just a beginning. We have so much more work to do.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to congratulate the managers of this bill. This a very important step in the process to move educational control back to the local level. After all, a government that governs closest to the people governs best, and this bill promotes this principle.

I do, however, want to express my disappointment that language that would have allowed school districts to use class-size reduction funds to cover their special-education budget shortfalls was removed from the H.R. 800 conference report. This was an important piece of the education flexibility bill and it would have been a great benefit to schools struggling to fund their special-education budgets.

Mr. Speaker, the state of Wisconsin is experiencing a huge special-education shortfall. In the name of special-education, the federal government has put in place unfunded mandates that are crippling schools in Wisconsin and throughout the country.

For example, I have spoken with Mr. Tom Everett, the Janesville, Wisconsin school superintendent back in the First District about his special education budget shortfall. Dr. Everett explained that the Janesville School system has a \$191,000 special-education budget shortfall. Average class-size in the Janesville School system for grades K-3 is between 18-20 students. Janesville *doesn't* have a problem with overcrowding. Had the special-education provision been included in the conference report, Dr. Everett would have been able to use the \$187,000 allocated to his school system under the President's class-size reduction to cover their special-education shortfall. In fact, it would have covered the shortfall almost completely.

Mr. Speaker, I will vote in favor of this legislation because it will promote flexibility at both the state and federal level, and it will provide the opportunity for schools administrators to "think outside the box" and design systems that truly focus on improving student performance. This is a very good bill. However, the

special-education language would have made it an even better piece of legislation.

Ms. HOOLEY of Oregon. Mr. Speaker, today I am glad to support the conference report for the Education Flexibility Act of 1999.

As one of the twelve pilot states, Oregon has been able to utilize this program to avoid bureaucratic hurdles and simplify efforts to reform our school system.

The Ed-Flex program has provided new opportunities to create partnerships between community colleges and high schools throughout my state.

Rather than creating two separate and duplicative programs, community colleges and high schools have worked together to improve their professional technical education programs.

This flexibility has resulted in an increased number of students graduating from high school.

The Act also allows for flexibility in regulations and requirements so that schools can maximize efforts to produce results.

The Oregon Department of Education has been able to utilize the program to simplify its planning and application process.

This has allowed local school districts the ability to develop a single plan that meets state and federal planning requirements, consolidate applications for federal funds, and request waivers of both federal and state requirements.

For these reasons, I urge my colleagues on both sides of the aisle to support this report.

Mr. MCKEON. Mr. Speaker, I rise in strong support of the conference report accompanying the Education Flexibility Partnership Act, otherwise known as Ed-Flex.

I am pleased to see that the House and Senate conferees were able to quickly reach an agreement on this very important legislation.

Already, our states and school districts are implementing reform plans that would be aided by providing them with Ed-Flex waiver authority.

Our states want it. Recently, all of our governors—Republican and Democrat alike—recently came to Washington and asked for quick passage of this legislation.

Additionally, when I was home over Easter recess, I met with my local school superintendents. Every one of them expressed support for this legislation, because it provides them with the latitude they desire in order to ensure our children go to the best and safest schools possible.

Through the passage of this conference agreement, this Congress furthers its efforts to return dollars and control to the classroom.

The states currently participating under this program have shown remarkable achievement. Now, with this legislation, all of our States will be able to have more flexibility to cut redtape so that they can implement the effective programs and reform efforts that are being held back by Federal requirements and regulations.

It is too important for this Congress to ignore the successes of the Ed-Flex program. Even more important, we must not ignore the needs of our state and local education leaders to pass this bill. Our children are just too important.

Again, I rise in support of the conference report and urge all my colleagues to support its passage.

Mr. PACKARD. Mr. Speaker, I rise today in support of our Nation's children. Our children are this country's most precious resource and we must place them at the front of our agenda. H.R. 800, the Education Flexibility Partnership Act of 1999 will grant states greater flexibility in using federal education funds.

The goals of "Ed Flex" are very simple. H.R. 800 will allow schools to best meet the needs of their individual students by allowing school districts to spend federal education dollars as they see fit. This legislation will get our education system back to the basics by sending dollars back to the classroom, and encouraging parental involvement.

Mr. Speaker, the fact is, Washington doesn't know best how to educate our children, parents and local school boards do. H.R. 800 will send money where it belongs, back to our local communities. Federal dollars should be helping students and schools, not hindering them.

A child's educational success is crucial to their future and the future of our Nation. I urge my colleagues to support the Ed Flex Conference Report and support our children.

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

The SPEAKER pro tempore (Mr. MICA). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. GOODLING. 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 368, nays 57, not voting 9, as follows:

[Roll No. 94]

YEAS—368

Abercrombie
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
Biggart
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley

Blumenauer
Blunt
Boehler
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn

Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan

Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
McHugh
McInnis
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Klecza

Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCullum
McCrery
McGovern
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley

Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Siskiy
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (NM)
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—57

Becerra
Bonior
Borski
Brady (PA)
Brown (FL)

Carson
Clay
Clayton
Clyburn
Conyers

Coyne
Crowley
Cummings
Davis (IL)
Dingell

Engel	Martinez	Pelosi
Fattah	McDermott	Rivers
Filner	McKinney	Roybal-Allard
Gutierrez	Meek (FL)	Rush
Hastings (FL)	Meeks (NY)	Scott
Hilliard	Menendez	Serrano
Hinchey	Miller, George	Stark
Jackson (IL)	Mink	Thompson (MS)
Kennedy	Nadler	Tierney
Kilpatrick	Obey	Velazquez
Kucinich	Olver	Vento
Lee	Owens	Waters
Lewis (GA)	Pastor	Watt (NC)
Markey	Payne	Woolsey

NOT VOTING—9

Lantos	Salmon	Smith (MI)
McCarthy (NY)	Saxton	Thompson (CA)
Nussle	Schakowsky	Udall (CO)

□ 1207

Messrs. HILLIARD, GUTIERREZ, MARTINEZ, CROWLEY, RUSH, Ms. BROWN of Florida, and Ms. PELOSI changed their votes from "yea" to "nay."

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Michigan. Mr. Speaker, on rollcall No. 94, I was stuck in the No. 4 elevator in the Cannon House Office Building. Had I been present, I would have voted "yea."

Mr. THOMPSON of California. Mr. Speaker, during rollcall vote No. 94 on April 20, 1999, I was unavoidably detained. Had I been present, I would have voted "yea."

Mrs. MCCARTHY of New York. Mr. Speaker, I was absent for rollcall vote No. 94. Had I been present, I would have voted "yea" on the Conference Report to H.R. 800—the Education Flexibility Act.

EARTHQUAKE HAZARDS REDUCTION AUTHORIZATION ACT OF 1999

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 142 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 142

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. 1184) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes. 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 Science. After general debate the bill shall be considered for amendment under the five-minute rule. 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 Science now

printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of the rule XVIII. Amendments so printed 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 recommend with or without instructions.

The SPEAKER pro tempore (Mr. EWING). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Dayton, Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded will be for the purposes of debate only.

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

Mr. DREIER. Mr. Speaker, House Resolution 142 is an open rule providing for the consideration of H.R. 1184, the Earthquake Hazards Reduction Authorization Act of 1999.

The purpose of the bill is to reauthorize the Federal government's earthquake research and hazard mitigation programs. The rule provides for the customary 1 hour general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

The rule waives clause 4(a) of rule XIII requiring a 3-day layover of the committee report against consideration of the bill because the report could not be filed in the House until 2 days ago.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Science as an original bill for the purpose of amendment which will be open to amendment by section. The rule further encourages priority recognition of Members who preprinted their amendments in the CONGRESSIONAL RECORD, and allows the Chair to postpone votes.

Mr. Speaker, in my State of California and in too many other regions of the United States, earthquakes are a

fact of life. They are something we accept and work through. Thankfully, most are not devastating occurrences. We clean up, rather than rebuild. However, we cannot overlook the fact that the average annual cost from earthquakes in the United States is about \$4.4 billion. Of course, the toll imposed by a major earthquake can be much greater.

In California, we have suffered two major quakes in the past decade. In 1999, the Loma Prieta earthquake in the San Francisco area cost \$6 billion, and then in 1994 in Los Angeles what was known as the Northridge earthquake, which I felt and was horrible, cost \$40 billion. Of course, major earthquakes cost a lot more than dollars and cents.

In both cases, both of those earthquakes in California in the last decade, the Loma Prieta and the Northridge quakes, people were killed and lives were very, very disrupted. An earthquake can wreak havoc on a community. During the 1987 earthquake in Whittier, an area that I used to represent, I saw firsthand how unreinforced buildings can fail.

Mr. Speaker, I am happy to have the attention of my California colleagues who are in the back, and I know this is of great importance to them.

During that 1987 earthquake in Whittier, I saw how unreinforced buildings can fail. I saw how faults can act in a random manner and cause complete devastation to one block while leaving untouched another block that is right nearby.

□ 1215

Mr. Speaker, the Boy Scout motto is "Be Prepared." This legislation is crafted in that spirit. H.R. 1184 authorizes the National Earthquake Hazards Reduction Program, the Advanced National Seismic Research and Monitoring System, and the Network for Earthquake Engineering Simulation. These programs will modernize the existing seismic network, which is both outdated and disjointed, and interconnect earthquake engineering research facilities.

We all know that we cannot stop earthquakes from happening. However, we can plan for them and improve our readiness. We can improve our detection and warning systems and build roads and buildings to better serve so that we can survive them. In short, we can be better prepared. This bipartisan legislation clearly moves us in that direction.

I would like to commend the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on Science, the members of his committee for their efforts.

The payoff will be in lives saved, homes and businesses protected, and communities preserved. We cannot afford to do anything less for the people of California or the 39 other States that are inclined towards earthquakes.

Therefore, I urge my colleagues to support both this open rule and the underlying bill.