unanticipated events, both domestic and foreign. I would suggest that it is an impossible task for any person to estimate the budget and to estimate the national debt on a 10-year basis. I would offer as my basis for that statement a look-back just 5 years, not 10 years, which this legislation proposed.

In January of 1993, the Congressional Budget Office estimated what the national debt would be 5 years hence, in the fiscal year 1998, which ended September 30, 1998. Their projection was that the national debt on that date would be $4.863 trillion. At the same time, in January of 1993, the administration made an estimate of what they thought the national debt would be 5 years hence. Their projection was $4.576 trillion. The actual number was $3.720 trillion. So the CBO was off by over a trillion dollars. The administration was off by $856 billion. That was a 5-year projection.

What we are proposing in this legislation is to use 10-year projections and to give those the sanctity of almost biblical correctness, because they would become the basis upon which our future budgets would be predicated.

Mr. President, seeing my time is about to expire, I offer these amendments as an indication of the direction which I think we should be proceeding in as we strive together to achieve a very important goal, which is to protect the Social Security surplus for its intended purpose of meeting the obligations that we have for this and future generations of Americans. I believe the amendments I will offer will help both assure that the money is protected before it goes into the vault, and that the vault itself is a reasonable and secure place in which we can place those funds.

Protecting Social Security for our children and grandchildren is one of the highest goals of the Federal Government. We can make the lockbox stronger, and we can and should control emergency spending so there will be money to put in the lockbox for future generations.

Thank you, Mr. President.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

VIOLENT CRIME

Mr. BREAUX. Mr. President, I rise to make comments about the very unfortunate situation that occurred in Denver, CO, yesterday at Columbine High School. I know that our entire Nation mourns and grieves for the students and the teachers who lost their lives in the very tragic occurrence that happened just yesterday.

I, and I know all of my colleagues, hope for a day when the young people, our Nation's children, will never again have to fear for their safety anywhere in this country—but especially in their own schools that they attend each day. I certainly want to join with others who have extended their sympathies and condolences to the families and friends of those children who lost their lives. We hope for the very best for their families as they deal with this very tragic situation. I express my desire that they know our prayers are with them and their families.

As I, along with millions of Americans, watched on television yesterday the carrying out of something that used to be only in theatrical performances and in the movies—the tragic situation—I was drawn to the men and women of the Denver Police, Colorado law enforcement officials, members of the SWAT team, and the emergency medical personnel who were all working so diligently to spare people from suffering grave damages that were being inflicted on the victims in that community. They were doing everything they could to minimize the loss of life and human suffering and misery that was being brought about by the tragic actions of two apparently very disturbed and deranged young students who carried out these dastardly deeds.

I was also reminded of all of the people in my home State of Louisiana who, at the same time, have been working every day, night, week, and month to try to do something about the abnormal crime rate that has affected my own State of Louisiana. I report to my colleagues and to the people of our State that there is, indeed, some good news. The good news is contained in a report I saw just yesterday while this tragic event was going on in Colorado. The good news was that violent crime in the city of New Orleans, for example, has fallen 21 percent just since the month of January. This is the 11th consecutive quarter in which total crime—and particularly violent crime—was down.

This is not something that just happened. It happened because of the joint efforts of Mayor Marc Morial and the city council, along with the police force and, in particular, the superintendent of police in New Orleans, Superintendent Richard Pennington, and all the men and women of the New Orleans police force who have been working very diligently in a joint and cooperative effort to try to reach the success that now is becoming more and more apparent.

Since Chief Pennington took over the New Orleans Police Department, violent crime has dropped 55 percent. Overall, crime has fallen 33 percent. Murders are down 30 percent. Armed robberies, which numbered 1,200 every quarter, are now down to the 390s. Assaults are down 15 percent compared to the first quarter of 1998.

The New Orleans story is truly a real success story in confronting violent crime and doing something about it and doing something that has been enormously successful. Chief Pennington has said this success is a result of ''saturating the streets with more officers and putting them in key places'' and improving the investigations of repeat offenders.

I remember, for many months, we talked about President Clinton's proposal that the Congress adopted regarding community policing. This is a real example of the fact that community policing does in fact get the job done when you have people who believe in it. This administration can be justifiably proud of their proposal, and the States that implemented it and benefited from it can justifiably be pleased with the results. Chief Pennington has not only worked with Mayor Marc Morial and the city council to hire more people, he has been able to use the COPS program to hire 200 additional officers. New Orleans has received $8.6 million through this Federal program, dollars that have paid the salaries of extra and new police officers—obviously, money that has been well spent. Also, Chief Pennington has installed Comstat, which uses block-by-block data to track crime and find so-called hot spots in the community.

Using this data, the chief and his enforcement officials can move his offices from quiet areas to those areas that need more attention and need more police presence.

Obviously, the bottom line is these strategies and community policing programs are working. We now see actual indications and statistics which say that New Orleans is today a much safer place than it used to be, so that the thousands and thousands of people who regularly visit our cities for the numerable festivals, activities and celebrations which are part of our Louisiana culture, and particularly part of the New Orleans culture, can come to our city knowing it is a much safer place than it used to be.

I am particularly reminded of the next two weekends. We celebrate the jazz festival in New Orleans, and literally thousands of people from all over this country and literally from all over this world will be visiting our city. The good news is that they now know that when they visit these cities it is much safer than it has been in the past because of the actions of so many people who are dedicated, just as the people in Denver, to making their communities a safer place.

While we remember the tragedies in one city today in our Nation, we can also take great pride in knowing that activities by dedicated people are making a difference and that things in most communities are getting better. New Orleans is one example of that.

Mr. President, I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATO'S STRATEGIC CONCEPT

Mr. WARNER. Mr. President, as we approach the 50th anniversary Summit

of NATO this weekend, I rise today to share with my colleagues my concerns about a key document that will be considered at this summit. It is entitled ''Strategic Concept for NATO.''

Mr. President, I have been privileged to be in the Senate 21 years. Throughout those years of time, there has often been a need to speak on behalf of NATO in this Senate. I say humbly and most respectfully that I have been at the forefront of Senate support for NATO. I can remember the early years of my time in the Senate. There was Member after Member that assaulted the need for the United States to remain in NATO. ''Let's cut back. Let's save the money. Let's bring our men and women home. We have done our job.'' I was among that group that had the long-range vision for NATO. It must remain. It must be strong, and U.S. leadership in NATO is absolutely essential.

So the remarks that I contribute today, here on the floor, are the result of a series of consultations I have had with the administration, and I hope will be taken in a constructive light and not as an expression in any way of criticism of this great organization, NATO.

With that in mind, I wrote to the President of the United States on April 7 to urge him to initiate, among the other 18 nations and the heads of state and government of NATO, the thought that at this 50th summit we should not try and write the final draft of the ''Strategic Concept.'' I repeat, ''the final draft.'' Certainly at this important gathering, a draft should be considered. Maybe several drafts should be considered, but we should not etch in stone the final draft of the ''Strategic Concept.'' That document spells out the future strategy and mission of the alliance. It states the parameters by which the alliance decides whether it should or should not send forward military units to engage in operations, possibly combat operations.

Why do I take this position? Because the old ''Strategic Concept,'' enacted in 1991, was largely oriented towards the Soviet Union and the threats from the Soviet Union and the Warsaw Pact. So obviously it is time to change it. But it can remain in effect for an additional, brief period of perhaps 6 months so that we can evaluate the lessons learned from the Kosovo operation.

Periodically in the 50-year history of NATO, NATO has changed its mission statement, or ''Strategic Concept.'' But that can remain in effect for 8, 9 sometimes 10 years.

So this document to be revised at this summit could well control NATO operations for the next decade.

I do not see the urgency to put it, as I say, in stone at this time. The urgency is to consider it, to put out a draft, and let the nations of NATO and their respective legislators and the Congress of the United States consider those drafts and consider them—this is the key reason that I rise—''consider'' them in the light of the lessons learned in Kosovo.

This 50th anniversary Summit is taking place against the background of perhaps the most serious conflict we have seen on the European continent—indeed, the most serious, in my judgment, since the conclusion of World War II. It is the first actual combat of a great magnitude in which NATO has been involved.

We are operating on what is known as the ''consensus'' of the 19 nations—any one of which has a veto power—directing the military operations, which are under the command of General Clark, the Supreme Allied Commander.

I am not here to in any way criticize these operations. But I will simply say, Mr. President, that there will be many, many lessons learned at such time as this operation—and the sooner the better—is concluded with NATO having succeeded in reaching the objectives that have been made very clear by the NATO alliance and addressed many times by our President, the Prime Minister of Great Britain, the Chancellor of Germany, and others.

Mr. President, the alliance must have time to evaluate the lessons learned from the Kosovo operations before, again I say, setting in stone for possibly the next decade documents which will guide future NATO military operations.

While everyone recognizes the ''Strategic Concept'' of 1991 must be updated, it has not impeded the current Kosovo operation. Indeed, this operation is going forward with that ''Strategic Concept'' still in place. So it could stay in place another 6 months.

That is the only period of time I am asking for—an additional 6 months before the ''Strategic Concept'' is finalized. A short delay has advantages, if for no other reason than to show respect for the Congress of the United States and the people of this country will have their own evaluation of how well the Kosovo operation went, what was done right and what could have been improved.

The Secretary of Defense, when he was before the Armed Services Committee last week, said in response to questioning, ''We are guided by the consensus of the alliance.'' We need all 19 voices to say yes. And then he made a very important addition, ''Had we been there alone or with a coalition similar to what we had in 1991 in the Persian Gulf we might have done it another way.''

This is a lesson learned. We should not be allowed to deny to the Congress and to other legislatures the opportunity to study lessons learned and to make our contribution as a member nation to the future ''Strategic Concept for NATO.''

As I speak today, the draft of the ''Strategic Concept'' continues to be reworked, during this very hour, by the staffs of the 19 nations before it will be submitted to the NATO heads of state this weekend at the summit. There are press reports today that key elements of the ''Strategic Concept'' might not be completed by the summit—due to be continued—because of disagreement among the allies. The key element there is the relationship between NATO and the United Nations—a very, very important relationship. At no time should the United Nations have a veto over a decision by the NATO powers to use force. That is this Senator's view.

My main concern is, to what extent does the draft ''Strategic Concept'' reflect the views expressed in a May 15, 1998, speech in Berlin that President Clinton made? I am addressing the draft being reworked against a background of a statement by the President of the United States a year ago. President Clinton stated:

> Yesterday's NATO guarded our borders against direct military invasion. Tomorrow's Alliance must continue to defend enlarged borders and defend against the threats to our security from beyond them [meaning borders]—the spread of weapons of mass destruction, ethnic violence, regional conflict.

That thought expresses a desire to broaden and go beyond the 1991 concept. Is that being worked in this final draft? I know not; collectively, we in this Chamber do not know.

Other administration officials, most notably the Secretary of State, Ms. Albright, have been outspoken in the belief that the revised ''Strategic Concept'' should place increased emphasis on NATO's future role in non-Article 5—she said ''out of area''—threats to our ''common interests,'' threats such as Kosovo. The definition of these common interests and the various military missions NATO is prepared to undertake in defense of these interests will establish the foundation for NATO military operations, possibly for the next decade.

Against the backdrop of the uncertainties in Kosovo, NATO should pause, in this Senator's judgment—I repeat, take a breath, a long deep breath and pause—before rendering judgment on these important issues. Let us review, over the next 6 months, the lessons learned as a consequence of the Kosovo operation.

Unfortunately, the NATO summit will take place against the background of continuing, unfolding events relating to Kosovo which we cannot predict at this moment. The United States and our allies may have many lessons to be learned from Kosovo to assess as we look to NATO's future for the next decade and its military missions. That assessment must be a pivotal part of any new strategic concept. NATO is simply too important to the United States, to our allies in Europe, and indeed to those nations who seek admission to NATO. NATO is essential for the future of the European continent and our relationships with that continent.

We are just beginning to learn important lessons now in the Kosovo situation. For example, it is obvious to all that the U.S. military is the primary source of attack aircraft. We are flying 60 percent of the missions of the high-

performance aircraft. Most of the ordnance being used is high-tech, precision-guided ordnance, an arsenal of which the United States possesses in far greater numbers than the other nations of NATO. They simply do not have in their military inventories this equipment.

I add to that, the airlift; that is, the cargo planes that must put in place the necessary resupply, the necessary equipment; for example, the helicopters, the Apaches which are moving in at this very moment, to be positioned in Albania for future use in the Kosovo operation. The other nations simply do not have that airlift. They do not have the tanker aircraft. Airplanes going into Kosovo now take off from Italy or other places. They move in, they have to get refueled in most instances before the strikes, they are refueled coming out of the strikes, and indeed refueled over the area so they can remain over the target area. It is the U.S. tanker aircraft that are carrying on the greater proportion of that essential part of this mission. The other nations of NATO do not have in their inventories that equipment.

Until other nations do acquire or at least have in place firm contractual commitments to acquire such equipment, the United States will likely be the only source of that equipment for any future operation other than Kosovo. It is our taxpayers, it is our men and women of the Armed Forces, who support and maintain this equipment. As we write the future concept for operations in NATO, we have to recognize that much of the equipment for modern warfare is possessed by the United States. Are we ready to sign that in stone now, recognizing particularly that the new nations do not have that equipment? A lesson to be learned, a lesson to be thought through very carefully.

The American people will soon be asked to support an emergency supplemental budget request to pay for the costs of the Kosovo operation. Are Americans ready to sign up to a new strategic concept that could well commit the U.S. military to other such operations requiring the same type of weaponry?

There are other lessons to be learned. It is now becoming apparent that our military planners are being subjected to many levels of review—this is a consensus military operation by 19 nations—for it is a fact that NATO can only operate by consensus; 19 nations must agree before a military action can be taken. A single nation can stop the planners—indeed, even stop the operation.

The result can be a military planning operation of the ''lowest common denominator.'' Are we now making military decisions not on the basis of the professional military judgment or on the basis of what will be most effectively done to achieve our objectives on the battlefield but, rather, on what agreement we can get among the 19 nations to carry out the recommendations of the professional military? These are issues which are to be examined as lessons learned in the future of Kosovo.

On April 7 I wrote the President a letter expressing the various concerns that I have related here on the floor. The President responded to my letter, on April 14, indicating his position that, ''the right course is to proceed with a revised 'Strategic Concept' '' at this conference, and sign it into stone.

Therefore, I ask unanimous consent to print in the RECORD the exchange of letters; my letter sent to the President and his response.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, April 7, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Administration, in consultation with our NATO allies, is now finalizing various documents to be submitted to the Heads of State for ratification at the upcoming 50th anniversary NATO Summit to be held in Washington later this month. A key decision, in my view the most important one, is the revision of the Strategic Concept for the future—perhaps a decade—that will guide NATO in its decision making process regarding the deployment of military forces.

I am recommending, Mr. President, that a draft form of this document be reviewed by the principals, but not finalized, at this 50th anniversary Summit. Given the events in Kosovo, a new Strategic Concept for NATO—the document that spells out the future strategy and mission of the Alliance—should not be written ''in stone'' at this time. Instead, NATO leaders should issue a draft Strategic Concept at the Summit, which would be subject to further comment and study for a period of approximately six months. Thereafter, a final document should be adopted.

NATO is by far the most successful military alliance in contemporary history. It was the deciding factor in avoiding widespread conflict in Europe throughout the Cold War. Subsequent to that tense period of history, NATO was, again, the deciding factor in bringing about an end to hostilities in Bosnia, and thereafter providing the security essential to allow Bosnia to achieve the modest gains we have seen in the reconstruction of the economic, political and security base of that nation.

Now NATO is engaged in combating the widespread evils of Milosevic and his Serbian followers in Kosovo.

I visited Kosovo and Macedonia last September and witnessed Milosevic's repression of the Kosovar Albanians. Thereafter, I spoke in the Senate on the essential need for a stabilizing military force in Kosovo to allow the various international humanitarian organizations to assist the people of Kosovo—many then refugees in their own land, forced into the hills and mountains by brutal Serb attacks. Since then, I have consistently been supportive of NATO military action against Milosevic.

Unfortunately, it is now likely that the NATO Summit will take place against the background of continuing, unfolding events relating to Kosovo. At this time, no predictions can be made as to a resolution.

We are just beginning to learn important lessons from the Kosovo conflict. Each day is a new chapter. For example, NATO planners and many in the Administration, and in Congress, have long been aware of the disparities in military capabilities and equipment between the United States and our allies. Now, the military operation against Yugoslavia has made the American people equally aware and concerned about these disparities. The U.S. has been providing the greatest proportion of attack aircraft capable of delivering precision-guided munitions. Further, the United States is providing the preponderance of airlift to deliver both military assets (such as the critically needed Apache helicopters and support equipment) and humanitarian relief supplies, the delivery of which are now in competition with each other.

Until other NATO nations acquire, or at least have in place firm commitments to acquire, comparable military capabilities, the United States will continually be called on to carry the greatest share of the military responsibilities for such ''out of area'' operations in the future. This issue must be addressed, and the Congress consulted and the American people informed.

It is my understanding that the draft Strategic Concept currently under consideration by NATO specifically addresses NATO strategy for non-Article 5, ''out of area'' threats to our common interests—threats such as Bosnia and Kosovo. According to Secretary Albright in a December 8, 1998 statement to the North Atlantic Council, ''The new Strategic Concept must find the right balance between affirming the centrality of Article V collective defense missions and ensuring that the fundamental tasks of the Alliance are intimately related to the broader defense of our common interests.'' Is this the type of broad commitment to be accepted in final form, just weeks away at the 50th anniversary Summit?

During the Senate's debate on the Resolution of Ratification regarding NATO expansion, the Senate addressed this issue by adopting a very important amendment put forth by Senator Kyl. But this was before the events in Kosovo. The lessons of Kosovo could even change this position.

The intent of this letter is to give you my personal view that a ''final'' decision by NATO on the Strategic concept should not be taken—risked—against the uncertainties emanating from the Kosovo situation.

The U.S. and our allies will have many ''lessons learned'' to assess as a pivotal part of the future Strategic Concept. Bosnia and Kosovo have been NATO's first forays into aggressive military operations. As of this writing, the Kosovo situation is having a destabilizing effect of the few gains made to date in Bosnia. This combined situation must be carefully assessed and evaluated before the U.S. and our allies sign on a new Strategic Concept for the next decade of NATO.

A brief period for study and reflection by ourselves as well as our Allies would be prudent. NATO is too vital for the future of Europe and American leadership.

With kind regards, I am

Respectfully,

JOHN WARNER,
Chairman.

THE WHITE HOUSE,
Washington, DC, April 14, 1999.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your thoughtful letter on the upcoming NATO summit and the revised Strategic Concept. I appreciate your attention to these important issues, and I agree strongly with your view that NATO's continued vitality is essential to safeguarding American and European security.

I have thought carefully about your proposal to delay agreement on the revised Strategic Concept in light of NATO's military operations in Kosovo. While I share your deep concern about the situation in Kosovo and the devastating effects of Serb atrocities, I am convinced that the right course is to proceed with a revised Strategic Concept that will make NATO even more effective in addressing regional and ethnic conflict of this very sort. Our operations in Kosovo have demonstrated the crucial importance of NATO being prepared for the full spectrum of military operations—a preparedness the revised Strategic Concept will help ensure.

The Strategic Concept will reaffirm NATO's core mission of collective defense, while also making the adaptations needed to deal with threats such as the regional conflicts we have seen in Bosnia and Kosovo as well as the evolving risks posed by the proliferation of weapons of mass destruction. It will also help ensure greater interoperability among allied forces and an increased European contribution to our shared security. The Strategic Concept will not contain new commitments or obligations for the United States but rather will underscore NATO's enduring purposes outlined in the 1949 North Atlantic Treaty. It will also recognize the need for adapted capabilities in the face of changed circumstances. This approach is fully consistent with the Kyl Amendment, which called for a strong reaffirmation of collective defense as well as a recognition of new security challenges.

The upcoming summit offers a historic opportunity to strengthen the NATO Alliance and ensure that it remains as effective in the future as it has been over the past fifty years. While the situation in Kosovo has presented difficult challenges, I am confident that NATO resolve in the face of this tyranny will bring a successful conclusion.

Your support for the NATO Alliance and for our policy in Kosovo has been indispensable. I look forward to working closely with you in the coming days to ensure that the summit is an overwhelming success.

Sincerely,

BILL CLINTON.

Mr. WARNER. Mr. President, I address the Senate today because I have done my very best as one Senator to bring this to the attention of our President, and hopefully, through this floor speech, to the attention of the other heads of state and government who will come to Washington. Again, I continue to urge my plea not to put this ''Strategic Concept'' in final form in this forthcoming Summit. I encourage my colleagues who may share my views on this critical issue to likewise speak out before it is too late, in an effort to prevent a rush to judgment on NATO's future. NATO is simply too important to our national security to do any less.

On a related issue, I am distressed to hear statements by my colleagues, and some in the administration, which tie NATO's future to a successful—I repeat successful—outcome in Kosovo. I personally support the objectives that have been stated time and time again by the NATO ministers, and indeed our President, our Secretaries of State and Defense. We all know we have to create a situation so the refugees can be returned. We know we have to have in place a military force, the composition of which I think should be flexible. It does not have to be all United States—absolutely not. Maybe other nations not in NATO will join. We need flexibility there to allow these people to return in a secure environment and to have a measure of self-government, of autonomy. They deserve no less. Those are the basics.

But to say unless everything we lay down today has succeeded, we have success and we have victory, and if we do not achieve it, it is the end of NATO—I urge my colleagues not to make such a statement. NATO must go on. NATO must go on and survive the Kosovo operation. It is the responsibility of those of us here in the Senate, of the President of the United States, and the other heads of state and government to make certain that is achieved, because we know not at this moment what the outcome will be in Kosovo. Yes, we have to achieve the basic goals, but in my humble judgment, diplomacy will reenter at some point. So I suggest we pledge ourselves to the future of NATO and be more cautious in our statements.

Kosovo-like operations are not NATO's reason for being. They are ''out-of-area'' operations that NATO does if it can. We should not be making pronouncements on NATO's future based on the outcome of these ''out-of-area'' operations.

This alliance has withstood the test of time for 50 years. It has exceeded the expectations of those minds that gathered 50 years ago to conceive it. It is the most significant military alliance in the history of mankind, and it has to continue to be for the future.

Mr. President, I thank my colleagues for their patience in allowing me to deliver these remarks, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in morning business.

Mr. JEFFORDS. Mr. President, I believe under the special order, the conference report on the Ed-Flex bill should be brought forward at this time.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999—CONFERENCE REPORT

Mr. JEFFORDS. Mr. President, I submit a report of the committee of conference on the bill (H.R. 800) to provide for education flexibility partnerships and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The Legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 800), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 20, 1999.)

Mr. JEFFORDS. Mr. President, today, we are considering the conference report to the only outstanding education issue remaining from the last Congress—the Education Flexibility Partnership Act. Today, we will complete last year's unfinished business.

Over a year ago, the President told the Nation's Governors that passage of this legislation ''would dramatically reduce the regulatory burden of the federal government on the states in the area of education.''

The National Governors' Association has strongly urged the Congress to pass Ed-Flex this year and today we will act on their request.

The Education Flexibility Partnership Act, H.R. 800, will give States the ability, if they so choose, to make limited resources go further toward the goal of improving school and student performance. It offers a deal no one can refuse—results rather than red tape.

Under Ed-Flex, the Department of Education gives a State authority to grant waivers within a State, affording each State the ability to make decisions about whether school districts may be granted waivers pertaining to certain Federal requirements.

It is very important to note that States cannot waive any Federal regulatory or statutory requirements relating to health and safety, civil rights, maintenance of effort, comparability of services, equitable participation of students and professional staff in private schools, parental participation and involvement, and distribution of funds to state or local education agencies.

Currently 12 States have Ed-Flex authority which was created through a Federal demonstration program, originally created in 1994.

My home State of Vermont is one of the twelve using Ed-Flex authority. Vermont has used Ed-Flex to improve and maximize Title I services for those students participating in Title I programs in smaller rural school districts. In addition, my home state has also used their Ed-Flex authority to provide greater access to professional development, which is essential to educational reform and improvement.

Two weeks ago, the Independent Review Panel, which was created under the 1994 Elementary and Secondary Education Act for the purpose of reviewing federally funded elementary and secondary education programs, issued its report.

One of the sections of the report focuses on waivers including the use of waiver authority by the current 12 Ed-Flex States. The report states:

Waivers also encourage innovation; they allow educators to focus first on identifying the most promising strategies for improving academic achievement and then on requesting waivers to remove obstacles to their efforts.

I believe H.R. 800 is structured to ensure that the primary function of