

"(4) attainment of challenging State performance standards.

"SEC. 7404. CONSTRUCTION.

"Nothing in part A shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

"SEC. 7405. LIMITATION ON FEDERAL REGULATIONS.

"The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

"SEC. 7406. LEGAL AUTHORITY UNDER STATE LAW.

"Nothing in this title shall be construed to negate or supersede the legal authority, under State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the State agency, entity, or official.

"SEC. 7407. CIVIL RIGHTS.

"Nothing in this title shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

"SEC. 7408. RULE OF CONSTRUCTION.

"Nothing in part A shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.

"SEC. 7409. REPORT.

"The Secretary shall prepare, and submit to the Secretary and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on—

"(1) the activities carried out under this title and the effectiveness of such activities in increasing the English proficiency of limited English proficient children and helping them to meet challenging State content standards and challenging State performance standards;

"(2) the types of instructional programs used under subpart 1 to teach limited English proficient children;

"(3) the number of programs, if any, which were terminated from the program because they were not able to reach program goals; and

"(4) other information gathered as part of the evaluation conducted under section 7403.

"SEC. 7410. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

"Programs authorized under subparts 1 and 2 of this part that serve Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that a primary outcome of programs serving such children shall be increased English proficiency among such children."

SEC. 902. CONFORMING AMENDMENT TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) **IN GENERAL.**—The Department of Education Organization Act is amended by striking "Office of Bilingual Education and Minority Languages Affairs" each place such term appears in the text and inserting "Office of Educational Services for Limited English Proficient Children".

(b) CLERICAL AMENDMENTS.—

(1) **SECTION 209.**—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

"OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN".

(2) **SECTION 216.**—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

"SEC. 216. OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN."

(3) TABLE OF CONTENTS.—

(A) **SECTION 209.**—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

"Sec. 209. Office of Educational Services for Limited English Proficient Children."

(B) **SECTION 216.**—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

"Sec. 216. Office of Educational Services for Limited English Proficient Children."

MODIFICATION TO AMENDMENT NO. 5 OFFERED
BY MR. GOODLING

Mr. GOODLING. Madam Chairman, I ask unanimous consent that the amendment be modified with the modification at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 5, as modified, offered by Mr. GOODLING:

In section 1112(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (10), by striking the "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) a description of the criteria established by the local educational agency pursuant to section 1119(b)(1).

In section 1112(g) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106(f) of the bill, strike subparagraph (A) of paragraph (2) and insert the following:

"(A) AGENCY REQUIREMENTS.—

"(i) **INFORMED CONSENT.**—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

"(I) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

"(II) instruction is tailored for limited English proficient children.

"(ii) **WRITTEN CONSENT NOT OBTAINED.**—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

"(iii) **RESPONSE NOT OBTAINED.**—

"(I) **IN GENERAL.**—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document that it has given such notice and its specific efforts made to obtain such consent.

"(II) **DELIVERY OF PROOF OF DOCUMENTATION.**—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under in clause (i), and shall include a final notice request-

ing parental consent for such services. After such documentation has been mailed or delivered in writing, the local educational agency shall provide appropriate educational services.

"(III) **SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.**—A local educational agency may obtain parental consent under this subclause only for children who have not been identified as limited English proficient prior to the beginning of a school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in clause (i). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This subclause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

In section 1124(c)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) in subparagraph (A), strike "and" after the semicolon;

(2) in subparagraph (B), strike the period and insert "; and"; and

(3) add at the end the following:

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4)."

In section 1124(c)(4) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) insert before the first sentence the following: "For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics."

(2) in the first sentence after the sentence inserted by paragraph (1)—

(A) insert "the number of such children and" after "determine"; and

(B) insert "(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October)" after "fiscal year".

Amend subparagraph (C) of section 1701(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill, to read as follows:

"(C) **REALLOCATION.**—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B)."

In section 5204(a) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), insert "the design and development of new strategies for overcoming transportation barriers," after "effective public school choice"; and

(2) in paragraph (2)(A), after "inter-district" insert "or intra-district"; and

(3) amend subparagraph (E) to read as follows:

"(E) public school choice programs that augment the existing transportation services necessary to meet the needs of children participating in such programs."

In section 5204(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 201 of the bill—

(1) in paragraph (1), after the semicolon insert "and";

(2) strike paragraph (2); and

(3) redesignate paragraph (3) as paragraph (2).

In section 9116(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) insert "funds for" after "(b) shall include"; and

(2) strike ", or portion thereof," and insert "exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children".

In section 15004(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 301 of the bill, strike "state, or federal laws, rules or regulations" and insert "State, and Federal laws, rules and regulations".

In section 1121(c)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "1 year" and insert "2 years".

In the heading for section 1123 of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, insert "codification of" before "regulations".

In section 1126(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "maintenance to schools" and insert "maintenance of schools".

In the heading for section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "GENERAL" and all that follows through the semicolon.

In section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike "Regulations required" and all that follows through "Such regulations shall" and insert "Regulations issued to implement this Act shall".

In section 1138A(b)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ", provided that the" and all that follow through the end of the paragraph and insert a period.

In section 1138A(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, redesignate paragraph (2) as paragraph (3), and insert the following new paragraph (2) after paragraph (1):

"(2) NOTIFICATION TO CONGRESS.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

In section 5209(a) of Public Law 100-297, as proposed to be amended by section 420 of the bill—

(1) strike "106(f)" and insert "106(e)";

(2) strike "106(j)" and insert "106(i)"; and

(3) strike "106(k)" and insert "106(j)".

In section 722(g)(3)(C) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(C)), as proposed to be amended by section 704 of the bill—

(1) in clause (i), strike "Except as provided in clause (iii), a" and insert "A"; and

(2) amend clause (iii) to read as follows:

"(iii) If the child or youth needs to obtain immunizations or immunization records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization records in accordance with subparagraph (E)."

In section 722(g)(3)(E)(i) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(E)(i)), as proposed to be amended by section 704 of the bill, strike "except as provided in subparagraph (C)(iii)."

At the end of the bill, add the following:

TITLE IX—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

SEC. 901. PROGRAMS AUTHORIZED.

Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

"TITLE VII—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

"PART A—ENGLISH LANGUAGE EDUCATION

"SEC. 7101. SHORT TITLE.

"This part may be cited as the 'English Language Proficiency and Academic Achievement Act'.

"SEC. 7102. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential;

"(2) limited English proficient children must overcome a number of challenges in receiving an education in order to enable such children to participate fully in American society, including—

"(A) segregated education programs;

"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

"(C) the limited English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

"(D) a need for additional teachers and other staff who are professionally trained and qualified to serve such children;

"(3) States and local educational agencies need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to children who need special assistance because English is not their dominant language;

"(4) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act), including native residents of the outlying areas, have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States;

"(5) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and con-

tinuing obligation to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to children of limited English proficiency; and

"(6) research, evaluation, and data collection capabilities in the field of instruction for limited English proficient children need to be strengthened so that educators and other staff teaching limited English proficient children in the classroom can better identify and promote programs, program implementation strategies, and instructional practices that result in the effective education of limited English proficient children.

"(b) PURPOSES.—The purposes of this part are—

"(1) to help ensure that children who are limited English proficient attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State content standards and challenging State student performance standards expected of all children; and

"(2) to develop high quality programs designed to assist local educational agencies in teaching limited English proficient children.

"SEC. 7103. PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.

"(a) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—

"(1) the reasons for the identification of the child as being in need of English language instruction;

"(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

"(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

"(4) what the specific exit requirements are for the program;

"(5) the expected rate of transition from the program into a classroom that is not tailored for limited English proficient children; and

"(6) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.

"(b) CONSENT.—

"(1) AGENCY REQUIREMENTS.—

"(A) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

"(i) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

"(ii) instruction is tailored for limited English proficient children.

"(B) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

"(C) RESPONSE NOT OBTAINED.—

"(i) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document that it has given such notice and its specific efforts made to obtain such consent.

"(ii) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described in subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the local educational agency shall provide appropriate educational services.

"(iii) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of a school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this paragraph.

"(2) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under subpart 1 or 2 shall—

"(A) select among methods of instruction, if more than one method is offered in the program; and

"(B) have the right to have their child immediately removed from the program upon their request.

"(c) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

"(1) timely information about English language instruction programs for limited English proficient children assisted under this part;

"(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents; and

"(3) procedural information for removing a child from a program for limited English proficient children.

"(d) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.

"SEC. 7104. TESTING OF LIMITED ENGLISH PROFICIENT CHILDREN.

"(a) IN GENERAL.—Assessments of limited English proficient children participating in programs funded under this part, to the extent practicable, shall be in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas.

"(b) SPECIAL RULE.—Notwithstanding subsection (a), in the case of an assessment of reading or language arts of any student who has attended school in the United States (excluding Puerto Rico) for 3 or more consecutive school years, the assessment shall be in the form of a test written in English, except that, if the local educational agency determines, on a case-by-case individual basis,

that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year.

"SEC. 7105. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.

"(a) SUBPART 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.

"(b) SUBPART 2.—

"(1) IN GENERAL.—Subpart 2 shall be in effect only for—

"(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds \$220,000,000; and

"(B) all succeeding fiscal years.

"(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2 shall provide 1 additional year of funding to eligible entities in accordance with section 7133(3).

"SEC. 7106. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) SUBPART 1 OR 2.—Subject to section 7105, for the purpose of carrying out subpart 1 or 2, as applicable, there are authorized to be appropriated \$220,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

"(b) SUBPART 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated \$60,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

"(c) SUBPART 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated \$16,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

"Subpart 1—Discretionary Grant Program

"SEC. 7111. FINANCIAL ASSISTANCE FOR PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN.

"The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under section 7112, to—

"(1) develop and enhance their capacity to provide high-quality instruction through English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children; and

"(2) help such children—

"(A) develop proficiency in English; and

"(B) meet the same challenging State content standards and challenging State student performance standards expected for all children as required by section 1111(b).

"SEC. 7112. FINANCIAL ASSISTANCE FOR INSTRUCTIONAL SERVICES.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—In accordance with section 7105, before the amount appropriated to carry out this part for a fiscal year equals or exceeds \$220,000,000, the Secretary is authorized to award grants to eligible entities having applications approved under section 7114 to enable such entities to carry out activities described in subsection (b).

"(2) LENGTH OF GRANT.—Each grant under this section shall be awarded for a period of time to be determined by the Secretary based on the type of grant for which the eligible entity applies.

"(b) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State per-

formance standards using scientifically-based research approaches and methodologies, by—

"(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

"(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

"(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

"(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

"(c) USES OF FUNDS.—Grants under this section may be used—

"(1) to upgrade program objectives and effective instructional strategies;

"(2) to improve the instruction program for limited English proficient students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures;

"(3) to provide—

"(A) tutorials and academic or vocational education for limited English proficient children; and

"(B) intensified instruction;

"(4) to develop and implement comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services;

"(5) to provide professional development to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children;

"(6) to improve the English language proficiency and academic performance of limited English proficient children;

"(7) to improve the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart;

"(8) to develop tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children;

"(9) to provide family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance; and

"(10) to undertake other activities that are consistent with the purposes of this subpart.

"(d) SPECIAL RULE.—A grant recipient, before carrying out a program assisted under this section, shall plan, train personnel, develop curricula, and acquire or develop materials.

“(e) ELIGIBLE ENTITIES.—For the purpose of this section, the term ‘eligible entity’ means—

“(1) 1 or more local educational agencies; or

“(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or local or State educational agency.

“SEC. 7113. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

“(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this subpart, subject to the following qualifications:

“(1) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

“(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term ‘tribally sanctioned educational authority’ means—

“(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

“(B) any nonprofit institution or organization that is—

“(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

“(ii) approved by the Secretary for the purpose of this section.

“(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this subpart, each eligible entity described in subsection (a) shall submit any application for assistance under this subpart directly to the Secretary along with timely comments on the need for the proposed program.

“SEC. 7114. APPLICATIONS.

“(a) IN GENERAL.—

“(1) SECRETARY.—To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

“(2) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of its application under this section to the State educational agency.

“(b) REQUIRED DOCUMENTATION.—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

“(c) CONTENTS.—

“(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

“(A) A description of the need for the proposed program, and a comprehensive description of the characteristics relevant to the children being served.

“(B) An assurance that, if the applicant includes one or more local educational agencies, each such agency is complying with sec-

tion 7103(b) prior to, and throughout, each school year.

“(C) A description of the program to be implemented and how such program’s design—

“(i) relates to the English language and academic needs of the children of limited English proficiency to be served;

“(ii) is coordinated with other programs under this Act and other Acts, as appropriate, in accordance with section 14306;

“(iii) involves the parents of the children of limited English proficiency to be served;

“(iv) ensures accountability in achieving high academic standards; and

“(v) promotes coordination of services for the children of limited English proficiency to be served and their families.

“(D) A description, if appropriate, of the applicant’s collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

“(E) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for programs for limited English proficient children if the applicant receives an award under this subpart.

“(F) An assurance that the applicant will employ teachers in the proposed program who are proficient in English, including written and oral communication skills, and another language, if appropriate.

“(G) A budget for grant funds.

“(H) A description, if appropriate of how the applicant annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart.

“(2) ADDITIONAL INFORMATION.—Each applicant for a grant under section 7112 who intends to use the grant for a purpose described in paragraph (3) or (4) of subsection (b) of such section—

“(A) shall describe—

“(i) how services provided under this subpart are supplementary to existing services;

“(ii) how funds received under this subpart will be integrated, as appropriate, with all other Federal, State, local, and private resources that may be used to serve children of limited English proficiency;

“(iii) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

“(iv) current family literacy programs if applicable; and

“(B) shall provide assurances that the program funded will be integrated with the overall educational program.

“(d) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

“(1) the program will use qualified personnel, including personnel who are proficient in English and other languages used in instruction, if appropriate.

“(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

“(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students, and that limited English proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

“(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for limited English proficient children and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children; and

“(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this subpart is reduced or no longer available.

“(e) CONSIDERATION.—In approving applications under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or businesses.

“SEC. 7115. INTENSIFIED INSTRUCTION.

“In carrying out this subpart, each grant recipient may intensify instruction for limited English proficient students by—

“(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

“(2) applying technology to the course of instruction; and

“(3) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

“SEC. 7116. CAPACITY BUILDING.

“Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient’s capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children, once Federal assistance is reduced or eliminated.

“SEC. 7117. SUBGRANTS.

“A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

“SEC. 7118. SPECIAL CONSIDERATION.

“The Secretary shall give special consideration to applications under this subpart that describe a program that—

“(1) enrolls a large percentage or large number of limited English proficient students;

"(2) takes into account significant increases in limited English proficient children, including such children in areas with low concentrations of such children; and

"(3) ensures that activities assisted under this subpart address the needs of school systems of all sizes and geographic areas, including rural and urban schools.

"SEC. 7119. COORDINATION WITH OTHER PROGRAMS.

"In order to secure the most flexible and efficient use of Federal funds, any State receiving funds under this subpart shall coordinate its program with other programs under this Act and other Acts, as appropriate, in accordance with section 14306.

"SEC. 7120. NOTIFICATION.

"The State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days of the date an award under this subpart is made to an eligible entity within the State.

"SEC. 7121. STATE GRANT PROGRAM.

"(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's own programs and other Federal education programs, effectively provides for the education of children of limited English proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart I for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than \$100,000.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency shall use funds awarded under this section for programs authorized by this section—

"(A) to assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and

"(B) to collect data on the State's limited English proficient populations and the educational programs and services available to such populations.

"(2) EXCEPTION.—States that do not, as of the date of enactment of the Student Results Act of 1999, have in place a system for collecting the data described in paragraph (1)(B) for all students in such State, are not required to meet the requirement of such paragraph. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State shall comply with the requirement of paragraph (1)(B).

"(3) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

"(4) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

"(d) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section for any fiscal year shall be used by the State edu-

cational agency to supplement and, to the extent practical, to increase to the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"(f) REPORT TO THE SECRETARY.—State educational agencies receiving awards under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of such funds.

"Subpart 2—Formula Grant Program

"SEC. 7131. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—In accordance with section 7105, after the amount appropriated to carry out this part for a fiscal year equals or exceeds \$220,000,000, in the case of each State that in accordance with section 7133 submits to the Secretary an application for a fiscal year, after reserving funds under subsection (b), the Secretary shall make a grant for the year to the State for the purposes specified in subsection (c). The grant shall consist of the allotment determined for the State under section 7135.

"(b) RESERVATION.—From the amount appropriated to carry out this part for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be a local educational agency under section 7113(a).

"(c) PURPOSES OF GRANTS.—

"(1) REQUIRED EXPENDITURES.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 95 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to limited English proficient children in accordance with section 7134.

"(2) AUTHORIZED EXPENDITURES.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 5 percent of the amount of the funds provided under the grant for one or more of the following purposes:

"(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

"(B) Planning, administration, and inter-agency coordination related to the subgrants referred to in paragraph (1).

"(C) Providing technical assistance and other forms of assistance to local educational agencies that—

"(i) educate limited English proficient children; and

"(ii) are not receiving a subgrant from a State under this subpart.

"(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children enrolled in the subgrantee's programs and activities attain English language proficiency and meet challenging State content standards and challenging State student performance standards.

"(3) LIMITATION ON ADMINISTRATIVE COSTS.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

"SEC. 7132. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, the following shall be considered to be a local educational agency:

"(1) An Indian tribe.

"(2) A tribally sanctioned educational authority.

"(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

"(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

"(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

"(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

"(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

"SEC. 7133. APPLICATIONS BY STATES.

"For purposes of section 7131, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

"(1) describes the process that the State will use in making subgrants to eligible entities under this subpart;

"(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State's use of the funds provided under the grant;

"(3) contains an agreement that the State—

"(A) will provide 1 year of funding for an application for a subgrant under section 7134 from an eligible entity that describes a program that, on the day preceding the date of the enactment of the Student Results Act of 1999, was receiving funding under a grant—

"(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

"(ii) that was not under its terms due to expire before a period of 1 year or more had elapsed; and

"(B) after such 1-year extension, will give special consideration to such applications if the period of their award would not yet otherwise have expired if the Student Results Act of 1999 had not been enacted.

"(4) contains an agreement that, in carrying out this subpart, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

"(5) contains an agreement that subgrants to eligible entities under section 7134 shall be of sufficient size and scope to allow such entities to carry out high quality education programs for limited English proficient children;

"(6) contains an agreement that the State will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

"(7) contains an agreement that the State—

"(A) shall monitor the progress of students enrolled in programs and activities receiving assistance under this subpart in attaining

English proficiency and in attaining challenging State content standards and challenging State performance standards;

“(B) subject to subparagraph (C), after the 1-year period described in such subparagraph, shall withdraw funding from such programs and activities in cases where the majority of students are not attaining English proficiency and attaining challenging State content standards and challenging State performance standards after 3 academic years of enrollment based on the evaluation measures in section 7403(d); and

“(C) shall provide technical assistance to eligible entities that fail to satisfy the criterion in subparagraph (B) for 1 year prior to the withdrawal of funding under such subparagraph;

“(8) contains an assurance that the State will require eligible entities receiving a subgrant under section 7134 annually to assess the English proficiency of all children with limited English proficiency participating in a program funded under this subpart; and

“(9) contains an agreement that States will require eligible entities receiving a grant under this subpart to use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in attaining challenging State content standards and challenging State performance standards once assistance under this subpart is no longer available.

“SEC. 7134. SUBGRANTS TO ELIGIBLE ENTITIES.

“(a) PURPOSES OF SUBGRANTS.—A State may make a subgrant to an eligible entity from funds received by the State under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards, using scientifically-based research approaches and methodologies, by—

“(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

“(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

“(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

“(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.+

“(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—

“(1) IN GENERAL.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this subpart in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills:

“(A) Upgrading program objectives and effective instructional strategies.

“(B) Improving the instruction program for limited English proficient students by

identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.

“(C) Providing—

“(i) tutorials and academic or vocational education for limited English proficient children; and

“(ii) intensified instruction.

“(D) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

“(E) Providing professional development to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children.

“(F) Improving the English language proficiency and academic performance of limited English proficient children.

“(G) Improving the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

“(H) Developing tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children.

“(I) Providing family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

“(J) Other activities that are consistent with the purposes of this subpart.

“(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this subpart shall be designed to assist students enrolled in the program or activity to attain English proficiency and meet challenging State content standards and challenging State performance standards as soon as possible and to move into a classroom where instruction is not tailored for limited English proficient children.

“(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State content standards and challenging State student performance standards. Such selection shall be consistent with sections 7406 and 7407.

“(d) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State under this section shall be determined by the State in its discretion.

“(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—To receive a subgrant from a State under this subpart, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

“(2) REQUIRED DOCUMENTATION.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the

subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

“(3) REQUIREMENTS FOR APPROVAL.—A State may approve an application submitted by an eligible entity for a subgrant under this subpart only if the State determines that—

“(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children who are limited English proficient;

“(B) if the eligible entity includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year;

“(C) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart;

“(D) the eligible entity has based its proposal on sound research and theory;

“(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be fluent in English after 3 academic years of enrollment;

“(F) the eligible entity will ensure that programs will enable children to speak, read, write, and comprehend the English language and meet challenging State content and challenging State performance standards; and

“(G) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 7406 and 7407.

“(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application and ensure that it is of sufficient size and scope to meet the purposes of this subpart.

“(f) ELIGIBLE ENTITIES.—For the purpose of this section, the term ‘eligible entity’ means—

“(1) 1 or more local educational agencies; or

“(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or local or State educational agency.

“SEC. 7135. DETERMINATION OF AMOUNT OF ALLOTMENT.

“(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), from the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children who are limited English proficient and who reside in the State bears to the total number of such children residing in all States (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7133, submit to the Secretary an application for the year.

“(b) PUERTO RICO.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7106(a).

“(c) OUTLYING AREAS.—

“(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the outlying areas, in accordance with

paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7106(a).

“(2) DETERMINATION OF INDIVIDUAL AREA AMOUNTS.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children who are limited English proficient and who reside in the outlying area bears to the total number of such children residing in all outlying areas that, in accordance with section 7133, submit to the Secretary an application for the year.

“(d) MINIMUM ALLOTMENT.—

“(1) IN GENERAL.—Notwithstanding subsections (a) through (c), and subject to section 7105, the Secretary shall not allot to any State, for fiscal years 2000 through 2004, an amount that is less than 100 percent of the baseline amount for the State.

“(2) BASELINE AMOUNT DEFINED.—For purposes of this subsection, the term ‘baseline amount’, when used with respect to a State, means the total amount received under this part for fiscal year 2000 by the State, the State educational agency, and all local educational agencies of the State.

“(3) RATABLE REDUCTION.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

“(e) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children who are limited English proficient and reside in a State shall be made using the most recent limited English proficient school enrollment data available to, and reported to the Secretary by, the State. The State shall provide assurances to the Secretary that such data are valid and reliable.

“(f) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State’s allotment based on the State’s selection of the immersion method of instruction as its preferred method of teaching the English language to children who are limited English proficient.

“SEC. 7136. DISTRIBUTION OF GRANTS TO ELIGIBLE ENTITIES.

“Of the amount required to be expended by a State for subgrants to eligible entities—

“(1) at least one-half shall be allocated to eligible entities that enroll a large percentage or a large number of children who are limited English proficient, as determined based on the relative enrollments of such children enrolled in the eligible entities; and

“(2) the remainder shall be allocated on a competitive basis to—

“(A) eligible entities within the State to address a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children who are limited English proficient in a school or local educational agency, including schools and agencies in areas with low concentrations of such children; and

“(B) other eligible entities serving limited English proficient children.

“SEC. 7137. SPECIAL RULE ON PRIVATE SCHOOL PARTICIPATION.

For purposes of this Act, this subpart shall be treated as a covered program, as defined in section 14101(10).

“Subpart 3—Professional Development

“SEC. 7141. PURPOSE.

“The purpose of this subpart is to assist in preparing educators to improve educational services for limited English proficient children by supporting professional development programs primarily aimed at improving and developing the skills of instructional staff in elementary and secondary schools and on as-

sisting limited English proficient children to attain English proficiency and meet challenging State academic content standards and challenging State performance standards.

“SEC. 7142. PROFESSIONAL DEVELOPMENT AND FELLOWSHIPS.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to award grants, as appropriate, to local educational agencies, institutions of higher education, State educational agencies, public and private organizations in consortium with a local educational agency, or a consortium of such agencies or institutions, except that any such consortium shall include a local educational agency.

“(2) GRANT PURPOSE.—Grants awarded under this section shall be used for one or more of the following purposes:

“(A) To develop and provide ongoing in-service professional development, including professional development necessary to receive certification as a teacher of limited English proficient children, for teachers of limited English proficient children, school administrators and, if appropriate, pupil services personnel, and other educational personnel who are involved in, or preparing to be involved in, the provision of educational services to limited English proficient children.

“(B) To provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies, and resources specific to limited English proficient students into in-service professional development programs for teachers, administrators and, if appropriate, pupil services personnel, and other educational personnel in order to prepare such individuals to provide effective services to limited English proficient students.

“(C) To upgrade the qualifications and skills of teachers to ensure that they are fully qualified (as defined by section 1610) and meet high professional standards, including certification and licensure as a teacher of limited English proficient students.

“(D) To upgrade the qualifications and skills of paraprofessionals to ensure they meet the requirements under section 1119 and meet high professional standards to assist, as appropriate, teachers who instruct limited English proficient students.

“(E) To train secondary school students as teachers of limited English proficient children and to train, as appropriate, other education personnel to serve limited English proficient students.

“(F) To award fellowships for—

“(i) study in such areas as teacher training, program administration, research and evaluation, and curriculum development, at the master’s, doctoral, or post-doctoral degree level, related to instruction of children and youth of limited English proficiency; and

“(ii) the support of dissertation research related to such study.

“(G) To recruit elementary and secondary school teachers of limited English proficient children.

“(b) DURATION AND LIMITATION.—

“(1) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

“(2) LIMITATION.—Not more than 15 percent of the amount of the grant may be expended for the purposes described in subparagraphs (F) and (G) of subsection (a)(2).

“(c) PROFESSIONAL DEVELOPMENT REQUIREMENTS.—

“(1) ACTIVITIES.—A recipient of a grant under this section may use the grant funds

for the following professional development activities:

“(A) Designing and implementing of induction programs for new teachers, including mentoring and coaching by trained teachers, team teaching with experienced teachers, compensation for, and availability of, time for observation of, and consultation with, experienced teachers, and compensation for, and availability of, additional time for course preparation.

“(B) Implementing collaborative efforts among teachers to improve instruction in reading and other core academic areas for students with limited English proficiency, including programs that facilitate teacher observation and analysis of fellow teachers’ classroom practice.

“(C) Supporting long-term collaboration among teachers and outside experts to improve instruction of limited English proficient students.

“(D) Coordinating project activities with other programs, such as those under the Head Start Act, and titles I and II of this Act, and titles II and V of the Higher Education Act of 1965.

“(E) Developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served.

“(F) Instructing teachers and, where appropriate, other personnel working with limited English children on how—

“(i) to utilize test results to improve instruction for limited English proficient children so the children can meet the same challenging State content standards and challenging State performance standards as other students; and

“(ii) to help parents understand the results of such assessments.

“(G) Contracting with institutions of higher education to allow them to provide in-service training to teachers, and, where appropriate, other personnel working with limited English proficient children to improve the quality of professional development programs for limited English proficient students.

“(H) Such other activities as are consistent with the purpose of this section.

“(2) ADDITIONAL REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT FUNDS.—Uses of funds received under this section for professional development—

“(A) shall advance teacher understanding of effective instructional strategies based on scientifically based research for improving student achievement;

“(B) shall be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers’ performance in the classroom;

“(C) shall be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under subparts 1 and 2 of part A; and

“(D) as a whole, shall be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.

“(d) FELLOWSHIP REQUIREMENTS.—

“(1) IN GENERAL.—Any person receiving a fellowship under subsection (a)(2)(F) shall agree—

“(A) to work as a teacher of limited English proficient children, or in a program or an activity funded under this part, for a period of time equivalent to the period of time during which the person receives such fellowship; or

“(B) to repay the amount received pursuant to the fellowship award.

“(2) REGULATIONS.—The Secretary shall establish in regulations such terms and conditions for agreements under paragraph (1) as the Secretary deems reasonable and necessary and may waive the requirement of such paragraph in extraordinary circumstances.

“(3) PRIORITY.—In awarding fellowships under this section, the Secretary shall give priority to fellowship applicants applying for study or dissertation research at institutions of higher education that have demonstrated a high level of success in placing fellowship recipients into employment in elementary and secondary schools.

“(4) INFORMATION.—The Secretary shall include information on the operation and the number of fellowships awarded under this section in the evaluation required under section 7145.

“SEC. 7143. APPLICATION.

“(a) IN GENERAL.—

“(1) SUBMISSION TO SECRETARY.—In order to receive a grant under section 7142, an agency, institution, organization, or consortium described in subsection (a)(1) of such section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

“(2) CONTENTS.—Each such application shall include—

“(A) a description of the proposed professional development or graduate fellowship programs to be implemented with the grant;

“(B) a description of the scientific research on which the program or programs are based; and

“(C) an assurance that funds will be used to supplement and not supplant other professional development activities that affect the teaching and learning in elementary and secondary schools, as appropriate.

“(b) APPROVAL.—The Secretary shall only approve an application under this section if it meets the requirements of this section and is of sufficient quality to meet the purposes of this subpart.

“(c) SPECIAL RULES.—

“(1) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under titles III and V of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions under this subpart.

“(2) DISTRIBUTION.—In making awards under this subpart, the Secretary shall ensure adequate representation of Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965) that demonstrate competence and experience in the programs and activities authorized under this subpart and are otherwise qualified.

“SEC. 7144. PROGRAM EVALUATIONS.

“Each recipient of funds under this subpart shall provide the Secretary with an evaluation of the program assisted under this subpart every 2 years. Such evaluation shall include data on—

“(1) post-program placement of persons trained in a program assisted under this subpart;

“(2) how such training relates to the employment of persons served by the program;

“(3) program completion; and

“(4) such other information as the Secretary may require.

“SEC. 7145. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.

“Not more than 10 percent of the funds received under this subpart may be used to develop any program participant's competence in a second language for use in instructional programs.

“Subpart 4—Research, Evaluation, and Dissemination

“SEC. 7151. AUTHORITY.

“The Secretary shall conduct and coordinate, through the Office of Educational Research and Improvement and in coordination with the Office of Educational Services for Limited English Proficient Children, research for the purpose of improving English language and academic content instruction for children who are limited English proficient. Activities under this section shall be limited to research to identify successful models for teaching limited English proficient children English, research to identify successful models for assisting such children to meet challenging State content and student performance standards, and distribution of research results to States for dissemination to schools with populations of students who are limited English proficient. Research conducted under this section may not focus solely on any one method of instruction.

“PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

“SEC. 7201. FINDINGS AND PURPOSE.

“(a) FINDINGS.—The Congress finds that—

“(1) the education of our Nation's children and youth is one of the most sacred governmental responsibilities;

“(2) local educational agencies have struggled to fund adequately education services; and

“(3) immigration policy is solely a responsibility of the Federal Government.

“(b) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

“(1) provide high-quality instruction to immigrant children and youth; and

“(2) help such children and youth—

“(A) with their transition into American society; and

“(B) meet the same challenging State performance standards expected of all children and youth.

“SEC. 7202. STATE ADMINISTRATIVE COSTS.

“For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 7204 to pay the costs of performing such agency's administrative functions under this part.

“SEC. 7203. WITHHOLDING.

“Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

“SEC. 7204. STATE ALLOCATIONS.

“(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2000 through 2004 for the purpose set forth in section 7201(b).

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

“(A) at least 500; or

“(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year, whichever number is less.

“(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

“(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

“(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

“(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

“(e) RESERVATION OF FUNDS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds \$50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

“(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

“(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

“(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 7207.

“(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

“SEC. 7205. STATE APPLICATIONS.

“(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

“(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

“(2) provide assurances that payments under this part will be used for purposes set forth in sections 7201(b) and 7207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes and will coordinate with other programs assisted under this Act and other Acts as appropriate;

“(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under part A or title I;

“(4) provide assurances that such payments, with the exception of payments reserved under section 7204(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 7204(b)(1);

“(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

“(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

“(7) provide assurances—

“(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

“(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in

this part, and a public agency shall administer such funds and property; and

“(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

“(8) provide that funds reserved under section 7204(e) be awarded on a competitive basis based on merit and need in accordance with such subsection; and

“(9) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

“(b) APPLICATION REVIEW.—

“(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

“(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

“(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

“SEC. 7206. ADMINISTRATIVE PROVISIONS.

“(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 7205 of the amount of such agency's allocation under section 7204 for the succeeding year.

“(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

“SEC. 7207. USES OF FUNDS.

“(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

“(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

“(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

“(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

“(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

“(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, in-

cluding the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

“(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

“(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

“(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

“(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

“SEC. 7208. REPORTS.

“(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

“(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 14701.

“SEC. 7209. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated \$175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“PART C—ADMINISTRATION

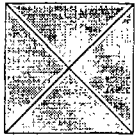
“SEC. 7301. REPORTING REQUIREMENTS.

“(a) STATES.—Based upon the evaluations provided to a State under section 7403, each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

“(b) SECRETARY.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

“SEC. 7302. COORDINATION WITH RELATED PROGRAMS.

“In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies.



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503**

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

October 20, 1999
(House)

H.R. 2 - The Students Results Act of 1999 **(Rep. Goodling (R) PA and 18 others)**

The Administration supports House passage of H.R. 2, as reported by the Committee on Education and the Workforce, but strongly urges that the bill be improved as outlined below.

The Administration is pleased that the Committee worked in a bipartisan manner and that H.R. 2 reflects some of the themes that shaped the President's Elementary and Secondary Education Act (ESEA) reauthorization proposal, the Educational Excellence for All Children Act of 1999. The Administration is encouraged that the Committee-reported version of H.R. 2 continues the work of standards-based reform, emphasizes public school choice, recognizes the importance of accountability, and rejects the false promise of vouchers. The Administration strongly opposes pending amendments to permit Title I funds to be used for private school vouchers, as well as amendments that would curtail necessary efforts by the Department of Education to protect the civil rights of children with limited English proficiency.

The Administration encourages the Congress to improve specific aspects of the legislation as the reauthorization process moves forward. Specifically, the Administration looks forward to working with the Congress to amend the bill to:

- Target funds to areas of greatest need by concentrating Title I funds on high-poverty districts and schools that have the greatest need for funds and the farthest to go to raise student achievement. The bill should thus be amended to devote substantially more funds to Targeted Grants and less funds to Basic Grants. In addition, the House should delete language that would guarantee the award of Concentration Grants to districts for four years after they lose their eligibility. Finally, the bill should be amended to adopt the President's proposal to determine the Basic Grant allocation for

Puerto Rico on the same basis as is used for the rest of the country.

- Ensure that children with limited English proficiency (LEP) are able to meet State standards for all children. To support our continued commitment to improving parental involvement in the education of students with limited English proficiency, the bill should require that schools annually assess the English proficiency of LEP children in their Title I programs. Results would be used both to improve instruction and inform parents of student progress. In addition, the House should delete any provisions of the bill that would require parental consent for certain Title I services and jeopardize student access to the full benefit of Title I and opportunities to achieve to high standards.

The House should also include provisions from the President's proposal that would require States to use tests written in Spanish when testing Spanish-speaking students in subjects other than English, if Spanish-language tests are more likely to yield accurate and reliable information on what these students know in those subjects. This will help ensure that States, school districts, and schools are accountable for the academic performance of children with limited English proficiency. Similarly, to ensure accountability for helping students learn English, States should be required to include LEP students in State assessments of reading/language arts in English, when students have been in U.S. public schools for three or more consecutive years. Finally, the bill should require that tests used to assess the literacy level of first graders be in the language most likely to yield valid results.

- Retain the current eligibility requirements for school-wide programs. Currently, schools with 50 percent of their students from low-income families can use their Title I funds for school-wide programs. H.R. 2 would lower the threshold to 40 percent. A threshold lower than 50 percent is likely to dilute the effect of Title I services for disadvantaged students in the school.

Strengthen accountability by including the President's proposal that each State set aside 2.5 percent of its annual Title I allocation to help turn around the lowest-performing schools. The bill should also be amended to promote single Statewide accountability systems, that would be effective immediately, to help ensure that all schools, including Title I schools, help students learn to the same high standards. By establishing potentially unworkable performance requirements solely for Title I schools, H.R. 2 would lead States to develop dual accountability systems -- one for Title I schools and another for all other schools. Moreover, because even the best State accountability systems today do not meet the requirements the bill would impose on Title I schools, the procedures required by the bill would cause significant delays in implementing effective district and school accountability. The States have

already been given several years to implement accountability systems, and students in low-performing schools should not have to wait for further improvements.

Improve the quality of Title I instruction by incorporating the President's proposals to ensure that Title I teachers and paraprofessionals are fully trained and qualified, and substantially curtail the use of paraprofessionals to provide instructional services. The bill should also require school districts to devote at least five percent of their annual Title I allocations to provide high-quality professional development for teachers, principals, and other school staff.

Strengthen provisions on "comparability". The bill should include the President's proposal to strengthen current "comparability" provisions to ensure that disadvantaged children in Title I schools have access to the same quality of instruction and other resources as do children in other schools.

Reauthorize the Women's Educational Equity Act, as proposed by the President, in order to continue the national commitment to promote gender equity in education. This reauthorization is important to ensure that all women and girls have full and equal access to all educational and career opportunities. Increasing numbers of school districts are seeking materials and technical assistance related to gender equity, and the President's proposal would help meet those growing demands.

The Administration is pleased that the Committee included the President's proposed demonstration program that would provide support for high-quality public school choice initiatives. The bill should also reauthorize education programs for Native Hawaiians and adopt amendments to provide the additional flexibility proposed by the President to simplify and streamline these programs, which address the special educational obstacles that Native Hawaiians face. H.R. 2 should not include the new (and unworkable) program focused on rural areas. It is unlikely that the proposal would achieve its apparent objective of reducing administrative burdens or increasing flexibility for rural districts. The Administration looks forward to working with the Congress to address the education needs of rural areas.

[Read our Privacy Policy](#)

Rogers, Meyer and Rogers, on behalf of the Preferential Leaseholders, all of Pierre.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported an original bill, the Tax Relief Extension Act of 1999.

U.S.-SOUTH KOREA EXTRADITION TREATY

Committee on Foreign Relations: Senate concluded hearings on the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Korea (hereinafter referred to as "the Treaty"), signed at Washington on June 9, 1998 (Treaty Doc. 106-02), after receiving testimony from Jamison S. Borek, Deputy Legal Adviser, Department of State; and John E. Harris, Acting Director, Office of International Affairs, Criminal Division, Department of Justice.

JUSTICE DEPARTMENT CLEMENCY PROCESS

Committee on the Judiciary: Committee held oversight hearings to examine the Department of Justice clemency process, focusing on the recent clemency decision for the FALN members, receiving testimony from Eric Holder, Deputy Attorney General, and

Roger Adams, Pardon Attorney, both of the Department of Justice.

Hearings recessed subject to call.

ARCHITECT OF THE CAPITOL OPERATIONS

Committee on Rules and Administration: Committee concluded oversight hearings on the operations of the Architect of the Capitol, after receiving testimony from Alan M. Hantman, Architect of the Capitol.

INDIAN RESERVATION ROADS

Committee on Indian Affairs: Committee concluded oversight hearings on the Department of Transportation's implementation of provisions in the Transportation Equity Act of the 21st Century (TEA-21) affecting the Indian Reservation Roads program of the Federal Lands Highway Program, after receiving testimony from Arthur E. Hamilton, Program Manager, Federal Lands Highway, Federal Highway Administration, Department of Transportation; Robert Baracker, Director, Southwest Regional Office, Bureau of Indian Affairs, Department of the Interior; Mary Thomas, Gila River Indian Community, Sacaton, Arizona; Loretta Bullard, Kawerak, Inc., Nome, Alaska; Bobby Whitefeather, Red Lake Band of Chippewa Indians, Red Lake, Minnesota; and Paulson Chaco, Navajo Nation Department of Transportation, Window Rock, Arizona.

House of Representatives

Chamber Action

Bills Introduced: 9 public bills, H.R. 3111-3119; and 1 resolution, H. Con. Res. 202, were introduced.

Page H10611

Reports Filed: Reports were filed today as follows:

H.R. 1023, private bill for the relief of Richard W. Schaffert (H. Rept. 106-403);

H.R. 2970, to prescribe certain terms for the resettlement of the people of Rongelap Atoll due to conditions created at Rongelap during United States administration of the Trust Territory of the Pacific Islands (H. Rept. 106-404);

H.R. 970, to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota, amended (H. Rept. 106-405);

Conference report on H.R. 2466, making appropriations for the Department of the Interior and re-

lated agencies for the fiscal year ending September 30, 2000 (H. Rept. 106-406);

H. Res. 337, Waiving points of order against the conference report on H.R. 2466, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000 (H. Rept. 106-407); and

H. Res. 338, providing for consideration of H.R. 2300, to allow a State to combine certain funds to improve the academic achievement of all its students (H. Rept. 106-408).

Pages H10517-96, H10610-11

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Bereuter to act as Speaker pro tempore for today.

Page H10371

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Robert J. Orkand of Westport, Connecticut.

Page H10371

Journal Vote: Agreed to the Speaker's approval of the Journal of Tuesday, October 19, by a yea and

nay vote of 349 yeas to 57 nays, with one voting "present", Roll No. 515. **Pages H10371, H10377**

Commerce, Justice, State, and the Judiciary Appropriations: The House agreed to the conference report on H.R. 2670, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000 by a yeas and nay vote of 215 yeas to 213 nays, Roll No. 518.

Pages H10385–H10408

H. Res. 335, the rule that waived points of order against the conference report was agreed to by a recorded vote of 221 yeas to 204 noes, Roll No. 517. Earlier, agreed to order the previous question by a yeas and nay vote of 221 yeas to 204 nays, Roll No. 516.

Pages H10377–85

The Students Results Act: The House completed general debate and began consideration of amendments to H.R. 2, to send more dollars to the classroom and for certain other purposes. The House will continue consideration on October 21.

Pages H10413–H10514

Agreed to:

The Goodling amendment, as modified, that makes technical and clarifying changes and authorizes the English Language Proficiency and Academic Achievement Act; and

Pages H10474–95

The Mink amendment that restores language concerning gender equity and reinstate the Women's Educational Equity Act (agreed to by a recorded vote of 311 yeas to 111 noes, Roll No. 519).

Pages H10495–H10514

H. Res. 336, the rule that provided for consideration of the bill was agreed to by voice vote.

Pages H10408–13

Presidential Message Re Drug Traffickers In Colombia: Read a message from the President wherein he transmitted his report concerning the national emergency with respect to significant narcotics traffickers centered in Colombia—referred to the Committee on International Relations and ordered printed (H. Doc. 106–147).

Page H10514

Senate Messages: Messages received from the Senate appear on pages H10371 and H10596.

Referrals: S. 1652 was referred to the Committee on Transportation and Infrastructure.

Page H10610

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H10612–14.

Quorum Calls—Votes: Three yeas and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H10377, H10384–85, H10385, H10408, and H10513–14. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 9:44 p.m.

Committee Meetings

WORLD TRADE ORGANIZATION MINISTERIAL

Committee on Agriculture: Held a hearing to review the Administration's preparations for the 1999 World Trade Organization (WTO) Ministerial. Testimony was heard from Dan Glickman, Secretary of Agriculture; and Charlene Barshefsky, U.S. Trade Representative.

U.S. FORCES—THREAT POSED BY PROLIFERATION OF CHEMICAL AND BIOLOGICAL WEAPONS

Committee on Armed Services, Subcommittee on Military Procurement and the Subcommittee on Military Research held a joint hearing on the threat to U.S. forces posed by the proliferation of chemical and biological weapons. Testimony was heard from Norman L. Rabkin, Director, National Security Preparedness Issues, GAO; the following officials of the Department of Defense: Rear Adm. Richard A. Mayo, USN, Vice Director, Medical Readiness, J-4, The Joint Staff; Rear Adm. James D. MacArthur, USN, Deputy Director, Strategy and Policy, J-5, The Joint Staff; and Hans Mark, Director, Defense Research and Engineering; and a public witness.

DEPARTMENT OF ENERGY SECURITY ISSUES

Committee on Armed Services: Subcommittee on Military Procurement held a hearing on the Department of Energy security issues. Testimony was heard from the following officials of the Department of Energy: Glenn S. Podonsky, Director, Office of Independent Oversight and Performance Assurance; Gilbert G. Weigand, Deputy Assistant Secretary for Defense Strategic Computing and Simulation; and Gen. Eugene E. Habiger, USAF (ret.), Director, Office of Security and Emergency Operations; C. Paul Robinson, Director, Sandia National Laboratories; and Edward J. McCallum, former Director, Office of Safeguards and Security, Department of Defense.

RENTAL FAIRNESS ACT

Committee on Commerce: Subcommittee on Finance and Hazardous Materials held a hearing on H.R. 1954, Rental Fairness Act of 1999. Testimony was heard from public witnesses.

SAFE DRINKING WATER ACT AMENDMENTS

Committee on Commerce: Subcommittee on Health and Environment held a hearing on the Implementation

of the Safe Drinking Water Act Amendments of 1996. Testimony was heard from Peter F. Guerrero, Director, Environmental Protection Issues, GAO; the following officials of the EPA: Norine E. Noonan, Assistant Administrator, Research and Development; and Cynthia C. Dougherty, Director, Office of Ground Water and Drinking Water; and public witnesses.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on the National Archives and Records Administration. Testimony was heard from John W. Carlin, Archivist of the United States, National Archives and Records Administration; L. Nye Stevens, Director, Federal Management and Workforce Issues, GAO; and public witnesses.

COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Veterans' Affairs and International Relations held a hearing on Combating Terrorism: Assessing the Threat. Testimony was heard from Henry L. Hinton, Jr., Assistant Comptroller General, National Security and International Affairs Division, GAO; and public witnesses.

INTERCOUNTRY ADOPTION

Committee on International Relations: Held a hearing on Intercountry Adoption: Implementation of the Hague Convention on Intercountry Adoption. Testimony was heard from Representative Bliley; Mary Ryan, Assistant Secretary, Consular Affairs, Department of State; Pat Montoya, Commissioner for Children, Youth, and Families, Department of Health and Human Services; and public witnesses.

REGIONAL SECURITY IN SOUTH ASIA

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Regional Security in South Asia. Testimony was heard from Karl F. Inderfurth, Assistant Secretary, South Asian Affairs, Department of State; Arona Butcher, Chief of Country and Regional Analysis Division, Office of Economics, U.S. International Trade Commission; and public witnesses.

OVERSIGHT

Committee on the Judiciary: Held an oversight hearing on Competitive Issues in Agriculture and the Food Marketing Industry. Testimony was heard from Representatives Thune, Minge and Pomeroy; Enrique Figueroa, Deputy Under Secretary, Marketing and Regulatory Programs, USDA; John Nannes, Deputy Assistant Attorney General, Antitrust Division, De-

partment of Justice; Willard Tom, Deputy Director, Bureau of Competition, FTC; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 348, to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs; S. 416, amended, to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; H.R. 1695, amended, to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility; H.R. 1725, Miwaleta Park Expansion Act; H.R. 2632, Dugger Mountain Wilderness Act of 1999; H.R. 2737, amended, to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail; H.R. 2889, to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures; H.R. 3080, to amend the Indian Self-Determination and Education Assistance Act to direct the Secretary of the Interior to establish the American Indian Education Foundation; and H.R. 3090, amended, to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation.

ACADEMIC ACHIEVEMENT FOR ALL ACT

Committee on Rules: Granted, by voice vote, a structured rule on H.R. 2300, Academic Achievement for all Act (Straight A's Act), providing two hours of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule makes in order the Committee on Education and the Workforce amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, modified by the amendments printed in Part A of the report of the Committee on Rules accompanying the resolution. The rule waives clause 4 of rule XXI (prohibiting appropriations in legislative bills) against the amendment in the nature of a substitute, as modified. The rule makes in order only those amendments printed in Part B of the report of the Committee on Rules, which may be offered only in the order printed in the report, maybe offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent

and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions.

CONFERENCE REPORT—INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on H.R. 2466, Interior and Related Agencies Appropriations, 2000 and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Regula.

TURKEY, TAIWAN, AND MEXICO EARTHQUAKES: LESSONS LEARNED

Committee on Science: Subcommittee on Basic Research held a hearing on the Turkey, Taiwan and Mexico Earthquakes: Lessons Learned. Testimony was heard from Waverly Person, Director, National Earthquake Information Center, U.S. Geological Survey, Department of the Interior; and public witnesses.

COMPUTER SECURITY ENHANCEMENT ACT

Committee on Science: Subcommittee on Technology approved for full Committee action, as amended, H.R. 2413, Computer Security Enhancement Act of 1999.

STATE OF AIRLINE COMPETITION

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on the State of Airline Competition. Testimony was heard from public witnesses.

Hearings continue tomorrow.

Joint Meetings

AUTHORIZATION—FAA

Conferees continued to resolve the differences between the Senate and House passed versions of H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, but did not complete action thereon, and recessed subject to call.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1130)

S. 559, to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building". Signed October 19, 1999. (P.L. 106-72)

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 21, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to resume hearings on the lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo; to be followed by a closed hearing (SR-222), 9:30 a.m., SD-106.

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space, to hold hearings to examine issues dealing with the national technical information services, 2:30 p.m., SR-253.

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 1365, to amend the National Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation; S. 1434, to amend the National Historic Preservation Act to reauthorize that Act; and H.R. 834, to extend the authorization for the National Historic Preservation Fund, 2 p.m., SD-366.

Committee on Finance: business meeting to mark up the proposed Balanced Budget Adjustment Act, 10 a.m., SD-215.

Subcommittee on International Trade, to hold hearings on United States trade negotiating objectives for services at the Seattle World Trade Organization ministerial meeting, 2 p.m., SD-215.

Committee on Foreign Relations: to hold hearings on convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted by the International Labor Conference at its 87th Session in Geneva on June 17, 1999 (Treaty Doc. 106-05), 10:30 a.m., SD-419.

Committee on Governmental Affairs: to hold hearings on the nomination of John F. Walsh, of Connecticut, to be a Governor of the United States Postal Service; and the nomination of LeGree Sylvia Daniels, of Pennsylvania, to be a Governor of the United States Postal Service, 10 a.m., SD-628.

Committee on Health, Education, Labor, and Pensions: to hold hearings on the implementation of the Food and Drug Administration Modernization Act (P.L. 105-115), 10 a.m., SD-430.

Committee on the Judiciary: business meeting to consider pending calendar business, 10 a.m., SD-226.

Subcommittee on Immigration, to hold hearings to examine America's workforce needs in the 21st century, 2 p.m., SD-226.

allies feel about us. We are the deadbeat dad at the UN. We helped create this organization. We helped instill it with democratic principles. We ensured our place on the Security Council where the most important UN decisions are made. And we have shut off our support. This must stop.

Mr. Speaker, I do not speak for myself alone on this, I speak for a vast majority of the American people. According to our best polling data, Americans support the United Nations. In fact, 73 percent of Americans support paying our UN dues and believe UN membership is beneficial to the US. This issue is too important to ignore and hope it will go away. As we debate this issue, UN employees are being killed, UN resources are dwindling and US credibility is melting away. It must stop and I am casting my vote against this Conference, like many of my colleagues, because it fails to live up to our international commitments.

Mr. Speaker, while the failure to include Hate Crimes legislation and the provision preventing US payment of our financial obligations are two key issues for my opposition to this Conference Report, I am also concerned about two other important provisions. First, the Conference Report under funds the COPS Initiative. The President had requested \$1.275 billion to extend the COPS program and effectively put 50,000 more police officers on the street. This Conference Report only includes \$325 million of that request.

Second, I am concerned about the provision limiting the ability of the Census to move funds around from one activity to another when they have problems during the Census. Such a provision is unprecedented and places in danger an accurate census count of every American. A number of my colleagues and I have been working very closely with Census Bureau Director D. Kenneth Prewitt to make the 2000 Census the most accurate one in history. To include language preventing an accurate Census breaks the pact the US Government has with the American people to ensure they receive the services and representation they are Constitutionally entitled to through an accurate census.

Mr. Speaker, the President has already indicated his intention to veto this legislation. I hope that when negotiations take place on this measure these important issues will be resolved favorably.

The SPEAKER pro tempore. 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.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 213, not voting 6, as follows:

[Roll No. 518]

YEAS—215

Aderholt	Biggart	Burr
Archer	Billbray	Burton
Armey	Blirakis	Buyer
Bachus	Bliley	Callahan
Baker	Blunt	Calvert
Ballenger	Boehlert	Campbell
Barrett (NE)	Boehner	Canady
Bartlett	Bonilla	Cannon
Barton	Bono	Castle
Bass	Boucher	Chambliss
Bateman	Brady (TX)	Coble
Bereuter	Bryant	Coburn

Collins	Hunter	Ramstad
Conchert	Hutchinson	Regula
Cook	Hyde	Reynolds
Cooksey	Isakson	Riley
Cramer	Istook	Rogan
Crane	Jenkins	Rogers
Cubin	Johnson (CT)	Rohrabacher
Cunningham	Johnson, Sam	Ros-Lehtinen
Danner	Jones (NC)	Roukema
Davis (VA)	Kasich	Roybal-Allard
Deal	Kelly	Royce
DeLay	King (NY)	Ryan (WI)
DeMint	Kingston	Ryun (KS)
Diaz-Balart	Knollenberg	Salmon
Dickey	Kolbe	Saxton
Dixon	Kuykendall	Serrano
Doallittle	LaHood	Sessions
Dreier	Largent	Shadegg
Duncan	Latham	Shaw
Dunn	LaTourette	Sherwood
Ehrlich	Lazio	Shimkus
Emerson	Leach	Shuster
Engel	Lewis (CA)	Simpson
Everett	Lewis (KY)	Skeen
Ewing	Linder	Smith (MI)
Fletcher	LoBiondo	Smith (NJ)
Foley	Lucas (KY)	Smith (TX)
Fossella	Lucas (OK)	Souder
Fowler	Manzullo	Spence
Franks (NJ)	McCollum	Stearns
Frelinghuysen	McCrery	Stump
Galleghy	McInnis	Sumnu
Ganske	McKeon	Sweeney
Gekas	Metcalf	Talent
Gibbons	Mica	Tancredo
Gilchrest	Miller (FL)	Tauzin
Gillmor	Miller, Gary	Taylor (NC)
Gilman	Mollohan	Terry
Goode	Moran (KS)	Thomas
Goodlatte	Morella	Thornberry
Goodling	Murtha	Thune
Goss	Myrick	Tiahrt
Graham	Nethercutt	Toomey
Granger	Ney	Trafficant
Green (WI)	Northup	Vitter
Greenwood	Norwood	Walden
Gutknecht	Nussle	Walsh
Hall (TX)	Ose	Wamp
Hansen	Oxley	Watkins
Hastert	Packard	Watts (OK)
Hastings (WA)	Pease	Weldon (FL)
Hayes	Peterson (PA)	Weldon (PA)
Hayworth	Petri	Weller
Herger	Pickering	Whitfield
Hillery	Pitts	Wicker
Hobson	Pombo	Wilson
Hoekstra	Porter	Wolf
Horn	Portman	Young (AK)
Houghton	Pryce (OH)	Young (FL)
Hulshof	Radanovich	

NAYS—213

Abercrombie	Costello	Hill (IN)
Ackerman	Coyne	Hill (MT)
Allen	Crowley	Hilliard
Andrews	Cummings	Hinchey
Baird	Davis (FL)	Hinojosa
Baldacci	Davis (IL)	Hoeffel
Baldwin	DeFazio	Holden
Barcia	DeGette	Holt
Barr	Delahunt	Hooley
Barrett (WI)	DeLauro	Hostettler
Becerra	Deutsch	Hoyer
Bentsen	Dicks	Inslee
Berkley	Dingell	Jackson (IL)
Berman	Doggett	Jackson-Lee
Berry	Dooley	(TX)
Bishop	Doyle	John
Blagojevich	Edwards	Johnson, E. B.
Blumenauer	Ehlers	Jones (OH)
Bontor	English	Kanjorski
Borski	Eshoo	Kaptur
Boswell	Etheridge	Kennedy
Boyd	Evans	Kildee
Brady (PA)	Farr	Kilpatrick
Brown (FL)	Fattah	Kind (WI)
Brown (OH)	Filner	Klecza
Capps	Forbes	Klink
Capuano	Ford	Kucinich
Cardin	Frank (MA)	LaFalce
Carson	Frost	Lampson
Chabot	Gederson	Lantos
Chenoweth-Hage	Gephardt	Larson
Clay	Gonzalez	Lee
Clayton	Gordon	Levin
Clement	Green (TX)	Lewis (GA)
Clyburn	Hall (OH)	Lipinski
Condit	Hastings (FL)	Lofgren
Conyers	Hefley	Lowey

Luther	Owens	Slaughter
Maloney (CT)	Pallone	Smith (WA)
Maloney (NY)	Pascrell	Snyder
Markey	Pastor	Spratt
Martinez	Paul	Stabenow
Mascara	Payne	Stark
Matsui	Pelosi	Stenholm
McCarthy (MO)	Peterson (MN)	Strickland
McCarthy (NY)	Phelps	Stupak
McDermott	Pickett	Tanner
McGovern	Pomeroy	Tauscher
McHugh	Price (NC)	Taylor (MS)
McIntosh	Quinn	Thompson (CA)
McIntyre	Rahall	Thompson (MS)
McKinney	Rangel	Thurman
McNulty	Reyes	Tierney
Meenan	Rivers	Towns
Meek (FL)	Rodriguez	Turner
Meeks (NY)	Roemer	Udall (CO)
Menendez	Rotlman	Udall (NM)
Millender	Sabo	Upton
McDonald	Sanchez	Velazquez
Miller, George	Sanders	Vento
Minge	Sandlin	Visclosky
Mink	Sanford	Waters
Moakley	Sawyer	Watt (NC)
Moore	Schaffer	Waxman
Moran (VA)	Schakowsky	Werner
Nadler	Scott	Wexler
Napolitano	Sensenbrenner	Weygand
Neal	Shays	Wise
Oberstar	Sherman	Woolsey
Obey	Shows	Wu
Oliver	Sistisky	Wynn
Ortiz	Skelton	

NOT VOTING—6

Camp	Gutierrez	Rush
Cox	Jefferson	Scarborough

□ 1418

Messrs. BLUMENAUER, WATT of North Carolina, and PASTOR, and Ms. WOOLSEY and Ms. MCKINNEY changed their vote from "yea" to "nay."

Mr. JONES of North Carolina and Mr. COBURN changed their vote from "nay" to "yea."

Mr. BEREUTER changed his vote from "present" 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.

STUDENT RESULTS ACT OF 1999

Ms. PRYCE of Ohio. Madam Speaker, by the direction of the Committee on Rules, I call up House Resolution 336 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 336

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. 2) to send more dollars to the classroom and for certain other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed six hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute

rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The amendment numbered 5 shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. 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 (Mrs. EMERSON). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Madam Speaker, for the purpose of debate only, I yield 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 336 is a modified, open rule that provides for consideration of H.R. 2, the Student Results Act. The legislation authorizes Title I of the Elementary and Secondary Education Act, as well as a number of other programs, which assist some of our Nation's neediest students.

Over the years, educational programs for the disadvantaged have failed to accomplish their core mission: closing the achievement gap between wealthy and poor students. And while the Title I program has its faults, its shortcomings have not led us to abandon it. We believe that through thoughtful, common sense reforms in Title I, we can make some real progress for children and achieve the results we have been striving for for more than 30 years.

The Students Results Act improves upon the existing Title I program not only by increasing our investment in education, but also providing for greater accountability, more parental in-

volvement, well-trained teachers and local flexibility to implement school reforms that work. I, for one, am looking forward to today's debate, because it is not about who can spend more money; we are increasing Title I funding in this bill. Instead, it is about new ideas and having the courage to admit some failures and move in a new direction.

Under the rule, the House will have 90 minutes to engage in general debate, which will be equally divided and controlled by the chairman and ranking member of the Committee on Education and the Workforce. Let me take this opportunity to congratulate the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce, for his hard work and determination through a lengthy markup process to put this bipartisan legislation together. His committee reported it by a vote of 42-to-6.

It is always great to have bipartisan agreement on an issue as crucial to our Nation's future as education. The bill has earned even the administration's support. Still, some of our colleagues would like a chance to amend it. Therefore, the Committee on Rules has provided for an open amendment process.

Under this rule, any Member who wishes to improve upon H.R. 2 may offer any germane amendment, as long as it is preprinted in the CONGRESSIONAL RECORD.

In the case of the manager's amendment numbered 5 in the RECORD, the rule provides that it will not be subject to amendment or to a demand for a division of the question.

To ensure that debate on H.R. 2 is adequate, yet focused, the rule provides for a reasonable time cap of 6 hours during which amendments may be considered. Overall, the House will have almost 9 hours to debate the provisions of and changes to the Students Results Act, which should be more than ample time, given the bill's widespread support.

To further facilitate consideration of H.R. 2, the rule allows the Chair to postpone votes and reduce voting time to 5 minutes on a postponed question, as long as it is followed by a 15-minute vote. After the bill is considered for amendment, the rule provides for another chance to make changes to the bill through the customary motion to recommend, with or without instructions.

Madam Speaker, Title I is the anchor of the Elementary and Secondary Education Act and it is the largest Federal and elementary education program.

□ 1430

Since its creation in 1965, taxpayers have provided over \$120 billion in funding to teach disadvantaged children.

The initial investment in title I back in 1965 was \$960 million, which grew to \$7.7 billion by 1999. H.R. 2 continues our commitment to disadvantaged kids by

authorizing more than \$8 billion for title I next year, but we are not just throwing more money at education and claiming victory. We know that more dollars will not automatically translate into smarter kids. H.R. 2 strengthens academic performance by holding all States, school districts and individual schools accountable for ensuring that their students meet high academic standards.

One incentive to produce results will come through the promise of cash rewards to title I schools that close the achievement gap between students.

The success or failure of title I schools will be documented in annual report cards that will be distributed to parents and communities; and when schools fail to show improvement parents will be given the opportunity to take their children out of failing schools and enroll them in other public or charter schools. It is simply unfair to trap children in schools where they cannot learn so we give them a bit of freedom, including money for transportation to a new school through this legislation.

The Student Results Act also recognizes that good results cannot be gotten without well-trained teachers. Good teachers are our best chance to help our children succeed. H.R. 2 ensures that all newly hired teachers funded by title I dollars are fully qualified by raising the standard for teachers' aides.

Under the bill, teaching assistants will need to have 2 or more years of college education or an associates degree. Local communities will have greater flexibility to ensure their Federal dollars are meeting the real needs of their student population. For example, local education agencies will be able to combine and commingle Federal funds to address the needs of small rural school districts or the needs of Indian children.

These are just a few of the reforms the Student Results Act will make to move our Federal education policy toward the principle of accountability, quality teaching, and local control.

There are also a number of other programs authorized in this legislation, including migrant education; neglected and delinquent youth; magnet school assistance; Native American, Hawaiian and Alaskan programs; gifted and talented students; rural education; and the Stewart B. McKinney Homeless Assistance program.

The reforms made in these programs through H.R. 2 will move us away from the Washington-knows-best model of the past to a policy that equips parents, communities, and schools with the resources, authority, and accountability to ensure that every uniquely talented child has the opportunity to succeed.

Madam Speaker, I encourage my colleagues to join in today's debate about the future of our children and our Nation by supporting this fair rule that will provide for a full debate on a key

component of our Federal education policy. I urge a yes vote on both the rule and the Student Results Act.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume, and I thank my good friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the time.

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

Ms. SLAUGHTER. Madam Speaker, House Resolution 336 provides for the consideration of the underlying bill H.R. 2, the Student Results Act. This is a modified open rule which limits debate on amendments to the bill to 6 hours. This means the clock may run out on amendments which Members have prepared and which deserve to be heard.

Madam Speaker, it is not as though the House has considered such a plethora of landmark legislation that we do not have a little extra time to discuss and debate how best we give our children a quality education, but the rule inhibits that debate. Last night in the Committee on Rules a motion was offered for an open rule with no limitation on time, but it was rejected.

The rule also depends on a preprinting requirement which further works to limit the exchange of ideas. These are defects in this rule which should not go unnoticed. At the same time, I should point out the rule expressly includes the opportunity for a very important amendment offered by the gentlewoman from Hawaii (Mrs. MINK) and numerous other colleagues who share my very deep concern with the issue of gender equity.

Since 1974, the Women's Educational Equity Act has provided teachers, administrators, and parents with the resources, materials, and tools to combat inequitable educational practices. The act trains teachers to treat girls and boys fairly in the classroom, and allows the training of teachers to encourage girls to pursue the careers and higher-education degrees in science, engineering, and technology, careers they very well may want but are actually discouraged from pursuing.

The act also funds the Center for Women's Educational Programming, which conducts vital research on effective approaches to closing the gender gap in education, as well as developing curriculum and model programs to ensure that these effective approaches are implemented.

From its inception, this act has funded over 700 programs while requests for information and assistance continue to grow. From February to August of this year, the Resource Center received over 750 requests for technical assistance, and that is a lot of requests for a country that presumes it has reached gender equity, as my colleagues on the other side of the aisle would have us believe.

The question today is not, What needs does it meet? It is obvious that it

meets the important gender equity needs of our public education system. And the question before us today is why should we reauthorize the Women's Educational Equity Act? The majority would have us believe that we should not reauthorize it. They argue that gender equity has been accomplished and gender inequity or discrimination in the classroom is a thing of the past or does not exist, but this is not the case.

According to a recent report conducted by the American Association of University Women, women are close to 50 percent of America's population. Yet they earn only 7 percent of the engineering degrees and 36 percent of the math degrees. Women are only 3 percent of CEOs at Fortune 500 companies, but in the face of such statistics the majority considers gender equity programs no longer useful. They would rather ignore these statistics and allow girls' educational needs to be neglected. They would rather we eliminate a current long-standing program that ensures fairness and equal opportunities in our classrooms that would ultimately undermine our commitment to title IX, which has been so helpful to young women in this society.

Madam Speaker, I urge my colleagues to vote in support of the Mink/Woolsey/Sanchez/Morella amendment to the Student Results Act. This amendment will reauthorize the Women's Equity Act and reaffirm our commitment to gender equity. The importance is as important today as it was in 1974. To this very day, guidance counselors are advising young women away from the careers that they would like to have, careers in science and math, and urging them to go into five fields which have generally over the years been delegated only to women.

We cannot afford to waste that brain power in the United States, Madam Speaker; and those of us who are the mothers and grandmothers of young women insist that they be given equal opportunity to achieve everything that they want to achieve. So I want to urge my colleagues, please do not slam the door to gender equity on America's girls, just as they are starting to walk through it. The gender equity provision being left out is a glaring omission in a bill which otherwise has many meritorious provisions.

Madam Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Madam Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Madam Speaker, I thank my friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me this time.

Madam Speaker, I rise in strong support of this very fair and balanced

modified open rule. Improving public education, when we put together the list of priorities that we wanted to address in the 106th Congress, was number one. We went through the issues of providing tax relief to working families, rebuilding our defense capabilities, saving Social Security and Medicare; but when we began that list, we had improving public education up there because we know that if our Nation is going to remain competitive globally we have to do what we can to bring about that kind of improvement.

We moved forward earlier in this Congress by passing the Education Flexibility Act, and I am very pleased that the President agreed to sign that measure. It took a little while to get him there, but I am very pleased that he did. This legislation is similar in that it enjoys bipartisan support, and I hope it will gain the President's signature also.

The public education improvement bill is based on four very simple basic and easily understandable principles: quality, accountability, public school choice, which is very important, and flexibility.

The bill will improve educational opportunities available for children that already face the many challenges that accompany poverty in this country. It is simply not acceptable that the public education system is failing our Nation's disadvantaged children. It is clearly time to shift our focus to a results-based education system. For the sake of the children, we cannot accept anything less than the best. We need clear improvements in academic achievement at the local and the State level.

As we focus on actual results, we need to reward progress. This legislation will allow States to reward the schools that are successful at closing the achievement gap between children of different income levels. We are moving in the right direction on education; and, again, it is good that we are enjoying bipartisan support in that quest.

We are investing in quality public schools, and we are demanding real results. We are showing that Congress is committed to success, but we are giving State and local leaders the flexibility to develop the solutions. Most important, we are relying on parents, teachers, and principals to make good choices because we trust them to do what is best for our Nation's young people. This is a very, very good piece of legislation. I know that we are going to be dealing with several amendments on it; but when we finally get through with it, I hope we will have a very strong, overwhelming vote and that we will be able to again get a presidential signature on it.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I rise today in opposition to H.R. 2, the so-called Student Results Act. What this really is is an attempt to block access to educational services for certain

groups of this country. As we all know, title I serves as the cornerstone of Federal support for students most at risk of low educational achievement. Included in this profile for serving at risk students are limited English proficiency youngsters.

During the last reauthorization of the Elementary and Secondary Education Act, it was decided that the limited English proficiency students were entitled to educational services under the same basis that other children receive under title I; and I repeat, they are entitled to the same basis of education under title I.

All of a sudden now we have a different provision in H.R. 2 that will essentially deny access for millions of limited English proficiency youngsters in title I educational services. The schools in my district and throughout the State of Texas and this country are committed to providing limited English proficiency youngsters with the necessary language support services to ensure that limited English proficiency students achieve high academic standards.

The language in the legislation as it stands now would prohibit schools in my district and throughout the country from providing this necessary language support services for students until the parent provides consent. Why are we picking only on this particular group? Why do we not have, for example, the disabled ask for consent? Why do we not have Anglo children have to get their parents to get an okay? We do not have that. We have decided to pick on limited English proficiency youngsters. As we move forward, in terms of students, we have to look at them as a whole. It is simply ridiculous to think that by singling out the limited English proficiency youngsters to say that it is fair, it is not.

It is discriminatory. It is discriminatory unless it is applied to every single child. If we look at the language the way it is written, it is very obvious that anyone could see that those youngsters are being picked on.

If we want to talk about parental involvement, then I am ready to support parental involvement. I am ready to require that parents need to show up in the classroom. I am ready to make sure that we have those programs to get them involved.

□ 1445

But for them to be the only ones within this particular piece of legislation, for them to be required to have to come up and sign for parental consent, it is unfair, and it is discriminatory.

I would like to urge my colleagues to think long and hard about supporting legislation that picks on children. Plus this legislation raises serious questions about the whole issue in terms of how we are denying access of these educational opportunities to these individuals.

As far as I am concerned, the parental consent provision on Title I vio-

lates the Civil Rights Act of 1964, and there is no way that we should stand for that. I ask my colleagues to seriously consider voting no.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Madam Speaker, I never thought the time would come again when I would have to come to the floor and speak out against any changes in gender equity for our women and for our girls. Each of my colleagues has women and girls in their family, and we must continue to be sure that they receive the equity that they deserve.

So I rise in support of efforts being made today, particularly the Woolsey-Sanchez-Morella amendment, an amendment which is coming up pretty soon, to reauthorize the Women's Educational Equity Act.

Because of our far-reaching legislative efforts to ensure gender equity, America is much more equal today and more educated, and it is a more prosperous Nation. But to be sure, we cannot relax any of our efforts as long as we are leaning toward equity. To be sure, much has been accomplished, but there is still a gender gap in America's schools, and we cannot afford that to happen.

The changing Nation that we live in today, and it is constantly changing as we enter the new millennium, demands a more gender-fair education, not a less one. It is even more important now than it was years ago to be sure to prepare our women to enter the new century.

Prior to the enactment of the Women's Educational Equity Act in 1974, only 18 percent of women had completed 4 or more years of college compared to 26 percent of all men. Though America is far more equal since the enactment of the Women's Educational Equity Act, it is not equal. Because it is not equal, we must continue our efforts.

Despite many gains women have made toward equal education attainment and our accompanying gains in the labor force, our earnings are only 80 percent of the earnings of our male counterparts. What do my colleagues think led to that? What led to that was that the educational efforts have been improved, but our salaries have not.

If America is to be her true creed and to her level best, we must continue the work we have begun to eradicate discrimination based on gender. Discrimination anywhere, Madam Speaker, whether it is based on gender, whether it is based on race, whatever it is based upon is unequal, and it is not good for our wonderful country of America.

Yes, there have been peaks and valleys in this process, but we cannot ignore the fact that inequality and discrimination still remain in the fabric of our lives even as we close out this century.

Madam Speaker, we want to be sure to support every facet of the Women's Educational Equity Act as well as the Woolsey amendment.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Madam Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) who does such a wonderful job representing our interests, like the gentleman from Missouri (Mr. CLAY).

I know on this particular issue I want to brag on the Republicans, too. It appears like we do have something that we can agree on. This year has not been the most productive year I have been in Congress. But I will say to my colleagues that, if we can rally around the flag and do something for education, that is important for all of us. Because I stand before my colleagues as a former college president for 4½ years prior to being elected to the United States Congress. I am also co-chair of the House Education Caucus with the gentleman from Missouri (Mr. BLUNT).

I stand in strong support of the rule and in strong support of H.R. 2 and our Nation's public schools.

I place a high priority on Title I programs and improving our schools. Quite simply, H.R. 2 is a good, sound bill that emphasizes and builds on what we know works. It expands public school choice, improves the quality of instruction in Title I classrooms, and drastically improves the accountability measures in these programs.

It continues the targeting of Title I resources to the schools with the highest poverty level and adds a new focus to include State, school district, and school report cards to help parents and States monitor student achievement. Strengthening the quality of instruction provided in the classroom is essential in achieving results for all students. In addition, all students and their teachers should be held to high standards. We cannot afford to let any of our schools or students fall through the cracks.

Madam Speaker, I have four very intelligent students visiting Washington, D.C. just this week to participate in the Voices Against Violence conference. They are shining examples of the best of what our schools can produce.

I urge my colleagues to support H.R. 2, to continue to provide these students and their peers with the programs and opportunities they need to be the leaders in their schools and communities.

I am pleased that the gentleman from Indiana (Mr. ROEMER) has been very active as well, and has offered a lot of new initiatives and new programs in order to move this country forward.

Education is the best, cheapest, and fastest way to keep and retain a strong middle class in America. Support H.R. 2.

Ms. SLAUGHTER. Madam Speaker, I yield 5 minutes to the gentleman from

New York (Mr. OWENS), an expert in education.

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

Mr. OWENS. Madam Speaker, I rise in protest of a rule which limits the debate on the most important education bill that we will have in the next 3 or 4 years. This is a reauthorization of Title I, which is the core of the Elementary and Secondary Education Assistance Act. They have chosen to break up the Elementary and Secondary Education Assistance Act in small parts. But this is the part that is most important.

Why do we have to have a limited debate if we are not busy doing many other constructive things here? Why cannot we have an open debate and let every Member have a chance to speak who wants to speak? I think that this is an issue that probably every Member of Congress should go on record on.

The American people have made it quite clear that they think education is of utmost importance. Recent polls have just continued to reaffirm what the old polls have been showing us for years. The ABC News and Washington Post poll, which was released on September 5, 1999, said that improving education was the top issue when people were asked to list 15 issues of great importance. Improving education was listed by 79 percent as number one; handling the economy was 74 percent; managing the budget, 74 percent; handling crime, 71 percent; Social Security was 68 percent, in fifth place compared to education.

Education, in the minds of the public, both the Republicans and Democrats and Independents, clearly they see with their common-sense vision that this is the most important issue right now that we should be addressing.

They do not make an issue out of whether the Federal Government should do it or the State government or the city government. In their common-sense wisdom, they understand that all levels of government are involved already. They probably understand that local governments and State governments have the greatest responsibilities and contribute the greatest amount of money, but they want the Federal Government to be involved still.

They said also that, among the education priorities—this is the National Public Radio, Kaiser Family Foundation, Kennedy School of Government survey, which was conducted September 7, 1999—they said that among the education priorities within that category, fixing rundown schools is number one. Ninety-two percent said that we should fix rundown schools first; reducing class sizes was number two, 86 percent; placing more computers in the classroom, 81 percent.

My colleagues know that the people have spoken. Why do we only have 6 hours for the amendments and 2 hours

for the general debate? Why do we not come and respond to the people? They are saying this is most important. They did not talk about any F-22s, and they did not say we should go search for billions of dollars to keep the F-22s in testing or engineering. They said education is number one. If education is number one, then why not spend all the time we need to discuss it?

There are some basic items which we now must come to grips with. People are still running around saying that the Federal Government is not responsible for education; therefore, the Federal Government should play a limited role; the Federal Government should not get into school construction; the Federal Government should not do this.

We play a limited role, and we want to increase the Federal involvement threefold, fourfold. We still would be playing a limited role. The Federal Government expenditures for education now is about 7 percent. Most of that goes to higher education. If we increased it by up to 25 percent, it is still a 25 percent Federal role, 75 percent State and local government. State and local government clearly are responsible primarily, but why not have more of the Federal role?

All taxes are local. They begin at the local level. The taxes that come to Washington come from local areas. We manufacture money in the mint here, but that money represents the wealth that has come up from the States.

So my plea on the rule is that it should be an open rule that really gives all the time necessary. Every Member was allowed to speak, I remember, when we had the debate on the Gulf War. It was a matter of war and peace, and they felt we should all be able to express ourselves.

This is a matter of the peace for the future. The key to the peace for the future is education, starting with education in America. We are ahead of everybody else. We should stay ahead of everybody else. But we need a great pool of well-educated people. That pool is going to have to come from the poorest people.

The middle-class sons and daughters are already committed. They are going to be the doctors and lawyers and Wall Street bankers. They are not going to be information technology workers. They are not going to be the people who do the sheet metal work. I went to the sheet metal work training center, and they have more computers in the sheet metal training center than they have in the schools. They now use computers to do the sheet metal work.

Everything is driven by computers, and they need people who have a basic education. The Army and the Navy, they need recruits who have some aptitude for handling high-tech weapons. Everything needs education, and we should spend the time talking about how we, as a Congress, are going to respond to the public's call for more help with education.

Ms. PRYCE of Ohio. Madam Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, I stand here today in support of this rule. I think it is a very fair rule. For those of us that want to introduce amendments, we have 7 to 8 hours to be able to improve this base bill.

One of the things I would like us to take a look at that we have sort of forgotten over the last years is that, in 1996, we had an immigration reform bill, and there was a very heated discussion on this floor about the issue of should the Federal Government, should Congress mandate that local school districts had to educate illegal aliens, not the children of illegal aliens, but illegals.

I think we came to a consensus one way or the other, some did not agree, that this was important enough to the national well-being to require that all school districts have to provide education to those who are in this country, legal or illegal.

Now, I am going to introduce an amendment that will revisit that issue because I think it is only appropriate that, in a city that we say that we want the poor, we want the needy, we want the disadvantaged to have equal access, we also need to say that those working-class communities should have equal access to their tax money, and that the Federal Government should not be requiring the education of illegals at the disadvantage of the legal residents in those school districts.

□ 1500

So all my amendment is going to say is, just as we recognize the Federal impact on local schools when the military goes into an area and requires education of military children, we also are going to now finally recognize the Federal impact on local school districts when we basically have illegal immigrants in the school districts and are requiring them to be educated.

So what I am talking about right now, Madam Speaker, is the fact that it is time that Washington starts paying for the unfunded mandate that we clarified in 1996. And let me point out that that unfunded mandate does not impact the rich, powerful districts. It impacts disproportionately the poor working-class districts of color. This is an issue of fairness, that those who have the least are being required to pay the most for this problem, and it is time for us to address that.

So I ask my colleagues on both sides of the aisle not to walk away from this issue. We made lofty statements and made a decision that we were going to mandate this service. Now it is time that we revisit it and say let us back up our kind words with dollars and cents and let us send the reimbursement to those working-class neighborhoods across America that are being asked to bear the burden of our mandate. I think we not only have a right

to start paying for this expense, Madam Speaker, we have a responsibility to start paying our fair share.

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

Ms. PRYCE of Ohio. Madam Speaker, I yield myself the balance of my time and, in closing, I would remind my colleagues this rule provides for consideration of a bipartisan bill through an open amendment process. Any Member may offer any germane amendment as long as it is preprinted in the CONGRESSIONAL RECORD. The rule does impose a 6-hour time limit on the consideration of amendments; but, overall, the House will have almost 9 hours to debate the Student Results Act and propose changes to it. On top of the 4-day markup held by the Committee on Education and the Workforce, 9 hours of debate on the House floor is wholly adequate.

Madam Speaker, with the passage of this rule, the House will embark on a very important debate over Federal education policy. Today, we are not squabbling about money, we are talking about kids and the tremendous investment that we are making in them. Let us make sure that that investment pays off and our success is measured by the academic performance of students in schools. Where there is failure, let us expose it and be bold enough to try something new. Where there is success, let us reward it and strive to repeat it. And in all of this, let us remember that the best interests of the children must always be paramount.

Madam Speaker, I hope my colleagues will join me in supporting this fair rule so that we can move on to debate legislation that represents the single largest component of our effort to improve elementary and secondary education. I urge a "yes" vote on the rule and the Student Results Act.

Madam 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.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 336 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2.

□ 1504

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the

gentleman from Missouri (Mr. CLAY) each will control 45 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

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

Mr. GOODLING. Madam Chairman, today the House will consider H.R. 2, the Student Results Act, and the major focus of this bill is to reauthorize but, above all, improve title I, which is the single largest Federal grant program for helping educate disadvantaged students.

The bill includes a number of other programs targeted at disadvantaged students, including Indian education, gifted and talented, magnet schools, rural education and homeless education; and I am especially pleased that H.R. 2 also includes key changes to the migrant education program for which I have fought long and hard over the years.

This bill has broad bipartisan support. It was reported from our committee by a vote of 42 to 6, and I would like to thank the full committee ranking member, the gentleman from Missouri (Mr. CLAY); the subcommittee member, the gentleman from Michigan (Mr. KILDEE); and the gentleman from California (Mr. GEORGE MILLER), above all; and many others for their key contributions to putting this legislation together.

The Student Results Act was put together with four overarching principles in mind: quality, accountability, choice, and flexibility. And let me review briefly how each of these has been embedded throughout H.R. 2.

The notion of focusing Federal education programs and quality has been my mission since joining Congress some 25 years ago. Coming here as a superintendent and as a school board president, I knew Head Start was not working, and I knew how to fix it. I knew chapter I was not working, which became title I, and I knew how to fix it. But I could not do anything about it. It was so obvious. And I am so happy that, finally, when we reauthorized Head Start, not the last time but the time before, it was the first time we talked about quality. And the last time we reauthorized it, we really talked about quality; and I thank Secretary Shalala because she shut down 100 dysfunctional Head Start programs. I could not get my people to do that when they were down there. So, finally, we are talking about quality.

We have to do the same thing with title I, because it is obvious, all the studies have indicated, that we are not helping disadvantaged youngsters close the academic gap between disadvantaged and nondisadvantaged. So we have to do something to make sure that we do that.

So let me start with the issue of quality, the most important issue fac-

ing us today. One of the most distressing features of the title I program for too long and in too many places was that it became a jobs program rather than a program to try to change the disadvantaged to become advantaged academically. So we have dealt with that issue.

And we now have, for instance, over 75,000 teacher aides. Big news. All they had to do was have a GED 2 years after they got the job. Somehow or other, unfortunately, they were teaching reading and they were teaching mathematics, many times without the supervision of a qualified teacher. And these youngsters need the most qualified teachers we can possibly find in order to help them.

So we are freezing the number of teacher aides that they can hire, and we are telling them there are a lot of things they have to do in order to make sure that they continue as teacher aides. Now, my side, some of my Members, do not like that. They say we are telling local districts what to do. Well, it is Federal tax dollars, 100 percent. The program has failed, and we simply cannot fail these youngsters any longer. We cannot have 50 percent of our children in this country in a failing mode.

The Student Results Act includes a lot of other quality issues. One is that they can use some of their new money to reward those who are doing well. The most devastating letter that I got was from one of the largest lobbying groups that deals with these disadvantaged youngsters. And in there they indicate to not reward anybody for doing well, just give them the money and they will continue doing poorly, not giving these children an opportunity for anything that every other child has an opportunity to receive. That is pretty disheartening to get that kind of thing from one of the largest lobbying groups for these particular youngsters and their parents.

Let me make a couple of very important points about accountability. The bill does not provide for more accountability to the Federal Government. Instead, what we are insisting on is more accountability to parents. We thank the gentleman from California (Mr. GEORGE MILLER) for a lot of the information and a lot of the parts that have been put in here in relationship to the accountability provision.

The Student Results Act says that children attending schools classified as low performing must be given the opportunity to attend a higher quality public school in their area. In other words, if that school is a poor performing school, and designated as such, those parents and those children should be able to escape and go to another school within that school district that is not a poor performing school. And we say that in order to get there, there will have to be some transportation money, and they can use some of this money in order to transport their youngsters to that particular point.

We also do things for those school districts that are small, rural school districts particularly. School districts with less than 1,500 students, which is more than 10 percent of the school districts in America, will be exempted from several formula requirements, giving them the flexibility to target funds in a manner which best suits their needs.

In conclusion, I would ask that we consider this bill in the context of our larger efforts at the Federal level to improve education in this country. We started with EdFlex, which passed the House with an overwhelming majority. We followed up with the Teacher Empowerment Act. Now we are considering title I. Again, I would like to emphasize that 50 percent of the youngsters in this country are not getting a quality education. And if we are going to remain a number one country, we positively cannot continue that. They must be in a position to do well in our 21st century.

So I would hope that we get bipartisan support in passing this legislation.

Madam Chairman, I reserve the balance of my time.

Mr. CLAY. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, next April will mark the 35th anniversary of the Elementary and Secondary Education Act, a flagship great society program that underscored our country's national commitment to help communities improve their public schools.

We have come a long way since the deplorable, segregated, and neglected public schools of yesteryear, but not far enough. Today, too many States and too many communities lack either the political will or the financial resources to ensure that poor children get a good education. Too many poor communities lack fully qualified teachers, safe schools, and access to emerging school technology.

Recent reports show that title I is making strides in increasing student achievement. Ten of 12 urban school districts and five of six States reviewed showed increases in the percentage of students in the highest poverty schools who met district or State standards for proficiency in reading and math. These results should serve to broaden our commitment to increase investment in public schools while strengthening accountability for results.

I support this legislation because it strengthens our commitment to improve educational opportunities for students, regardless of their race, economic status. Or special needs. It targets funds to our most disadvantaged children and schools, it requires States to have rigorous standards and assessments, and it increases the title I authorization to \$8.35 billion.

The bill imposes strong sanctions for schools who continue to fail after receiving substantial assistance. It also ensures that teachers and teacher aides are fully qualified. I am very pleased

that we will include title VII, bilingual education, as part of the manager's amendment, and I commend the gentleman from California (Mr. MARTINEZ), the gentleman from Texas (Mr. HINOJOSA), and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) on our committee who helped forge a compromise on this critical program.

Madam Chairman, H.R. 2 clearly prohibits the use of title I funds for private school vouchers. The proposal to allow vouchers was overwhelmingly rejected by our committee members.

The bill is not a perfect bill, however. There are some provisions that undermine programs for women's equity in education, that repeal the Women's Educational Equity Act, that eliminate the provision that trains teachers to eliminate gender bias in the classroom, and terminates dropout prevention programs for pregnant and parenting teens. The gentlewoman from Hawaii (Mrs. MINK) and the gentlewoman from California (Ms. WOOLSEY) have prepared amendments to restore these provisions, and I hope that this body will vote in favor of them.

Madam Chairman, I want to thank the subcommittee ranking member, the gentleman from Michigan (Mr. KILDEE), for his work on this bill and the committee members on our side, each of whom made important contributions to the bill. I also want to thank the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING), and the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE), for working with us in a bipartisan manner.

□ 1515

I urge support of H.R. 2.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, I yield 6 minutes to the gentleman from Wisconsin (Mr. PETRI) a member of our committee.

Mr. GOODLING. Madam Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Madam Chairman, I just wanted to indicate that we want to make sure that all the school districts know that the next time we test them, they have to test all children. We do not want any of this nonsense of pulling people out to show that they have improved. The Department is now investigating that issue, as a matter of fact.

Mr. PETRI. Madam Chairman, I rise in support of this bill. It is a great credit to our chairman, the gentleman from Pennsylvania (Mr. GOODLING); our ranking member, the gentleman from Missouri (Mr. CLAY); the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE); and, of course, the gentleman from Michigan (Mr. KILDEE). It is a great tribute to all of them that the bill passed our committee with an overwhelming vote of 42-6.

The Student Results Act was put together with four principles in mind:

Quality, accountability, choice, and flexibility. It contains several noteworthy provisions.

For the first time, it encourages public school choice, at least in those situations that cry out for it most. The public school choice provision is a simple concept. Children should not be forced to attend failing schools.

One of the problems in education today is that some students, especially many of those participating in Title I programs, are trapped in substandard schools without a way out. The bill allows children attending schools classified consistently as low performing to be given the opportunity to attend a higher quality public school in the area. And if there is no such school in the area, then the school district is authorized to work out a school choice program with another school or schools in a neighboring school district.

Surely, if we cannot fix our worst schools, we should give their students a way out, at least to a better school. Failure to do that is completely unfair to those children and robs our Nation of the contributions they could make if their talents were better developed.

Although Title I has traditionally tried to engage parents in the education of their children through measures such as parental compacts and formal parental involvement policies, I am pleased to note that there are new provisions in H.R. 2 that attempt to address this issue better.

A significant parental empowerment provision is the annual State academic reports on schools and the school district reports. Through these report cards and annual State reports, H.R. 2 makes available to parents information on the academic quality of Title I schools.

Among other things, such information would include test scores at the school as compared to other Title I schools in the district.

H.R. 2 would also require school districts to make available upon request information regarding the qualifications of the Title I student's classroom teachers, including such information as whether the teacher has met State qualifications and licensing criteria for the grade levels and subject areas in which he or she provides instruction.

In an effort to provide a higher caliber of teachers, H.R. 2 also places a freeze on the number of teacher aides that can be hired with Title I funds. For those aides employed with such funds, the bill increases the minimum qualifications that must be met by all teacher aides within 3 years.

Finally, the bill attempts to reward excellence by giving States the option of setting aside up to 30 percent of all new Title I funding to provide cash rewards to schools that make substantial progress in closing achievement gaps between students.

Madam Chairman, when it comes down to it, this is what we are attempting to do. Not only must we improve all our schools, it is especially

vital to close the achievement gaps between them and to find ways for low-income students to have equal access to high-quality education.

This bill makes positive steps in that direction; and, therefore, I am pleased to support it.

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

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

Madam Chairman, since last spring, our staffs have been working on the reauthorization of this bill. I am pleased that we have finally been able to put forth the reauthorization proposal that establishes a strong foundation for student achievement as we enter the 21st century. During these negotiations, I believe that we have created a balance between the priorities of both parties. Several of the bill's provisions are worthy of mention.

With regard to Title I, the amendment maintains and preserves many of the core advances that the last reauthorization of ESEA in 1994 instituted. Preserved are the requirements for State education reform, based on challenging standards and aligned assessments. Preserved are Title I's targeting of resources to high poverty school districts and schools.

Most importantly, I believe, the strong accountability requirements we have maintained and added to Title I are very critical. Among them are disaggregation of data based on at-risk populations, increased teacher quality requirements, and a focus on turning around failing schools through the investment of additional help and resources.

We can no longer tolerate low-performing schools that place the education of our children at risk. This means that States and school districts will need to provide substantive intervention to help the students of low-performing schools reach high standards.

If schools are still failing after substantive intervention and assistance, then consequences must and should exist. This bill will accomplish this feat.

I will also be supporting the Mink-Morella-Woolsey-Sanchez amendment to restore the Women's Education Equity Act, or WEEA. This act plays a critical role in providing leadership in women's issues. For too long, I have seen the inequities that exist between the genders, especially in fields that produce high economic returns: technology, mathematics, and science.

I am troubled that the base legislation does not include this important program. I urge Members on both sides of the aisle to adopt this amendment.

I also want to express my appreciation to the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Arizona (Mr. SALMON) for working with me to modify the parental consent provisions of this legislation.

These modifications, which are included in the Goodling manager's amendment, will ensure that limited-English proficient students do not go without educational services. And while this compromise is not perfect, I intend to support it.

I want to thank the ranking gentleman from Missouri (Mr. CLAY), the gentleman from California (Mr. MILLER), the gentleman from Pennsylvania (Chairman GOODLING), and the gentleman from Delaware (Chairman CASTLE) for their hard work on this bill.

Madam Chairman, I yield back the balance of my time.

Mr. GOODLING. Madam Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT), another important member of the committee.

Mr. BARRETT of Nebraska. Madam Chairman, I thank my chairman for yielding me the time.

Madam Chairman, I rise certainly in strong support of H.R. 2 today. This bill's renewed emphasis on accountability, local initiative, and student performance provides a very strong foundation for our Nation's schools as we move into the 21st century.

I am particularly pleased with provisions found in Title VI that address the needs of small, rural schools based on a bill I introduced this past summer, the Rural Education Initiative Act, H.R. 2725.

Over 20 percent of the students in this country attend small, rural schools; and many of these schools, of course, are found in my Nebraska district.

For the most part, these schools offer students excellent educations and many benefits, including small classes, personal attention, strong family and community involvement. However, until now, the Federal formula grant programs have not addressed some of the unique funding needs of these districts because they do not produce enough revenue to carry out the program that the grant is intended to fund.

The rural education initiative in H.R. 2 is completely optional. However, if a school district chooses to participate in exchange for strong accountability, the rural provisions will allow a small rural school district with fewer than 600 students to flex the small amounts that they receive from selected Federal formula grants into a lump sum and then receive a supplemental grant. No school district would receive less than \$20,000. And to these very small districts, this can make a huge difference.

The rural education initiative has broad bipartisan support and has been endorsed by over 80 education organizations including the National Education Association and the Association of School Administrators. It does provide a common-sense approach to using Federal dollars in the way that Congress intended, that is, to ensure all students, regardless of their background, have the opportunity to receive a high-quality education.

I encourage support for the program and, of course, for the passage of H.R. 2.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Chairman, I thank the ranking member for yielding me the time.

Madam Chairman, I rise in strong support of H.R. 2. It is a good bill I think we can support with bipartisan effort today. But it can be better. And it can also be made worse.

It can be better by the acceptance, I feel, of some crucial amendments that will be offered later today, one of which will be offered by the gentleman from California (Ms. WOOLSEY), the gentlewoman from Hawaii (Mrs. MINK), and the gentlewoman from California (Ms. SANCHEZ) on gender equity issues; one by the gentleman from Indiana (Mr. ROEMER) which will increase the authorization level of this program by \$1.5 billion.

But it is also a bill that can be made worse through a variety of amendments that may also be offered, one of which is the portability amendment, which I think given the roughly per capita \$600 share that a student receives under Title I funding really does not go that far if it is attached as a voucher or portability type of provision rather than a targeted one.

This week, we had over 350 students from around the country come to our Nation's Capitol to have a serious discussion about school violence. One of the common refrains that I have heard in speaking to a lot of the students which are from western Wisconsin is that we here at the Federal level and the State legislatures have an obligation to ensure that all the students in the country receive a quality education regardless of the wealth of their community, regardless of their own socioeconomic background.

And in essence, in a nutshell, that is what the Elementary and Secondary Education Act was really geared to do over the last 35 years and specifically the Title I funding.

The Federal role in K-12 public education is relatively small, roughly 6 or 7 percent of the total spending that is going on out there, but it is a very important role because of the targeted nature in the limited funds in this bill, roughly \$8.3 billion. It is targeted more to the disadvantaged, lower-income students in our school system. And because of that, we are able to leverage the money to get a bigger bang out of the buck.

I am concerned with the directions that some of the amendments will go to as far as vouchers, portability that would dilute that leverage effect on the quality of education.

I certainly hope that after today's debate and the amendment process that we go through and, hopefully, at the conclusion when we receive bipartisan support that we do not take up another measure tomorrow, referred to

as "Straight A's" that would effectively blow up everything that we do in essence today by just block-granting all the money back to the States, and we would lose that crucial targeted priority effect that we currently have right now in Title I funding.

But one component of the bill I want to speak on, and I want to commend the gentleman from Nebraska (Mr. BARRETT) in this regard, and that is the rural school initiative. We have got some changes in Title X funding that targets rural schools because of the unique nature that they always face and the challenges that they face, the isolated nature, the difficulty in recruiting teachers and administrators, the difficulty of them to join professional partnerships, consortiums for professional development purposes.

What the rural school initiative will do is add greater flexibility, along with some accountability provisions, to give them more leeway in targeting this money and how best they can use it to get the best results in rural school districts.

So I commend both the chairman and the ranking member for the efforts that they have put into it and the ranking members on the subcommittee that truly believe that this is a good bipartisan bill that, hopefully, at the end of the day, will receive all of our support.

Mr. GOODLING. Madam Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. ISAKSON), our newest member on the committee.

Mr. ISAKSON. Madam Chairman, I thank the chairman for yielding me the time.

Madam Chairman, I would like to also address this House on a point, as a new Member, which I would like to make from the outset. I want to thank the chairman for his time and his dedication to allow all sides to have their way in committee and have their say. I want to thank the gentleman from Missouri (Mr. CLAY) for the amount of time that he put in and the amount that he afforded to all of us, and the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman, and the gentleman from Michigan (Mr. KILDEE) as well.

My purpose in rising to speak on this is because I have had the unique opportunity during the past 2 years in Georgia before I came to Congress to be the recipient of Title I funds as chairman of the State Board of Education to see actually what happened with Title I funds and to see actually what the effect of Federal regulations and lack of flexibility in some cases or lack of direction in others or in some cases too much direction really did.

□ 1530

All of us have been frustrated that this program, which is targeted to the most needy in our country, never seemed to bring about the results that we had hoped for. I think the gentleman from Pennsylvania's efforts and

the efforts of the committee in this bill, which I sincerely hope this House will pass in an overwhelming and bipartisan fashion, will bring about results, and I do so for four specific reasons:

Number one, for the first time these funds go to systems and accountability is required in return. For the first time we are going to measure the response of systems in terms of the effectiveness of the use of this money in Title I, our most disadvantaged students.

Number two, one of the most difficult problems in public education in dealing with Title I students is having the transportation necessary sometimes to move those students to the best possible school. Under the leadership of the gentleman from Pennsylvania, the school choice in this bill within the school district itself allows local superintendents to use Title I funds for the transportation of a Title I student out of one school to any other school regardless of the percentage of Title I students in that school. Environment oftentimes can be the main change in a child's attitude and in a child's learning ability, and the leadership of the gentleman from Pennsylvania in providing this is essential.

Third, the reduction from the 50 percent requirement to the 40 percent requirement in terms of percentage of Title I students in order to use funds for a schoolwide project is essential. I found in committee there was a little bit of a lack of understanding about what a schoolwide project is. A schoolwide project is the ability to take Title I funds, merge them with other funds, State, local and in some cases Federal, and use them in a broad-based program in the school that benefits all students. The reason this is important to Title I is as follows, and I want to use some very specific examples.

In our youngest children, in kindergarten and in first grade, basic things like eye-hand coordination and team building programs necessary in the building blocks of learning are essential to involve not only children who are disadvantaged but children who may not fall in that category, because kids learn by example. And a schoolwide program allows money to be merged, money to be enhanced and kids to be put together in that learning experience. A second example is reading. To assume that all money should be targeted in Title I outside of a schoolwide project or with an overwhelmingly high requirement means that you lose the ability to merge those disadvantaged children with more advantaged children in the process of reading. In kindergarten through third grade, the most essential thing we can do in America's schools is improve the reading ability and reading comprehension of our children. This move by widening the ability to use funds and merge them for schoolwide programs and by lowering the threshold from 50 percent to 40 percent is

going to ensure that those children most in need of better education also are exposed more to programs that involve those children who are already performing.

I rise to support the chairman, the ranking member and the committee and urge this House to pass the reauthorization of ESEA.

Mr. CLAY. Madam Chairman, I yield 4 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. Madam Chairman, I want to thank the gentleman for yielding me this time, and I want to thank him and the gentleman from Pennsylvania for all their work on this legislation. The gentleman from Missouri (Mr. CLAY) and the gentleman from Pennsylvania (Mr. GOODLING) put in a lot of hours as have the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) who have really carried the bulk of the work around this legislation. But I think we had an opportunity in the markup of this legislation for all members to participate, and I think it was one of our better hours in this committee. I also want to thank the gentleman from Georgia (Mr. ISAKSON) who just spoke because of his willingness to sift through many hours of hearings and also the markup and contribute, I think, a unique perspective to some of the deliberations that we were having about this legislation and the impacts of some of the things that we wanted to do on local districts.

The Federal Government has spent roughly \$120 billion over the last three decades funding this program and the results have been mixed. We have closed the gap to some extent between rich and poor, majority and minority students, but the gap remains wide and it remains open. We ought to see in this legislation if in fact we can close that gap, and I think that this legislation has a chance of finishing the job.

In return for our investment over the next 5 years of \$40 to \$50 billion, we are asking that the States measure the performance of all students and that it set goals of closing the gap of achievement between majority and minority and the rich and poor students; we ask that children be taught by fully qualified teachers; we ask that schools and teachers be recognized and rewarded for their successes in improving student achievement; and that parents be given clear and accurate information about their child's educational progress and about the quality of their schools. And what we ask most of all in this bill is that we educate all children, each and every child, that no child is left behind. This can be done, it has been our rhetoric for 20 years, but it has not been what is happening in the classroom and it has not been what is happening on the ground.

We understand now that all children can learn. We have enough information

to fully understand that children from disadvantaged backgrounds can learn as well as children from the suburbs and elsewhere. If we set standards, if we have high expectations of those students, we now know that that kind of success is possible. But we must have those expectations of success and we must have qualified teachers and we must monitor the achievement. It can be done.

Just this last week, we learned that it happened again in the State of Texas where this same kind of decision that we are making here today was made in Texas under the leadership of everybody from Ross Perot to Ann Richards to George W. Bush. We learned last week that in Houston and Fort Worth, the gap was closed between majority and minority students, that in fact the achievement was coming closer together. We have seen it in Kentucky where many schools achieving the highest scores last year in reading and writing were in high poverty schools, in the South Bronx in the KIPP Academy, once again where we ask students to achieve high standards, where we have the expectations that they can achieve and we put them together with qualified teachers and good curriculum, those children in fact throw aside mediocrity, they throw aside the failure and they achieve as our expectations are in this country for all of our children.

I believe that this legislation starts that process on a national scale. I believe that we can have qualified teachers in all classrooms, that we can have these expectations of our young children and they can meet those standards of achievement and we can have rich and poor children, majority and minority children learning at the same rate. But we will have to hold on to these standards as this bill continues to progress. I think we continue to need to provide additional funding and there will be amendments that address that, because one of the things we know about this system is it is, in fact, resource poor. But we will get to that later in the deliberations on this legislation.

I want to thank every member of the committee and especially the committee chair and the ranking member and the subcommittee chair and the ranking member. This was long hours of negotiations, some of which went on until this morning, I guess, over some of this legislation. I want to thank the staff on both sides for all of their effort.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PAUL), another member of our committee.

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

Mr. PAUL. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise in opposition to this legislation. I know that the

goal of everyone here is to have quality education for everyone in this country. I do not like the approach. The approach has been going on for 30 years with us here in the Congress at the national level controlling and financing education. But the evidence is pretty clear there has been no success. It is really a total failure. Yet the money goes up continuously. This year it is an 8 percent increase for Title I over last year.

In 1963, the Federal Government spent less than \$900,000 on education programs. This year, if we add up all the programs, it is over \$60 billion. Where is the evidence? The scores keep going down. The violence keeps going up. We cannot keep drugs out of the schools. There is no evidence that our approach to education is working.

I just ask my colleagues to think about whether or not we should continue on this same course. I know the chairman of the committee has made a concerted effort in trying to get more local control over the schools, and I think this is commendable. I think there should be more local control. But I am also convinced that once the money comes from Washington, you really never can deliver the control back to the local authorities. So that we should give it serious thought on whether or not this approach is correct.

Now, I know it is not a very powerful argument, but I might just point out that if Members read carefully the doctrine of enumerated powers, we find that it does not mention that we have the authority, but I concede that we have gotten around that for more than 35 years so we are not likely to reconsider that today. But as far as the practicality goes, we should rethink it.

If we had a tremendous success with our educational system, if everybody was being taken care of, if these \$60 billion were really doing the job, if we were not having the violence and the drugs in the school, maybe you could say, well, let us change the Constitution or let me reassess my position. But I think we are on weak grounds if we think we can continue to do this.

There are more mandates in this bill. Even though we like to talk about local control, there are more mandates, and this bill will authorize not only the \$8 billion and an 8 percent increase this year, but over the next 5 years there will be an additional \$28 billion added to the budget because of this particular piece of legislation.

I ask my colleagues, give it serious thought. This does not deserve passage.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Chairman, I thank the gentleman for yielding me this time. I rise as a graduate of and a believer in American public schools to support this legislation. I think there

is a broad consensus among the Members of this Congress that a very top priority is that we improve our public schools. Our employers are asking for it, our parents are asking for it, our students and our teachers are asking for it, and I believe this legislation takes an important step in that direction.

I commend the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY), the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) for their excellent bipartisan cooperation in bringing this legislation to the floor. I think we should do more, and I hope that before we adjourn for the year, we find it in our agenda to enact the President's class size reduction initiative and put 100,000 qualified teachers in America's classrooms. I hope that we enact for the first time a meaningful Federal program to assist in the construction and reconstruction of our crumbling schools. But I think this legislation is an important step in the right direction.

It is important for what it does, by placing tutors and learning materials and new opportunities in the hands of the children who are least likely to have those opportunities without this law. As the gentleman from Wisconsin (Mr. KIND) said, it is important for what it does not do, because it does not take us down the false promise path of vouchers and the privatization of our public schools. I commend the leaders of our committee for reaching that delicate balance.

I would also like to thank the leaders of the committee for including in this bill two initiatives which I have sponsored and supported, one which attempts to stem the tide of school violence that we have seen in this country by the enactment of peer mediation programs that help young people work out their differences among themselves. I also thank the leadership for their inclusion of an effort that the gentleman from Indiana (Mr. SOUDER) and I have worked on to promote the education of young people in entrepreneurship, so that young people may learn ways that they may build businesses into successes to pay taxes to support our public school system.

I will be offering an amendment later today which attempts to give local educators a new tool to expand the benefits of the ESEA to preschoolers, to 3-, 4- and 5-year-olds who are not yet in kindergarten. There is no rule that says that we should wait until our children are 5 years old before they start to learn. They sure do not wait until they are 5 years old. I believe that my amendment will liberate the resources of this bill to help local school decisionmakers make prekindergarten programs a more viable success in the future.

I would urge my Republican and Democratic colleagues to step forward,

show the country that we can act together for the benefit of America's education and pass this bill.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Chairman, education is about providing our children with the tools they need to get a good education, like flexibility, accountability and choice. After 30 years and \$120 billion, Washington needs to realize it is not how much you spend but what you spend it on that counts.

For too long, we have spent money educating bureaucrats in regulation, red tape and Federal control. But now we are returning control and flexibility to the States while at the same time demanding more accountability for your tax dollars.

□ 1545

I am especially proud that many of the reforms provided in this bill are mirrored after the efforts of my home State of Texas. Under the proven leadership of Governor George Bush, Texas has become the model for school accountability and student achievement. In fact, the 1998 national assessment of education progress recently reported that eighth grade students in Texas scored higher on average than the entire Nation in writing skills.

Madam Chairman, this proves once and for all that giving the States, teachers, and parents greater control over their children's education works. That is what this Congress is doing today.

Mr. CLAY. Madam Chairman, I yield 3½ minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Madam Chairman, I rise, first of all, to commend the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Delaware (Mr. CASTLE) and my ranking members on the Democrat side, the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE), for crafting, I think, very significant and important bipartisan education legislation that will hopefully be signed by the President of the United States into law. That is a difficult task today in Washington.

I also want to talk about three parts of this bill. First of all who, who does this bill help; secondly, what do we do to help those children; and, thirdly, why, why might we need to do more through the amendment process?

First of all: Who?

This is the title I bill for education that is targeted at the children who are most likely to drop out of our Nation's schools and possibly get into trouble, crime-related trouble. This is legislation targeted at children that are eligi-

ble for free and reduced lunches that oftentimes get their only hot meal at school. This is targeted at children who are below the poverty line, children that are in families making less than \$16,600 per year. That is who we are trying to help. I think it is the most important thing that we can do in a bipartisan way as Members of Congress.

Now what do we do in this legislation? Well, with the majority, some in the majority's help, and with the minority's help I attached an amendment in committee to broaden public school choice to give parents more choice as to where they send their children to school and hopefully not wait until the school fails and hopefully share good ideas. If Indiana has a good idea in public school choice, let us share it with Wisconsin and California.

We have report cards in this legislation to share academic and report academic progress. We have teacher certification by the year 2003. We have school-wide projects.

So, many good things, but it is not enough. What else do we need to do and why?

I will be offering an amendment to increase title I funds by 1.5 billion more dollars. I will offer that as the Roemer-Quinn-Kelly and Etheridge amendment, two Democrats and two Republicans. Why do we need to do that? Because of the strength of this bill. We put a good Republican-Democrat bill together that does require more from para-professionals, that does require more from teachers, that is not fully funded. We need \$18 billion more to fully fund this bill to get to every eligible child. Let us make sure we have this bill have the opportunity to work. I ask for bipartisan support for that amendment.

To paraphrase President Kennedy, if not now, when for these poorest children; and if not for the poorest, the most disadvantaged and the most needy, who should we help in this society? Let us pass this bipartisan amendment to increase funding for the most needy, the poorest, and the most disadvantaged children.

Mr. GOODLING. Madam Chairman, I yield 3½ minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Madam Chairman, I certainly rise in strong support of this bill, and as a member of the Committee on Education and the Workforce, I was really proud to see that we came together across the aisle on the committee and by a vote of 42 to 6 demonstrating that there is genuine and real evidence that on a bipartisan basis we can do what is right for the American people and for these children, children who are our future, and that is not just silly rhetoric; but we are facing a new millennium. I mean it genuinely. We are doing this for the children who are the future, and I think it is most important for me from my side of the aisle and in something that I have learned over the years, whether I

was in the Parent/Teacher Association or a member of the Board of Education or someone on the committee, that we are really focusing on student achievement, because that is what this is all about, and not filling out the right forms and not supporting more red tape and regulation, but making sure that the Government's program, that our dollars are really going for quality programs, academic accountability, and local flexibility.

That is something I believe deeply in, local control and the flexibility.

I think that the most important thing is that we recognize that all States, school districts and schools should be held accountable for ensuring that students are raising their standards of academic accountability. Otherwise, why are we giving out more money into the classrooms? And the reports that will be issued to the parents and the community on student achievement and teacher qualifications, which is another component of this bill, all will be indicators of quality schools.

I think that one of the most important things in the bill to stress again in another way is that we are sending dollars to the classroom and less dollars for bureaucracy, and to state it with precision. Ninety-five percent of the funds in this bill, as prescribed, will go to the classroom and very limited amount for State or local bureaucracies and reporting requirements.

I think the thing that we must understand is that we are basing our instructional practices on the most current and proven research, and we are not using them as incentives for more trendy fads or more experimentation, but we want proven results and proven research to be funded.

Then I guess finally I must say, and I hope that this will prove to be the case in the implementation of this legislation, that parent involvement will be an essential component of this title I legislation. Parents must be notified if their children are failing or if their schools are failing, and so we are including parents.

As a former teacher and a mother, I just want to say, and I think my colleagues know this, but I want to stress it, I am not speaking out of theory here, but I am a former school teacher, a mother of three who went and graduated from public schools and also a school board member, and I know firsthand that State and local school districts will use that flexibility to build better schools and to ensure accountability and higher achievement levels, and I think that is what we owe this country as we face the new millennium.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. TIERNEY. Madam Chairman, I also want to add my congratulations to

the chairman and to the ranking members for their good work in putting together a bill that moves us forward on the work that was begun in 1994, the idea of having a bill that gives all students the best chance to have the kind of education that we want our children to have.

This bill focuses on accountability. It allows us to determine the academic progress based on disaggregated information so that we can assure that every student, majority and minority, whether they are rich or they are poor, are getting the kind of improvement and the kind of success that we want them to have in our public educational system. The bill allows for reporting to parents so that they know that the teachers are qualified and that their children are getting the kind of attention that they want, and they get to measure the performance of their schools so they can make decisions about where they send their children.

This would allow us for the first time to define and require fully qualified teachers; and when put together with other legislation this committee has passed this year, it allows us to make sure that we give teachers the kind of support they need to be the very best. We are providing for mentoring; we are providing for good professional development, and that moves the whole system across because the most important thing, of course, is a qualified teacher in every classroom.

We need to know that this bill also authorizes, it brings from a demonstration program to a fully authorized program the comprehensive school reform that allows schools to get sufficient moneys, to look out and see what programs are research based, proven effective, for that school to implement for a curriculum with standards that can be measured that brings in the parents, brings in volunteers, and brings in the kind of work that we need in our schools and gives them the flexibility of putting together a program to lift that entire school from literacy right through to every other subject and focus where they know that school needs the most attention.

This is a bill that is worth supporting but still needs some attention, and we hope that before we wrap this up we will look at passing the bill of the gentleman from Pennsylvania (Mr. FATTAH). I am going to join the gentleman from Pennsylvania in an amendment that will make sure that all of the services the children get are comparable, that they have equal access to quality teachers, curriculum, and learning resources.

With those things done, Madam Chairman, it is a good bill, and we would urge support.

Mr. GOODLING. Madam Chairman, I yield 2½ minutes to the gentleman from Kentucky (Mr. FLETCHER), another new member on the committee.

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

Mr. FLETCHER. Madam Chairman, I rise to speak in support of the Student Results Act of 1999, the reauthorizations of the Elementary and Secondary Education Act, and certainly laud the gentleman from Pennsylvania (Mr. GOODLING) for all of his work along with the ranking member in this bipartisan effort.

Now the education of our children is one of our greatest responsibilities, and this bill is about children that often are born and know only poverty and failure. It is based on some very important principles, the first being accountability and rewards. For about 34 years we spent \$120 billion on programs in title I to help those disadvantaged students, and yet we have not seen the kind of results that we should have seen spending taxpayers' money to that degree. But we have a bill here now that gives that money and holds the students and the teachers, the local education administration, accountable. Certainly it empowers them, but it also has the kind of accountability that we can ensure that those students show improvement like we have seen in many other States.

Flexibility is another important principle here with local control. It allows local teachers, parents, and local education administrators to really use the resources that match the local needs. A one-size-fits all does not work. The needs of my home State differ even within my own district in different counties, and I think this bill gives the kind of flexibility that is needed.

Thirdly, it gives choice. It gives disadvantaged students the choice of public schools; and with this choice, I think it renews hope to those students. As my colleagues know, some schools in some areas, we could put a banner over them and say that all who enter, abandon hope, because they have continued to operate without empowering the students, without showing the students that they can improve, without giving them what they need; and yet this bill gives those students when schools fail to have a choice to go to another school, not to be robbed of hope, but to enter a school where they can be taught and mentored.

It also empowers teachers. It also gives the students the hope of having a mentor or a teacher that is well trained, that is capable, as well as the classroom aides that have the kind of instruction and training that they need.

□ 1600

I am very glad to stand and speak in support of this bill and the work that the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee, has done, and I certainly laud him. I am thankful for the opportunity to work on the committee.

Again, the education of our children is one of our greatest responsibilities. I think this bill moves us in the direction of giving more local control and restoring hope to children.

Mr. CLAY. Madam Chairman, I yield 3½ minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Madam Chairman, I would like to join in the celebration of bipartisanship on this bill. However, I think it is too early to celebrate, and we have to look at the context in which this bill is being offered today. It is being offered in a context where we have already this year passed an Ed-Flex bill which set the stage for giving a great deal of power and decision-making authority to the governors. Tomorrow or next week, we are going to be considering something called a Straight As bill, which is going to wipe out most of what we say today about the Title I concentration on the poorest youngsters in America.

Within this context, we have to consider what we are doing today. When they move today to take the first step as sort of a guerilla, beachhead action, we are going to reduce the concentration required of poverty youngsters in a school from 50 percent to 40 percent, and this bill is just the beginning.

This bill looks like a status quo bill with just a few innovations here and there, and a little increase, but it is setting the stage for something very different. I would certainly be quite happy if we could leave it up to our leadership on the Committee on Education and the Workforce. The people there have the institutional memory, and they have the dedication to education. We could do a great job if we did not have these overriding forces of the majority of the Republicans here who are pushing still to minimize the role of the Federal Government in education. One way or another they are going to do that, and the stage is being set today for the block grant. By reducing the thresholds from 50 percent to 40 percent, that is the first stage, and then the Straight As bill will come along and it will push out the decision-making of the Federal Government to a great degree and hand it over to the States. We are moving toward a block grant rapidly. The Senate, the other body, has a bill which is probably going to lead up to that block grant and move us in a direction that we do not want to go.

I have several amendments that I will introduce later dealing with innovative programs which I think we should undertake at this time. This should not be a status quo bill. At a time when the United States is at peace and with unprecedented prosperity, we should be taking a great leap forward in education. This bill, which is going to be our reauthorization for 5 years, ought to be an omnibus-cyber-civilization education program to guarantee the brain power and leadership that we need in our present and for our expanding and future digitalized economy in a high-tech world.

This Congress should take that step now. At the heart of this kind of an initiative, we should set the important revitalization of the infrastructure of our schools. That is, we should have a major program in this bill. It is germane. It is possible that in this bill we could have a program for school construction. I will be introducing an amendment which calls for a 25 percent increase in the Title I funding for health, safety and security improvements in infrastructure.

I will also introduce an amendment for training paraprofessionals. That is the best source of teachers, and we have a shortage now and one that is going to get worse. The source for new teachers is paraprofessionals. Also, I will offer an amendment for an increase to train and develop staff for technology.

We should not be content with the status quo. We should not accept the leadership outside of the Committee on Education and the Workforce which wants us to do the least possible and to turn over the role and authority of the Federal Government to somebody else. We should push for what the American voters demand, and that is a major innovative, creative approach to the improvement of education.

Mr. GOODLING. Madam Chairman, could I inquire as to the division of time.

The Chairman pro tempore (Mrs. EMERSON). The gentleman from Pennsylvania (Mr. GOODLING) has 17½ minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 19½ minutes remaining.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Madam Chairman, I thank my colleague for yielding me this time. I want to congratulate all of the members on the Committee on Education and the Workforce for all of their hard work, certainly the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. MCKEON) and to all of the chairs and ranking members who worked so hard and diligently to provide us here in the Congress with something that all of us could be proud of and something that all of us could vote for.

Title I, Madam Chairman, as you know, is our Nation's educational safety net. In 1999 and 2000, the State of Tennessee's public schools will receive more than \$130 million in Title I funding. These resources play a vital role in helping to keep poor schools or schools with a high percentage of poor students on a fiscal par with wealthy ones. Our responsibility is to ensure that these dollars drive better performance. This bill seeks to do that. This year, the Memphis City school system, which is in my district, received a Title I grant of approximately \$27 million. This grant fully funds 114 schools which have a poverty index of at least 70 percent.

Our challenge, as we consider legislation today that would authorize nearly

\$10 billion in programs for the Nation's low-income students, is to reverse the quality drain in our public schools and prepare every child for the 21st century marketplace. As important as Title I is to my district and State and Nation, Madam Chairman, we must recognize that it is not perfect.

Three principles should guide our deliberations: investment, quality, and accountability. We must acknowledge Title I shortcomings and look to it for the 21st century, but we must resist the extremist impulse to gut the Federal role in support of our neediest students. We must focus our limited Federal education dollars on policies and practices that work to raise teacher achievement and improve teacher quality. Unfortunately, we will consider something very soon, a Straight As proposal that will not quite bring the bipartisanship and the cooperation and really the comity that we see pervading this debate right now, because quite frankly, many of us on this side of the aisle believe that Straight As guts many of the accountability provisions and, quite frankly, does not direct and channel the resources to those students who need it most.

With regard to the reauthorization of this ESEA, what we need to do, it means allowing school districts to establish pre-K education programs; helping to equalize per pupil expenditures across States; providing parents and communities with valuable information about the qualifications of their teachers; training teachers that use technology in Title I schools; providing violence prevention training and early childhood and education programs, and ensuring gender equity.

Madam Chairman, as we proceed with this debate, I believe it is imperative that we understand the direct connection between enhancing Title I and broader goals in our society. When I travel around my district and my State, principals describe for me the importance of providing all children with opportunities early and often. Principals and teachers recognize that if we fail to serve these children, we will see not only low achievement, but higher dropout rates. They know firsthand that this results in higher rates of incarceration and in lower overall levels of productivity.

It is important to note that here in this body and State legislative bodies around the Nation, no one objects when we talk about building new prisons. No one objects to constructing new prison cells. We have an opportunity now to expand opportunities in the classroom. I support my colleagues on the Republican aisle and my colleagues on the Democratic aisle. We are ready to support this bill and move forward.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), a member of the committee.

Mr. CASTLE. Madam Chairman, I rise in strong support of H.R. 2, the Student Results Act, a bill to authorize

a number of special population programs under the Elementary and Secondary Education Act. H.R. 2 renews most importantly the Title I program, our Federal commitment to help our most disadvantaged children achieve equal education opportunity.

Since its inception in 1965, Congress has recognized the importance of the Title I program and has sought to strengthen it. Today, the purpose of Title I is to narrow gaps in academic achievement and help all students meet high academic standards. Yet, without clear performance measures and real accountability, Title I will do little to positively impact student achievement.

With the help of the gentleman from Missouri (Mr. CLAY); the gentleman from Michigan (Mr. KILDEE); and the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee; a lot of very good steps are included in this bill; and for that we should all be thankful.

H.R. 2 maintains State content and performance standards; and, for the first time, sets a date certain for the implementation of State student performance assessments. These standards and assessments, which were first established during the 1994 reauthorization, which was another positive step for Title I, will help States and local districts and schools measure the academic progress of its students and identify those schools in need of assistance.

H.R. 2 also strengthens existing accountability provisions by requiring States, school districts, and schools to report performance data by separate subgroups of students such as those who are economically disadvantaged and limited-English proficient. By encouraging States to make decisions about academic achievement based on disaggregated data, we eliminate averages, which can mask the shortfalls of certain groups and open the door to improvement for all children. And, in addition, H.R. 2 requires States who choose to participate in the Title I program to widely distribute information on the academic performance to parents and the public through report cards or other means. This change will help parents access the information they need to become a full partner in their child's education.

The Student Results Act also ensures that the nearly 75,000 teachers' aides hired with Title I funds are qualified to provide instruction in reading, language arts, and math. Under current law, many of these aides provide direct instruction to our most disadvantaged students and with a minimum of a high school diploma or GED. We freeze the number of teachers' aides that could be hired with Title I funds; and within 3 years, we require all aides to demonstrate the knowledge and ability to assist with instruction based on a local assessment.

Finally, H.R. 2 ensures that no student will be forced to attend a failing school. Specifically, it requires schools

to notify parents of their ability to transfer to another public or charter school as soon as the home school is identified as one in need of school improvement. In addition, the bill makes the existing choice program viable by allowing States, if they so choose, to use Title I funds for transportation.

With new flexibility and new authority to operate school-wide programs, the Student Results Act, when combined with Ed-Flex waivers, makes the Title I program extremely pliable. We challenge all States, school districts, and schools to determine how best to raise the academic standards of all children.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PHELPS).

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

Mr. PHELPS. Madam Chairman, I want to first commend the chairman and the ranking member for their hard work together in a bipartisan manner to bring to us this important legislation today.

I rise in support of H.R. 2 because it continues to provide the necessary investment in education to the low-income schools that need it the most. At the same time, it ensures that schools must produce results for the assistance they receive.

As a former teacher and the husband of a teacher, I have seen firsthand the benefits investing in our kids can make and how, with quality education, even the poorest of our children can find better opportunities.

I agree that education policy should remain a local issue, and that is why I cosponsored and supported the education flexibility act. But we as a Nation have a responsibility to ensure that no child is left out of the opportunities education provides. That is why I will support this bill because it says that no one will be left behind with substandard education.

Madam Chairman, H.R. 2 focuses this limited Federal role on impoverished students and requires that schools and localities receiving Title I funds are held accountable for student performance. In addition, H.R. 2 ensures that our kids get a quality education with quality instructors. I also cosponsored the rural school initiative that targets the same children and will help us utilize the resources and allow flexibility to reach these same children.

I want to urge my colleagues to remember these children and that we do our best for them and leave no child behind. Vote for H.R. 2.

Mr. GOODLING. Madam Chairman, I yield 4½ minutes to the gentleman from Colorado (Mr. SCHAFFER), another member of the committee.

Mr. SCHAFFER. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, a couple of comments that I would like to make. As a member of the Committee on Edu-

cation and the Workforce, I sat through the 3½ days of comment and testimony and debate about the bill before us today, and it is with a certain amount of reluctance that I rise to oppose the bill and urge Members to vote against it.

I do so because I have come to the conclusion, one that I think is easy to reach by reading the bill, that this bill, while it proposes to offer more flexibility to States, it actually does quite the opposite. This bill is loaded with new mandates. It is heavy on prescriptions from the Federal Government. And it does so in a program that over the last 30 years has spent some \$120 billion on a program that members of both parties, and in fact, some of the program's strongest advocates have described as a dismal failure.

□ 1615

I would like to read a quote that was issued today describing the bill from former Assistant U.S. Secretary of Education. It says, "The depressing bill on the House floor today suggests that when it comes to Federal education policy it matters not whether or not the Congress is Republican or Democrat. Neither seems to care about the kids. Neither is willing to preserve the status quo. Both are willing to throw good money after bad. This Title I bill is essentially more of the same, which is why the education establishment likes it, why the establishment's cheerleaders in the media have praised it and why it will not do anything good for America's neediest children, though it will continue to pump billions into the pockets of those employed by their failing schools. It perpetuates failed programs, failed reform strategies and a failed conception of the Federal role. To all intents and purposes, Lyndon Johnson is still making Federal education policy, despite 3½ decades of evidence that this approach does not work. A huge opportunity is being wasted. Needy kids are being neglected. The blob is being pacified. States and districts with broken reform strategies are being spurned and the so-called reforms in this package, while not harmful do not amount to a hill of beans. Every important idea for real change has been defeated, though some brave House members are going to try to resuscitate them," and I will end the quote there.

It goes on to talk about tomorrow's debate on Straight A's as an opportunity for real reform and that we should keep our fingers crossed.

The author of that quote, Chester Finn, again a former Assistant U.S. Secretary of Education, is right on the mark, Madam Chairman. We are for accountability. Accountability is a nice topic. It is one that we should be in favor of. This bill takes a bad program, adds \$900 million in new authorization and proposes to fix this broken system with new Federal controls, new Federal definitions of quality and new Federal prescriptions for change at the local level.

I submit that it will not work, and we should not have any reasonable expectation that it will work. I do not doubt that it makes us feel good here in Washington. From that perspective, this bill certainly satisfies a certain therapeutic need that we may have because we care about these children, and we want to see the dollars get to their classrooms, and we want to see them progress and improve academically. That is a goal to which we all can agree.

The notion that we here in Washington, D.C. can establish new rules, new regulations, new mandates and expect them to take hold in all 50 States, in tens of thousands of school districts, and make some meaningful improvement is the same failed philosophy that this Congress has pursued for decades. This bill truly is more of the same, and I am afraid to say that.

One of the opportunities that we missed is in full portability. If we really believe that the fairness in education should be measured by the relationship between students, we should allow the dollars that are spent in this bill to follow the students when they try to seek the academic opportunity in the best setting, according to their parents' choice.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Chairman, I am glad to follow my colleague, the gentleman from Colorado (Mr. SCHAFFER), because obviously I support the bill generally; but I had some concern about the committee mark, and I am told that it has been corrected in dealing with limited English proficient children under title I. The concern I had was a parent would actually have to give permission for their children to be in a bilingual program or even be in title I if they were limited in English proficiency.

I do not have any problem with parents being able to take their children out of a program, but to get that parent's permission before, and the wife that is a schoolteacher, oftentimes they do not have the correct address sometimes and the teachers are the ones that are going to have to follow up on making sure that parent gives that permission; and it is the children who will be in a no-man's land for a period of time. I know the manager's amendment, I think, corrected it where that child will be in that program and if the parent wants to remove them that is fine because it ought to always be the parent's decision.

In fact, that is the way the practice is today because in my own district children say they do not want their children in bilingual, and it is not that difficult to remove them from that if the parent wants it.

The bill overall is very good. In fact, even in the administration statement where it said that in supporting the bill that the House should change or should delete the provisions that would

require parental consent for title I services and jeopardize student access to the full title I benefit and opportunities of the high standards and, again, I think the manager amendment has done that and I congratulate both the chairman and the ranking member and the committee for being able to do that, because I have been in every public school in my district. I have watched bilingual programs work, and they do work. Students do not stay in there for their full life. They stay in there typically 2 to 4 years, depending on the students.

Although I have to admit I was in a kindergarten class a few years ago, went to that class in September when they were first bilingual, went back in May and those children were speaking English. I read to them first in September in Spanish, and when I went back in May they were speaking English; and I read them an English book.

So it works. That is what we need to make sure that we continue that.

Mr. GOODLING. Madam Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), another member of the committee, a subcommittee chair.

Mr. HOEKSTRA. Madam Chairman, I thank the chairman, the gentleman from Pennsylvania (Mr. GOODLING), for yielding me this time; and I congratulate him on the pair of bills that he passed out of the subcommittee last week.

I think if we take a look at the bills in context as a pair they are a very positive step forward, and tomorrow I will strongly urge my colleagues to support the Straight A's bill because I really believe that this is the type of program that addresses the needs of our neediest children.

Today, however, we are talking about H.R. 2. H.R. 2 is what I believe is a tinkering around the edges of a program that needs much more radical reform. If we take a look at this program and the results that it has generated over the last 35 years, here are some of what my colleagues on the full committee have said about title I: all of the reports would indicate that we are not doing very well. Another quote, to date, 34 years later, title I, since its inception, we still see a huge gap in the achievement levels between students from poor families and students from nonpoor families.

The message is consistent that title I has not achieved the kinds of results that we want, and that is why we need more significant reform than what we find in this bill. Other quotes, I do not want new money for title I until we fix it. I am not sure there ever was a time when title I was unbroken, but it is certainly broken now.

I know what is currently the law. It is not working. We have failed those students over and over and over again. That is why we need more significant reform than what we have.

Over the last couple of years, we have had the opportunity to travel around

the country and also take a look at education programs here in Washington. The project was called Education at a Crossroads. It went to many of these areas where title I is, and what the people at the local level wanted is they did not want more mandates from Washington. What they wanted is more flexibility to serve the needs of their kids. They know the names of their kids. They know the needs of the kids in their classroom, and they said please free us up from the regulations and the mandates and let us serve the needs of our kids.

What we have is, yes, we have reforms but we have a thick bill that is going to impose significantly more mandates on those schools that are going to end up focusing on red tape and meeting the process requirements rather than focusing on the needs of our kids. That is why tomorrow when we talk about Straight A's, that is what represents the type of change that we need, because what it says is, in exchange for accountability, where we measure the results of the learning for each of our kids, which is a huge new mandate on the States, but in exchange for that mandate we give the States and the local education agencies a tremendous amount of flexibility for how they meet the needs of their kids, so we measure performance and we give them flexibility. That is the kind of mirror package that we need to put together.

The Education Department has hundreds of programs and hundreds of mandates. It is why we need reform. It is why we need flexibility with accountability.

I am disappointed I have to oppose this bill, but I look forward tomorrow when we pass the Straight A's bill which will give States and local education agencies the types of flexibility they need to really improve education.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Madam Chairman, I believe very strongly in the Federal responsibility for public education. As we come to the end of this century, it is extremely heartwarming to me to be told by all sectors of our society that education is the most important responsibility that any level of government has and must assume if we are to fulfill the responsibilities that each of us has been given: the local school boards, the local communities, the parents, the State government, and finally the Federal Government.

I was here in 1965 when Public Law 8910 passed and the first steps by the Federal Government were taken to try to encourage the Nation to do better in public education. After 25 years of debate, the one area that everybody, all of the different sectors of disagreement could come together on, was that the Federal Government at the very least

had responsibility for the poor, the disadvantaged, the economically disadvantaged, educationally disadvantaged children of our country.

That is how Public Law 8910 came to pass. It has made tremendous strides. I disparage to hear that people are saying that it has made no difference. It has made tremendous difference, and there are numerous reports that document that. If that were not true, we would not be here today under a new majority leadership of this Congress again talking about the importance of Federal education programs. That is what we are here today under H.R. 2 debating.

Title I has been a success. We in each of our districts are terribly frustrated when we pick up the test results and see the same schools at the bottom of the list, and so we want to do everything we can to help them; but I am not sure that standardizing everything, holding everything into precise measurement, is going to fit in each of our circumstances. So I would hope that we look at this legislation and look at its creative dynamic for us to meet our responsibilities in the next century.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Madam Chairman, let me thank my ranking member and his counterpart in my home State, the chairman of the committee. These two gentlemen, along with the former governor, the gentleman from Delaware (Mr. CASTLE), and the gentleman from Michigan (Mr. KILDEE), have done an extraordinary job crafting the legislation that is now before the House, and I am pleased to rise in support of it.

This is a major step forward. It is a bipartisan bill. It responds to the national cry that we focus more on the next generation and their education than perhaps we ordinarily would do.

It is said that the difference between a statesman and a politician is the focus on the next generation versus the next election.

□ 1630

Well, this bill focuses on the next generation in an important way. I want to commend the chairman and the ranking member for their work on this bill and the subcommittee chairs.

I want to say that I want to have the opportunity to offer a couple of amendments that I hope that will improve the bill. I know all who offer amendments are hopeful that we will be able to improve this bill. But the work that has been done should be applauded by this House.

This is a bill that today represents a significant step forward; and, rather than take time out of the general debate to focus on my amendments, I really wanted to just rise and to ask this House to make sure that, at the conclusion, we have a bill that is at least as good that has been presented to us today, because I think this bill is worthy of this House's support.

The amendments that I am going to offer is just going to attempt to even the playing field between Title I students and non-Title I students, between disadvantaged students and those who have a little more advantage in our States.

This is supposedly one Nation under God. We should work through this bill to make sure that each child has an equal opportunity. We say that a lot, but we know that, in each of our States, different children have different sets of opportunities.

The amendments that I am going to offer are going to seek to close those gaps and to make sure that, as the gentleman from Pennsylvania (Chairman GOODLING) said in his opening remarks, that the children who most need to have a qualified teacher have a qualified teacher, and that we have the opportunity in terms of equalizing spending to encourage our States to make sure that they are providing an equal playing field as the Federal Government comes in and hopefully provides a hand up for those who may be starting out in a deficit position.

I would encourage my colleagues to support the Student Results Act, H.R. 2.

Mr. GOODLING. Madam Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. HILLEARY), a member of the committee.

Mr. HILLEARY. Madam Chairman, I am proud to be before the House today to support H.R. 2. This legislation will take a step in the right direction, without question, to improve the Title I education program for our children.

Providing more flexibility and accountability for Title I is exactly what our children need in disadvantaged areas. The improvement in Title I would be felt most in our inner cities where Title I funds repeatedly get caught in a bureaucratic maze and too few of those dollars actually reach our children.

However, I also want to commend the committee for realizing that rural schools must also be helped. Within H.R. 2, there is a section that specifically will allow the rural schools to receive the aid that they might not otherwise receive.

Often rural schools are at a disadvantage in receiving formula grants, like Title I, and competitive grants. These communities simply do not have the tax base and the access to grant writers that some of their bigger urban counterparts do. In addition, the formulas are skewed in some cases to strike against rural areas even if they have a high poverty quotient.

H.R. 2 successfully, although not completely, addresses this problem by including a rural schools initiative that will provide additional flexibility and funds for those underserved populations.

I hope that all of my colleagues can join together and support this great piece of legislation.

Mr. CLAY. Madam Chairman, I yield 3½ minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Madam chairman, I thank the gentleman from Missouri, my ranking member, for his time.

Madam Chairman, I want to say at the beginning how much I appreciate the efforts by the gentlewoman from Hawaii (Mrs. MINK) and the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from California (Ms. SANCHEZ) and my distinguished colleague on the other side of the aisle, the gentlewoman from Maryland (Mrs. MORELLA) and for their amendment; and that is the issue to which I would like to speak for just a second, Madam Chairman.

Their voices on this issue will and have made an enormous difference, not just in this Congress, but in the lives of young girls who will grow up to be women and leaders in their communities for decades and generations to come.

This amendment that they are offering reaffirms our commitment, our Nation's commitment to offer girls equal educational opportunities from the day they start school. That is when the difference has to be made, right out of the box, right from the beginning.

This amendment will provide important training and resources for our teachers so that they are aware of their need to be equitable in how they pursue their educational instructions in the classroom.

Different expectations lead to different academic performances. So if a girl in the classroom is not expected to excel in math or in science, which leads to careers that are lucrative in terms of their financial ability and are productive and are important in terms of the overall community, if they are not expected to excel in those areas, they will not excel in those areas.

So the attitude that is brought into the classroom by the teacher is critical, and that requires training and understanding.

Over time, if this is not done, what we have is a situation which leads to inequality and then just enormous missed opportunities later on for these girls and then eventually women. With training, teachers could learn to get the most out of every student regardless of their gender.

Then, fourthly, let me just say that this amendment will help America close an alarming gender gap between boys and girls in technology: math, science, but also in technology. Experts predict that 65 percent of all the jobs in the year 2010 will require technological skills, but only a small percentage of girls take computer science classes or go on to pursue degrees in math and science. If girls are not being encouraged in these fields, they and their families are, as I said, going to suffer economically in the future.

In conclusion, Madam Chairman, let me just say that it used to be said that teachers can change lives with just the right mix of chalk and challenges. Well, in today's high-tech world, the challenges are there, but the chalk is not enough.

This amendment will put resources into our schools that will pay dividends for generations to come. It will create a sensitivity. It will create a training. It will create an aura that girls can do anything they set their minds to do. They can be challenged. They can meet that challenge. They can grow up with careers that will provide them, their families, and their communities great, not only challenge, but reward in the future.

I want to thank the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. BONIOR), the gentleman from Indiana (Mr. ROEMER), and all my colleagues who have worked on this legislation.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. OSE) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

STUDENT RESULTS ACT OF 1999

The Committee resumed its sitting.

Mr. CLAY. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. Madam Chairman, I yield myself 4½ minutes, the balance of the time.

Madam Chairman, I am extremely happy that this is not a status quo piece of legislation. We have had status quo in this program for the first 20 years of this program, and it was a disaster. In 1994, we added a little bit of accountability. We are not sure what that brought us yet. We will find that out after the studies are done by the Department as to how they messed up the scoring on the tests.

I am also pleased that this has been a bipartisan effort, as most of our education bills have. I am happy to say that, so far, we passed the Flexibility Act in a bipartisan fashion. I am happy to say that we passed the Teacher Empowerment Act in a bipartisan fashion. The bipartisan Teacher Empowerment Act takes care of the class size reduction problem. The tax bill takes care of the building problem. I am happy that all of those have been passed out of our committee and on the floor of the House.

I am happy to say that, when we get to the amendment process, we will model all the preschool programs that they talk about after a program that has worked. It is called Even Start. We will make sure that, as a matter of fact, that is the model.

I think we better be careful about increasing funds. Generally, if you failed for a period of time, they say, okay, show us what you are going to do to be

H. Con. Res. 79: Mr. GONZALEZ, Mr. HALL of Texas, Mr. CALVERT, and Mr. SANDLIN.

H. Con. Res. 100: Mr. WU and Mr. GOODLATTE.

H. Con. Res. 148: Mr. GOSS.

H. Con. Res. 159: Mr. RUSH.

H. Con. Res. 186: Mr. WAMP, Mr. BAKER, Mr. COMBEST, Mr. FRANKS of New Jersey, Mr. DICKEY, Mr. COOK, and Mr. EHRLICH.

H. Con. Res. 190: Mr. OXLEY.

H. Con. Res. 199: Mr. PETERSON of Minnesota and Mr. POMBO.

H. Res. 224: Mr. FLETCHER.

H. Res. 238: Mr. FROST, Mr. BRADY of Texas, and Mr. BARCIA.

H. Res. 298: Mr. WAXMAN, Mr. VITTER, Mr. PETERSON of Minnesota, Mr. UNDERWOOD, Mr. BOSWELL, Mr. JOHN, and Ms. HOOLEY of Oregon.

H. Res. 325: Mrs. MALONEY of New York, Mr. CALLEGLEY, and Mr. FRANKS of New Jersey.

H. Res. 332: Ms. LOFGREN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. ARMEY

AMENDMENT NO. 56: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

"(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

"(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

"(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

"(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

"(2) The State educational agency shall determine which schools in the State are unsafe public schools.

"(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

"(A) expulsions and suspensions of students from school;

"(B) referrals of students to alternative schools for disciplinary reasons, to special

programs or schools for delinquent youth, or to juvenile court;

"(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

"(D) enrolled students who are under court supervision for past criminal behavior;

"(E) possession, use, sale or distribution of illegal drugs;

"(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

"(G) possession or use of guns or other weapons;

"(H) participation in youth gangs; or

"(I) crimes against property, such as theft or vandalism.

"(c) TRANSPORTATION AND TUITION COSTS.—The local educational agency that serves the public school in or the grounds on which the violent criminal offense occurred or that serves the designated unsafe public school may use funds hereafter provided under this part to provide transportation services or to pay the reasonable costs of transportation or the reasonable costs of tuition or mandatory fees associated with attending another school, public or private, selected by the student's parent. The local educational agency shall ensure that this subsection is carried out in a constitutional manner.

"(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

"(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

"(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

"(g) CONSTRUCTION.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private elementary school or secondary school that a child of the parent will attend within the State.

"(h) CONSIDERATION OF ASSISTANCE.—Assistance used under this section to pay the costs for a student to attend a private school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private school as a result of assistance received under this section.

"(i) CONTINUING ELIGIBILITY.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for 5 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

"(j) TUITION CHARGES.—Assistance under this section may not be used to pay tuition or mandatory fees at a private elementary school or secondary school in an amount that is greater than the tuition and mandatory fees paid by students not assisted under this section at such private school.

"(k) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede

or modify any provision of a State constitution that prohibits the expenditure of public funds in or by sectarian institutions."

After part C of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 171 of the bill, insert the following:

PART F—ACADEMIC EMERGENCIES

SEC. 181. ACADEMIC EMERGENCIES.

(a) ACADEMIC EMERGENCIES.—Title I of the Act is amended by adding at the end the following:

"PART H—ACADEMIC EMERGENCIES

"SEC. 1801. SHORT TITLE.

"This part may be cited as the "Academic Emergency Act".

"SEC. 1802. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to provide funds to States that have 1 or more schools designated under section 1803 as academic emergency schools to provide parents whose children attend such schools with education alternatives.

"(b) GRANTS TO STATES.—Grants awarded to a State under this part shall be awarded for a period of not more than 5 years.

"SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.

"(a) DESIGNATION.—The Governor of each State may designate 1 or more schools in the State that meet the eligibility requirements set forth in subsection (b) or are identified for school improvement under section 1116(b) as academic emergency schools.

"(b) ELIGIBILITY.—To be designated as an academic emergency school, the school shall be a public elementary school—

"(1) with a consistent record of poor performance by failing to meet minimum academic standards as determined by the State; and

"(2) in which more than 50 percent of the children attending are eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

"(c) LIST TO SECRETARY.—To receive a grant under this part, the Governor shall submit a list of academic emergency schools to the State educational agency and the Secretary.

"SEC. 1804. APPLICATION AND STATE SELECTION.

"(a) APPLICATION.—Each State in which the Governor has designated 1 or more schools as academic emergency schools shall submit an application to the Secretary that includes the following:

"(1) ASSURANCES.—Assurances that the State shall—

"(A) use the funds provided under this part to supplement, not supplant, State and local funds that would otherwise be available for the purposes of this part;

"(B) provide written notification to the parents of every student eligible to receive academic emergency relief funds under this part, informing the parents of the voluntary nature of the program established under this part, and the availability of qualified schools within their geographic area;

"(C) provide parents and the education community with easily accessible information regarding available education alternatives; and

"(D) not reserve more than 4 percent of the amount made available under this part to pay administrative expenses.

"(2) INFORMATION.—Information regarding each academic emergency school, for the school year in which the application is submitted, regarding the number of children attending such school, including the number of children who are eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the level of student performance.

"(b) STATE AWARDS.—

“(1) **STATE SELECTION.**—From the amount appropriated pursuant to the authority of section 1814 in any fiscal year, the Secretary shall award grants to States in accordance with this section.

“(2) **PRIORITY.**—To the extent practicable, the Secretary shall ensure that each State that completes an application in accordance with subsection (a) shall receive a grant of sufficient size to provide education alternatives to not less than 1 academic emergency school.

“(3) **AWARD CRITERIA.**—In determining the amount of a grant award to a State under this part, the Secretary shall take into consideration the number of schools designated as academic emergencies in the State and the number of eligible students in such schools.

“(4) **STATE PLAN.**—Each State that applies for funds under this part shall establish a plan—

“(A) to ensure that the greatest number of eligible students who attend academic emergency schools have an opportunity to receive an academic emergency relief funds; and

“(B) to develop a simple procedure to allow parents of participating eligible students to redeem academic emergency relief funds.

“SEC. 1805. SELECTION OF ACADEMIC EMERGENCY SCHOOLS AND AWARDS TO PARENTS.

“(a) **SELECTION.**—The State shall select academic emergency schools based on—

“(1) the number of eligible students attending an academic emergency school;

“(2) the availability of qualified schools near the academic emergency school; and

“(3) the academic performance of students in the academic emergency school.

“(b) **INSUFFICIENT FUNDS.**—If the amount of funds made available to a State under this part is insufficient to provide every eligible student in a selected academic emergency school with academic emergency relief funds, the State shall devise a random selection process to provide eligible students in such school whose family income does not exceed 185 percent of the poverty line the opportunity to participate in education alternatives established pursuant to this part.

“(c) **PAYMENTS.**—

“(1) **IN GENERAL.**—From the funds made available to a State under this part and not reserved under section 1804(a)(1)(D), a State shall pay not more than \$3,500 in academic emergency relief funds to the parents of each participating eligible student.

“(2) **PERIOD OF AWARDS.**—The academic emergency relief funds awarded to parents of participating eligible students shall be awarded for each school year during the grant period which shall terminate—

“(A) when a participating eligible student is no longer a student in the State; or

“(B) at the end of 5 years, whichever occurs first.

“(3) **DURATION.**—A State shall continue to receive funds under this part for distribution to parents of participating eligible students throughout the 5-year grant period.

“SEC. 1806. QUALIFIED SCHOOLS.

“(a) **QUALIFICATIONS.**—A State that submits an application to the Secretary under section 1804 shall publish the qualifications necessary for a school to participate as a qualified school under this part. At a minimum, each such school shall—

“(1) provide assurances to the State that it will comply with section 1810;

“(2) certify to the State that the amount charged to a parent using academic relief funds for tuition and fees does not exceed the amount for such tuition and fees charged to a parent not using such relief funds whose child attends the qualified school (excluding scholarship students attending such school); and

“(3) report to the State, not later than July 30 of each year in a manner prescribed by the State, information regarding student performance.

“(b) **CONFIDENTIALITY.**—No personal identifiers may be used in such report described in subsection (a)(3), except that the State may request such personal identifiers solely for the purpose of verifying student performance.

“SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.

“(a) **USE OF ACADEMIC EMERGENCY RELIEF FUNDS.**—A parent who receives academic emergency relief funds from a State under this part may use such funds to pay the costs of tuition and mandatory fees for a program of instruction at a qualified school.

“(b) **NOT SCHOOL AID.**—Academic emergency relief funds under this part shall be considered assistance to the student and shall not be considered assistance to a qualified school.

“SEC. 1808. EVALUATION.

“(a) **ANNUAL EVALUATION.**—

“(1) **CONTRACT.**—The Comptroller General of the United States shall enter into a contract, subject to amounts specified in Appropriation Acts, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the education alternative program established under this part.

“(2) **ANNUAL EVALUATION REQUIREMENT.**—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate the education alternative program established under this part in accordance with the evaluation criteria described in subsection (b).

“(3) **TRANSMISSION.**—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

“(b) **EVALUATION CRITERIA.**—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the education alternative program established under this part. Such criteria shall provide for—

“(1) a description of the effects of the programs on the level of student participation and parental satisfaction with the education alternatives provided pursuant to this part compared to the educational achievement of students who choose to remain at academic emergency schools selected for participation under this part; and

“(2) a description of the effects of the programs on the educational performance of eligible students who receive academic emergency relief funds compared to the educational performance of students who choose to remain at academic emergency schools selected for participation under this part.

“SEC. 1809. REPORTS BY COMPTROLLER GENERAL.

“(a) **INTERIM REPORTS.**—Three years after the date of enactment of the Student Results Act of 1999, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1808(a)(2) for the education alternative program established under this part. The report shall contain a copy of the annual evaluation under section 1808(a)(2) of education alternative program established under this part.

“(b) **FINAL REPORT.**—The Comptroller General shall submit a final report to Congress, not later than 7 years after the date of the enactment of the Student Results Act of 1999, that summarizes the findings of the annual evaluations under section 1808(a)(2).

“SEC. 1810. CIVIL RIGHTS.

“(a) **IN GENERAL.**—A qualified school under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

“(b) **APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.**—

“(1) **APPLICABILITY.**—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a qualified school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the qualified school.

“(2) **SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.**—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a qualified school from offering, a single-sex school, class, or activity.

“SEC. 1811. RULES OF CONSTRUCTION.

“(a) **IN GENERAL.**—Nothing in this part shall be construed to prevent a qualified school that is operated by, supervised by, controlled by, or connected to a religious organization from employing, admitting, or giving preference to persons of the same religion to the extent determined by such school to promote the religious purpose for which the qualified school is established or maintained.

“(b) **SECTARIAN PURPOSES.**—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a qualified school to remove religious art, icons, scripture, or other symbols.

“SEC. 1812. CHILDREN WITH DISABILITIES.

“Nothing in this part shall affect the rights of students, or the obligations of public schools of a State, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

“SEC. 1813. DEFINITIONS.

“As used in this part:

“(1) The terms “local educational agency” and “State educational agency” have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(2) The term “eligible student” means a student enrolled, in a grade between kindergarten and 4th, in an academic emergency school during the school year in which the Governor designates the school as an academic emergency school, except that the parents of a child enrolled in kindergarten at the time of the Governor’s designation shall not be eligible to receive academic emergency relief funds until the child is in first grade.

“(3) The term “Governor” means the chief executive officer of the State.

“(4) The term “parent” includes a legal guardian or other person standing in loco parentis.

“(5) The term “poverty line” means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

“(6) The term “qualified school” means a public, private, or independent elementary school that meets the requirements of section 1806 and any other qualifications established by the State to accept academic emergency relief funds from the parents of participating eligible students.

“(7) The term “Secretary” means the Secretary of Education.

“(8) The term “State” means each of the 50 States and the District of Columbia.

"SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part \$100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004, except that the amount authorized to be appropriated may not exceed \$100,000,000 for any fiscal year."

(b) **REPEALS.**—The following programs are repealed:

(1) **INTERNATIONAL EDUCATION EXCHANGE PROGRAM.**—Section 601 of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(2) **FUND FOR THE IMPROVEMENT OF EDUCATION.**—Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(3) **21ST CENTURY COMMUNITY LEARNING CENTERS.**—Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

H.R. 2

OFFERED BY: MR. SCOTT

AMENDMENT NO. 57: Strike title III of the bill.

H.R. 2

OFFERED BY: MR. UDALL OF NEW MEXICO

AMENDMENT NO. 58: Section 1125 of the Act is amended by adding a subsection (i)—

"(i)(1) The Secretary shall grant to the Santa Fe Indian School a permanent use permit for the entire premises and grounds of the Santa Fe Indian School in Santa Fe, New Mexico, for the purposes of allowing and encouraging the school to enter into long term agreements for the benefit of the educational programs of the school. Such grant shall be made to, and controlled by, the Governors of the Pueblos located in New Mexico, who shall act through joint action taken by motion acted upon by a majority of said Governors, in a manner to be determined by the Governors and the school board of the Santa Fe Indian School. Such action shall only be for the benefit of the educational program at

the school. No action shall be taken which uses this property in furtherance of, or support of, gaming activities, or the sale of tobacco products or alcohol, whether for the Pueblos (jointly or severally) or the school.

(2) Upon motion of the Governors of the Pueblos of New Mexico, acted upon by a majority of said Governors acting in consultation with the school board of the Santa Fe Indian School, the Secretary shall take action, in the most expeditious fashion, to clear any questions related to the fee title of said property, as set forth in paragraph (1) of this subsection. Upon action of the Governors of the Pueblos of New Mexico taken in consultation with the school board of the Santa Fe Indian School, the Secretary shall take such actions as may be necessary to transfer the title in such property to the 19 Pueblos tribes of New Mexico, acting for the school, provided that said property shall remain trust property and exempt from all taxation and State administration and shall *continue to be used for the education of Indian students.*"