the gentleman from Pennsylvania (Mr. GOODLING) that there is nothing in here, that this is an English-only bill. I don't know where that came from. The gentleman from California mentioned it as part of some kind of anti-immigrant plot. Not so. There is none of that in here.

What is in here is a good-faith effort to try and improve the fluency of people who do not speak English and allow them to transition into an English-speaking society, which we are in the United States of America; and I think it is a genuine and good effort.

We may disagree whether we have got the right way or the wrong way, but we have certainly provided ample time for debate to deal with that.

I note that several of our colleagues from the other side of the aisle are a little scared of the 3 years that this program enrollment period goes for, and it is 3 years, not 2. They are worried about meeting some kind of a standard or a merit or having any kind of a measure of performance applied.

I can tell my colleagues that I have youngsters in my district who have been in these programs for 4 or 5 years, and they are not learning English. They are stuck in their own community, not taking advantage of becoming English speakers, even though their parents wish them to be fluent and proficient in English because they understand how important that is for the future. Yet, these programs are not working.

I think it is fair to say that we do not have a complete success story or anything like it in the status quo. We are trying to find a way to move forward from the status quo.

I notice my colleagues on the other side have suggested that the status quo is better than what we are presenting, in their view; and in some cases, they have offered some gutting amendments or will offer some gutting amendments, I am told. But I have not heard about any great new programs or any great new ideas.

We have now carved out 3 hours of amendment time. This is a good time to bring forth some brave new ideas, if you have not been able to do it yet. I challenge my colleagues to do that.

I would suggest that my colleague, the gentleman from Pennsylvania (Mr. GOODLING), the chairman, and the gentleman from California (Mr. RIGGS), who is the author of much of this, have done a pretty good job of bringing forth some new ideas. I think it is extremely important that we debate these ideas in a fair way, and that is why we have so much time scheduled for the amendments and any thoughts that anybody has.

In fact, as we have seen, we have used a good part of our rule discussion dealing with trying to understand what the issue is here right now. We have heard all kinds of statements made several times, and it seems like it is getting to be a mantra that somehow or another we are taking away local control. On the contrary, this bill provides for more local control.

Everybody knows that that is one of the planks of the GOP policy is to go to local control for our education people back in the community. This is very consistent with that; otherwise, I do not think this legislation would have gotten this far.

So I think to try and mischaracterize this as any way taking away local control is not straightforward. The idea that perhaps we are trampling on some children's rights by trying to help them learn language and become proficient in the language of our country, which is primarily English, seems to me to be a little bizarre. I think trying to help out our youngsters is a very important thing.

I do note that one of the speakers on the other side mentioned that children are not a political issue. I quite agree that children should not become a partisan political issue. But I do believe children are very much part of our process, and I believe it is very important to legislate and look out for your youngsters.

That is why most of the people who have reached my age in life get out of bed in the morning and go to work, to make sure that what our kids have is a little better than what we started with if there is a way to do that.

So I think that we are trying to do something honorable and something useful and something beneficial for our Nation's children. I think we are trying to do it in a very, very reasonable way. I say that because I hate to see these debates hijacked and scare tactics.

I remember very well some years ago I went home to town meetings and was informed by people there that we were not going to have any longer a school lunch program, and mean-spirited people were going to take away children's school lunch program. That was bologna. That was hogwash. It was not true. It never was true. But it was a great story. It was partisan politics at election time.

This bill deserves better than that. This is a good bill, and it should be discussed for what it says, not what some people keep characterizing that it might say.

So I would urge my colleagues very much to pay attention to this debate, that we go forward now with this rule, that we get into this debate. I hope people will agree that this is a very honorable effort to improve the process of bringing those who do not speak English into the society that does speak English and in this place we call the United States of America.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3694, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none, and without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. GOSS, YOUNG of Florida, LEWIS of California, SHUSTER, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, DICKS, DIXON, SKAGGS, Ms. PELOSI, Ms. HARMAN, Mr. SKELTON and Mr. BISHOP.

From the Committee on National Security, for consideration of the House bill and Senate amendment, and modifications committed to conference:

Mr. SPENCE, Mr. STUMP and Ms. SANCHEZ.

There was no objection.

□ 1430

ENGLISH LANGUAGE FLUENCY ACT

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to House Resolution 516 and rule XXIII, 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. 3892.

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. 3829) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

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

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

Mr. Chairman, I want to make a couple of preliminary statements that I

made during the rules debate. First of all, I want to make sure that everybody understands we are talking about 16,000 public school districts, 110,000 public schools. That is just a small portion that may participate. And we are talking about 583 grants. That is what this whole debate is about, 583 grants, and we are talking about 16,000 school districts and 110,000 schools.

Second thing I want to make sure everybody understands is when we are talking about LEP students, the financial aid LEP students is in title I. That is where most of the money comes from in order to deal with the issue of making sure every child has an equal opportunity for a quality education.

As a former educator, I know how important it is for each and every child to receive a high quality education. And that is what the gentleman from California (Mr. RIGGS) is doing in this legislation, trying to make sure that every child has that opportunity.

The most frustrating experience I have had in 24 years in the Congress of the United States is this business of we will never admit that some programs do not work very well. We will never admit that there might be something we can do to make them better. It is always if we just have more money somehow or other poor programs will become better.

I have argued this on Head Start for years and years and years. And it was not until this secretary came when she finally closed 50 Head Start programs. Well, we had a lot more than 50 over the years that were not doing well, were not providing the kind of preschool education that children needed, were not putting quality people in those rooms in order to make sure that they would have a quality education.

And so here we are again. Even though the dropout rate does not change, does not go down, goes up, if anything, we are still going to say, but there is only one way to do this. And that is what the argument is all about. The argument is not about is bilingual beautiful, is bilingual education necessary. That is not the argument at all. The argument is are there other ways to do it. Should the Federal Government say that 75 percent of all this money must go to only one method in trying to improve the quality of education for LEP students. That is what the whole argument is about. And I say that, no, we have not done very well, so let us give local and State people a little more flexibility to see if they cannot design programs that will do something about reducing that dropout rate rather than increasing that dropout rate.

Then we get into the parent notification business. It is unbelievable to me that anyone could question whether the reason for identifying a child as being in need of English language instruction is not the responsibility of the school to the parent, or whomever put them in that particular program. Does the parent not have the right to know why their child was identified and placed in that program? Does the parent not have the right to know the child's level of English proficiency, how they assessed it, how they determined that? Do they not have the right to know the status of their child's academic achievement? Do they not have the right to know how the program will assist their child to learn English and meet appropriate standards for grade promotion and graduation?

That is what we say in this legislation; that, yes, a parent does have that right. The parent should have that right. Any other parent of a child who is not LEP certainly would want that right and certainly has that right. And so we say the parent has to be notified. The parent has to be told all of these things. The parent then makes a choice whether they believe this is the best program for their child. And if they do not believe their child is doing well in the program, and there are other programs available, they have the choice of saying, I want my child to try a different program.

So, again, let us get beyond this business of somehow or other we, in this language, are telling people exactly what they have to do as far as bilingual education is concerned. The opposite is true. Let us get beyond the idea that somehow or other this legislation will eliminate bilingual education. As a matter of fact, it will do the opposite. It will give locals an opportunity to say that, well, perhaps we have a better approach for these three children than what they say from the Federal level, and a different approach for these ten children rather than there is only one approach: Transitional bilingual education.

So I would hope that this debate will continue only upon the merit of how do we provide quality education for all children and admit that we have not done very well in many programs in the past. And that we are here in a bipartisan fashion to make sure that every child has an opportunity for a quality education.

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

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

Mr. Chairman, I oppose this bill because it attempts to destroy local bilingual education programs and it jeopardizes the civil rights of limited English proficient students.

This bill voids voluntary compliance agreements entered into by the Department of Education and local school districts that are out of compliance with title VI of the Civil Rights Act. This provision is an unprecedented and shameful effort to gut the enforcement of the Civil Rights Act of 1964 as it applies to students with limited English proficiency. The majority has never provided any justification for this assault on civil rights.

This bill also repeals the current requirement that LEP students meet strong academic and performance standards. While mastery of academic English is essential to future employment success, so is the mastery of math and science and the other disciplines, and this bill has no accountability or requirement to LEP students to meet challenging standards in the core curriculum. We should never allow bilingual education students to become second class citizens and second class students.

The bill also sets artificial and arbitrary time limits for completing bilingual education that would prevent teachers from doing what is best for that student. These time limits do not recognize that some children learn faster than others. I find it kind of strange that the majority would want those of us inside the beltway to dictate the duration of a school's bilingual education program rather than letting the local schools and teachers and parents decide.

This legislation, Mr. Chairman, also repeals the Emergency Immigrant Education program, which provides assistance to those localities which have large numbers of recently arrived immigrants. This program is essential in cities such as Miami and Los Angeles, New York and others. So I urge my colleagues to vote against this anti-education measure.

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

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume, and before yielding to the subcommittee chairman, who was the workhorse on the legislation, I do want to point out, since it was mentioned, that the Equal Educational Opportunity and Nondiscrimination for Students with Limited Proficiency, Federal enforcement of title VI, and Lau versus Nichols, they stated in a report in 1997, ''The bilingual Education Act has placed restrictions on the types of programs that could be funded under the Act, and these restrictions have, in turn, limited school districts' options.''

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. RIGGS), the subcommittee chairman.

Mr. RIGGS. Mr. Chairman, I thank the chairman of the full committee for his support of this legislation and his very active role in helping to bring it to the floor in a very timely manner. I think it is very important, for reasons that we will discuss during the course of debate today, that this legislation be considered by this Congress, not deferred sometime into the future.

I say that, in part, because of, but only in part, because of the strong mandate for reform of bilingual education in my home State of California. As I think most people know, voters there in the June primary election, California has its primary election in June, passed a ballot initiative, a popular referendum, called Proposition 227 by a 61–39 margin.

In fact, most of the, I guess what we would call trending polls leading up to

the election indicated that a majority, or slightly less, of Hispanic American surname parents in California, Hispanic American voters in California, supported Proposition 227. And the exit polls showed that, I believe, somewhere in the neighborhood of 40 percent of Hispanic American voters had supported Proposition 227. However, as I will point out as we get into the debate, our legislation coming out of the committee is much more reasonable, much more moderate and flexible than the voter approved mandate of Proposition 227 in California.

I just want to parenthetically make a quick point, which I think the chairman made earlier, that we should not limit this debate or focus this debate solely on Spanish language or traditional English-Spanish bilingual education. Because, in fact, if we are going to meet the needs of immigrant American children, bilingual education, by definition, has to encompass many, many more languages than just Spanish.

In fact, going back to California for just a moment, sitting there on the Pacific Rim, with California businesses and industries doing more and more business in the Orient, one could argue that as a second language it is probably as important, if not more important, that our children learn an Asian language, or Asian dialect, as it might be for them to learn Spanish. But that, again, is not really what this debate is about.

This debate, in my mind, while as the chairman says deals with a relatively small or limited amount of money, has larger overtones in part because of the tremendous dropout rate of nonEnglish speaking or limited English speaking students in our schools. In 1996, 55.2 percent of Hispanic students graduated from high school, and that was up just slightly from the 54.4 percent graduation rate in 1988. Considering that almost three-fourths of limited English or nonEnglish speaking students speak Spanish, our committee has a real concern that those children are being failed by the status quo; by current programs. They are being left behind.

If we are concerned about discrimination, my colleagues, this is causing them to effectively be segregated from their peers and, all too often, segregated from the rest of society, when our goal should be to hasten, to expedite their assimilation into the American society so that they can realize all of their God given potential as human beings and the opportunity to achieve the American dream.

So if we think that a dropout rate in the 50th percentile, 54, 55 percent for Hispanic American students, is acceptable, then by all means oppose this effort at reform, and any other effort at reform in this Congress or in the future.

□ 1445

Now, we talked a little bit about process. We have had an extensive debate in the last Congress on English as the official language. But this bill has nothing to do with English as the official language. It just again is focused on bilingual education.

We had hearings, a field hearing in San Diego, a committee hearing here in Washington, on the legislation. We had a very extensive debate during consideration of this bill in the full committee. We have aired out these issues. We have had ample opportunity to discuss them.

And in terms of process, let me assure my colleagues, particularly my friend the gentleman from California (Mr. BECERRA), that I made every effort to reach across the center aisle, the partisan aisle, to the gentleman from California (Mr. MARTINEZ), my very good friend and the ranking member of the subcommittee. And we have, wherever possible, worked together in a mutually cooperative, professional and, I think, bipartisan fashion.

We just had to, on this particular issue, agree early on to disagree. It was apparent to both of us I think that despite our best efforts, we were not going to be able to collaborate on this particular bill. That should not signal to my colleagues, and I think the gentleman from California (Mr. MARTINEZ) would attest to this, that should not signal to my colleagues that we did not have a debate or that I approached this issue with a closed mind. I am still open at this date to positive and constructive suggestions, and I will listen very carefully to the arguments that are made on behalf of the Democratic amendments during consideration of this bill today.

But I keep coming back to the concerns and the rights of parents. I think back to a gentleman by the name of George Louie who testified before our subcommittee at the field hearing in San Diego about his experiences with his son Travell, who was born and raised in the United States yet placed in a Chinese, actually a Cantonese, bilingual education program in his Oakland, California, school, which is under a court order consent decree.

Mr. Louie was horrified to find that his son had been placed in that class and made repeated attempts to try to get the permission and the cooperation of school authorities in transferring his son out of that class to another class.

He testified that he made over 75 contacts with the school district but was told, because of the court ordered consent decree, that his son, a native American, English-proficient, English-fluent son, could not be transferred into another classroom.

Now, what do we say to Mr. Louie under those circumstances? Would we not stand with Mr. Louie and say, we support your right to make sure that your child gets a good education? And the way that we can safeguard against the same thing happening to any other American child as happened to your son is to require local school districts driving that control, driving that decision-making right down to the local levels closest to the parents in that community, who are, after all, the consumers of public education, and make sure that parents have the right to decide whether their child will be placed in a native language, that is to say a non-English-speaking classroom, particularly again a young man such as Travell Louie, who is English speaking.

So what we have done here in this legislation is a couple of things. One is, we are saying to local school districts they can select the method of bilingual instruction that they deem most appropriate for their children in their community.

And let me tell my colleagues, show me in the legislation where we have inserted any language that would prevent that local school district if they so chose, if a majority of the governing board, the duly elected school board members from that community, if they chose to offer bilingual education through native language immersion, show me a provision in the bill that would prevent a local school district and local school board from doing that; and they will not be able to.

But I will acknowledge that the converse of that is true, that that local school district could decide, particularly in California, under the mandate of Prop 227, to offer bilingual education instruction in an English immersion program. But the flip side is true and any combination thereof.

What we are trying to do is take out the mandate in current law that again requires that 75 percent of Federal taxpayer funding go for traditional, transitional, bilingual education instruction, a mandate that a majority of the instruction time actually be in the native language.

We want more flexibility, and that again is in keeping with the longstanding American tradition of decentralized decision-making, local control in public education. And we are trying to improve on current law by requiring that local school and that local school district to go one step further and obtain, not just notify the parent that their child will be placed in a bilingual education class, a native language instruction class, but to actually get the formal, written permission or consent of the parent before the child can be placed in the class. That seems to me to be a very reasonable reform to address in part the concerns of parents like Mr. Louie.

Mr. Chairman, I will finish my remarks and then I will defer to the chairman and floor manager.

So, as the gentleman from Ohio (Mr. TRAFICANT) and others pointed out, English is the language of this Nation and the mastery of the English language is the key to success. It is the key to success in school, and it is the key to success later on in life.

We are consigning whole generations of young people to failure by passing them through 12 years, or in the case of kindergarten, 13 years of public education without giving them the proper

understanding and the proper foundation in English, the official common and commercial language of our country.

With this bill, I would hope we would send a message to school districts across the country that this practice of consigning kids to an inadequate public education that fails to prepare them for later in life and professional success in adult life, that all that stops with this legislation.

Now, some of the critics of this legislation have already and will in the next few hours, as we debate this bill, claim that this legislation is discriminatory. But I can think of nothing that discriminates against people who come to America with dreams of success more than making them permanent outsiders in American society, in American life, leaving them on the outside looking in at the American dream. That is what graduating the children of immigrants from public schools without a good, fundamental grasp of English guarantees.

Depriving immigrant children of the best, quickest method of learning to speak, write, read and genuinely understand English is discrimination at its worst. I hope my colleagues will just contemplate that when we get into the debate here.

Now, the chairman and the gentleman from Florida (Mr. GOSS) mentioned the whole debate on school lunch in the first session of the last Congress, the 104th Congress. And we all remember the more recent debate regarding reform of the Federal Welfare Act.

My colleagues will remember, certainly many of our constituents listening and watching this debate will remember that when we insisted on reforming America's failing welfare system, our political opponents and many of our media critics predicted that the sky would fall, the world would end, and we would be throwing millions of people out into the streets to be destitute.

Well, today one million former welfare recipients have made that transition from welfare to work, they are working at jobs, they are achieving financial independence and the self-respect and self-esteem that comes with financial independence. The taxpayers have saved $5 billion, which States and local communities are now using to meet other very legitimate human and social needs in those communities. And we have successfully reformed a Federal program that trapped millions of poor people in a cycle of poverty and failure. We took bold action and we have seen a sweeping turnaround, and that has been attested to by many, many articles in the mainstream media.

This is what we are going to do for bilingual education. This is what we should do for public education in general. And the critics are again saying, and we will hear one after another stand down here in this well or take the microphone on the other side of the aisle, and they will say that the sky will fall. But millions of students destined for failure in federally funded bilingual education programs will have a real chance to speak and master English under this bill.

So I strongly support the legislation. I urge my colleagues to take a bold stand, support this vitally needed legislation. Because I truly believe, as I have said all along, that reform of Federal bilingual education programs is overdue and inevitable.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. Mr. Chairman, I am going to, as I said earlier, defer to the chairman of the full committee, who manages the time, to yield.

Mr. CLAY. Mr. Chairman, it is apparent that Chicken Little would have yielded. I yield 4 minutes to the gentleman from California (Mr. MARTINEZ).

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

Mr. MARTINEZ. Mr. Chairman, I rise in strong opposition to this bill. It is called the English Language Fluency Act. More appropriately, it should be called the anti-children civil rights bill.

This bill, in my estimation, would dismantle the civil rights protection that is now afforded to the language-minority children all over this country. The Supreme Court decision in Lau v. Nichols established that limited-English-proficient children have the constitutional right to meaningful access to education.

In enforcing this mandate, the Department of Education's Office of Civil Rights has worked with school districts to fashion voluntary compliance agreements to provide limited-English-proficient students with access to high, high-quality education.

This bill would unilaterally void all 276 current voluntary, voluntary compliance agreements with no consideration given to the protection of the civil rights of those children covered by them.

Tragically, the justification for this action has been based on ill-conceived notions based on biased and mythical information. In addition, this legislation would alter the nature of the Federal bilingual education program to one solely focused on English language acquisition, not on the fact that children need to learn more than just English.

That is why current law provides assistance to local school districts to help them teach English to LEP students, but it also fosters efforts to educate these children to high standards in other subjects in a language that they can understand. In other words, the object is not just to help children learn English, but to help them learn in English.

Mr. Chairman, in undermining the essential purpose of the current bilingual education program, this bill flies in the face of the Lau decision, which mandates that children be guaranteed access to complete education, not one that teaches them English at the expense of learning math, science, history, or the rest of the basics.

This bill would also prohibit States from administering assessments of educational achievement in LEP students in languages other than English. The only evaluations called for under this bill are those that would assess a child's acquisition of the English language, thus severing all ties in current law that work to ensure that LEP students are educated with the same high standards as their classmates. This is just plain wrong.

The legislation further constrains the educational quality afforded to language minority students by mandating that local programs be designed to push LEP students into the mainstream classrooms in 2 years. And if my colleagues would care, I would read the law to them that where the first two measure of standards are 2 years and the third year is only given in consideration that it is obvious to someone that they have not learned well enough.

And the crux of that is that this is under the penalty of termination of Federal assistance. And I want to know, what happens to the slower students? Do they just fall by the wayside?

Mr. Chairman, this bill also undermines the quality of education provided to LEP students by changing the entire structure of the bilingual education program from a competitive grant which awards funds directly to school districts based on the quality of local programs to a formula grant which sends funds to all States regardless of need or merit of their service.

Considering that there are limited Federal education dollars available and that there have been calls to ensure that we fund initiatives that work, I question the elimination of all targeting of Federal bilingual education spending.

This legislation even repeals the Emergency Immigration Education Act, which provides support to States with the greatest influx of immigrants to help them provide education to newly arrived immigrant children. It is amazing that this program would be completely eliminated, given the fact that appropriators have demonstrated their strong support by providing substantial increases. In fact, funding has tripled in recent years.

□ 1500

In addition, Members should be aware that presently nearly all states receive some allotment of immigration education funding. Under this bill, only a handful of states would receive those dollars.

Let me just set one thing clear in closing. Sixty-one percent voted for this bill, but 63 percent of the Latinos

voted against it. As far as I am concerned, the debate is not about 583 grants, it is about 900,000 children being served with this Federal bilingual education dollar.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume to merely point out that testimony would indicate that the word ''coerced'' would be a much better word to use than ''voluntary,'' since the heavy hand and arm of the Office of Civil Rights coerced many of those agreements, rather than voluntarily orchestrated them.

Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Chairman, do opponents of the English language instruction want a Nation divided by our inability to speak a common language? I think not. I know not. But as the gentleman from Pennsylvania (Chairman GOODLING) has already stated, followed by the chairman of the subcommittee, the gentleman from California (Mr. RIGGS), this bill simply lets communities and parents decide what form of English language instruction is best for the community and best for the child; not some Federal mandate that may not fit their needs.

Let us take a quick look at my hometown as an example. During the farm crisis in the mid-eighties, our major employer closed down because of the farm economy. A few years later another major employer, a meat packing company, came in and brought in thousands of new workers, many of whom were immigrants from dozens of different countries.

Almost overnight our school system became overloaded, both in terms of numbers of students, but also in terms of new challenges, particularly English language instruction. There is no possible way my small town can hire scores of bilingual teachers to teach a variety of subjects. We have to use English language immersion.

I have been told of the success they have had in teaching parents and students in English, but under the Bilingual Education Act, their hands are tied. They cannot use an instruction method they know works, as much as they might like to use such a method.

We have been told that sometimes English language immersion may not help in all cases. Guess what? This bill lets my hometown and your hometown up for air, to have the liberty to provide that extra help, without being hamstrung by inflexible Federal mandates.

Mr. Chairman, the English Language Fluency Act is about helping children enjoy the American dream, and not relegating them to becoming second class citizens. The bill is about letting communities whose front line experience with immigrants make them the experts in knowing what does or does not work and helping children acquire English fluency. I encourage my colleagues to support H.R. 3892.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I rise in strong opposition to this anti-English education bill, and I urge my colleagues to defeat this misguided piece of legislation.

As most know, prior to my election to this body two years ago I served for eight years as the elected state superintendent of the schools of North Carolina. North Carolina has experienced tremendous growth in our Spanish-speaking population, and our professional educators, in my opinion, have done an outstanding job in providing these students with special attention to their educational needs, and this includes other students who have deficiencies in English.

This bill would destroy that progress and replace it with a one-size-fits-all Washington-knows-best approach. Do not forget that. You cannot impose an arbitrary time limit and expect children to learn. Anyone who knows anything about education knows children learn at different speeds, and it just does not work that way if you want to set an arbitrary limit.

This Congress should leave that decision to the professionals, the teachers. H.R. 3892 would jeopardize the progress that we have made and many other students have made with educational help by violating the agreement between the Department of Education and local school districts in their instruction of English.

When I first was elected superintendent of North Carolina in 1988, we had 3,000 students not proficient in English in our state. Last year that number was 25,000, and growth has been close to 30 percent in the last five years.

My state's English-as-a-second-language classes are taught in English. Students do not spend their entire day in these classes, but these classes provide them with the specialized attention they need to overcome the barriers to their learning, and they cannot do it in just two years and be cut off. Can North Carolina improve its education of limited English proficient students? Of course they can, and so can other states. But this bill does nothing to improve English education, and it deserves to be defeated. I urge a ''no'' vote.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, let me try to clarify a couple of points. Some of the speakers on the other side of the aisle have said that this bill will not void current consent agreements, compliance agreements we have with about 288 different school districts, voluntarily agreed to. You may want to say they were coerced, but they still took a vote and voluntarily agreed to do this.

Section 7404 reads

> Any compliance agreement entered into between a state, locality or local education agency and the Department of Education is void.

''Is void.'' It does void our compliance agreements that try to help these districts make sure that we are educating all of our children properly.

It is a cookie cutter, one-size-fits-all, because it tells those local districts how they must do things. It is an effort to undermine the ability of children to learn English because it does not take the best practices that we have seen from all the research and say this is the way that you can do it, but you do it how you see fit.

In San Francisco and San Jose they just finished taking, along with every other school district in the State of California, a standardized test to find out where California's kids are. The kids in San Jose and San Francisco who were graduates of bilingual education programs in those districts, guess what, scored higher than native English speaking children; higher.

When Governor Pete Wilson, who is an adamant opponent of bilingual education, when his spokesman was asked how do you react to this, the reaction by Mr. Shawn Walsh was, ''It is remarkable.'' While the Governor was never totally against different types of programs to help kids transition, it was too late by then, because by then he had been behind and spent hundreds of thousands of dollars to help pass Proposition 227.

All we are saying here is if we are real serious about trying to reform whatever it is, in this case bilingual education, let us do it in a meaningful way. Let us not do it in a rush way, that does not give everyone an opportunity to really provide input. Let us do it the way we would reauthorize any legislation.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong opposition to H.R. 3892. The English Language Fluency Act is really a drastic misnomer. In the wake of Proposition 227 in California, this issue is vital to my district. In the Oakland Unified School District, for example, 18,000 students, or one-third of our students, are in Limited English Proficient Programs, a 61 percent increase over the past 10 years. Since school districts across the country are experiencing similar trends, we logically need to support increased resources for bilingual education.

This bill does just the opposite. Mandating all students to master the English language in just two years is a dangerous and restrictive policy. Although some exceptional children can survive in this sink or swim program, these artificial deadlines only set up the majority to fail. After two years in a foreign land, with a foreign language and culture, if we were required to pass

a test to get a job, to enter an education class or access other necessary opportunities, we would not be able to pass. I do not believe most Members of Congress could learn Greek or Russian in two years.

By turning existing bilingual programs into block grants, this bill does not require states to distribute funds to the most needy students. Without this protection, the students most in need become even more vulnerable to fail. By eliminating the emergency immigrant education program, this bill leaves no support or assistance for new immigrants, those who are most likely to have limited English language skills and require extensive programs to learn English.

Finally, in order to promote effective English education programs, we obviously need to increase resources for new teachers and teacher training, not eliminate them. This bill cuts bilingual teacher training programs. For these reasons, I urge a no vote on H.R. 3892. It is a disastrous anti-education bill.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I thank the distinguished ranking member for yielding me time.

Mr. Chairman, we want our children to learn English. Immigrant communities know that without English proficiency, there is no upward mobility, no chance to succeed in our society. We want our students to be able to comprehend and learn the language thoroughly so they will not be left behind academically. But, at the same time, with increased international commerce and global competition, we need our students to master multiple languages so they can provide a cutting edge advantage for America in Asia, in Europe, in Latin America.

Those who have advocated for greater trade on this floor will agree with me that we not only need to be ahead in product and technology development, but also in our capacity to have a work force that has the ability to effectively communicate worldwide. Ask Chevrolet, when they tried to sell the Chevy Nova in Latin America. ''Nova'' means ''does not move, won't go.'' I do not care what type of marketing program you have, language in that context made a big dent in Chevrolet's success.

This bill is not designed to empower or limit English proficient students to succeed. It does not provide more resources or more language teachers to deal with the growing number of today's students who require extra help to learn English. Rather, it in effect stunts our students' growth academically while they learn English as quickly as possible.

In today's global economy, the ability to be bilingual or multilingual is a precious commodity. Let us not destroy our country's bilingual education policy, one that is locally controlled and federally enforced, a policy that promotes civil rights and fights discrimination. Let us not undermine what is in our Nation's academic and economic interests. We should be voting against H.R. 3892.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from Puerto Rico (Mr. RÓMERO-BARCELÓ).

Mr. RÓMERO-BARCELÓ. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to express my strong opposition to H.R. 3892, the so-called English Language Fluency Act. This bill attempts to destroy the Bilingual Education Act, a law that has benefitted countless members of limited English proficiency, students, since its enactment in 1969. This bill is an unwise and ill-timed effort to dismantle this program, and will have an adverse effect on the students it is supposed to assist.

As the Member of Congress who represents the largest population of bilingual speakers, I am acutely aware of the importance of bilingual education programs and the positive effect they have had on students with limited language proficiency. In Puerto Rico we have not benefitted from this program until this year. We have a very small amount for this year. But, yet the teaching of both languages in Puerto Rico is necessary.

I was born speaking Spanish. My first language was Spanish, and I am bilingual. My wife is bilingual. Our four children are bilingual. We taught them to speak both languages at an early age, and at an early age you can learn, within six months, a different language.

□ 1515

The older you get, the longer it takes to learn another language, and to try to impose an amount of time on anyone, it is unwise. It goes against everything that we know about the way to learn a language.

I think that discrimination for racial reasons, discrimination for ethnic reasons is intolerable. So is discrimination for cultural and language reasons, and this attacks and affects the Hispanic speakers in a personal way because to say that you cannot speak English and be an American citizen, you cannot speak Spanish and be an American citizen, together with English, and to be able to teach Spanish and also to be able to learn Spanish, and be proficient in Spanish, as well as English, that is important not only to the individual, not only important to his community but also to the Nation, because we live in a continent from Alaska to Tierra del Fuego. The two most important languages are English and Spanish. To say that we should only speak one language, it goes against all of the national interests, the community interests and the personal interests.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Chairman, I rise in opposition to this bill. I would point out that in Minnesota, I represent the St. Paul School District. Actually, I taught in Minneapolis many years ago. Today, the student population of those communities has changed. In St. Paul, I have nearly 9,000 students in St. Paul schools that are English-as-a-second-language recipients that need assistance that makes sense not political points for those who are so full of anti-immigrant slogans and panaceas. They are mostly Hmong, Southeast Asian students. In fact, 30 percent of the elementary classes in St. Paul are Southeast Asian students.

The fact is, what they are reporting to me is that these kids speaking in their first language and taking tests in their first language are 2 or 3 years ahead of where they would be taking tests in English. In other words, if the student is in the fourth grade, if you only teach him in English he will be learning at the first or second grade level. That is what he is capable of or she is capable of in the English instruction requirement mandated by this bill. In other words, they need this, they need this type of experience of learning in their native language for a period of time.

This measure, H.R. 3892, is a punitive, arrogant, top-down, Washington-knows-best approach, which tries to force-feed a diet of English language to a new and diverse U.S. student population that is already immersed and struggling in our culture.

In a sink-or-swim situation, this proposal chooses to throw a limited-English-speaking student an anchor. Are we so insecure and fearful that we can no longer tolerate the language differences and cultural diversity that defines America?

Mr. Chairman, I think it was said best by my friend Jim Morelli, from St. Paul, when he said that I would hope that today we would extend the same kindness, the same consideration, the same thoughtfulness and help that was extended to our grandparents when they came from Italy in the early part of this century.

Are we so limited and unwilling to extend that type of help to people that are culturally, ethnically, religiously different than us who need it now more than ever in the 1990's? These are Southeast Asian students that I represent, the others that I taught in Minneapolis, and half the black population in Minneapolis schools are Africans, from Africa that indeed speak and read English as their second language.

Mr. Chairman, I would urge the defeat of this ill-considered bill.

Mr. Speaker, I rise today in opposition to the English Language Fluency Act, H.R. 3892. This legislation will hinder, not help, America's

language-minority children learn both English as well as the myriad of topics that are taught in our schools today. Our nation is comprised of people from many diverse backgrounds. Providing opportunities for non-English speakers to learn the language is a prerequisite for ensuring that all citizens are able to fully participate in and become productive members of our society. While the current bilingual education efforts may not be the absolute perfect venue for accomplishing this goal, implementing H.R. 3892 would substantially undermine the program.

It makes good educational sense to teach a student in his or her native language while, at the same time, developing that student's English language capacity. There is no magical number of years for this transition; children come into the program with varied levels of proficiency. Setting an arbitrary limit to the amount of time a child may remain in a bilingual program is doing them a great disservice. While students are learning English, they should also be able to keep up with their peers in other subjects. In fact, students who spend a limited time in bilingual programs tend not to be as successful in their subsequent school years, because pushing them to master the language in such a short amount of time comes at the expense of mastering other academic and analytical skills.

This is indeed an inflexible mandated methodology that is being foisted upon non-English speaking students—one size does not fit all children. Where is the evidence that bilingual education isn't effective, and the evidence that mandated English-only education is the best approach? In fact, studies raise important questions regarding the proposed method, questions which have gone unaddressed by the emotional arguments of the proponents of this legislation.

Additionally, the proposed funding of this legislation is flawed. Block granting money to states is a method which has proven ineffective in delivering and targeting help to America's neediest students. H.R.3892 also eliminates financial support for preparing teachers to instruct language-minority students. This plan is unacceptable in light of the shortage of qualified teachers we face. Essentially, this appears to be yet another scheme which will undermine public education and short change America's children, by dictating to local schools the manner in which they should deal with students who have special needs. Our schools need to be user friendly and welcoming places, where a diverse group of Americans from different cultures, incomes and backgrounds are not threatened. What has happened to our national policy where we help, not intimidate, those who come to learn under such rigid circumstances? H.R. 3892 promotes a sink or swim philosophy, and I fear we will surely drown many fragile young minority students with an English only curriculum.

The opportunity to gain an education is a fundamental right and a value which should be shared by all Americans. Clearly, it is important for all of our citizens to be able to communicate in a common language in order to promote unity and understanding within our society. Again I would point out that, H.R. 3892 is a punitive, arrogant, top down Washington-knows-best approach which tries to force feed a diet of English language to a new and diverse U.S. student population who are already immersed and struggling in our culture. In a sink or swim situation, this proposal chooses to throw minority English speaking students an anchor. Are we so insecure and fearful that we can no longer tolerate the language differences and cultural diversity which defines America? I don't think so. I oppose the English Language Fluency Act, which actually does little to help and hurts those with limited English proficiency to learn the language, and I urge my colleagues to do the same.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, contention between people who speak different languages is as old as the story of Babel. The ancient Greeks referred to those who spoke in other tongues as the babblers. Ancient Slavs called the Germans across their border the mute or unspeaking people.

Today, United States residents whose primary language is other than English, especially Spanish speakers, are being regarded as un-American. The English Language Fluency Act plans to un-Americanize people who so desperately want to be American. I am concerned that this bill would hinder those who by the bill's definition it should help.

The English Language Fluency Act has in it provisions that move language minority children out of specialized classes, cuts bilingual education funding to States with large immigrant populations and voids all voluntary compliance agreements made by State and local school districts to provide bilingual education.

This bill, as written, will reduce Federal funds used for teachers and learning materials while at the same time demand students to learn in an environment that does not promote or assist them in learning. In essence, this bill implies that America wants you to learn as long as you do not learn too much.

Mr. Chairman, I believe it is imperative that we make access to learning as easy as possible for people who must already overcome the language barrier. We will get the best results in education if we leave its management to people whose motives are to educate. I urge all Members to join me in opposing this bill because it will hinder, not help, the education of America's children.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I rise in support of this bill and I do so representing the third most diverse city in the Nation, Albuquerque, New Mexico. It was a couple of years ago that there was an article in the newspaper that said, only New York and Los Angeles are more diverse than Albuquerque, New Mexico.

It is our culture, our rich and diverse culture, which makes New Mexico unique. Our art, our architecture, our cuisine, our literature, our dance, makes us what we are and, yes, our language, whether that be Tewa or English or Navajo or Spanish.

Something else I believe all of us can agree on is that all of our children must learn English in order to be given the tools to succeed in America and to achieve their dreams. That does not mean that we do not respect their culture, that they should not be proud of who they are and that they should not be multilingual, because let us face it, folks, being able to speak more than one language is a strength, not a weakness. So we should be talking about English plus and not English only.

This bill does not affect funding levels. There is a hold-harmless clause for all States, and I am very pleased to say that I am working with the Committee on Appropriations to expand multilingual education funds for the elementary school level.

What this bill is about is local control. It is about taking power from Washington and giving it back to local school boards to decide what is the best way to educate our children. It is about parental choice and parental consent, that no child should be in a program that their parents do not approve of just because somebody else says it is best for them.

It is about making sure that there are no dead ends for our children who do not arrive at school able to speak English. There is no separate but equal, there are no side tracks, and there is no second class. That is what this bill is about, and that is why I am supporting it.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

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

Ms. VELÁZQUEZ. Mr. Chairman, it is amazing to me that a party that claims to be trying to win Hispanic votes attacks us time and time again. Worse yet, today they are attacking our children.

I hope that every Latino in this country hears this message loud and clear. We do not count with the Republicans, our children do not count, and our future does not count.

Why else would bilingual education come under attack year after year? Already, Republicans tried to slash $75 million for bilingual and immigrant education, 22 percent for fiscal year 1998 funding, and this is in a bill that provides disaster aid to flood victims. Today's move makes perfect sense for a party that plays politics with virtually every issue.

Well, I have news for my colleagues across the aisle. Your English Language Fluency Act will have the opposite effect. It will force children into illiteracy. It will ruin their futures. It will hold back their families, and it will hurt our country.

According to supporters of H.R. 3892, bilingual education does not work, it is a waste of money, and so on. The fact is, bilingual education does work. By teaching core classes like math and science in a child's native language, while effectively teaching English, we can make sure that children do not fall behind in basic skills. But Republicans will slash funding, eliminate training, weaken programs, and then say that the programs do not work.

Opponents of bilingual education are correct on one count: Without real support and commitment, children with limited English proficiency will not get the skills they need to succeed.

My colleagues, is this how a nation with over 3 million limited-English-proficient students, should treat those children? Just think of the message that we are sending these children. We are telling them that they are second-rate citizens. They do not even deserve to receive a decent education or the tools they need to have a bright future.

I urge all of my colleagues to stand up for our children and their future and vote no.

Mr. CLAY. Mr. Chairman, I have no further speakers, and I understand the gentleman only has a closing statement, so I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the chairman of the subcommittee, the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I rise in support of my colleague's English Language Fluency Act, and I believe in this age of communications it is extremely important and vital that English be the dominant language here in the United States. We in Congress should support any bill, any bill, that supports accelerating students' acquisition of English.

Studies in California have shown that only about 5 percent of English learning students a year can be classified as English proficient, so this bilingual education program is not doing the job it should be doing. Mastering the English language is the best formula for personal and professional success in America.

The late Senator Hayakawa said:

America is an open society, more open than any other in the world. People of every race, of every color, of every culture are welcomed here to create a new life for themselves and their families. And what do these people who enter into the American mainstream have in common? English. English, our shared, common language.

It is imperative that we help our immigrant students to learn their new language as quickly as possible. We must help them to enter the mainstream and not ostracize them and limit them.

So, Mr. Chairman, I rise in support of this bill.

Mr. RIGGS. Mr. Chairman, reclaiming my time, let me say as we close general debate on this bill that if one of my colleagues on the other side of the aisle can point to language in this bill that mandates a particular form of bilingual education, I will ask unanimous consent to withdraw the bill, because the bill does exactly the opposite.

The bill removes the existing mandate in Federal law that 75 percent of Federal taxpayer funding for bilingual education must be used for innovative language instruction. So I have to believe that given the insistence, when talking about a 2-year time limit, when the funding limitation is 3 years, talking about mandates, I at this point in the debate now have to believe that the opponents of this bill have to rely on demagoguery and mischaracterization of the bill because they cannot win the debate based on the merits of the particular legislation.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. Mr. Chairman, not as I close debate. The gentleman will have time, and I am not going to yield, in part because the last time we got into this discussion, the ranking minority member saw fit to refer to me as Chicken Little, which is a reference I do not appreciate and which is inappropriate for someone with his years of service in the House.

Mr. BECERRA. Mr. Chairman, if the gentleman would yield.

Mr. RIGGS. Mr. Chairman, I will not yield. I request regular order.

The CHAIRMAN. The gentleman from California (Mr. RIGGS) has the time and may proceed.

Mr. CLAY. Mr. Chairman, the gentleman is saying I referred to him as Chicken Little, and I did not refer to him as Chicken Little.

Mr. RIGGS. I request regular order, Mr. Chairman.

The CHAIRMAN. The Chair would ask the gentleman from California to proceed.

Mr. RIGGS. I thank the Chair.

Mr. Chairman, earlier I talked about a study, and I quote from the August 26 Santa Rosa Press Democrat in my congressional district, a study which says that most young immigrants prefer to speak English over their native language. In fact, the survey which focused on recent immigrant families says that the older children get, the more eager they are to embrace English. The study was produced by Michigan State University's Children of Immigrant Longitudinal study, and it says that 88 percent of immigrant children questioned prefer speaking English. Six years ago, the percentage was 73 percent.

□ 1530

I do not believe that the opponents of this legislation, who represent largely ethnic American constituencies, are really speaking for those constituencies. I really question whether they have at heart the best interests of those constituencies.

I want to, at the appropriate time, also include in the RECORD a commentary from the Wednesday, July 1, Wall Street Journal by one of our former colleagues, a man by the name of Herman Badillo, who says, ''By the time I arrived in New York from Puerto Rico at age 11, I was brought up Democratic. And when I went into politics—as a U.S. Congressman, Bronx borough President, and deputy mayor—I did so as a Democrat. Last week, after more than 30 years in Democratic politics, I joined the Republican Party.

''In recent years I have found myself questioning inflexible Democratic policies. I have seen a disturbing lack of vision among local Democratic leaders. . .. Democratic leaders doggedly fought to preserve failed, anachronistic policies.

''This inertia has been most evident in their approach to schools, where students not even fluent in English have been awarded degrees. And when I challenge the practice of social promotion in elementary and secondary schools and call for academic standards, prominent Democrats attack me.

''This defense of low standards reflects a fundamental Democratic problem. Many Democrats believe that some ethnic groups, such as Hispanics, should not be held to the same standards as others. This is a repellent and destructive concept, a self-fulfilling prophecy of failure. Fortunately, the ethnic groups hurt by these patronizing policies are beginning to understand that low standards mean low results, a realization that will move people in these groups to the GOP.''

So do not be misled, colleagues. Members on the other side of the aisle speaking for, let us be honest about it, special interest groups and ethnic constituencies, purporting to represent all people with those viewpoints, are in fact expressing a monolithic viewpoint. There are other people such as our former colleague, Mr. Badillo, who agree with this legislation.

I urge passage of these amendments offered on this side of the aisle, and passage of the bill as amended.

Ms. HARMAN. Mr. Chairman, parents across America are rightly concerned about the continued viability of our system of public elementary and secondary education. Public schools are great equalizers, the entities we've created to help socialize all children and give them the skills necessary to take advantage of the social and economic opportunities our country affords them.

When schools fail to do their job, it's our children who suffer. To fix them we certainly need more resources, particularly textbooks, for children and teachers. But we also need standards and merit pay for teachers, the end of social promotion, the setting of goals for children, and most importantly, holding parents, teachers and administrators accountable for the performance of our school system. And until we begin looking seriously at these and other reforms, proposals like vouchers will continue to look attractive though, in my view, they are panaceas, if not anathema to public education itself.

While each of us who have had children in public schools can measure success in our children's development, one category of children who have been particularly hurt are those for whom English is not a primary language—children from non-English speaking families or who otherwise have limited English proficiency.

As I traveled across the State of California earlier this year, many parents told me of their dissatisfaction with California's bilingual education system. Indeed, the debate and vote for our state's Proposition 227, which required school districts to use immersion as the means of teaching English, demonstrated that many non-English speaking parents wanted change.

But, Mr. Chairman, I did not support Proposition 227 because it represented a ''one-size-fits-all'' approach to a complex problem—and as such it took away control over the education of our kids from our local school districts, where it belongs.

Similarly, I must oppose the English Language Fluency Act. While I believe this legislation is well intentioned, it will have the same unfortunate result across the country as Proposition 227 did in California: it will restrict the flexibility of our local districts to impart the best education possible on all our kids—the education that will prepare them to perform and succeed in our economy. Mainstreaming kids is the right goal, but the means should be left to the level of government with primary responsibility for education: local government.

Mr. Chairman, I oppose this legislation and urge my colleagues to do the same.

Mr. FARR of California. Mr. Speaker, I rise today on behalf of Lisa Gonzales. I met Lisa when I visited Branciforte Junior High School in Santa Cruz, California earlier this week.

Lisa told me that kids are dropping out, that they're losing hope. The students who are most at risk are the ones who need special help learning English. I want our schools to be able to help them.

Our children are our Nation's best hope for the future. They all bring special needs to our classrooms, and that includes language training for those who don't speak, read or write English. We are morally and constitutionally obligated to use the best methods possible to teach them the language of their new country. Parents, teachers and administrators all over the country know that our children need bilingual education in our schools.

This bill doesn't fix bilingual education. Its goal is divisiveness and rhetoric. We need to focus on student performance, not political controversy.

These programs keep hope alive for the children who need it most. Reject this legislation.

Mr. OWENS. Mr. Chairman, I rise in strong opposition to the so-called ''English Language Fluency Act'' (H.R. 3892). I find it deplorable that the Republican Majority has yet again mobilized their attack on the Department of Education, legal immigrants, and multiculturalism in general. However, what disturbs me about this particular piece of legislation is that it would ultimately harm our nation's most vulnerable, the children. They have been snared in a tangled web of political opportunism and grandstanding. H.R. 3892 takes a ''sledgehammer'' approach to reforming bilingual education without retaining the essence of this vital educational program. This bill loses sight of the purpose of bilingual education which is to help students master not only language skills but a plethora of subjects ranging from history to math.

This legislation is part of a larger misguided plot to strip America of her cultural richness. It is my sincere belief that this bill represents an attempt by extremists in the Republican party to revive the ''English Only'' debate. Proponents of this backwards movement wish to destroy and handicap the very thing that makes America wonderful, her diversity. I do not dispute that the mastery of the English language is an important component of attaining success in America. However, I can testify to that fact that most non-English speaking immigrants desperately want to learn English. As a matter of fact, the non-English speaking constituents of my district work tirelessly by day and night in schools and community centers trying to learn English.

And to the merits of this bill, I am sad to report that I have found few. All through the Committee process Republicans continued their pitiful legacy of stacking hearings with witnesses that I found to be misinformed. They either produced reports that had been statistically manipulated or reports that had been politically manipulated. H.R. 3892 would scale back limited-English-proficient (LEP) student's access to education services. Moreover, the two year predetermined time frame mandated by this bill is unreasonably short and would effectively kill proven bilingual programs. The bill will also overturn existing compliance agreements between the Office of Civil Rights of the Department of Education and local school districts that had not been providing LEP students with equal educational opportunities. The result may be massive civil rights violations. And this sad list goes on and on.

This preoccupation of the Republican Party with the destruction of bilingualism is also harmful to this nation's economic interests. In our present global economy diversity and the capacity to speak more than one language is a clear asset. Instead of harassing bilingual education programs we should be increasing their funding.

Mr. Chairman, let us turn back the clock to a time when immigrants were openly discouraged from embracing their heritage. Let us not turn our backs on America's children. We must not rob any of our youth of the opportunity to receive a decent education regardless of their diverse background. A ''no'' vote on H.R. 3892 is an affirmation of the right of every child in America to an equal and comprehensive education.

Mr. TOWNS. Mr. Chairman, I rise today in opposition to H.R. 3892, ''The English Language Fluency Act''. This legislation ''block grants'' Federal bilingual education programs and eliminates numerous protections contained in current law. I view this bill as a significant setback on bilingual education. Several educational agencies and organizations also believe this bill would harm current Federally-funded bilingual education programs. For example, the Council of the Great City Schools, the New York Board of Regents, and the New York State Board of Education all oppose this measure.

Let's examine just what kind of negative impact this legislation would really have on bilingual education programs. H.R. 3892 removes existing enforcement and compliance standards. For example, current bilingual education agreements between the Education Department's Civil Rights office and local school districts would be eliminated. The bill also would limit the ability of these agencies to negotiate future agreements. Additionally, the bill eliminates Civil Rights Act protections that ensure that students who are learning English continue to achieve high academic standards. In fact, it would force students to leave transitional education programs after two years, regardless of their proficiency in English. Moreover, the bill's total lack of attention to core subject matter, with all emphasis on English development only, is not sound education practice.

In the case of New York State, the bill would reduce overall funding as well as funding for planning, administration, and interagency cooperation within the State due to a change in the allocation formula. At the same time, New York State would be required to taken on added responsibility for the management of the funds with sufficient monies to do so.

Perhaps most significantly, this legislation overrides the tradition of local control on public education matters. Local school districts and states with a large percentage of students who are learning to speak English should be able to make their own decisions on how best to educate their students. H.R. 3892 is a ''one-size-fits-all'' approach to a complicated problem that requires autonomy and flexibility for local jurisdictions.

Finally, we should not lose sight of the fact that this bill repeals the Emergency Immigrant Education program and undermines Title VII funds, from the Elementary and Secondary Education Act, that have already been awarded to local school districts. This legislation is will hinder the advances made in bilingual education and I would urge my colleagues to oppose H.R. 3892.

Mr. DOOLITTLE. Mr. Chairman, we must end federal support for disastrous bilingual education programs. Federal complicity in stifling English learning in the name of politically correct multiculturalism is just one more example of elitist bureaucrats thinking they know what's best for local schools and parents. Bilingual education has been a grave injustice to people who immigrate to America and to their children.

The vast majority of immigrants who chose to leave their ancestral homelands did so in hopes of providing a better future for their children. Absolutely essential to realizing their dreams of success in America is for their children to learn, and master, the English language. Otherwise, they will be doomed to menial, unrewarding, and low-paying jobs for life. Additionally, they will be unable to fully enjoy mainstream American culture, including interaction with people of other ethnic groups through our common language—English.

These multiculturalists who would keep immigrant children in a linguistic ghetto are preventing them from enjoying the ethnic diversity the multiculturalists pretend to value so highly. A child who speaks only Spanish and a child who speaks only Vietnamese cannot communicate and learn about each other.

It is unrealistic to assume immigrant children can succeed in America if they only know the language of their parents. And, as people get older their ability to learn another language declines. Therefore, the highest priority for

educating non-English speaking children must be to learn English. Of course, I don't feel it's up to the U.S. Congress to set priorities in what is properly a decision of local schools and parents, but the federal government most certainly shouldn't be encouraging counterproductive measures.

Advocacy of bilingual education on the part of the teachers unions unfortunately fits the historical pattern of labor union disregard for the well-being of immigrants in the financial interest of the union's members and leadership. Just as unions in the past worked to restrict immigrants from the labor pool in order to artifically maintain their own wages, the teachers unions want to protect the salary bonuses given to bilingual-certified teachers. Never mind how effective bilingual education programs actually are in teaching these children English, say the teachers union bosses, we want to maintain the salaries they provide the instructors.

Enough with the corrupt labor unions and centralized bureaucratic power and feel-good multiculturalism that threatens to balkanize this country. Let's give power to parents and local schools and give opportunity to these immigrant children. Support the Riggs English Language Fluency Act.

Mr. ENGEL. Mr. Chairman, I rise today to state my strong opposition to H.R. 3892. I am a strong supporter of bilingual education, however, instead of bolstering federal efforts to help immigrant children, this bill penalizes them.

This bill also does not advance our national education policy. H.R. 3892 does not attempt to establish criteria for teachers and school districts, nor does it set realistic goals for our children. This bill instead restricts local school districts and jeopardizes successful bilingual education programs by cutting federal support for teacher training and virtually eliminating successful programs that currently help immigrant children.

In fact, this bill even lowers academic standards and expectations for immigrant children by focusing exclusively on English language proficiency rather than math, science and history. H.R. 3892 jeopardizes these children's futures by setting an arbitrary and unrealistic punitive two-year federal mandate on their ability to master English. This in effect becomes a two-year ''impediment'' to their educational future.

I urge my colleagues to vote against H.R. 3892 and join me in opposing this destructive and politically motivated bill.

Mr. PAYNE. Mr. Chairman, I rise in opposition to H.R. 3892, ''The English Language Fluency Act.'' While the supporters of this bill have argued that it will improve bilingual education for our Nation's children, all the evidence points in a different direction. In fact, this bill will make a number of changes to bilingual education that will harm children who need assistance the most. Language in the bill will require that all children have only two years of bilingual education regardless of their ability to master English. The bill will also violate the Civil Rights Act by voiding the current voluntary compliance agreements between schools, parents and the Department of Education, Office of Civil Rights. Finally, this bill will block grant bilingual competitive grants to the States therefore eliminating the structure this program currently has. In Newark, NJ, a city I represent here in Congress, close to 40 percent of all students come from homes where English is not the primary language spoken. In the city of Elizabeth, portions of which I also represent, the immigrant population is thriving and the schools need a structured bilingual education program to keep students in school. I recognize that many bilingual programs need improvement. However, there are many effective bilingual programs in place across the country that really do improve the language skills of children who are not yet English proficient. A new program at the Benjamin Franklin School in my district was just awarded funds from the Department of Education. This program called ''Project Two-Way'' will engage both English proficient students and limited English proficient (LEP) students in classes that will be taught in Spanish and English enabling both types of students to be bilingual by the time they are in the fourth grade. The need is to not pare down these programs but instead take the ones that work and educate school districts on how to replicate them. However, like many other issues on the majority's education agenda, this bill is not a remedy to the real problems that children face. It is for that reason that I will vote against passage of this bill.

Mr. PAUL. Mr. Chairman, I appreciate the opportunity to express my opposition to H.R. 3892, the English Language Fluency Act. Although I supported the bill when it was marked-up before the Education and Workforce Committee, after having an opportunity to study the Congressional Budget Office (CBO)'s scoring of H.R. 3892, I realized that I must oppose this bill because it increases expenditures for bilingual education. Thus, this bill actually increases the Federal Government's role in education.

I originally supported this bill primarily because of the provisions voiding compliance agreements between the Department of Education and local school districts. Contrary to what the name implies, compliance agreements are the means by which the Federal Government has forced 288 schools to adapt the model of bilingual education favored by the Federal bureaucrats in complete disregard of the wishes of the people in those communities.

The English Language Fluency Act also improves current law by changing the formula by which schools receive Federal bilingual funds from a competitive to a formula grant. Competitive grants are a fancy term for forcing States and localities to conform to Federal dictates before the Federal Government returns to them some of the moneys unjustly taken from the American people. Formula grants allow States and localities greater flexibility in designing their own education programs and thus are preferable to competitive grants.

Although H.R. 3892 takes some small steps forward toward restoring local control of education, it takes a giant step backward by extending bilingual education programs for three years beyond the current authorization and according to CBO this will increase Federal spending by $719 million! Mr. Chairman, it is time that Congress realized that increasing Federal funding is utterly incompatible with increasing local control. The primary reason State and local governments submit to Federal dictates in areas such as bilingual education is because the Federal Government bribes States with moneys illegitimately taken from the American people to confer to Federal dictates. Since he who pays the piper calls the tune, any measures to take more moneys from the American people and give it to Federal educrats reduces parental control by enhancing the Federal stranglehold on education. Only by defunding the Federal bureaucracy can State, local and parental control be restored.

In order to restore parental control of education I have introduced the Family Education Freedom Act (H.R. 1816), which provides parents with a $3,000 per child tax credit to pay for elementary and secondary education expenses. This bill places parents back in charge and is thus the most effective education reform bill introduced in this Congress.

Mr. Chairman, despite having some commendable features, such as eliminating consent decrees, the English Language Fluency Act, H.R. 3892, is not worthy of support because it authorizes increasing the Federal Government's control over education dollars. I therefore call on my colleagues to reject this legislation and instead work for constitutional education reform by returning money and control over education to America's parents through legislation such as the Family Education Freedom Act.

Mr. THOMAS. Mr. Chairman, I rise to address an issue of paramount and long-term importance to California and the nation—Official English legislation.

Nothing unites a people as effectively as a common language; it is especially important when members of society, often immigrants, do not necessarily share a common heritage. The common ground which language provides has led many nations to declare an official language. The fact that America does not have an official language makes us unique among the world's leading nations. At the same time, the United States does have a common language, English. This dichotomy results in today's Americans being subjected to a barrage of language issues.

For California, bilingual education is immensely important. There are 1½ million California school children whose primary language is not English. These children need to be equipped with the absolutely essential skill of English fluency while they are at a young age and are more naturally able to learn language. It is important that the education program functions efficiently and successfully to fully integrate non-English speaking children into an English-speaking society as quickly as possible. Without this basic skill, these children will most likely remain outside mainstream society, politics, and the economy.

The bilingual education policy began in the 1970's with good intentions but has become a failure. Only 6.7% of limited English students going to school in California have been mainstreamed into English Only classrooms. California voters passed Proposition 227 last June by an overwhelming ⅔ of the vote. Proposition 227 replaces the current system that allows a slow phasing in of English into one where the curriculum supports a faster one-year English immersion program. Such a program is designed to teach children English as quickly as possible in order to help them open doors of opportunity and reach their full potential in an English speaking society.

Besides failing students, the bilingual education program is also costly. The California Department of Education reports that limited English proficiency programs received nearly

$3 million in special funding, over and above the base funding amount of $5,000 per student in 1997. The same amount of public funds could have paid a year's tuition at UCLA for almost one thousand students!

With similar goals to fundamentally reform bilingual education programs on a federal level, H.R. 3892 is expected to be considered by the House this fall. This bill, known as the English Language Fluency Act, would give parents the authority to refuse enrollment or remove their child from a bilingual education program; give states, municipalities, and schools the power to create individualized English language instruction programs specific to community needs; and create accountability measures to ensure federal funding is given only to programs which are effective in teaching English to children. By these measures, H.R. 3892 hopes to reform a failing bilingual education program.

Bilingual Education has failed those it was intended to help. It has been costly to taxpayers, has hurt those children who want to be fully prepared to take part in America's economy, and has forced us to lower our standards in education. Official English legislation would provide a means to deal with these and other English issues. More importantly, establishing English as the official language of the United States sends a powerful message to all Americans and those wishing to become American citizens. Designating English as the nation's language makes it clear that proficiency in this common language is absolutely critical for those who wish to fully participate in America's unlimited economic and social opportunities. I believe this legislation may go a long way in helping us achieve these goals.

Mrs. McCARTHY of New York. Mr. Chairman, I don't think there is any doubt that we, as a nation, must make sure that all children learn English. English is our common language, and if we want young people to succeed, then they must be fluent in English.

Most people would agree that our federal bilingual education program can be improved. In fact, New York is working to improve its own program, as are many states. However, I am deeply concerned that H.R. 3892 will hurt many of the young people we want to help.

In particular, I believe that this legislation will place inflexible mandates on states and school districts. It will not allow children with limited English skills to excel in their other course work. And it will not guarantee that federal funds go to where they are most needed.

According to the New York State Board of Regents, this bill would directly contradict our state's laws on bilingual education. They say—and I quote:

Enactment of H.R. 3892 would effectively remove limited-English proficient students from the overall reform effort underway nationwide and in New York State—where our reforms focus on improving education and achievement for all students.

In addition, this bill would severely limit funds needed to prepare bilingual teachers. As the sponsor of the America's Teacher Preparation Improvement Act, I do not believe we should reduce support for our students, including those with limited English skills. All young people deserve a qualified teacher.

Congress will have an excellent chance to reform the bilingual education programs when we re-authorize the ESEA next year. I am strongly committed to working with my colleagues on both sides of the aisle to draft a common-sense bilingual education bill that will ensure that no child is left behind.

We should not let that opportunity slip away, but we also should not rush through a bill this year that may end up denying many children the best education possible.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the English Language Fluency Act. In many ways this bill typifies what it means to be an American. Traditionally, our language unites us and defines our citizenship.

This bill would allow localities to decide how to teach English to their immigrants. It would stress the goal of transitioning within two years, and leave it up to the locality to decide which method is most effective.

Further, the school would lose federal funding for their bilingual education program after 3 years. This does not prevent localities from using their own funds to continue such a program—it just means that federal funds cannot be used.

English proficiency is essential to immigrant success.

English proficiency helps one's family, which in turn would help their neighborhood, which in turn would help their communmity.

English proficiency is good for the overall well-being of our society. For more than 100 years it was the core of America as the melting pot, the melting pot that was the uniting hope and ideal of our nation.

My support for this legislation stems from the experience of my family. My husband is the first member of his Dutch large family to be born in the United States. My grandparents emigrated from Italy.

Our families made the conscious decision to assimilate into American society as quickly as possible. Assimilation and being Americanized was the goal and the principle of being an American. They knew instinctively that English proficiency was absolutely essential to their success.

It is true that this is a nation of immigrants. But this is not a nation of nations. We are one country, not just an endless set of ethnic enclaves. We have one language that unites us and defines citizenship. And that language is English! This bill will underscore that goal.

Mr. BARR of Georgia. Mr. Chairman, I rise today in support H.R. 3892, the English Language Fluency Act.

Every child in the United States deserves a change to learn the English language so they may take advantage of the extraordinary opportunities this nation has to offer.

Our schools are now overwhelmed by the high number of immigrant enrollments.

The current Federal Bilingual Education Act is too restrictive and extremely ineffective.

The current law's lack of proper tracking and accountability has led to some perverse incentives.

Rather than developing programs that teach English effectively so that students are quickly able to move into mainstream classes, schools have an incentive to keep as many students in bilingual education for as long as possible, in order to receive extra funding.

H.R. 3892 is committed to the goal of English fluency.

H.R. 3892 is a responsible and sound piece of legislation which will correct the problems the current Federal Bilingual Education Act has caused.

Unfortunately, the federal government currently earmarks 75 percent of its bilingual education funding for programs that teach children in their native language. This simply perpetuates dependency and effectively guarantees many children will not learn English for a long period of time; and perhaps not at all.

It is time for legislation which will enhance and provide opportunity for success. This Congress must send funds back to our local school communities so they may choose a program that will suit their area best, for they are ones that know the best.

Instead of making it easier for people to avoid learning English, we should be empowering them economically and socially by forging a common language.

Mr. Chairman, I ask my colleagues to support the English Language Fluency Act.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 3 hours and thereafter as provided in section 2 of House Resolution 516.

The committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENGLISH LANGUAGE EDUCATION.

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

''PART A—ENGLISH LANGUAGE EDUCATION

''SEC. 7101. SHORT TITLE.

''This part may be cited as the 'English Language Fluency Act'.

''SEC. 7102. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds as follows:

''(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) States and local school districts need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to immigrant children and youth and children and youth who need special assistance because English is not their dominant language.

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

''(1) to help ensure that children and youth who are English language learners master English and develop high levels of academic attainment in English; and

''(2) to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to help immigrant children and youth with their transition into society, including mastery of the English language.

''SEC. 7103. PARENTAL NOTIFICATION AND CONSENT TO PARTICIPATE.

''(a) IN GENERAL.—A parent or the parents of a child participating in an English language instruction program for English language learners assisted under this Act shall be informed 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; and

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

''(b) PARENTAL CONSENT.—

''(1) IN GENERAL.—A parent or the parents of a child who is an English language learner and is identified for participation in an English language instruction program assisted under this Act—

''(A) shall sign a form consenting to their child's placement in such a program prior to such time as their child is enrolled in the program;

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

''(C) shall have their child removed from the program upon their request.

''(2) EFFECT OF LAU DECISION.—A local educational agency shall not be relieved of any of its obligations under the holding in the Supreme Court case of Lau v. Nichols, 414 U.S. 563 (1974), because any parent chooses not to enroll their child in an English language instruction program using their native language in instruction.

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

''(1) timely information about English language instruction programs for English language learners assisted under this Act; and

''(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.

''(d) SPECIAL RULE.—An individual may not be admitted to, or excluded from, any federally assisted education program solely on the basis of a surname, language-minority status, or national origin.

''Subpart 1—Grants for English Language Acquisition

''CHAPTER 1—GENERAL PROVISIONS

''SEC. 7111. FUNDING.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

''(b) RESERVATION FOR ENTITIES SERVING NATIVE AMERICANS AND ALASKA NATIVES.—From the sums appropriated under subsection (a) 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 7112(a).

''SEC. 7112. 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 and youth, 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.

''CHAPTER 2—GRANTS FOR ENGLISH LANGUAGE ACQUISITION

''SEC. 7121. FORMULA GRANTS TO STATES.

''(a) IN GENERAL.—In the case of each State that in accordance with section 7122 submits to the Secretary an application for a fiscal year, the Secretary shall make a grant for the year to the State for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State under section 7124.

''(b) 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 90 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to children and youth who are English language learners and immigrant children and youth in accordance with section 7123.

''(2) AUTHORIZED EXPENDITURES.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 10 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 interagency 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 children and youth who are English language learners and immigrant children and youth; and

''(ii) are not receiving a subgrant from a State under this chapter.

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

''(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. 7122. APPLICATIONS BY STATES.

''For purposes of section 7121, 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 chapter;

''(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 will give special consideration to applications for a subgrant under section 7123 from eligible entities that describe a program that—

''(A)(i) enrolls a large percentage or large number of children and youth who are English language learners and immigrant children and youth; and

''(ii) addresses a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children and youth who are English language learners in a school or school district, including schools and school districts in areas with low concentrations of such children and youth; or

''(B) on the day preceding the date of the enactment of this section, 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 due to expire before a period of one year or more had elapsed;

''(4) contains an agreement that, in carrying out this chapter, 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 the State will coordinate its programs and activities under this chapter with its other programs and activities under this Act and other Acts, as appropriate; and

''(6) contains an agreement that the State will monitor the progress of students enrolled in programs and activities receiving assistance under this chapter in attaining English proficiency and withdraw funding from such programs and activities in cases where—

''(A) students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and

''(B) other students are not mastering the English language after 2 academic years of enrollment.

''SEC. 7123. 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 chapter only if the entity agrees to expend the funds for one of the following purposes:

''(1) Developing and implementing new English language instructional programs for children and youth who are English language learners, including programs of early childhood education and kindergarten through 12th grade education.

''(2) Carrying out locally designed projects to expand or enhance existing English language instruction programs for children and youth who are English language learners.

''(3) Assisting a local educational agency in providing enhanced instructional opportunities for immigrant children and youth.

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

''(B) Providing training to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children and youth who are English language learners, immigrant children and youth, or both.

''(C) Improving the program for children and youth who are English language learners, immigrant children and youth, or both.

''(D) Providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, providing training

and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

''(E) Such other activities, related to the purpose of the subgrant, as the State may approve.

''(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this chapter shall be designed to assist students enrolled in the program or activity to move into a classroom where instruction is not tailored for English language learners or immigrant children and youth—

''(A) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

''(B) by the end of their second academic year of enrollment, in the case of other students.

''(3) MAXIMUM ENROLLMENT PERIOD.—An eligible entity may not use funds received from a State under this chapter to provide instruction or assistance to any individual who has been enrolled for a period exceeding 3 years in a program or activity undertaken by the eligible entity under this section.

''(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this chapter, an eligible entity shall select one or more methods or forms of English language instruction to be used in the programs and activities undertaken by the entity to assist English language learners and immigrant children and youth to achieve English fluency. Such selection shall be consistent with the State's law, including State constitutional law.

''(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 chapter, 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 chapter 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 and youth who are English language learners and immigrant children and youth;

''(B) in designing the programs and activities proposed in the application, the needs of children enrolled in private elementary and secondary schools have been taken into account through consultation with appropriate private school officials;

''(C) the eligible entity has provided for the participation of children enrolled in private elementary and secondary schools in the programs and activities proposed in the application on a basis comparable to that provided for children enrolled in public school;

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

''(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be taught English—

''(i) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

''(ii) by the end of their second academic year of enrollment, in the case of other students.

''(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application.

''(f) EVALUATION.—

''(1) IN GENERAL.—Each eligible entity that receives a subgrant from a State under this chapter shall provide the State, at the conclusion of every second fiscal year during which the grant is received, with an evaluation, in a form prescribed by the State, of—

''(A) the programs and activities conducted by the entity with funds received under this chapter during the two immediately preceding fiscal years; and

''(B) the progress made by students in learning the English language.

''(2) USE OF EVALUATION.—An evaluation provided by an eligible entity under paragraph (1) shall be used by the entity and the State—

''(A) for improvement of programs and activities;

''(B) to determine the effectiveness of programs and activities in assisting children and youth who are English language learners to master the English language; and

''(C) in determining whether or not to continue funding for specific programs or projects.

''(3) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under paragraph (1) shall include—

''(A) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under this chapter—

''(i) are mastering the English language—

''(I) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

''(II) by the end of their second academic year of enrollment, in the case of other students; and

''(ii) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, regular classroom work; and

''(B) such other information as the State may require.

''SEC. 7124. DETERMINATION OF AMOUNT OF ALLOTMENT.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), from the sum available for the purpose of making grants to States under this chapter 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 and youth who are English language learners and immigrant children and youth and who reside in the State bears to the total number of such children and youth residing in all States (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7122, 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 chapter 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 7111(a).

''(c) OUTLYING AREAS.—

''(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this chapter 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 7111(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 and youth who are English language learners and immigrant children and youth and who reside in the outlying area bears to the total number of such children and youth residing in all outlying areas that, in accordance with section 7122, submit to the Secretary an application for the year.

''(d) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children and youth who are English language learners and reside in a State shall be made using the most recent English language learner school enrollment data available to, and reported to the Secretary by, the State. For purposes of such subsections, any determination of the number of immigrant children and youth who reside in a State shall made using the most recent data available to, and reported to the Secretary by, the State.

''(e) 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 and youth who are English language learners or immigrant children and youth.

''SEC. 7125. CONSTRUCTION.

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

''Subpart 2—Research and Dissemination

''SEC. 7141. AUTHORITY.

''The Secretary may conduct, through the Office of Educational Research and Improvement, research for the purpose of improving English language instruction for children and youth who are English language learners and immigrant children and youth. Activities under this section shall be limited to research to identify successful models for teaching children English and distribution of research results to States for dissemination to schools with populations of students who are English language learners. Research conducted under this section may not focus solely on any one method of instruction.''.

SEC. 2. REPEAL OF EMERGENCY IMMIGRANT EDUCATION PROGRAM.

Part C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7541 et seq.) is repealed.

SEC. 3. ADMINISTRATION.

Part D of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7571 et seq.) is redesignated as part C of such title and amended to read as follows:

''PART C—ADMINISTRATION

''SEC. 7301. REPORTING REQUIREMENTS.

''(a) STATES.—Based upon the evaluations provided to a State under section 7123(f), 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 and youth who are English language learners and immigrant children and youth.

''(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 and youth who are English language learners and immigrant children and youth.

''SEC. 7302. COMMINGLING OF FUNDS.

''(a) ESEA FUNDS.—A person who receives Federal funds under subpart 1 of part A may commingle such funds with other funds the person receives under this Act so long as the person satisfies the requirements of this Act.

''(b) STATE AND LOCAL FUNDS.—Except as provided in section 14503, a person who receives Federal funds under subpart 1 of part A may commingle such funds with funds the person receives under State or local law for the purpose of teaching English to children and youth who are English language learners and immigrant children and youth, to the extent permitted under such State or local law, so long as the person satisfies the requirements of this title and such law.''.

SEC. 4. GENERAL PROVISIONS.

Part E of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7601 et seq.) is redesignated as part D of such title and amended to read as follows:

''PART D—GENERAL PROVISIONS

''SEC. 7401. DEFINITIONS.

''For purposes of this title:

''(1) CHILDREN AND YOUTH.—The term 'children and youth' means individuals aged 3 through 21.

''(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) one or more local educational agencies;

''(B) one or more local educational agencies in collaboration with—

''(i) an institution of higher education;

''(ii) a community-based organization;

''(iii) a local educational agency; or

''(iv) a State; or

''(C) a community-based organization or an institution of higher education which has an application approved by a local educational agency to enhance an early childhood education program or a family education program.

''(4) ENGLISH LANGUAGE LEARNER.—The term 'English language learner', when used with reference to an individual, means an individual—

''(A) aged 3 through 21;

''(B) who—

''(i) was not born in the United States; or

''(ii) comes from an environment where a language other than English is dominant and who normally uses a language other than English; and

''(C) who has sufficient difficulty speaking, reading, writing, or understanding the English language that the difficulty may deny the individual the opportunity—

''(i) to learn successfully in a classroom where the language of instruction is English; or

''(ii) to participate fully in society.

''(5) IMMIGRANT CHILDREN AND YOUTH.—The term 'immigrant children and youth' means individuals who—

''(A) are aged 3 through 21;

''(B) were not born in any State; and

''(C) have not attended school in any State for more than three full academic years.

''(6) 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 corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(7) NATIVE AMERICAN; NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' have the meanings given such terms in section 103 of the Native American Languages Act (25 U.S.C. 2902).

''(8) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization—

''(A) a majority of whose governing board, and a majority of whose employees, are fluent speakers of the traditional Native American languages used in the organization's educational programs; and

''(B) that has not less than five years of successful experience in providing educational services in traditional Native American languages.

''(9) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual who is an English language learner, means the language normally used by such individual.

''(10) OUTLYING AREA.—The term 'outlying area' means any of the following:

''(A) The Virgin Islands of the United States.

''(B) Guam.

''(C) American Samoa.

''(D) The Commonwealth of the Northern Mariana Islands.

''(11) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any outlying area.

''(12) 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 a school described in section 7112(a) or otherwise to oversee the delivery of educational services to members of the tribe; and

''(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A for individuals served by a school described in section 7112(a).

''SEC. 7402. 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. 7403. 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 agency, entity, or official.

''SEC. 7404. RELEASE FROM COMPLIANCE AGREEMENTS.

''Notwithstanding section 7403, any compliance agreement entered into between a State, locality, or local educational agency and the Department of Health, Education, and Welfare or the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education, is void.

''SEC. 7405. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.

''(a) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

''(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to English language learners that is undertaken by a State, locality, or local educational agency;

''(2) shall undertake a rulemaking pursuant to such notice; and

''(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

''(b) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of this section pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

''SEC. 7406. REQUIREMENT FOR STATE STANDARDIZED TESTING IN ENGLISH.

''(a) REQUIREMENT.—In the case of a State receiving a grant under this title that administers a State standardized test to elementary or secondary school children in the State, the State shall not exempt a child from the requirement that the test be administered in English, on the ground that the child is an English language learner, if the child—

''(1) has resided, throughout the 3-year period ending on the date the test is administered, in a geographic area that is under the jurisdiction of only one local educational agency; and

''(2) has received educational services from such local educational agency throughout such 3-year period (excluding any period in which such services are not provided in the ordinary course).

''(b) IN GENERAL.—Notwithstanding any other provision of this title, if a State fails to fulfill the requirement of subsection (a), the Secretary shall withhold, in accordance with section 455 of the General Education Provisions Act, all funds otherwise made available to the State under this title, until the State remedies such failure.''.

SEC. 5. CONFORMING AMENDMENTS.

(a) TITLE HEADING.—The title heading of title VII of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

''TITLE VII—ENGLISH LANGUAGE FLUENCY AND FOREIGN LANGUAGE ACQUISITION PROGRAMS''.

(b) ELEMENTARY AND SECONDARY EDUCATION ACT.—The Elementary and Secondary Education Act of 1965 is amended—

(1) in section 2209(b)(1)(C)(iii) (20 U.S.C. 6649(b)(1)(C)(iii)), by striking ''Bilingual Education Programs under part A of title VII.'' and inserting ''English language education programs under part A of title VII.''; and

(2) in section 14307(b)(1)(E) (20 U.S.C. 8857(b)(1)(E)), by striking ''Subpart 1 of part A of title VII (bilingual education).'' and inserting ''Chapter 2 of subpart 1 of part A of title VII (English language education).''.

(c) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—

(1) 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 English Language Acquisition''.

(2) CLERICAL AMENDMENTS.—

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

''OFFICE OF ENGLISH LANGUAGE ACQUISITION''.

(B) 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 ENGLISH LANGUAGE ACQUISITION.''.

(C) TABLE OF CONTENTS.—

(i) 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 English Language Acquisition.''.

(ii) 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 English Language Acquisition.''.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act, or October 1, 1998, whichever occurs later.

The CHAIRMAN. Under the rule, before consideration of any other amendment, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD numbered 1 if offered by the gentleman from California (Mr. RIGGS) or his designee. That

amendment shall be considered read, shall be debatable for 10 minutes, 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 division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

After disposition of amendment No. 1, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD numbered 2, if offered by the gentleman from California (Mr. RIGGS) or his designee. That amendment shall be considered read. That amendment and all amendments thereto shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Chair understands that amendment No. 1 will not be offered by the gentleman from California.

Pursuant to House Resolution 516, it is now in order to consider amendment No. 2 printed in the CONGRESSIONAL RECORD.

AMENDMENT NO. 2 OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, pursuant to the rule, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. RIGGS:

Page 16, line 16, strike ''and''.

Page 17, line 3, strike ''students.'' and insert ''students; and''.

Page 17, after line 3, insert the following:

''(F) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English language learners.''

The CHAIRMAN. Pursuant to House Resolution 516, the gentleman from California (Mr. RIGGS) and a Member opposed each will control 15 minutes of debate on the amendment and all amendments thereto.

The Chair recognizes the gentleman from California (Mr. RIGGS).

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

Mr. Chairman, I would explain this very, very straightforward amendment. As we completed consideration of this bill in committee, we realized that additional language would be necessary to make sure that there was no conflict or inconsistency between this legislation, new Federal law, and existing State law with respect to bilingual educational, so I am offering an amendment here which will permit States to approve applications from eligible entities, that is to say, from local school districts, only if that local school district is not in violation of any provision in State law with respect to bilingual education, including State constitutional law.

Again, I am doing that to make sure that we attempt to anticipate any potential problem or conflict between new provisions in Federal law and existing State law. We want to make sure that both State and Federal law are compatible with respect to the education of limited or non-English-speaking proficient students and immigrant children and youth.

The amendment still respects a State's right to determine how to educate limited English proficient students, and it penalizes eligible entities, local school districts by withholding Federal funding only if that local school district, again, is not in compliance or refuses to comply with State law.

We strongly believe that Federal funding should not be used to support local school districts that refuse to comply with State laws governing the education of children, and again, particularly with respect to limited English proficient students and bilingual programs for immigrant children and youth.

So it is a very straightforward, commonsense amendment. It is one that I hope the minority will accept. Just before yielding the floor, I want to go back to one point, so that Members are not confused or further confused as debate proceeds here, because we have used, up until this point, the terms ''consent decree'' and ''compliance agreement'' interchangeably.

I want to again make very, very clear that in part because of what I felt was the legitimate, constructive criticism of the draft legislation offered by my Democratic colleagues, and specifically the ranking member of our subcommittee, the gentleman from California (Mr. MARTINEZ), we dropped the provision, the earlier provision in the bill, that would have, by passage of this legislation and enactment into law of this legislation, effectively terminated or vacated court-ordered consent decrees.

I thought the gentleman from California (Mr. MARTINEZ), the gentleman from Virginia (Mr. SCOTT), and others made very legitimate arguments that if we attempted to, if you will, impose such a mandate on the courts, we would very definitely be encroaching upon the prerogative of the judicial branch of government, so we deleted those provisions from the bill.

The bill is now completely silent on court-ordered consent decrees with respect to the civil rights of non-English or limited English speaking students to get a quality public education.

It does still, and this would be legitimate, valid criticism with which I would respectfully disagree, it does effectively void or, again, terminate the administratively-issued, by the Federal Department of Education Office of Civil Rights, compliance agreements between the Federal Government and a particular school district at the local level.

It vacates those because in the bill we require the Office of Civil Rights to publish new guidelines for compliance agreements, and then we allow for a review period when interested members of the public, certainly interested members of the education profession, the education community, and the respective committees of the Congress with authorizing and oversight responsibilities can comment on those guidelines before they would then go into effect.

Again, I want to make sure that our colleagues are very clear, here, that we are in no way attempting to infringe on the legitimate prerogative and authority of the judicial branch of government, and we in no way tamper, modify, or undo the existing court-ordered consent decrees that are in place in many local school districts around the country.

With that, Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from Missouri (Mr. CLAY) opposed to the amendment?

Mr. CLAY. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) is recognized for 15 minutes.

Mr. CLAY. Mr. Chairman, I yield the time to the gentleman from California (Mr. MARTINEZ).

The CHAIRMAN. Is the gentleman from Missouri (Mr. CLAY) yielding 15 minutes to the gentleman from California (Mr. MARTINEZ)?

Mr. CLAY. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from California (Mr. MARTINEZ) is recognized.

AMENDMENT OFFERED BY MR. MARTINEZ TO AMENDMENT NO. 2 OFFERED BY MR. RIGGS

Mr. MARTINEZ. Mr. Chairman, I offer an amendment to amendment No. 2.

The Clerk read as follows:

Amendment offered by Mr. MARTINEZ to amendment No. 2 offered by Mr. RIGGS:

In the matter proposed to be inserted by the amendment on page 17, after line 3, of the bill, strike ''learners.'' and insert ''learners, except if necessary for the eligible entity to comply with Federal law (including a Federal court order).''.

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

I offer this amendment on behalf of the gentlewoman from California (Ms. PELOSI).

As I said earlier, the bill today is based more on myth than exceptions to the rule, and polling numbers rather than sound policy. The Riggs amendment that he was just addressing requires adherence to State laws above all else, and it further creates a problem by singling out school districts

that have expressed their commitment to the comprehensive education of LEP children.

San Francisco in particular has operated its bilingual program education under a court order since the Lau decision. In addition, Chicago, Denver, New York, and others are operating under similar court-ordered arrangements.

The school districts in these cities continue to take the steps necessary to ensure that the language minority children in their communities are provided with meaningful access to the general education curriculum. In San Francisco's case, this includes not implementing California's Proposition 227, which would compel them to cease instruction in any language but English, a practice that landed them in court over two decades ago.

The subcommittee chairman has argued that no one approach to bilingual education is mandated in H.R. 3892. His amendment that we are currently considering would clearly mandate immersion in all California schools as a condition of maintaining Federal aid.

This amendment would reaffirm that Federal law and the U.S. Constitution are primary concerns. As such, schools should not be forced to deny services to students and deprive them of full access to the general curriculum in direct conflict with the civil rights of those children.

In the case of San Francisco, they should not be forced to give up over $1 million in Federal aid because they work to ensure the civil rights of their students. To make it clear that the constitutional guarantee of equal access to education supersedes all other educational mandates, I urge my colleagues to support the amendment.

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

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

Mr. Chairman, on first blush, I think we would have to oppose the amendment offered by the gentleman from California (Mr. MARTINEZ) as overly broad. Let me say to the gentleman that I think I understand his intent, and that we might be able to accept a modification of his amendment that would add the end of my amendment.

I would propose this now, and I quote, ''. . . learners, except if necessary for the eligible entity to comply with a Federal court order.'' In other words, we would be deleting, ''to comply with Federal law.'' That is overly broad, but I think it would still go to his concern and the concern of the gentlewoman from California (Ms. PELOSI), which is that if a Federal court issued a court order, if you will, stymying or delaying the implementation of Proposition 227, that would be a court order. So I would have no problem narrowing the scope of his amendment along those lines, but would have to oppose the amendment as it is currently drafted as, again, overly broad.

I would ask the gentleman, would not that modification, as I just proposed, address his concern or the concern of the gentlewoman from California (Ms. PELOSI) and still satisfy the intent of his proposed amendment?

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. MARTINEZ. Not really, because of the gentleman's restriction on the ability of them to get Federal dollars simply because they are actually complying with a Federal law, they are complying with a Federal law under the language the gentleman suggests. I do not think the bill as it was drafted by the gentlewoman from California (Ms. PELOSI) is that broad.

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It is very definite in stating that what we are trying to do here is prevent people from being punished who are complying with a court order.

Mr. RIGGS. Mr. Chairman, reclaiming my time, as I just said to the gentleman, that would be fine as he describes it with a court order.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would continue to yield, but also Federal law. There are two things, first the court order and then Federal law.

Mr. RIGGS. Mr. Chairman, reclaiming my time with the purpose of yielding to the gentleman again, what specific Federal law or laws does the gentleman have in mind?

Mr. MARTINEZ. The Civil Rights Act.

Mr. RIGGS. I see. I think we might have some potential to work something out here, but I need to give it a little bit further thought and reflection and would propose that our staffs have a chance to perhaps huddle on this particular amendment.

Mr. Chairman, let me also, while I still control the time, just point out our concern. Our concern is that we do not want Federal law to necessarily override State law with respect to the day-to-day administration of bilingual education programs. I think the gentleman from California (Mr. MARTINEZ) would acknowledge that bilingual education is first and foremost a responsibility of State and local government, and that is the concern that we have on this side.

I am very open to the suggestion that we make sure that a Federal court order would have the highest priority and would override State and local law. I think that is consistent with what I said earlier about the reason for our deleting the language in the bill dealing with court ordered consent decrees. I will leave that with the gentleman.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would again yield, in the gentleman's revision of the bill, he did go to some degree to doing that. But in his published bill now, he has reverted back to the same position that he had before.

Now, I think our staffs are willing to work with the gentleman's staffs in trying to work something out so that we might come to a mutual agreement where we can thereby protect especially the County of San Francisco who must comply both with the court order and the Federal law.

Mr. RIGGS. Mr. Chairman, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman from California (Mr. MARTINEZ) for yielding me this time.

Mr. Chairman, this is a perfect example of why this legislation is premature. We are trying to craft legislation on the floor of the House. That is why we have committee processes and that is why we take deliberative time and witnesses' testimony to know where we go with this legislation.

We are not there yet. That has been the complaint of a number of us. Not that we do not want to see changes, but let us do them right. We are about to enact law. We do not have time to say we just passed the law, can we just tweak it a little bit more? You cannot do that. That is not the way a deliberative body works.

Secondly, this amendment offered by the gentleman from California (Mr. RIGGS) actually tries to impose upon the local school districts, usurp local control by telling a local school district, which went to court and found that the court agreed with it, that it must continue its current programs. This amendment would say to that local school district: ''You cannot do that. We high and mighty up here in Washington, D.C. have decided you cannot do that.''

That is not in the current bill, but the gentleman from California (Mr. RIGGS) wants to put it in the bill to take that local guidance, that local opportunity to decide what to do, away from that local school district after a court has agreed with it. That does not to me seem like local control.

Mr. Chairman, I would hope that we would take a look at what the gentleman from California (Mr. RIGGS) is trying to do. He is trying to say that because a court found that a school district should be entitled to continue its program to try to educate its kids, he wants to enact an amendment that would stop that school district that has been found by a court to be correct in its administration of its educational programs.

Mr. Chairman, if Members want to talk about usurping local control, this amendment is it because it is telling one or two local school districts, of the several thousand that the chairman and the committee noted that we have in this country, that because they have a court order, they should not go forward. That is how egregious we have gotten in these amendments and that is why this bill is such a denial of local opportunities to make decisions for the education of our kids.

Somehow the Members of this House of Representatives know better than all the elected school officials on the school boards of our Nation; all the principals of our schools and all the administrators. And by the way, that is probably why the National PTA, the School Administrators Association, the school board associations nationally, all of those organizations oppose this legislation, because it truly does strip away local control and it tells them: This is the way to do. If they do not like the shape of this cookie, too bad, because that is the way all of the cookies will be shaped.

We should reject this amendment offered by the gentleman from California (Mr. RIGGS), certainly accept the second degree amendment offered by the gentleman from California (Mr. MARTINEZ). But still we are talking about trying to improve a monster. A monster is still a monster. No matter how much you comb its hair, it is still a monster.

Mr. Chairman, I would hope we would oppose this legislation at the end of the day. I urge my colleagues to pass the Martinez second degree amendment, defeat the Riggs amendment, and ultimately defeat the bill.

Mr. MARTINEZ. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California (Mr. RIGGS) has 6 minutes remaining, and the gentleman from California (Mr. MARTINEZ) has 10 minutes remaining. The gentleman from California (Mr. MARTINEZ) has the right to close.

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

Mr. Chairman, it is simply this, that under the bill's present language, school districts who did not comply with State law will lose Federal dollars. And the County and City of San Francisco would lose over a million dollars, which is hardly something it can afford, simply because, simply because they are required by a court order to provide this education for these children.

I think that is a terrible thing to do for an entity as large as San Francisco with as many children as they serve. I think it is inappropriate. I would insist on my amendment.

Mr. RIGGS. Mr. Chairman, will the gentleman yield before he closes debate?

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, again, I just wanted to make the point one more time. It does not sound like we are going to be able to work something out on this, but I want to say one more time that I am very comfortable with language that would say that a court order, Federal court order would take precedence over State and local law with respect to bilingual education or State local policy.

But, Mr. Chairman, I cannot support an amendment that appears to be intended to create an escape hatch, an ''out clause'' for local school districts in California that do not want to comply with a voter-approved ballot initiative that passed by a margin of 61 to 39 percent.

Mr. MARTINEZ. Mr. Chairman, reclaiming my time, if I understand the gentleman right, what it is is that the language in there, ''complying with Federal law,'' is what the gentleman considers too broad and covers too many bases. In other words, what the gentleman thinks is that gives school districts all over the country an escape hatch of not having to comply with Federal law. That would only occur if they were under a court order.

Mr. RIGGS. Mr. Chairman, if the gentleman would continue to yield, I think then we are moving in the same direction again. It seems if we take the San Francisco Unified School District, or any school district, if they want to go to a Federal court for relief from Proposition 227, and they are successful in obtaining a court order that says that they do not need to comply with Proposition 227, I can live with that. That is why I am suggesting that the gentleman change his amendment.

Mr. MARTINEZ. Mr. Chairman, again reclaiming my time, I cannot see that a school district of its own volition would go to the court to get relief in order to put themselves under a court order. As it has been in most cases, those court orders that were issued were because the school districts fought, fought to have to comply with a Federal law. The voluntary ones were when they were approached about violation of the Federal law, they then complied voluntarily, and the gentleman has already eliminated those.

So in this instance I cannot see, I cannot envision a school district who does not want to comply or who automatically would want to comply would then put themselves in the Federal court process in order to be able to get out of the laws as the gentleman has written it in this bill.

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

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

Mr. Chairman, as I understand, we are winding down debate on the Martinez amendment to my amendment No. 2. I want to make this point again. Again, I do not sense that we are that far apart and this may just be a matter of semantics. But as I understand what the gentleman is saying, if there is a legitimate legal or policy dispute in the eyes of a local school district and ultimately its governing board and its top administrators, and if that dispute is between Federal and State law, it seems to me by definition that is an issue that has to be adjudicated in the courts.

That is why I am saying to the gentleman that if the court does adjudicate that matter, and if the court does issue an order that says for all intents and purposes Federal law supersedes State law, takes precedence over any provisions in the State law or the State Constitution, I could live with that decision and I would be happy to reflect that in the bill.

Mr. Chairman, I cannot go along with a provision that is so broad as to say ''Federal law generally.'' Again, it seems to me that the very purpose of the judicial branch, the third branch of government, is to adjudicate a dispute between Federal and State law. That is why I am suggesting to the gentleman that he narrow his amendment so that it would say except as necessary for the general entity, in other words the local school district, to comply with a Federal court order. Because I still think that accomplishes the same purpose, but would not be so broad as to create confusion in the minds of local school districts, should this legislation become law.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, in the scenario the gentleman just laid out, what he is envisioning is if there were a conflict between let us say the PTA or the citizens who have children in the school would be in conflict with their board, that they would go to court to get a court order that they teach bilingual education? Is that what the fear is?

Mr. RIGGS. Mr. Chairman, reclaiming my time, I do not know that it is a fear. I want to go back to the gentleman's position.

Mr. MARTINEZ. Maybe fear is the wrong word, but is that the concept, that that would be a possibility?

Mr. RIGGS. Mr. Chairman, yes, and my opinion is that that local school district should have to go to court to adjudicate an unclear or conflicting provision between Federal and State law. And then if a Federal court order results, then obviously that local school district should have to comply with the ultimate decision and interpretation or decision and ruling of the Federal court.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would continue to yield, if it were members of the community who were in disagreement with the school board, they elect that school board so they are their bosses. And if they want that school board to teach bilingual education, who are we to tell them that they cannot go to court to get that court order in order that they be able to get that program there?

I would think that the gentleman would want that, because he has repeatedly, coming from a school board himself, being elected by the local constituencies, that he would understand that the constituent is the controller of what our actions are and what we do. They elect us to represent them. Why would the gentleman be in conflict with that?

Mr. RIGGS. Mr. Chairman, I would say to the gentleman, I am not sure I

am. I would reverse the gentleman's argument and ask him if he is suggesting, going back to our home State of California, that in every community where a majority of the electorate supported Proposition 227, that that decision should be binding on the local school district?

As the gentleman knows, my legislation does not go that far. It allows the local school district to determine the bilingual instructional method most appropriate for that school, whether it is English language immersion, native language immersion, or dual immersion. So, it does not go nearly as far as Proposition 227.

Again, Mr. Chairman, think the gentleman is on the right track. I think he makes a valid point that there could be a potential for conflict between Federal and State law. That should be, by definition, adjudicated and decided by the judicial branch of government and than that court order should be binding. That is why I am suggesting that his amendment should apply only to Federal court orders and not so broadly as to apply to Federal law.

□ 1600

Mr. MARTINEZ. Mr. Chairman, the whole thing is that you ought to be able to give constituencies in different areas the right to select what they want for their school district. You have said that repeatedly.

Mr. RIGGS. I think we do that.

Mr. MARTINEZ. If there is a school constituency that wants bilingual programs, and their school board will not give it to them, and they do not want to wait until the next election to vote these people out and vote people in that will give it to them, then they ought to be able to go to court and get a court order.

That is where I cannot see where my colleague is in conflict with that terminology that says that it comply with Federal law. Federal law does supersede State law, and they ought to be able to take advantage of that.

Mr. RIGGS. Mr. Chairman, I yield back the balance of my time.

Mr. MARTINEZ. Mr. Chairman, may I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman from California (Mr. MARTINEZ) has 6½ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 6½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, let me see if I can try to capture what the gentleman from California (Mr. RIGGS) was trying to do. It seems to me that the gentleman from California is encountering resistance on our part to accept his offer on the amendment to accept language that limits the provisions of the amendment of the gentleman from California (Mr. MARTINEZ) to court order, because if we limit the application of this amendment to a Federal court order, in essence, we are saying all Federal laws and all Federal constitutional laws would not be grounds to allow these school districts to maintain their programs.

Ultimately, we cannot deny someone a constitutional right. But my colleagues are trying to almost explicitly exclude other Federal protections, like our civil rights laws, 1964 Civil Rights Act. By not including that, my colleagues have implicitly excluded them from consideration.

That is the reason the gentleman from California (Mr. MARTINEZ) and those of us here would be resistant to that amendment that my colleague has to the amendment of the gentleman from California (Mr. MARTINEZ) because it would overly limit the application of the amendment of the gentleman from California (Mr. MARTINEZ).

So I would hope that we would not want to try to exclude a local school district, that school board members, its principals, its teachers from saying we believe that the constitutional rights of the children in our schools or of the parents or of the educational body in San Francisco, in this case, is being violated by current State law, and we would like to test that in Federal court. They apparently tested it, and they have a Federal court order. They are allowed to continue teaching.

I would like to, I think, end with this: The school district we are talking about, which is in jeopardy of losing more than $1 million under the Riggs amendment is also the school I cited about an hour ago as having had very remarkable results when its children took the standardized testing and reporting exam offered by the State of California, the State's standardized test.

Third graders from a San Francisco school district who had graduated from a bilingual education program scored 40 percentage points higher than their native English speaking counterparts on math.

On language, bilingual fourth graders, or fourth graders who had graduated from bilingual programs, I should say, scored 25 percentage points higher than native English speakers.

A program which is showing success, and I suspect that you can point to some programs which are not doing so well, some of these kids, but a program that is demonstrating ample success for kids that are limited English proficient to, not only score well, but score better than their native English speaking peers is now placed in jeopardy by the amendment of the gentleman from California (Mr. RIGGS) because the amendment of the gentleman from California (Mr. RIGGS) would prohibit that school district from continuing to operate a program which has shown such dramatic success, so much success that Governor Wilson's spokesperson even said it is remarkable. That alone would be enough reason to oppose this amendment.

But because it also would limit the application of other Federal laws, I think there is good reason to say we should go with the secondary amendment of the gentleman from California (Mr. MARTINEZ) and, ultimately, as I said before, put this to bed, put this to rest, and let us move on to those things that we need to do this year and move next year to try to, all in a bipartisan fashion, work on bilingual education.

Ms. PELOSI. Mr. Chairman, I rise in support of the Martinez Amendment to the Riggs Amendment. I appreciate Rep. MARTINEZ offering the Amendment in my absence. I was unable to leave the Appropriations Committee mark up.

The Riggs Amendment denies funding to school districts because they are out of compliance with State Law or State Constitutional Law, even if compliance is not possible given federal court mandates. This amendment will punish school districts, and the students they are responsible for, merely because these districts are caught in a bind between conflicting laws.

The San Francisco Unified School District is currently under a federal court decree to provide access to English as a Second Language classes and bilingual education. Though the District has pledged to comply with state law to the greatest extent possible, the District is acting appropriately and legally by obeying a federal court decree.

The Martinez amendment to the Riggs amendment simply provides an exception for school districts, like San Francisco, which are caught between state and federal legal mandates. The Martinez amendment states that funding will not be denied if violation of state law is ''necessary for the eligible entity to comply with Federal law (including a Federal court order).''

If the Riggs Amendment passes without the Martinez amendment, the San Francisco Unified School District stands to lose over $1 million in fideral funds used to provide services to over 21,000 children. At least five other school districts—including Chicago, Denver, New York City, San Jose, and St. Paul—are under court-ordered consent decree regarding bilingual education.

The Congress should not force school officials in these districts to choose between resources for children and compliance with a federal court order. The Martinez Amendments to the Riggs Amendment protects school districts that are simply trying to comply with the law.

I urge my colleagues to vote for this amendment to the amendment.

Mr. LANTOS. Mr. Chairman, I rise in strong opposition to the amendment of Mr. RIGGS and in equally strong support of the amendment offered by Mr. MARTINEZ to the Riggs Amendment. The amendment being offered by Mr. MARTINEZ is the result of thoughtful hard legislative work by my distinguished colleague Congresswoman PELOSI, who together with me represents the City of San Francisco. I thank her for her important efforts in this regard.

Under the Riggs Amendment, school districts—such as the San Francisco Unified School District—would lose Federal funding if they do not comply with State Law, even if those school districts were adhering to a Federal court order that conflicts with state law.

The Riggs Amendment puts responsible, functioning school districts in an untenable situation. If the Riggs Amendment passes,

school districts would be asked to choose between compliance with Federal law as mandated by United States courts and with receiving Federal funding. Is this the message we in the Federal Government wish to send the American people? Should we penalize American school-children simply because their school district has acted properly to observe the laws of the United States as interpreted by Federal courts? Our Constitution provides that federal law takes precedence over state law, and clearly school districts acting in accordance with Federal law should not loose Federal funding because there is a conflicting state law.

Mr. Chairman, the Riggs Amendment specifically attacks school districts in cities such as Chicago, Denver, New York City, San Jose, and St. Paul—each of which is following a court-ordered mandate regarding bilingual education. The San Francisco Unified School District could lose nearly $1 million in federal funding if the Riggs Amendment is adopted.

Mr. Chairman, it is an outrage that Mr. RIGGS' Amendment would enact legislation that would harm school districts in this manner. The Riggs Amendment will hurt rather than help our school children. The Riggs Amendment will subordinate the quality of our children's education to politics. This amendment is a poison whose only antidote is the Martinez Amendment.

Mr. Speaker, I urge my colleagues to oppose the Riggs Amendment and support the Martinez Amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. MARTINEZ) to amendment No. 2 offered by the gentleman from California (Mr. RIGGS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. RIGGS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from California (Mr. MARTINEZ) will be postponed and the subsequent vote on the amendment No. 2 offered by the gentleman from California (Mr. RIGGS) will also be postponed.

Are there further amendments?

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, parliamentary inquiry. Under the rule, is this the appropriate juncture where I am to offer another preprinted amendment, or can I yield to the gentleman from Texas (Mr. BONILLA) who also has an amendment?

The CHAIRMAN. Any Member may offer an amendment.

Mr. RIGGS. Mr. Chairman, I will defer to the gentleman from Texas (Mr. BONILLA).

AMENDMENT NO. 3 OFFERED BY MR. BONILLA

Mr. BONILLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BONILLA:

Page 30, line 10, strike ''(a)(3).'' and insert ''(a)(3).'.''.

Beginning on page 30, strike line 11 through page 31, line 8.

Mr. BONILLA. Mr. Chairman, I grew up in a neighborhood where over 90 percent of the people growing up in my neighborhood and in my school district spoke Spanish as their first language. I thank my lucky stars every day that my mother had the wisdom at the time to teach me and my two brothers and two sisters English when we were very young so that we would be better prepared for school and better prepared to achieve other goals in our lives.

Back then, there was no bilingual education. I understand that, over the years, bilingual education has helped many students in this country. But somehow the situation that we have now has gotten out of control in some areas with too much Federal control.

That is why I applaud the gentleman from California (Mr. RIGGS) for his effort today in trying to return more power to the people in neighborhoods across this country where it belongs so that parents and administrators and teachers can decide for themselves what is right for the curriculum in their own neighborhoods.

My amendment specifically addresses a portion of the bill of the gentleman from California (Mr. RIGGS) that addresses any national testing. My amendment would eliminate any effort of national testing undertaken as part of this reform.

In my view, after this amendment is passed, if it is passed, the bill would be an excellent bill to move forward on because it would go even one step further in taking Federal control away from local school districts. The requirement for Federally mandated testing is now part of this bill.

My understanding is the gentleman from California (Mr. RIGGS) is accepting my amendment to give States, and not Washington bureaucrats, content with the status quo and know-how, and let the locals decide how to administer tests.

This bill is about moving from the status quo in bilingual education toward real opportunity for students. This bill does not abolish bilingual education. I hope that we do not get sidetracked in rhetoric among some Members here that somehow this is an attack on bilingual education.

Bilingual education can still serve a purpose in this country, but, again, it should be administered by the people in communities to serve their children as they see fit. This bill gives American students the chance they deserve to achieve the American dream.

Again, I looked at the students that I grew up with in the south side of San Antonio and notice that those who were given the choice of learning English as quickly as possible tended to be those who achieved faster.

We have had revolutions in some parts of the country, some in California and other parts in the west from parents who want to have that local control and would like to have a say in whether or not their kids are part of a bilingual education program. That is what this bill tries to do, to give them a helping hand in establishing that parental decision and choice about their own children's education.

Again, my amendment simply deals with any effort to impose any kind of national testing related to bilingual education, and I would hope that my colleagues on both sides of the aisle would support my amendment.

Mr. CLAY. Mr. Chairman, will the gentleman yield to me?

Mr. BONILLA. I am happy to yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, we, of course, do not intend to oppose the amendment. We will accept it. But I think we ought to point out that this shows the deficiency in this bill when we try to correct it piecemeal, in a piecemeal fashion.

So that is why we are opposed to the bill. There are too many deficiencies in this bill that my colleagues are not correcting on that side in the piecemeal fashion. But we will accept this. We have no objection to this amendment.

Mr. BONILLA. I appreciate the support of the gentleman from Missouri (Mr. CLAY), my friend, of my amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENTS OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer Amendments No. 5, 7, 8 and 9, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments No. 5, 7, 8, and 9 offered by Mr. RIGGS:

AMENDMENT NO. 5: Page 24, line 21, strike ''or''.

Page 25, line 2, strike ''program.'' and insert ''program; or''.

Page 25 after line 2, insert the following:

''(D) a State educational agency, in the case of a state educational agency that also serves as a local educational agency.

AMENDMENT NO. 7: Page 13, after line 18, insert the following:

''(E) Developing tutoring programs for English language learners that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among English language learners, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for English language learners or immigrant children and youth.

Page 13, line 19, strike ''(E)'' and insert ''(F)''.

AMENDMENT NO. 8: Page 17, line 17, strike ''and''

Page 17, line 19, strike the period at the end and insert ''; and''.

Page 17, after line 19, insert the following:

''(C) the number and percentage of students in the programs and activities mastering the English language by the end of each school year.

Page 19, after line 2, insert the following:

''(4) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under paragraph (1), a State shall approve evaluation measures for use under paragraph (3) that are designed to assess—

''(A) oral language proficiency in kindergarten;

''(B) oral language proficiency, including speaking and listening skills, in first grade; and

''(C) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher.

AMENDMENT NO. 9: Page 19, line 5, strike ''(b) and (c),'' and insert ''(b), (c), and (d),''.

Page 20, after line 13, insert the following:

''(d) MINIMUM ALLOTMENT.—

''(1) IN GENERAL.—Notwithstanding subsections (a) through (c), the Secretary shall not allot to any State, for fiscal years 1999 through 2003, 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 parts A and C of this title for fiscal year 1998 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.

Page 20, line 14, strike ''(d)'' and insert ''(e)''.

Page 20, line 24, strike ''(e)'' and insert ''(f)''.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RIGGS. Mr. Chairman, let me very quickly do something I do not normally do or like to do, and that is just respond to the amendment of the gentleman from Texas (Mr. BONILLA), which has already passed, just to make sure that Members are clear, because I know the gentleman from Missouri (Mr. CLAY) just cited the amendment of the gentleman from Texas (Mr. BONILLA) as evidence that the bill was hastily crafted.

I just wanted to make it clear that on this side of the aisle that what we were trying to do in the original bill is ensure that, again, Federal and State law, to the extent possible, are consistent and making sure that the Federal taxpayer funding and Federal bilingual education programs do not create a loophole in States where the State and local elected decision makers have decided that State standardized tests and assessments will be administered only in English. We were just trying to make that consistent.

But the gentleman from Texas (Mr. BONILLA) had concerns. He had concerns that the bill was even addressing State testing in any fashion. I understood those concerns, understood his desire that our bill be silent with respect to State testing and agree with him that, in the end run, by the bill being silent, State and local decision makers can still make a decision that they will administer State and local standardized tests only in English for all students, and that would include those students who are limited-English proficient.

I now turn my attention to the en bloc amendments. It is again very simple, straightforward. First of all, a provision providing a 100 percent hold harmless so the States do not experience any dramatic decrease in funding as a result of changing or transitioning these two programs, the Federal bilingual education and the Federal immigrant education programs into a single block grant.

The new formula would obviously, as a result of the 100 percent hold harmless, only apply to new funding, that is to say, annual appropriations over and above the current spending levels for these two programs.

Secondly, we add to the list of approved local activities, tutoring programs for limited-English proficient and immigrant children and youth, that would provide early intervention services to help prevent these children from dropping out of school.

I have already spoken earlier about the alarmingly high dropout rate for Hispanic American students hovering in the 54 to 55 percent range. What we are trying to do is focus more services earlier on helping these young people provide the kind of intensive educational services through tutoring so that, hopefully, they will remain in school and at least obtain a high school degree.

I think every Member of this body would agree particularly, you know, as an extension, if you will, of our committee hearings over the last 2 years, that all the evidence suggests that a young person today has to have some degree or some amount of postsecondary education, college education, hopefully a college degree if they want to go out and successfully compete in the adult work force.

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So it is just critically important that we do a better job at all levels of government, by the way, Federal, State and local, in helping limited or non-English speaking students. And that is what we are attempting to do here by expanding the list and the scope of allowable local activities.

We also make two changes to the evaluation section to clarify that academic progress be determined by both the number and percentage of children having attained mastery in English at the end of the school year, and we outline the suggested design for measures to evaluate the English language skills of students based on the grade of the child.

I think there was a suggestion earlier in the debate that we were somehow lowering or removing standards all together for the Federal bilingual education program. And, in fact, I think that is one of the main arguments or criticisms that the gentleman from California (Mr. MARTINEZ) made of the bill, judging from his ''Dear Colleague''. And, again, nothing could be further from the truth.

We do have, I think, a very sound methodology incorporated into the bill for evaluating the academic progress and, hopefully, the academic success of English language learners.

The CHAIRMAN. Does any Member wish to debate the amendments?

The question is on the amendments offered by the gentleman from California (Mr. RIGGS).

The amendments were agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, pursuant to the rule, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HAYWORTH:

Page 30, after line 10, insert the following (and redesignate any subsequent sections accordingly):

''SEC. 7406. RULE OF CONSTRUCTION.

''Nothing in this Act 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.''.

Mr. HAYWORTH. Mr. Chairman, my amendment simply clarifies that nothing in this bill will limit the preservation or the use of Native American or Native Alaskan languages.

As many Members of this body know, nearly one in four of my constituents are Native American. I represent eight tribes, including the largest sovereign tribe, the great Navajo Nation. Through constitutional and treaty obligations, Native Americans are guaranteed certain rights and protections, and I can think of no more important protection than the preservation of the languages and cultures of the first Americans.

While it is important that every American learn English to succeed, it is also important that we ensure that native languages and cultures continue to thrive. Indeed, these unique cultures provide a deeper understanding of our country's history. It is also important that we preserve these languages because, unlike immigrants who came to our country by choice or circumstance, Native Americans have always inhabited the land we now call the United States of America.

Mr. Chairman, my point is simple: Native American languages are an important part of our country's heritage and must be protected and preserved. My amendment ensures that these indigenous languages will not be affected by this legislation.

Mr. Chairman, I would like to thank the chairman of the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the

Workforce, my friend, the gentleman from California (Mr. RIGGS), for his support of my amendment. As vice chair of the Native American Caucus, I know he is deeply concerned about Native American issues.

Mrs. MINK of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Chairman. I thank the gentleman for yielding. I have a very great concern about the whole area of native languages, and I commend the gentleman for offering this amendment.

We have immersion programs where young children are encouraged to use the Native American language, which in our case is Native Hawaiians. We have special provisions in this legislation that have an acceptance of our unique situation, both Native Hawaiian and Native Alaskans. But I am also advised by counsel that that notwithstanding these special provisions that have been included for Native Hawaiians and Native Alaskans, that we are bound under the 2-year limit, which would completely nullify the whole idea which we are starting in Hawaii, which is to have an immersion program which permits, or encourages the revitalization of our native culture through language.

So I have a question to ask the chairman of the subcommittee as to whether the interpretation of the amendment offered by the gentleman from Arizona would mean that the 2-year limit would not apply to the Native American concerns that the offeror of the amendment has just suggested. Because that would be key to the continuance of our program and extremely vital to the survival of this whole idea of a Native American language preservation concept which we have adopted.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Arizona for yielding and also rise in support of his amendment.

With respect to the gentlewoman's inquiry, first of all, the funding limitation again is 3 years, not 2 years; 2 years is the goal, 3 years is the funding level.

Mrs. MINK of Hawaii. The length of time a child could be in a program is a 2-year limit under the gentleman's bill.

Mr. RIGGS. No, it is actually 3 years, the funding limitation. And I attempted to clarify that earlier and will be happy to refer the gentlewoman to that provision of the bill.

That said, I think the gentleman's amendment is extremely straightforward. It is very short: ''Nothing in this act shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or the Alaskan Native Languages,'' which I understand may also address the concern of our colleague, the gentleman from Alaska (Mr. YOUNG).

And it was never the intent of this legislation to prevent the preservation or use of the Alaska Native or Native American languages. It is the intent of the legislation to ensure individuals living in the United States have a fluid command of the English language so that they may do well in school and in later adult life. And I know the gentlewoman supports that goal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. SMITH of michigan

Mr. SMITH of Michigan. Mr. Chairman, pursuant to the rule, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SMITH of Michigan:

Page 13, after line 18, insert the following:

''(E) Providing family literacy services to English language learners and immigrant children and youth and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

Page 13, line 19, strike ''(E)'' and insert ''(F)''.

Page 25, after line 21, insert the following (and redesignate any subsequent paragraphs accordingly):

''(4) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing welfare dependency) and that integrate all of the following activities:

''(A) Interactive literacy activities between parents and their children.

''(B) Equipping parents to partner with their children in learning.

''(C) Parent literacy training, including training that contributes to economic self-sufficiency.

''(D) Appropriate instruction for children of parents receiving parent literacy services.''

Mr. SMITH of Michigan. Mr. Chairman, the amendment I am offering today would allow funds under this act to be used for family literacy services. The objective is to provide more cooperation and partnership between parent and child.

In other programs, such as the Bilingual Education Act, funds are permitted to be used for both the children and their parents. I believe H.R. 3892 will be even more effective in helping our Nation's English language learners if we allow local communities to use these funds for family literacy services. Oftentimes, both English language learners and their parents are in need of assistance in obtaining the English language skills they need for success. Family literacy programs have already provided successful results with immigrant populations and their families of limited English proficiency.

While in Michigan, in the Michigan Senate in the 1980's, I started a program called Home Instruction Program for Preschool Youth. That program worked with parents and helped them work with their children for at-risk families. The results of that program were exceptionally encouraging because not only were the youth, when they went to school, much more successful compared to a test group of those students that had not had those services, but the parents themselves increased their reading proficiency by 200 and 300 percent and went on to finish school.

Over the years, we have accumulated a great deal of evidence that working with children and their parents at the same time is a highly successful method of helping families improve their skills. Now, at the same time, these programs provide parents with the assistance they need to make sure that their child's success is going to be most successful because they are that child's most important teachers. These programs do empower parents.

In addition, family literacy programs provide parents and children with time to interact for the purpose of enhancing the child's learning and developing a relationship of reciprocal learning and teaching.

Mr. Chairman, my amendment also includes a definition of family literacy that is consistent with the recently passed Adult Education and Family Literacy Act, which was part of the Workforce Investment Act of 1998. If my colleagues will allow me to define the way I have defined family literacy in this act, (a) consistent with the Workforce Investment Act, it is that parents and children work together; (b) equipping parents to partner with their children in learning; (c) parent literacy training, including training that contributes to economic self-sufficiency; and (d) appropriate instruction for children of parents receiving parent literacy services.

Mr. Chairman, family literacy programs provide valuable literacy service to our Nation's families, and I encourage my colleagues to adopt this amendment and allow funds under this act to be used for these effective programs.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Missouri.

Mr. CLAY. I thank the gentleman for yielding, and I would like to inform him that we have no objections to the amendment on this side.

I would like to point out that, once again, here we are amending a bill that was hastily drafted, with no input, no bipartisan input whatsoever. Because all of this could have been corrected had we had an opportunity to give out views. We had a hearing on the bill, but the witnesses were eight-to-one picked by the gentleman's side, only one by our side, and then there was even no cooperation at the staff level.

So I think that we support what the gentleman is doing because it is

present law. It was taken out by this bill.

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time, I appreciate the comments from the gentleman from Missouri, and if I can be a surrogate in helping him improve the bill, I am glad to do that.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, I support the gentleman's amendment. I think it is a good one. But I want to clear something up, because several times it has been debated here, or one side suggested it is a 2-year limit and the other side suggested there is a 3-year. Let me say that it is a very confusing thing in the bill because in a State plan it is required for a grant.

Mr. GOODLING. Mr. Chairman, I rise in support of the amendment offered by Mr. SMITH. As the father of the Even Start Family Literacy Program, I know the power of family literacy programs.

It has been demonstrated over and over again that efforts to assist families with literacy problems are more successful when they work with children and their parents at the same time. Parents participate longer than they would in normal adult education classes and children receive the extra assistance they need to make sure they are ready to enter school or to overcome any difficulties they may currently be experiencing in school.

These programs have been proven to be effective in families where children and their parents are of limited English proficiency. In fact, many Even Start programs successfully work with immigrant families, migrant families, and other families of limited English proficiency.

I want to thank Congressman SMITH for his strong support of family literacy programs. His efforts to improve the quality of such programs in meeting the literacy needs of families should not go unnoticed.

I encourage my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to H.R. 3892. This bill represents bad education policy because it hurts limited-English-proficient students by placing an arbitrary time limit on services without regard to the individual needs of the student.

In addition to our discussions about the education policy involved, we should also discuss the bill's impact on fundamental civil rights protections for LEP students. This bill seeks to void all voluntary compliance agreements between the Federal Office for Civil Rights and the school districts that protect the meaningful access to effective education programs.

Now, let us remember that the Office for Civil Rights in the Department of Education is charged with the responsibility of ensuring that school districts provide LEP students with an equal educational opportunity in compliance with Title VI of the Civil Rights Act of 1964 and the U.S. Supreme Court's 1974 ruling in Lau v. Nichols.

Often, when a district is found to be in violation of the law, school districts and the Office of Civil Rights enter into compliance agreements. Those agreements reduce litigation expenses needed to ensure compliance with the law, and in addition, they ensure the schools will be protected from other lawsuits by parents, students and the Department of Justice.

□ 1630

They even protect the schools from additional administrative enforcement provisions by the Office of Civil Rights. But by seeking to void all 276 compliance agreements, we will leave school districts vulnerable to a barrage of lawsuits by private individuals and the Department of Justice and subject them to other means of enforcement actions by the Office of Civil Rights.

Perhaps what is most egregious about voiding the existing agreements is that we will be doing nothing, absolutely nothing, to address the underlying violations of the school districts affected.

Now, let us not pretend that those violations will simply disappear because we have eliminated the compliance agreement. OCR will still have the responsibility to ensure that those school districts are taking appropriate steps to be in compliance with the law.

Mr. Chairman, let me close by citing the bipartisan U.S. Civil Rights Commission in 1997, when they said that ''The OCR's current policy does not disturb the traditional State and local autonomy and flexibility in fashioning education programs to assist students with limited English proficiency in addressing their language barriers. Schools remain free to choose between a wide variety of instructional methodologies and approaches, including bilingual education, English as a second language, and an array of other language assistance programs.

Overall, OCR has shown exemplary restraint in respecting State and local prerogatives in that it has not sought to place limits on State and local discretion by proposing requirements that in any way limit that discretion.''

So, Mr. Chairman, this legislation represents not only poor education policy but also poor policy from a legal process perspective; and, therefore, I urge my colleagues to vote no on this legislation.

Mr. RIGGS. Mr. Chairman, I move to strike the last word. I will try to be as brief as possible.

I just, first of all, want to thank the gentleman from Virginia (Mr. SCOTT) for what I think is a good-faith decision on his part to raise this issue for debate but perhaps not to pursue an amendment.

We disagree on, if you will, the origin and the mechanism by which so many of these compliance agreements have come into being. We have heard testimony from a variety of people, including local school board members. We had a particular witness who was galvanized by the clash between the Federal Department of Education Office of Civil Rights in the Denver school district to ultimately run successfully for the local school board. She testified at our hearing.

But we heard from other witnesses as well, a long-time employee of the Office of Civil Rights, that they felt the Office of Civil Rights used coercive tactics to force local school districts into entering into these compliance agreements or else face the alternative of very costly, extensive, and time-consuming litigation.

As we have heard earlier today, during the period between 1975 and 1980, some 500-plus agreements were initiated by the Office of Civil Rights, and today there are 228 in force.

One of the main areas of contention here is that the internal guidelines that the Office of Civil Rights has used in extracting these agreements were developed internally by the Office of Civil Rights staff and have never been open to public comment or scrutiny. And we are proposing to do that now by requiring the department and the office to publish for comment new compliance agreement guidelines, or guidelines for compliance agreements.

There also is confusion because the Office of Civil Rights is currently using at least three internal enforcement memoranda that have never really been subject to proper public scrutiny or congressional oversight.

We feel that there is no basis for OCR's policy of pushing bilingual education as opposed to English as a second language or English immersion as a preferable method of bilingual instruction. The Lau v. Nichols decision in 1974, which the gentleman from Virginia (Mr. SCOTT) as a constitutional lawyer, an expert in this area, is very conversant with, is the basis of OCR's activities in this area.

But while that decision did require school systems enrolling native-language students or native-origin students who were deficient in English to take affirmative steps to open their instructional programs, it did not specify which instructional programs schools should use.

Instead, the Supreme Court deliberately left that up to State and local authorities, again consistent with the whole idea of State and local control in decision-making in public education.

The Lau remedies, as developed by the Office of Civil Rights, required schools to implement transitional bilingual education; and that has become the de facto compliance standard that is still in effect today.

Schools wanting to implement alternatives such as English language immersion are told that they are not acceptable unless they are equally effective as bilingual education. And, again, we think this is a form of coercing schools to accept transitional bilingual education unless they can prove that their preferred method is superior.

The Denver public schools I alluded to earlier refused to accept all of OCR's demands. And as a result, they have been referred to the Federal Department of Justice for litigation. The Department of Justice, on the referral from the Office of Civil Rights, is still pursuing litigation against the San Juan, Utah School District, primarily again because the department does not feel that that district offers the appropriate type of bilingual education.

So we think the OCR staff that negotiated these agreements lacked the proper educational expertise. This is a timely juncture to review these agreements. We need to start over. That is why we are suggesting with this legislation that we vacate the existing agreements and, as a result, we release schools from these compliance agreements and we empower them and provide them with true local control over the type of English language instruction program that they deem is the best and most appropriate for their students.

And I submit to my colleagues, because that is what this legislation all boils down to, we trust local schools and we trust locally elected decisionmakers to do what is right for the children of that community and to act in the best interest of those particular children.

So I appreciate, again, the gentleman from Virginia (Mr. SCOTT) deciding to hold off on his amendment. I hope we have now concluded just about all debate on this.

Mr. Chairman, bilingual education is hurting minority children, keeping them from learning English at an early age, and ultimately slowing their ability to assimilate into mainstream America.

The ''English Language Fluency Act'' proposes a number of innovative steps to help students with limited English skills attain early fluency. Its cornerstones, parental choice and flexibility for state and local policymakers, are designed so that children are taught English as soon as possible once they enter school. The act allows them to participate in English language instruction programs funded with federal dollars for three years.

As we end our debate on this important issue, I wanted to bring to your attention an important article from the Washington Times on bilingual education by Don Soifer of the Lexington Institute. The essay follows:

[From the Washington Times, July 1, 1998]

AN OBSTACLE TO LEARNING

(By Don Soifer)

Earlier this month, California voters soundly rejected bilingual education. Proposition 227, the ''English for the Children Initiative,'' won widespread support among white and Hispanic voters despite being opposed by President Clinton, all four major candidates for governor, the state's large and powerful teachers' unions and the education bureaucracy. As a result, the state with 1.3 million students classified as ''Limited English Proficient'' will be teaching them almost entirely in English when the new school year starts this fall.

What impact does the California proposition's stunning victory hold for the rest of the country? California's massive and largely ineffectual bilingual establishment, born of a social experiment 30 years ago, is being dismantled virtually overnight, barring intervention from the courts. But what about the rest of the nation? Bilingual education programs can be found in all 50 states. It would be wrong to assume that the problems of such a widespread approach are limited to California, or the costs.

The Clinton administration sought $387 million in federal spending for bilingual education in its 1999 budget request, a drop in the bucket compared with the estimated $8 billion spent annually by state and local governments prior to the recent vote, according to Linda Chavez of the Center for Equal Opportunity.

But as vastly rooted as bilingual education has become in the nation's schools and with such a troubled record, its real costs are even greater. Children in bilingual programs generally learn English slower, later, and less effectively than their peers. The bilingual approach delays for years the time when students can graduate to ''mainstream'' classrooms. Many children are in bilingual programs for five to seven years and do not even learn to write English until the fourth or fifth grade.

Furthermore, an article in Education Week pointed out that a number of New York City students in bilingual classrooms actually scored lower on English-proficiency tests at the end of the school year than at the beginning.

Prominent economists Richard Vedder and Lowell Galloway of Ohio University recently studied the costs to the American economy resulting from poor English fluency among immigrants and estimated the costs of lost productivity to be approximately $80 billion annually. How could bilingual education have become so vast and yet so ineffective in the 30 years since its inception? The answer may reside in large part with the fact that those responsible for its administration have lost sight of its initial goals.

Rep. Claude Pepper, a sponsor of the 1967 Bilingual Education Opportunity Act, explained during the discussion on the bill that, ''By about third grade, when concepts of reading and language have been firmly established, they (children) will begin the shift to broadened English usage.''

The only reason children are segregated out of mainstream classrooms in the first place is because they lack the English skills they need. But much of the bilingual establishment has lost sight of this, often inventing their own goals. A 1995 report by the Office of Bilingual Education of the U.S. Department of Education advises teachers that ''maintaining primary language proficiency is a key long-term goal.''

The report adds, ''To help students overcome the obstacles presented by an English-dominated educational system without losing the resource of fluency in a second language . . . Teachers must be able to recognize the cultural origins of their own behavior and to respond reflectively to students who might be acting under the influence of an alternative, culturally based expectation.''

The current movement to end bilingual education began when Hispanic parents in Los Angeles began keeping their children at home in protest because they weren't learning English at school. Those parents and others are far less concerned about an ''English-dominated educational system'' than they are with simply having their children learn English. Spanish can often be maintained and spoken at home, making intensive English instruction in school that much more important.

Now California has shown the way to removing the obstacles of bilingual education. But for the rest of the country, as long as the diffuse and obscure goals of the education bureaucrats continue to take precedence over parents who just want their children to learn English in school, bilingual education will continue to stand in the way of progress.

Mr. MARTINEZ. Mr. Chairman, I move to strike the last word.

I will not take the 5 minutes. I know we want to wrap this up. But I do want to make a couple of things clear. I wish that we would trust the locals enough to let them determine how long it would take for a young person to be able to master language sufficiently so that they could be academically qualified and learn the rest of their subjects while they are doing it.

But we are not trusting them to do that. We are saying that we know best, that they have got to do it within 2 years. That has been the question here that has come up time after time is whether it is 2 years or not.

But in section 7121, and that is what I want to clarify, in section 7121, the Formula Grants to States, where it outlines the authority for the grants, then subsequently in 1722, the Application by States, the applications they must make for the grants, it starts out and says, ''For purposes of section 7121, an application submitted by a State for a grant under such subsection for a fiscal year is in accordance with this section, if the application,'' understand, '''if the application' contains all these things.'' And it goes down to (A) and (B) of paragraph 6, and here is what it says.

''Students enrolling in,'' understand this, that is in the application for the grant that the grant proposal must have this information, ''students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and other students are not mastering the English language after 2 academic years of enrollment.'' They would not receive funds. Because right before that, in section 6, it says the grant must contain an agreement that the State must ''monitor the progress of the student enrolled in programs and activities receiving assistance under this chapter in attaining English proficiency and withdraw funding from such programs.''

In other words, the State would withdraw funding from those programs, and those local school districts in those local communities would withdraw funding from such programs and activities where the students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and other students not mastering the English language

after the second academic year of enrollment.

Now, there becomes a conflict in the bill itself, because in the next section, in the Subgrants to Eligible Entities, it goes on to say, that, yes, in fact, they may. Down in the last paragraph on page (3) it says Maximum Enrollment Period. ''An eligible entity may not use funds received from a State under this chapter to provide instruction or assistance to any individual who has been enrolled for a period exceeding 3 years in a program or activity undertaken by the eligible entity under this section.''

Well, how do they get to the 3 years if they cut them off at 2 years prior to that by the previous section? And that is where the bone of contention comes in.

My contention is, if they were really interested in kids and how they benefit to the highest degree, they would say, we keep them in these programs as long as is necessary and do what it takes to get these kids up to speed with the rest of their classmates. We are not doing that.

Now, it earlier was said, the other side does not want reform, we want status quo. I have for years wanted reform of the bilingual education program. And in the beginning, where the gentleman from California (Mr. RIGGS) did offer to talk about this and we agreed to disagree on this particular section, it was because it would be fruitless because of the notion that these should be grant programs to the State when right now the programs are receiving the monies directly from the Federal Government.

When the State gets the money, even with this hold-harmless act, we do not know if the same programs that are existing now are going to receive funds because that is up to the State, and the State, not the locals, but the State will determine whether or not those programs get those grants. Therein lies another fallacy in the bill, and that is why I oppose the bill and I urge my colleagues to vote against it.

AMENDMENT OFFERED BY MR. MARTINEZ TO AMENDMENT NO. 2 OFFERED BY MR. RIGGS

The CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MARTINEZ) to the amendment No. 2 offered by the gentleman from California (Mr. RIGGS), on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair will reduce to a minimum of 5 minutes the period of time in which a vote by electronic device, if ordered, will be taken on the Riggs amendment, as amended or not by the Martinez amendment.

The vote was taken by electronic device, and there were—ayes 205, noes 208, not voting 21, as follows:

[Roll No. 422]

AYES—205

Abercrombie	Hamilton	Neal
Ackerman	Harman	Ney
Allen	Hastings (FL)	Oberstar
Andrews	Hefner	Obey
Baesler	Hilliard	Olver
Baldacci	Hinchey	Ortiz
Barrett (WI)	Hinojosa	Owens
Becerra	Holden	Pallone
Bentsen	Hooley	Pascrell
Berman	Horn	Pastor
Bilirakis	Houghton	Payne
Bishop	Hoyer	Pelosi
Blagojevich	Jackson (IL)	Peterson (MN)
Blumenauer	Jackson-Lee (TX)	Pomeroy
Bonior	Jefferson	Price (NC)
Borski	John	Rahall
Boswell	Johnson (CT)	Ramstad
Boucher	Johnson (WI)	Rangel
Boyd	Kanjorski	Redmond
Brady (PA)	Kaptur	Reyes
Brown (CA)	Kennedy (MA)	Rivers
Brown (FL)	Kennedy (RI)	Rodriguez
Brown (OH)	Kildee	Roemer
Campbell	Kilpatrick	Ros-Lehtinen
Capps	Kind (WI)	Rothman
Cardin	Kleczka	Roybal-Allard
Carson	Klink	Rush
Clay	Kucinich	Sabo
Clayton	LaFalce	Sanchez
Clement	Lampson	Sanders
Clyburn	Lantos	Sandlin
Condit	Leach	Sawyer
Conyers	Lee	Scott
Costello	Levin	Serrano
Coyne	Lewis (CA)	Sherman
Cramer	Lewis (GA)	Sisisky
Cummings	Lofgren	Skaggs
Danner	Lowey	Skeen
Davis (FL)	Luther	Skelton
Davis (IL)	Maloney (CT)	Slaughter
DeFazio	Maloney (NY)	Smith, Adam
DeGette	Manton	Snyder
Delahunt	Markey	Spratt
DeLauro	Martinez	Stabenow
Deutsch	Mascara	Stark
Diaz-Balart	Matsui	Stenholm
Dicks	McCarthy (MO)	Stokes
Dingell	McCarthy (NY)	Strickland
Dixon	McDermott	Stupak
Doggett	McHale	Tanner
Dooley	McIntyre	Tauscher
Doyle	McKinney	Taylor (MS)
Edwards	McNulty	Thompson
Engel	Meehan	Thurman
Eshoo	Meek (FL)	Tierney
Etheridge	Meeks (NY)	Torres
Evans	Menendez	Traficant
Farr	Millender-McDonald	Turner
Fattah	Miller (CA)	Velazquez
Fazio	Minge	Vento
Filner	Mink	Visclosky
Ford	Moakley	Waters
Frank (MA)	Mollohan	Watt (NC)
Frost	Moran (VA)	Waxman
Gejdenson	Morella	Wexler
Gordon	Murtha	Weygand
Green	Nadler	Woolsey
Gutierrez	Oberstar	Wynn
Hall (OH)	Obey	Yates

NOES—208

Aderholt	Bono	Collins
Armey	Brady (TX)	Combest
Bachus	Bryant	Cook
Baker	Bunning	Cooksey
Ballenger	Burton	Cox
Barr	Buyer	Crane
Barrett (NE)	Callahan	Crapo
Bartlett	Calvert	Cubin
Barton	Camp	Cunningham
Bass	Canady	Davis (VA)
Bateman	Cannon	Deal
Bereuter	Castle	DeLay
Bilbray	Chabot	Dickey
Bliley	Chambliss	Doolittle
Blunt	Chenoweth	Dreier
Boehlert	Christensen	Duncan
Boehner	Coble	Dunn
Bonilla	Coburn	Ehlers
Emerson	Kingston	Rogan
English	Klug	Rogers
Ensign	Knollenberg	Rohrabacher
Everett	Kolbe	Roukema
Ewing	LaHood	Royce
Fawell	Latham	Ryun
Foley	LaTourette	Salmon
Forbes	Lazio	Sanford
Fossella	Lewis (KY)	Saxton
Fowler	Linder	Schaefer, Dan
Fox	Lipinski	Schaffer, Bob
Franks (NJ)	Livingston	Sensenbrenner
Frelinghuysen	LoBiondo	Sessions
Gallegly	Lucas	Shadegg
Ganske	Manzullo	Shaw
Gekas	McCollum	Shays
Gibbons	McCrery	Shimkus
Gilchrest	McDade	Shuster
Gillmor	McHugh	Smith (MI)
Gilman	McInnis	Smith (NJ)
Goode	McIntosh	Smith (OR)
Goodlatte	McKeon	Smith (TX)
Goodling	Metcalf	Smith, Linda
Goss	Mica	Snowbarger
Graham	Miller (FL)	Solomon
Granger	Moran (KS)	Souder
Greenwood	Myrick	Spence
Gutknecht	Nethercutt	Stearns
Hall (TX)	Neumann	Stump
Hansen	Northup	Sununu
Hastert	Norwood	Talent
Hastings (WA)	Nussle	Taylor (NC)
Hayworth	Oxley	Thomas
Hefley	Packard	Thornberry
Herger	Pappas	Thune
Hill	Parker	Tiahrt
Hilleary	Paul	Upton
Hobson	Paxon	Walsh
Hoekstra	Pease	Wamp
Hostettler	Peterson (PA)	Watkins
Hulshof	Petri	Watts (OK)
Hutchinson	Pickering	Weldon (FL)
Hyde	Pickett	Weldon (PA)
Inglis	Pitts	Weller
Istook	Pombo	White
Jenkins	Porter	Whitfield
Johnson, Sam	Portman	Wicker
Jones	Quinn	Wilson
Kasich	Radanovich	Wolf
Kelly	Regula	Young (FL)
Kim	Riggs	
King (NY)	Riley	

NOT VOTING—21

Archer	Gonzalez	Pryce (OH)
Barcia	Hunter	Scarborough
Berry	Johnson, E. B.	Schumer
Burr	Kennelly	Tauzin
Ehrlich	Largent	Towns
Furse	McGovern	Wise
Gephardt	Poshard	Young (AK)

☐ 1705

The Clerk announced the following pair:

On this vote:

Mr. Berry for, with Mr. Scarborough against.

Messrs. BACHUS, KIM, BEREUTER, DAVIS of Virginia and Mrs. KELLY changed their vote from ''aye'' to ''no.''

Mrs. MCCARTHY of New York and Ms. MCKINNEY changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. RIGGS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RIGGS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 184, not voting 20, as follows:

[Roll No. 423]

AYES—230

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—184

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—20

Barcia
Berry
Burr
Ehrlich
Etheridge
Furse
Gephardt
Gonzalez
Johnson, E. B.
Kennelly
Largent
McGovern
Poshard
Pryce (OH)
Scarborough
Schumer
Tauzin
Towns
Wise
Young (AK)

☐ 1712

The Clerk announced the following pair:

On this vote:

Mr. Scarborough for, with Mr. Berry against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments?

There being no other amendments, under the rule, the Committee rises.

☐ 1715

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes, pursuant to House Resolution 516, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mrs. MINK of Hawaii. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 189, not voting 24, as follows:

[Roll No. 424]

AYES—221

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (MS)

Taylor (NC)	Walsh	White
Thomas	Wamp	Whitfield
Thornberry	Watkins	Wicker
Thune	Watts (OK)	Wilson
Tiahrt	Weldon (FL)	Wolf
Traficant	Weldon (PA)	Young (FL)
Upton	Weller	

NOES—189

Abercrombie	Hamilton	Oberstar
Ackerman	Harman	Obey
Allen	Hastings (FL)	Olver
Andrews	Hefner	Ortiz
Baldacci	Hilliard	Owens
Barrett (WI)	Hinchey	Pallone
Becerra	Hinojosa	Pascrell
Bentsen	Holden	Pastor
Berman	Hooley	Paul
Bishop	Hoyer	Payne
Blagojevich	Jackson (IL)	Pelosi
Blumenauer	Jackson-Lee (TX)	Pomeroy
Bonior		Price (NC)
Borski	Jefferson	Rahall
Boswell	Johnson (CT)	Ramstad
Boucher	Johnson (WI)	Rangel
Boyd	Kanjorski	Redmond
Brady (PA)	Kennedy (MA)	Reyes
Brown (CA)	Kennedy (RI)	Rivers
Brown (FL)	Kildee	Rodriguez
Brown (OH)	Kilpatrick	Roemer
Capps	Kind (WI)	Ros-Lehtinen
Cardin	Kleczka	Rothman
Carson	Klink	Roybal-Allard
Clay	Kucinich	Rush
Clayton	LaFalce	Sabo
Clement	Lampson	Sanchez
Clyburn	Lantos	Sanders
Condit	Lee	Sandlin
Conyers	Levin	Sawyer
Costello	Lewis (GA)	Scott
Coyne	Lofgren	Serrano
Crapo	Lowey	Sisisky
Cummings	Luther	Skaggs
Davis (FL)	Maloney (CT)	Skelton
Davis (IL)	Maloney (NY)	Slaughter
DeFazio	Manton	Smith, Adam
DeGette	Markey	Snyder
Delahunt	Martinez	Spratt
DeLauro	Mascara	Stabenow
Deutsch	Matsui	Stark
Diaz-Balart	McCarthy (MO)	Stenholm
Dicks	McCarthy (NY)	Stokes
Dingell	McDermott	Strickland
Dixon	McHale	Stupak
Doggett	McKinney	Tanner
Dooley	McNulty	Tauscher
Doyle	Meehan	Thompson
Edwards	Meek (FL)	Thurman
Engel	Meeks (NY)	Tierney
Eshoo	Menendez	Torres
Evans	Millender-McDonald	Turner
Farr		Velazquez
Fattah	Miller (CA)	Vento
Fazio	Minge	Visclosky
Filner	Mink	Waters
Ford	Moakley	Watt (NC)
Frank (MA)	Mollohan	Waxman
Frost	Moran (VA)	Wexler
Gejdenson	Morella	Weygand
Gilman	Murtha	Woolsey
Green	Nadler	Wynn
Gutierrez	Neal	Yates
Hall (OH)	Ney	

NOT VOTING—24

Barcia	Gonzalez	Pryce (OH)
Berry	Johnson, E.B.	Scarborough
Burr	Kaptur	Schumer
Davis (VA)	Kennelly	Smith (TX)
Ehrlich	McCrery	Tauzin
Etheridge	McGovern	Towns
Furse	Nussle	Wise
Gephardt	Poshard	Young (AK)

□ 1731

The Clerk announced the following pairs:

On this vote:

Mr. Scarborough for, with Mr. Berry against.

Mr. Ehrlich for, with Mr. McGovern against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to official business in the 30th Congressional District, I was unable to record my vote on H.R. 3892, the English Language Fluency Act. Had I been present, I would have voted "nay" on final passage on this measure. In addition, I would have voted "nay" on both the Martinez and Riggs Amendments to H.R. 3892.

COMMUNICATION FROM THE HONORABLE TED STRICKLAND, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable TED STRICKLAND, Member of Congress:

AUGUST 6, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Southern District of Ohio.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

TED STRICKLAND,
Member of Congress.

COMMUNICATION FROM STAFF MEMBER OF HONORABLE JOHN E. PETERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Shannon Jones, staff member of the Honorable JOHN E. PETERSON, Member of Congress:

4AUGUST 12, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of *Commonwealth of Pennsylvania* v. *Barger.*

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SHANNON JONES.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3892, ENGLISH LANGUAGE FLUENCY ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 3892, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3892, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3396

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3396.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMMUNICATION FROM STAFF MEMBER OF HON. JOHN E. PETERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Susan Gurekovich, staff member of the Honorable JOHN E. PETERSON, Member of Congress:

AUGUST 12, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of Commonwealth of Pennsylvania v. Barger.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SUSAN GUREKOVICH.

COMMUNICATION FROM STAFF MEMBER OF HONORABLE FRANK D. RIGGS, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from Rhonnda Pellegrini, staff member of the Honorable FRANK D. RIGGS, Member of Congress:

AUGUST 17, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have been served with a subpoena ad testificandum issued by the United States District Court for the Northern District of California in the case of Headwaters v. County of Humboldt, No. C–97–3989–VRW.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with