

stubborn commitment to continue his failed policy in Iraq.

The "progress" reported by the Administration is arguable. But what is not subject to debate is this: there is no such thing as "winning" an occupation. We cannot have a military "victory" in Iraq. The only way out of this quagmire is a political solution. And after more than four years, there has been no political progress in Iraq. The President seems to believe that another 10 years of occupation, to the tune of trillions of dollars and thousands more American lives, is worth wagering on this disastrous conflict. The American people and the Congressional Black Caucus disagree.

The White House and its emissaries continue to urge the Congress and the American people to view the disastrous conflict in Iraq through rose-colored glasses. But we know better. No independent assessment of the situation in Iraq aligns with the picture presented by the White House. The Government Accountability Office reports that the Iraqi government has failed to meet 15 of the 18 benchmarks for success in Iraq as articulated by the President himself. The Jones Commission concludes that the Iraqi National Police force that we have spent millions of dollars training and equipping is 'dysfunctional,' riddled with sectarianism, corruption and inefficiency, and should be disbanded altogether. The consensus of the nation's intelligence community, in the latest National Intelligence Estimate, is that the 'level of overall violence, including attacks on and casualties among civilians remains high' and 'Iraq's sectarian groups remain unreconciled.'

Furthermore, the Administration's use of statistics to reinforce its claims of success is problematic. According to a report in the Washington Post, U.S. military leaders and the White House are 'cherry-picking' data to bolster their claims that the President's failed war strategy is working. In order to support this claim, military and Administration calculations are based on a system of categorizing and excluding statistics that 'selectively ignored negative trends' and 'puzzled' senior intelligence officials and the nation's chief auditor and head of the Government Accountability Office. For example, people who were killed by a shot to the back of the head are included as 'sectarian' casualties, but those killed by a shot to the front of the head are not counted because they are assumed to be dead from 'criminal' activity, according to an intelligence analyst quoted in the article.

In fact, the death toll in Iraq is rising. The Associated Press reports that while the President's escalation has succeeded in bringing violence in Baghdad down from peak levels, the death toll from sectarian attacks around the country is running nearly double the pace from a year ago. The AP counted 1,809 civilian deaths in August, making it the highest monthly total this year. Though the administration continually cites a reduction in violence in Anbar province as evidence of the surge's success, in fact, the Marines had already established ties to local Sunni leaders long before the 'surge' strategy was even announced. June, July and August 2007 marked the bloodiest summer so far for U.S. troops in Iraq, with 264 soldiers killed.

This grim picture is further reflected in Iraqi public opinion. A BBC/ABC News poll conducted in August concludes that Iraqi opinion is at its gloomiest since the polls began in

February 2004. According to this latest poll, between 67 and 70 percent of Iraqis say the escalation has made things worse in the key areas of security, the conditions for political dialogue, reconstruction and economic development. A majority (57 percent) of Iraqis believe that attacks on coalition forces are acceptable, including 93 percent of Sunnis and 50 percent of Shia.

The token drawdown of troops proposed by General Petraeus and endorsed by the President, in which nearly a year would pass before troop strength returns to pre-escalation levels, is neither a political compromise nor a "new plan." In fact, this drawdown has been scheduled to take place since the beginning of the "surge," because to do otherwise would stretch our military beyond the breaking point. So, in effect, the President is offering nothing at all in response to the demand of the American people and the Congress to bring our troops home—except another 10 years of war and occupation.

The President continues to ask our troops to referee a civil war whose outcome depends entirely on the actions of politicians in Baghdad. As General Petraeus himself has pointed out, the conflict in Iraq cannot be solved militarily; only a political settlement by Iraq's leaders can bring this conflict to an end. Yet, despite the fact that Iraqi politicians have made virtually no progress toward this goal in four years, the President insists on a continuing American military involvement, with no end in sight. The American people understand that this policy has failed, and this Congress will continue to fight to bring an end to this disaster and to bring our troops home.

#### EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARRETT of New Jersey. I appreciate the opportunity to be able to come to the floor this evening to speak on a topic that I, quite honestly, am quite passionate about, and that is the education of our children, of my children, of the children in our communities and the children of all the parents across this great country. It's an issue that I have been involved with for some time, first and foremost as a father with my own children at home, obviously from the very beginning days as educating them as a parent before they went off to school, and then later as they are in school now, both at home and off in college as well. Obviously, as a parent, we are all intimately involved with those issues. But in another sense as well, in a public official capacity. Before coming to Congress, I had the opportunity to work with the issues of education and public education, serving for 12 years, as I did, in the State government and serving on the Education Committee there.

I come to the floor now tonight to talk about an issue, education, and specifically some legislation that will be coming before this House, and eventually the Senate as well, and perhaps to

the President's desk, and that is something called NCLB, No Child Left Behind. Now, as I say, there are numerous issues, and we just heard the other side of the aisle talk about the issue of war, which is often making the press and making the media and is talked about on talk radio quite continuously, as it should be. And the issue of education, public education is perhaps down there on some of the polls and down there as far as talk radio and the media as well. And I have noticed that the issue of the reauthorization of NCLB, No Child Left Behind, also has not been out there in the forefront of people's debate. But rest assured, it shall be in the days and weeks ahead, as first the full committee in this House will consider legislation and has already drafted legislation, which I will talk about shortly, as the committee begins to consider that and hopefully have a number of public hearings on that and eventually come before this entire House for discussion.

So I think it's important that we get out in front of it, if you will, to talk about NCLB, and maybe a little bit about the history of where we are on public education in this country, how did we get to the point we are right now; NCLB, and what it has wrought to this country over the last half a dozen years that it has been the law of this land, and what could occur if it does get reauthorized.

And finally, at the end, of course, I would like to talk a little bit about what I see as the solution to the problems of public education and their impact upon NCLB. And I will just give you a tad bit of a look at that right now, and that is, I have dropped in some legislation, H.R. 3177, and what H.R. 3177 is is a bill. I call it the LEARN Act, "Local Education Authority Returns Now." And what that acronym simply means is that we really should take a look at education, see where we came from, and realize that in the earliest days of education in this country the idea was that having the parents involved first and foremost, having the teachers, the local principals involved first and foremost, and then the school board or community boards that run education is really the best way to ensure that our young kids will have the best education in their community, that the standards will be the highest possible and obtainable for all the children in their school, that the teachers will be the best and the brightest, that the methodology that we will use in those schools will be the best, and the school books and the programs and what have you will all be as best that we can in our local communities.

□ 2115

That has been the history of public education. That has been the history of private education, as well, and that is really what is at the heart of my piece of legislation, H.R. 3177, to say, can't we return, or can't we move forward, if

you will, to that, once again, to put the control, to put the decision-making, to put the accountability and to put the promise of better education right at home with the parents, the teachers, the principals and the like. That is what H.R. 3177 really does.

But I get ahead of myself here when I talk about what the solution to the problem is before we even spend a little bit of time about looking at what the problem was. Now, NCLB was signed into law, as I said, just a little less than a half a dozen years ago. It is up for reauthorization right now. When the President signed the law into effect, he hailed it as “an historic new law that will change the culture of American schools.”

Now, at the heart of this change were mandatory new testing, reporting, and accountability requirements. You see, the theory went that schools would raise their standards and strive to make improvements, and then this eventually you might say trickle down and assist the underperforming students that needed the help the most.

But as we now reconsider the reauthorization of No Child Left Behind, I submit that many of the changes brought about by this law were certainly unintended, maybe not unforeseen if they had merely taken the time to try to consider what some of the consequences would be, but they were truly burdensome and unintended consequences that were brought about by it. You see, instead of giving the local school districts the flexibility that they really need to develop their own curriculum to the very best limits that they can, they are instead hampered by NCLB’s testing requirements, and they must basically now tailor their classrooms around this standardization to, what is in a way, a schizophrenic standardization, if you will.

I will explain that. On the one hand, the advocates of NCLB and those who you will hear who advocate its reauthorization will say, well, look, NCLB actually gives flexibility to the classroom and to the States inasmuch as they have the ability to set their standards and they have the ability to set their proficiency. Now, that is the one argument that the proponents of NCLB will make. Flip it around, though, and the same proponents will say, well, wait a minute, at the same time we are doing that, we are going to be requiring accountability at that level and a standardization across the board to an extent on this, as well. Obviously, that is a schizophrenic talking out of both sides of your mouth on a point, because, of course, you can’t have both.

To the first point of essentially allowing the States the opportunity to set their own standards, well, there is a nod, if you will, to federalism, which is the appropriate way to handle education, that is, at the local level; but think about what has actually occurred. This is it: if you are going to tell the States that you are able to set

your own standards, but then, at the same time, tell the States that we are going to tie your funding to your meeting those standards, or exceeding those standards, what is going to be the result? Well, I can tell you what the result has been, and that is the proverbial race to the bottom.

It makes logical sense. If a State were to set the standards to where the parents would like them, perhaps the community would like them, perhaps the business interests and the community interest and everyone else in the State would like them, at a high level in the State, what is potentially going to occur in that State? Well, potentially, what is going to occur is they are not going to achieve what the law requires, which is 100 percent proficiency.

Think about that last term just for a moment. One hundred percent proficiency is being demanded by the Federal Government. I would like to hear from the Department of Education about any of their programs that are being run 100 percent proficiently. For that matter, I would like to hear from any agency of the Federal Government that their agency is being run 100 percent proficiently. Yet, even though the Federal Government can’t achieve it, they are going to say that the States have to achieve that 100 percent proficiency level, because that is the requirement of NCLB.

The result is that those bureaucrats in the State who realize that their dollars are going to be tied to whether or not they meet the bar that they themselves have set, they are going to race to the bottom, lowering the standards.

This is just not a hypothetical that I am suggesting. This has been the actual result. This has been the actual result of State after State as they realized during the course of the implementation of NCLB that they have not been able to meet the proficiency standards that they had previously, and so they have lowered them. I believe I have examples of that. One example, of course, was in Michigan where prior to the law they had various standards within their schools as far as math and reading and what have you. Those standards were fairly high. You and I might agree they are appropriate levels for the schools. But they realized that they were not going to be able to meet those standards on a 100 percent proficiency level. So what did they do? They did really the logical thing for the best interests, I guess, for the people who run the schools, the bureaucrats and what have you in the State, but certainly not necessarily in the best interests of the students. They lowered the standards.

Now, by lowering the standards, suddenly, magically, if you will, they have now met their new lowered standards and they are in compliance with NCLB. There are obviously, not obviously, but there are clearly additional examples of this. I can give you some additional examples.

But I see I have been joined by several of my colleagues here on the floor, and I will turn the floor over now to Ms. FOXX who is quite equally interested, and I would say concerned, and dare I say equally passionate about the issue of education for our children and making sure that the standards are as high as completely possible and that the area of control remains appropriately where it should be, and that is with the parents and the local school community.

Ms. FOXX. Mr. Speaker, I really appreciate Representative GARRETT putting together this Special Order tonight.

While I missed the very beginning of it, I know we often share Special Orders when we are dealing with the Constitution, and I think it a bit ironic that we are here on Constitution Day dealing with this issue which we often talk about in terms of the Constitution and the role of the Constitution and the Federal Government in dealing with education.

Let me say, first of all, you have been here a bit longer than I have and have worked on some of these issues longer than I have, and you have excellent credentials. But I want to say, to sort of establish my credentials a bit, that I come from a background of education serving on the school board of Watauga County for 12 years. I was an administrator at Appalachian State University, I was an instructor, and I was a community college president. My doctorate degree is in curriculum and teaching in higher education, so this is an issue I am very passionate about and have been all of my life.

I understand the importance of education. I understand the importance of an excellent education for helping people break the cycle of poverty and for unleashing talents and skills. I know that No Child Left Behind is not the answer to what we need to be doing in this country in terms of unleashing the tremendous potential that exists with young people in this country.

I want to thank you for introducing H.R. 3177, the Local Education Authority Returns Now, the LEARN Act, which would allow States to opt out of the costly and burdensome No Child Left Behind law and return the control to the locals where it belongs. I am proud to be one of the 33 cosponsors of this bill. Again, let me go back to the fact that we are here on Constitution Day and remind people, which I think we need to do on a fairly regular basis, of what the Constitution says about the role of the Federal Government in education.

Amendment 10 of the Constitution says: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people.” Now, I read the Constitution fairly regularly, and I find no mention of education being a responsibility of the Federal Government.

I have established my credentials a little bit, and I will establish somewhat

my historical credentials. I was on the school board of Watauga County not too long after the ESEA bill was passed. This was part of Lyndon Johnson's Great Society. There has been a great deal of debate about that bill since then. Of course, most people have lost sight of the fact that No Child Left Behind was, I believe, the eighth reauthorization of that bill. So No Child Left Behind has its origins in the War on Poverty, good intentions, trying to increase spending at the local school level, help children in poverty to do better. But the record of the Elementary and Secondary Education Act has been very spotty at best. And No Child Left Behind has also been very spotty at best.

What we need to do, again, is go back to the basics, in my opinion, where the role of the Federal Government is reduced in education and the role of the local school board, the local teachers, the local parents is increased. We need to make sure that we are not tying the hands of teachers and principals at the local level. That is what we have been doing with No Child Left Behind. We have been trying to mandate from Washington the way to handle education.

I find almost no support for this program in my district. I have had forums with teachers, principals, superintendents, and school board members. Many people complain bitterly about No Child Left Behind and the detrimental effect it has had on their system.

Now, we found out in talking with them that much of what they are concerned about is not really in No Child Left Behind, but it is in other legislation that the Federal Government has imposed. But, again, what we need to do is unleash the potential that is there for teachers to work with children at the local level.

I want to make a few comments, again, about my own experiences with this law and with other iterations of the ESEA Act of 1965 and throw out some things that we know about and have known about for a long time which make this emphasis on Federal funding so frustrating to those of us who pay attention to the research, pay attention to history and know what has been happening. There are thousands, literally thousands, of studies to show that there is absolutely no correlation between how much the government spends on schools and how much students learn.

□ 2130

So the more spending we have guarantees nothing in terms of learning. What we do know is that what makes an effective school and what makes good learning are excellent principals and involved parents, and No Child Left Behind actually mitigates against both of those things because of so much emphasis on testing and so much emphasis again on the cookie-cutter approach.

Let me say also that no research has ever established that the quality of in-

dividual schools is a cause of the gap in test scores among groups of students. What is important is the safety of the neighborhood, income, books in the home, whether there are a mother and a father in the home, how much TV the child watches and what is the level of the mother's education.

Education cannot control these factors. We cannot, through our educational systems, make those things different for children. We are going to see gaps in education as long as we see lots of children coming from single-parent homes where the mother doesn't have a good education. We are going to see lots of problems with groups of children when children don't live in safe neighborhoods or when they don't have a lot of books in their homes.

We know that schools and school quality contribute little to the emergence of test score gaps among children. Again, government-run schools simply are not going to be able to bridge the gap between what children need to know and what they are currently learning.

What we need to be doing, again, is to reduce the role of the Federal Government in the education process and help those teachers who are out there on the line every day dealing with a tremendous range of children in their classrooms, trying to teach the tests so they won't be considered failures.

One of the saddest things we have done, I think, with No Child Left Behind is label so many classrooms as failures, so many schools as failures, when people are working very hard doing a lot of good things. We are actually discouraging people from going into teaching and wanting to use their talents and skills on behalf of others.

So, I would say that we need very much to go back to local accountability in education, local control in education, and stop letting the 7 percent of the funding that goes into the public schools from the Federal Government be the tail that wags the dog, because so much more of the money is coming in at the local level. Those people know what their schools need, and we need to let the folks there hold their systems accountable.

Again, I want to compliment you on the LEARN Act and for bringing this up to folks, presenting the facts, so that people are not being misled by the propaganda that is put out about these things.

People would like to control our lives totally from the Federal level, but it is not possible to do. Our framers of the Constitution understood that. They were very wise in it. We need to go back to those principles which gave us fairly good educational systems in the past but are failing us right now in the attempt to control everything from the Federal level.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentlewoman for your commitment to this issue, your commitment to our children and their education now and in the future, and

for your past work as far as you set out as far as your experience in the area of education.

I was listening closely to the points you made, and you made a number of good ones. You started off, of course, this being Constitution Day, talking about the Constitution. You are correct. We ignore the Constitution at our peril, and those who would be willing to give greater power over education to the Federal bureaucracy are, in essence, sowing the seeds of freedom's destruction here in this country.

Madison in the Federalist Papers, No. 47, said "the accumulation of power in a small number of hands," in this case by Federal bureaucrats, "the accumulation of power in a small number of hands is the very definition of tyranny."

That is really what we are leading to here when we take away the parents' rights to control their child's upbringing and education and we take away the local community's rights of dictating how their schools should be run.

One of your last points, it is interesting that you bring it up, you were citing the fact that there are other factors that go into the performance of children on tests and on schools and the like. I was sitting back in the cloakroom just before coming on here tonight and talking about education. I would commend you to take a look at this article in the Weekly Standard. The headline is "No Child Left Alone." By that, they mean the fact that the Federal Government is coming around, and the little poor child is looking at adults on either side of him.

In the article, it raises an element of the point you have, that we would like to think when we are elected officials that we are in control of the situation; that if there is a problem on the nightly news or the front page of the newspaper, just come to us, whether in State government or in the Federal Government, and we will drop a bill in and that will solve it.

When it comes to education we would like to think all we need to do is spend a little more money, which was the last plan I was going to get to that you raised, spend a little more money, tweak the system here or there, and we are going to increase the output, if you will, of the school, as if we are producing widgets in those schools, that there is no difference than the factory or what have you. But different from the factory, these are human beings. These are little lives that are coming from an environment that the schoolhouse has absolutely no control over.

These are the other factors I think you are alluding to; the fact that this youngster over here might come from the traditional nuclear family of a loving mom and dad, where only one of the parents works outside of the home and the other parent stays inside the home and takes care and is watching over the child all the time and educating, making sure that that child is doing their homework, following up on

activities, going out to museums and the like.

In another family, in another environment, you may have different demographics. You may have a single parent, or no parent whatsoever. You may have a crime-ridden area. You may have no one watching over that child after school. There may be no after-school activities whatsoever. There may be no museums or what have you for that child to go to. On and on the list goes. Those are all factors that the school, and things like NCLB and all that the Federal Government does with regard to education, are not going to be impacting upon directly. Yet we like to think that just by changing an education law, we are going to fix it.

Which brings me to one of your middle points which I think really needs to have the point reemphasized, and that is the spending issue. I brought a couple of charts to illustrate this.

Ms. FOXX. Before you go to that chart, I want to ask you if you would yield to a question.

Mr. GARRETT of New Jersey. Absolutely.

Ms. FOXX. I also had the opportunity to review that article tonight from The Weekly Standard and was very struck, particularly by the review of the book by Mr. LIEBERMAN. I hope that at some point you will call attention to that a little bit. I intended to do that in my comments. But I think it would be excellent if we were able to enter particularly the review of his book into the record, because he makes many of those same points that I was making about the educational structure. I think he has done a very good service. So I would hope that you would be able to do that at some point in the effort here tonight.

Mr. GARRETT of New Jersey. Sure. I appreciate that. Before I get to the gentleman from Georgia, let me just bring back to the point of spending in our schools and where it goes to.

When you are talking about spending in schools, there are two elements to it. There is instructional spending and noninstructional spending. Instructional spending is what you and I would normally think about as far as spending for schools. That is paying for the teachers' salary, that is for paying for the books, the papers and pencils that they may have in the classrooms and that sort of thing. The other is noninstructional. That would include the items such as the building itself, maybe the school bus and bussing the kids into there, and other things outside of the classroom.

The numbers that we have here, and, by the way, you have to give credit for being able to bring this tonight to Dr. Anthony Davies of the Donahue Graduate School of Business at Duquesne University, who collected a lot of this data.

What we see is on these two charts, sort of interesting, the little blue dots and the red dots. The blue dots on the top portion of the chart are eighth

graders. The red ones are the fourth graders. The first chart I will look at is instructional. The next chart makes a similar point with noninstructional spending per pupil.

Across the bottom of the chart is how much we are spending on these kids, and it goes from \$2,500 up to \$7,500. That is the x-axis. The y-axis, you have the NAEP scores. These are basically educational scores, actually started during the Reagan Administration, actually trying to come up with a uniform testing of all schools in the country. These are NAEP scores.

So let's take a look at eighth graders for instructional spending. You would think when you move from left to right, from the \$2,500 per child over to \$7,500 over on the far right, that you would see an increase of performance by the students.

What do we see? All of the little dots representing the students are in the same band here, from the 520 to 560 band all the way across. The same thing with the fourth graders. You would think intuitively, or at least by the propaganda of the education establishment, that the more money on instructional spending we would spend for the fourth graders on their NAEP scores, on the testing scores, would increase. But what do we see instead? They are all again right in the same bandwidth, meaning that as you spend more dollars, we are not seeing an improvement in test scores.

Let's take a look at the next chart. Very briefly, this confirms what we were talking about with noninstructional, things outside of the classroom. It is slightly different numbers because the dollars you spend on that is sometimes greater. From \$3,000 on the left to \$6,500 all the way to the right. Again, the blue is the eighth-grade kids and the red are the fourth grade children. Again this is the NAEP scores.

Again, what do we see? There are no increases, as you would intuitively think there should be, at least by the propaganda you would think there should be. For the eighth graders, it stays constant. On the fourth graders, it equally stays constant.

So, both charts make the point of Ms. Foxx that what we do on the Federal level with regard to saying we are going to provide funding for these specific programs or what have you, whether it is through NCLB or otherwise, really doesn't hit the point. The point really is to make sure that the curriculum and the teachers and the school and everything else is the best that they can possibly have, and making sure that the accountability for those are by those people who have the most interest in it, and that, of course, is the parents and the local community.

I am very pleased that I am joined here this evening by a good friend and colleague, the gentleman from Georgia, to speak on these topics as well.

Mr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend from New Jersey, Congressman GARRETT, for organizing this hour, and for your leadership on what truly is one of the most important issues, and that is the education of our children. It is a great privilege to be able to join you tonight and to commend you for the work that you have done in this area.

What could truly be more important, Mr. Speaker, other than the education of our children? I don't know that anything could be more important than the education of our children. What it gets to, when you get right down to the rub though, is who is going to make decisions? Who is going to decide where we are going in the area of education?

I was pleased to hear my friend from North Carolina earlier, Congresswoman FOXX, point out that No Child Left Behind is oftentimes thought of as a new endeavor. In fact, it was the reauthorization of the ESEA, or the Elementary and Secondary Education Act that began back in 1965. You have pointed out so well about the issue of the amount of money and the amount of performance or the quality of performance of children. But the No Child Left Behind Act, which was passed originally in 2002, is up for reauthorization.

I represent a district on the north side of Atlanta, the Sixth District of Georgia. I served on the Education Committee in the State legislature, in the State Senate, and also serve on the Education Committee here in the United States Congress. One of the concerns that I have heard about for the last decade or more that I have been involved in public service is from teachers, and their main concern is that they have remarkable constraints placed upon them in trying to get their children to whatever level it is in whatever subject.

When I was running for Congress initially, I used to tell folks that as a physician, one of the reasons that spurred me into public service, to get involved in elective office, was there were all sorts of folks at the local, State and Federal level that were making decisions about what I could do for and with my patients.

When I would share those stories with my local teachers, they would say, well, you haven't seen anything. You wouldn't believe what the State government is doing to encumber what we are trying to do for our children in our classroom. Then after 2002 with No Child Left Behind, they would say, you wouldn't believe the changes that have occurred that have made my job as a teacher more difficult in trying to educate the children that are entrusted to me.

□ 2145

So I think it is important as we look at the reauthorization as we move forward on the Elementary and Secondary Education Act, now known as No Child Left Behind, what has happened over the last 5 years. The original bill provided for increasing money from the

Federal Government, a 26 percent increase in spending and new programs as it relates to No Child Left Behind.

The problem, as you know, is most folks across this Nation know what the Golden Rule is: Do unto others as you would have them do unto you. But in Washington the Golden Rule is different. In Washington the Golden Rule is: He who has the gold makes the rules. Consequently, what we have seen in our education establishment is that money from the Federal Government, that 26 percent increase in spending from the Federal Government, with it comes strings and those strings are rules and regulations that require more of local folks in the area of education.

And now all of that might be wonderful if we were to have seen over the last 5 years, if not the last 40 years, an increase in the level of achievement of children in our local schools.

Mr. GARRETT of New Jersey. Mr. Speaker, if the gentleman would yield on that point, we can break this down into two elements: first, what has happened since NCLB has been passed; and, secondly, over the longer haul. Before you came to the floor, I was giving a little brief history of where we came from on the whole area of education. As you know, this country started with the idea that education was first and foremost with the family, and after that the local schools and normal schools developed and what have you, and then the education bureaucracy developed on the State level, and a progressive education format began to grow with more rules and regulations. Finally, in the last century, and more specifically you cited it in the 1960s, with Lyndon Johnson with his growth of education.

Prior to that time, you really had very little education laws passed on the Federal level. For the first 176 years of this country, there were only 41 laws in total, total laws passed in the Federal Government for education. Since LBJ passed the legislation, Elementary and Secondary Education Act, 40 years ago, 117 more laws have been added to the books just on the Federal level. So since LBJ came in, there was the idea that the Federal Government is going to have a role. As the gentlewoman from North Carolina (Ms. Foxx) said, an unconstitutional role in education, but be that as it may. Since that time, the Federal Government has been doing two things: funding and setting down requirements and regulations.

So you would think that if this is a good Federal program or agency, we would have something to show for it as far as where our dollars go. I have a couple of charts. This first chart here is labeled Federal Education Spending and Reading Scores. Again, as I referenced before, these are NAEP scores and they are green, yellow and red. Green is the top, 17-year-olds, and the yellow is 13-year-olds, and red is the 9-year-olds. The middle one is how much money we are spending on the Federal level.

Watch what happens here. This starts in 1970. Going across here to 2005, Federal spending starts and flattens out and goes down in the 1980s. The Reagan administration, when they thought they were going to turn control over to the States, began to create block grants; but the Congress, even though it was a Republican Congress, had a different idea. Spending immediately went up dramatically. And this administration brags about the fact that they have seen a 40 percent increase in spending at the end of the chart here.

So what happened with that spending? Look at the lines. Perfectly flat. The scores here, these are the NAEP scores on both sides. Perfectly flat. From 1970 to 2005, the 17-years-old NAEP scores flat; 13- and 9-year-olds, the same thing. This is sort of documenting it.

This presents in a different graphic percentage change from baseline over here. The red this time is our Federal spending on education which starts over here in 1980 to 2004. Look at how it just takes off over here. You would think with all of these extra dollars, the scores on the bottom, these are math scores again for those same age groups, what do they do, perfectly flat all of the way across the bottom. No changes whatsoever as the dollars go up.

That makes the point graphically that throwing the money at it from the Federal level has had no result.

Mr. PRICE of Georgia. You can look at that and realize that the hard-earned taxpayer dollars that we are entrusted with to spend responsibly, and it was the collective wisdom of Congress over that period of time, to spend significantly greater money. You have an increase of nearly 90 percent in spending over that period of time on that chart; and, in fact, little to no change in the achievement of the students in both the areas of math and reading.

That is not to say that kids can't improve. But I think it is to say that the amount of money, it is clearly documented, that the amount of money in and of itself as being a predictor of student achievement just doesn't exist. That is study after study after study.

But I want to spend just a few more moments, because when you think back to your school days, you always were a little anxious about getting your report card. You weren't quite certain whether or not that teacher was going to recognize the wonderful work you had done that would boost you into that next level. But I thought it would be helpful to give a report card on No Child Left Behind, the last 5 years of the authorization.

So I searched around to find an objective report card, and I found the Heritage Foundation, which is a wonderful group of independent thinkers, objective thinkers, not necessarily Republican thinkers by any means, but objective thinkers; and they came up with kind of tracking in four or five dif-

ferent areas. I thought it might be helpful to share with my colleagues tonight a couple areas that they graded as it related to No Child Left Behind, or the reauthorization of the ESEA from 2002 to 2007.

One of the things that they looked at was one of the goals that was cited was to constrain this remarkable Federal spending. As we have discussed, of course, spending increased by \$23.5 billion over 2001 to 2007, a significant increase, an increase that is well documented on the graphs here. So they gave the constraint of Federal spending an F. That is failing on constraining Federal spending.

What about streamlining bureaucracy and decreasing red tape, one of the things that we always tout as the latest and the greatest for every Federal program; it is going to streamline the bureaucracy and decrease the red tape. Certainly that is one of the areas that teachers that I talk to back home have the greatest objection to, that it has increased their paperwork and increased their red tape.

In fact, another objective organization, the Office of Management and Budget, has determined that the annual paperwork burden on State and local communities has been 7 million hours, a cost of at least \$140 million to the local and State communities in the area of education. So streamlining bureaucracy and red tape, what is the grade? It is another F, a failure.

What about maintaining meaningful State testing? It is not that States haven't tried for decades to increase the performance of the children entrusted to them in the public education system. Many of the States have adopted all sorts of testing; and, in fact, what No Child Left Behind has done is either duplicated or usurped the ability of States to maintain their meaningful testing. So Heritage was relatively kind and gave us, the Federal Government, a C as it related to that.

Finally, the area that I hear the most about, restoring State and local control. All of us know that local teachers and local communities and local administrators and certainly parents know best the kinds of activities that will allow one child and another, all children, the opportunity to achieve and reach their greatest potential. And restoring State and local control, what happened with No Child Left Behind, that is another F. So we can all agree that we ought to increase student achievement. We all believe that ought to occur.

I would just implore my colleagues and respectfully request that we look at the history. Look at the charts. Look at the demonstration. Look at the history that has gone on in terms of Federal spending and student achievement.

I would ask my colleagues to look at the history over the last 5 years of what the increase in regulation and requirements from the Federal Government has been to the local communities. Have they increased student

achievement? I think an objective assessment of the situation would say that in fact they have not. I would ask my colleagues to look at whether or not removing State and local control over the issue of education has assisted in increasing student achievement, and I would suggest candidly it has not.

That is why I am so proud to stand with my colleague from New Jersey tonight who has penned the LEARN Act, the bill that would allow States to opt out of this insanity, opt out of this merry-go-round that apparently by evidence tonight demonstrates that the Federal Government and its role in elementary and secondary education has not been necessarily productive in increasing student achievement, and to allow the States and local communities to recognize and appreciate that they know best how to get our young people to a level of accountability.

All of us want them to achieve. I so strongly support my colleague from New Jersey in his efforts to make it so his State and my State and other States across this Nation, if they so desire, can opt out of the Elementary and Secondary Education Act so that those moneys can go back home to be utilized in the most efficient and effective manner to make it so our children can achieve.

Mr. GARRETT of New Jersey. I thank the gentleman from Georgia for the points you make and for joining me on the floor this evening and joining with me and other Members of Congress who are supporters of the LEARN Act, and who in general believe that we must do all we possibly can to help elevate and raise up the standards and the quality of education in this country.

Sometimes the best way to do that is to allow those people closest to it and those people with the most interest in it, and that is the parents and local school and the teachers, to become involved with it.

The gentleman from Georgia raised a couple of interesting points, and I want to go back and highlight some of them. One is what has been the result so far since No Child Left Behind has been on the books. Now my charts over here have shown that ever since President Lyndon Johnson came into office and made it one of his major legacies, and that is what he said it was going to be, the authorization of the Elementary and Secondary Education Act, which has now been on the books for 40 years, we have seen the result in test scores over the last some-40 years of Federal control and involvement in education, and those results are pretty dismal.

If this was something in business or anywhere else and you saw a flat, no increase with additional spending year after year and additional regulation and modification on the Federal level, you would say something is wrong here. Well, there is because the Federal Government has become involved and has taken away some of the accountability and authority that should rest back at home with the local community.

Since No Child Left Behind passed the first time, the first report came out I believe in the beginning of 2006 with regard to No Child Left Behind and the results from that. In essence, the proponents of NCLB jumped and said it is working. We are seeing a slight improvement, and they said that is all because of NCLB. Then you have to sit back and think: NCLB was passed in 2002 with an effective date of 2003. Portions as far as the implementations didn't begin until 2004 and 2005. Here this report was coming out in the beginning of 2006. So you realize at the end of the day that NCLB wasn't having any of those positive impacts. These were things that were just long in the books already, long in the course of things already that the States had already taken upon.

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For example, in certain reading areas, almost two or three dozen States had already instituted a reading program that NCLB later on would say this would be the reading program that they would encourage States to employ. Of course those States that are already doing it were ahead of the game and they skewed the numbers upwards.

So the reports that you read in some of the press reports coming back from NCLB, they say NCLB is working. You have to look—at was it NCLB or something the teachers and parents had already instituted by themselves?

Now, I can speak from personal experience on some of these topics because, as I indicated before, I used to be in State government before I came to Washington. I served on an education committee there. One of the things that we did in the great State of New Jersey was to come up with what we called the CCC, that is the "core curriculum content" standards.

So we had already in our State realized that we needed to address some deficiencies in public education in the State, and one of the ways you can do that is by coming up with an entire spectrum, if you will, of topics that we want our kids in our schools to learn, and learn at a good level. So that was the core curriculum content standard.

So we were going to say that all public schools would have this in the great State of New Jersey. They ran the gamut. They were not just math and reading, which is what NCLB is about, but other topics as well. History classes and social studies classes, literature and arts and art classes and technical classes as well. And on and on the list went. Foreign languages and the like. They were things that the people of the State of New Jersey said was important for our kids and our State in a way that we wanted them to be educated in it.

After NCLB came into place, our State had to do what a lot of other States had to do as well, and that is turn from what we said, what our parents, what our community said was im-

portant for our children, to what Washington was now saying was important. Washington said that math and reading are important, and they are. You will get no debate with me on that. But when you make just two items the premier and the only topics that you are going to be judged on, and if you only make two areas the only area that you are going to be potentially funded or defunded on, what is the natural inclination of administrators and the like? It is to shift local resources away from these other programs like physical education, health, arts, sciences, history, shift your dollars away from those things, things that the local community might feel are very important and shift them over to what now the bureaucrats in Washington say are the only things that are important.

When you think about it, there is another consequence to it as well. When you make that shift, you do a disservice to some of the children in your school or who are perhaps doing well or just getting by at certain levels as you focus exclusively on one area.

Let me give you a classic example of that. We had a school in our district which was an exceptional school. It has been considered that by the State of New Jersey for many years; it has been considered that by the parents of the children who go to that school. It is a school that all the kids do well on their SATs. I think it has like nearly a 100 percent graduation rate, just about an equal percentage of children going from high school on to college. By anyone's classification, almost anyone's classification, an exceptional school.

NCLB comes along, and because of some difficulties in just a very small area with just a very small select group of children in that school, it rated as not performing as NCLB wanted them to perform. That, therefore, made a problem for the administrators in the school, that they would have to now shift their focus and shift their attention and shift their resources from what had been a successful school in the past to address some of these concerns on the Federal level.

So now what do you do? You leave behind the whole idea of NCLB, No Child Left Behind, and now you are leaving behind the vast majority of children in that school.

Let me just take a moment then first to finish on a point I raised earlier, the problem of the race to the bottom that NCLB is causing and then what some of the solutions are. I think I mentioned earlier one example, which was Michigan. Michigan, like New Jersey, had prior to NCLB raised its standards because that is what the parents and the community and teachers all said was appropriate and what they wanted for their children in their school.

Then NCLB came along with their new rubric of how things are going to run. What happened? By the beginning of the 2002-2003 school year, Michigan found itself with more failing schools than any other State. Obviously, if you

have the bar of your standards way up here and all the other States are down here in the middle someplace, you are not going to have 100 percent efficiency up here. So they had more failing schools than any other State.

So NCLB in essence was making Michigan look worse than any other State that had set the bar lower. How did Michigan respond to this embarrassment? By lowering the passing rate on its high school English test from 75 percent to 42 percent, which helped reduce its reported number of failing school from 1,500 schools to 216.

So instead of getting the 75 that is usually like a C average in a school, instead of saying you needed a C in order to be passing in English, they say all you need is a 42 percent. When did you ever go to school and say a 42, which would be a D or E or something like that in school, was passing. That is what Michigan did in response to NCLB.

What did other schools do? They lowered their bars as well. One of them did it in a more clever way. They changed what they call the "confidence intervals." That is when you take a poll. They have a confidence factor or margin of error of 3 or 4 percent. If you raise that percentage point all the way up to the point so the confidence factor is very small, then you can say in essence that you are changing the facts by statistics.

That is what a number of schools did. Kentucky did that. By choosing 99.5 percent confidence, they made it a very narrow range as far as what was within the failing range, and, therefore, all of a sudden their grades as far as NCLB was concerned went up. On the list goes.

How about average yearly progress? I will talk about where that came from in a moment. Some of the schools have decided in order to do average yearly progress, they will treat it like balloon mortgages, something that we know about in the press right now. What that means is instead of saying we will do so much each year, we will only do a little tiny bit the first several years and really do a whole lot at the end. Of course you never get to the end.

So some of those are just some of the classic examples of what are some of the problems with NCLB and the race to the bottom, basically saying that we are not doing what everybody wants. Everyone's high standards, whether you want to call it a national standard, world-class standards in the schools, everybody wants what is the best for their child. But when you have a system in place where the Federal Government is going to be sending out the money in relationship to their standards and allowing the flexibility for the States to have it set those standards, you are, as I said at the very beginning, speaking out of both sides of your mouth with regard to this, and you are going to have a failing system. That is what we have with the Federal Government's involvement here.

So what is the solution? Well, one of the solutions is simply this: do whatever you will with NCLB, and you will see a host, probably a hundred bills, right now in Congress to try to tweak it here or tweak it there, increase spending even more, as this chart shows, or take away the accountability here. On and on the list goes. You will see all that come down.

I suggest, however, in addition to whatever Congress throws out on the table as far as their solution to the problem, I suggest this as well: allow the States, if they want to, voluntarily, so that means they are not forced to, to opt out of No Child Left Behind. So if your State says thank you very much, Washington, thank you very much, bureaucrats in Washington and the Department of Education, bureaucrats who have never seen my school building, never saw my child, never saw my county or town, or what have you, we do not need your assistance on how to hire our teachers, buy our books, develop our curriculum, teach our kids. We can do it ourselves. We have the competence as parent, teachers, administrators in the community to do it.

We would have the ability then, if that State so desired, to opt out of No Child Left Behind and keep our own money here in our own State and not send it to Washington any more.

That last point is an important one. Right now, if a State wanted to, it could opt out of No Child Left Behind, as I just described it, and say that we don't need your rules and regulations, thank you very much, Washington. But all the money would still go to Washington and that State would never get any money back.

That is obviously inherently unfair to that State. Why should the taxpayers be sending money to Washington and see absolutely zero benefit from it? It makes no sense.

So what the LEARN Act does, 3177 that I spoke to at the very beginning, simply says this: not only would a State, if it so desired, opt out of NCLB and all the vast red tape and rigamarole that comes with it and all the burdens that comes on the teachers and administrators and the burdens that it places on the kids who are no longer going to have high standards to live up to, not only would be able to opt out, but those taxpayers in that State would be able to in essence keep their money in their own pocket and not send it to Washington any more; keep the money in that State, in the taxpayers' pocket where it belongs so they can decide how that dollar should be spent on the public education in their own respective State.

Now, mind you, some, maybe the vast majority of the States would not want to opt out of No Child Left Behind. Maybe you all live in one of those States that feels that you need Washington and the bureaucrats down in Washington to assist or to tell you how your local schools should be run.

Maybe there are States, maybe there are Congress people who represent districts and those districts feel that they are just not able to decide how to run their schools, they are not able to decide what a quality teacher is, they are not able to decide what a violent school is.

Maybe there is some school districts or some congressional district that just can't make a determination of how to set up a curriculum or set testing standards or set levels of accountability. For those congressional districts, they would be able to stay in the system and not opt out. That is the inherent benefit of a voluntary system.

Again, I appreciate my colleagues from the various States who have already signed onto this and my colleagues who joined me on the floor this evening for discussion of NCLB and its reauthorization.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Mr. HOYER) for today on account of personal business.

Mr. ENGEL (at the request of Mr. HOYER) for today on account of official business.

Ms. HOOLEY (at the request of Mr. HOYER) for today.

Mr. LYNCH (at the request of Mr. HOYER) for today.

Ms. MCCOLLUM of Minnesota (at the request of Mr. HOYER) for today.

Mr. WYNN (at the request of Mr. HOYER) for today.

Mr. YARMUTH (at the request of Mr. HOYER) for today.

Mr. BISHOP of Georgia (at the request of Mr. HOYER) for today on account of official business in the district.

Mr. GERLACH (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. KNOLLENBERG (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. POE (at the request of Mr. BOEHNER) for today on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SOLIS) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. HARE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

(The following Members (at the request of Mr. CONAWAY) to revise and extend their remarks and include extraneous material:)