

# EXTENDING THE EDUCATIONAL FLEXIBILITY PROGRAM OF THE EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2363, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2363) to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I rise today to express my strong support for the extension we are passing tonight of the Education Flexibility Partnership Act.

I authored the original legislation to create Ed-Flex, as it is more commonly known, back in 1999 after learning through my chairmanship of the Senate Budget Committee Task Force on Education about the excessive red tape attached to Federal education funding.

I listened to school administrators and education leaders who told me again and again about the bureaucratic challenges they faced when trying to improve education.

After seeing how a demonstration project involving 12 States achieved such impressive results in improving student performance, I wrote legislation to expand the program to all 50 States.

The Ed-Flex program gives greater flexibility to States in using Federal funds in exchange for greater accountability for student achievement.

The program does not change the amount of funding available—but it eliminates some of the strings attached. Schools must still use the Federal funds for the purposes for which they were designed, and health, safety, civil rights, and disabled requirements cannot be waived.

Ed-Flex was an early attempt at education reform aimed at improving student achievement, and paved the way for the No Child Left Behind Act just 2 years later.

It allows educators to find new ways of improving the quality of education for every child, and it set the stage for acknowledging the connection between flexibility and accountability in improving student performance.

Ed-Flex encourages innovation within America's schools and allows our students the opportunity to succeed academically and globally.

I thank Senator BURR for his leadership on this extension of Ed-Flex, and for the support of my colleagues on both sides of the aisle for their recognition of this important tool for America's students.

Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any state-

ments relating to the bill be printed in the RECORD.

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

The bill (S. 2363) was read the third time and passed, as follows:

S. 2363

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

## SECTION 1. EDUCATIONAL FLEXIBILITY PROGRAM EXTENSION.

(a) EXTENSION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Education is authorized to carry out the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b), until the date of enactment of an Act that reauthorizes programs under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), for any State that was an Ed-Flex Partnership State on September 30, 2004.

(b) DESIGNATION.—

(1) IN GENERAL.—Any designation of a State as an Ed-Flex Partnership State that was in effect on September 30, 2004, shall be extended until the date of enactment of an Act that reauthorizes programs under part A of title I of the Elementary and Secondary Education Act of 1965, if the Secretary of Education makes the determination described in paragraph (2).

(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency, in carrying out the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.

## ORDERS FOR FRIDAY, MARCH 3, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Friday, March 3. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of S. 2320, the LIHEAP funding bill.

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

## PROGRAM

Mr. FRIST. Mr. President, today the Senate overwhelmingly, finally adopted the PATRIOT Act conference report with a vote of 89 to 10. We spent a great deal of time considering this bill, and I am pleased and relieved that we reached a final conclusion on this important legislation. It has a very careful balance of civil liberties and at the same time guarantees elimination of that barrier between law enforcement and our intelligence community to make sure that men and women and children and families are protected here in our homeland. It has been tough to get to this point with a lot of negotiation and a lot of delay and postponement, but finally we have completed that important bill.

We are now considering the LIHEAP bill, and we hope to complete action on that bill early next week. Also, next week we will begin work on the lobbying reform measure. We made progress on the whole effort of lobbying reform both in the Government Affairs Committee today, as well as in the Rules Committee earlier in the week.

Next week we will be busy with votes each day as we work through initially LIHEAP and then the lobbying bill. Tomorrow I will have more to say on both the sequencing and timing of the lobbying bill and LIHEAP. The next votes will occur on Monday at 5:30 in the evening on the confirmation of three district judges.

## ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:22 p.m., adjourned until Friday, March 3, 2006, at 9:45 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 2, 2006:

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOHN W. COX, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE CARIN M. BARTH, RESIGNED.

### DEPARTMENT OF STATE

GEORGE MCDADE STAPLES, OF KENTUCKY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE W. ROBERT PEARSON, RESIGNED.

### UNITED STATES POSTAL SERVICE

MICKEY D. BARNETT, OF NEW MEXICO, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2013, VICE ROBERT F. RIDER, TERM EXPIRED.

KATHERINE C. TOBIN, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2012, VICE S. DAVID FINEMAN, TERM EXPIRED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major general

BRIG. GEN. THOMAS J. LOFTUS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major general

BRIGADIER GENERAL CHRIS T. ANZALONE, 0000  
BRIGADIER GENERAL KURT A. CICHOWSKI, 0000  
BRIGADIER GENERAL THOMAS F. DEPPE, 0000  
BRIGADIER GENERAL PAUL A. DETTMER, 0000  
BRIGADIER GENERAL WILLIAM L. HOLLAND, 0000  
BRIGADIER GENERAL RONALD R. LADNER, 0000  
BRIGADIER GENERAL ERWIN F. LESSEL III, 0000  
BRIGADIER GENERAL JOHN W. MALUDA, 0000  
BRIGADIER GENERAL MARK T. MATTHEWS, 0000  
BRIGADIER GENERAL GARY T. MCCOY, 0000  
BRIGADIER GENERAL STEPHEN J. MILLER, 0000  
BRIGADIER GENERAL THOMAS J. OWEN, 0000  
BRIGADIER GENERAL RICHARD E. PERRAULT, JR., 0000  
BRIGADIER GENERAL POLLY A. PEYER, 0000  
BRIGADIER GENERAL DOUGLAS L. RAABERG, 0000  
BRIGADIER GENERAL JEFFREY A. REMINGTON, 0000  
BRIGADIER GENERAL ROBERTUS C.N. REMKES, 0000  
BRIGADIER GENERAL FREDERICK F. ROGGERO, 0000  
BRIGADIER GENERAL MARSHALL K. SABOL, 0000  
BRIGADIER GENERAL PAUL J. SELVA, 0000  
BRIGADIER GENERAL RICHARD E. WEBBER, 0000  
BRIGADIER GENERAL THOMAS B. WRIGHT, 0000  
BRIGADIER GENERAL MARK R. ZAMZOW, 0000

March 2, 2006

CONGRESSIONAL RECORD — SENATE

S1663

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. WILLIAM H. WALKER IV, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. JOSEPH C. CARTER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

*To be rear admiral*

CAPT. JAMES W. HOUCK, 0000