

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:)

Mr. POE, for 5 minutes, September 18, 19, 20, 21, and 24.

Mr. JONES of North Carolina, for 5 minutes, September 18, 19, 20, 21, and 24.

Mr. CONAWAY, for 5 minutes, today.

Mr. DAVIS of Kentucky, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and September 18, 19, and 20.

Mr. FRANKS of Arizona, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CLEAVER and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,924.

ADJOURNMENT

Mr. GARRETT of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 18, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3285. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Carriage Vessel Overhaul, Repair, and Maintenance [DFARS Case 2007-D001] (RIN: 0750-AF75) received September 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3286. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Labor Reimbursement on DoD Non-Commercial Time-and-Materials and Labor-Hour Contracts [DFARS Case 2006-D030] (RIN: 0750-AF44) received September 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3287. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Berry Amendment Restrictions — Clothing Materials and Components Covered [DFARS Case 2006-D031] (RIN: 0750-AF54) received August 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3288. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting

the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Glycerol Ester of Tall Oil Rosin [Docket No. 2006F-0225] received September 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3289. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Safe Handling Statements: Labeling of Shell Eggs [Docket No. 2004N-0382] (RIN: 0910-ZA23) received September 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3290. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority for the Export Administration Regulations [Docket No. 070809455-7478-01] (RIN: 0694-AE12) received September 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3291. A letter from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations, Burmese Sanctions Regulations, Sudanese Sanctions Regulations, and Iranian Transactions Regulations — received August 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3292. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3293. A letter from the Secretary, Department of State, transmitting the Department's joint Strategic Plan along with the U.S. Agency for International Development for FY 2007 to FY 2012; to the Committee on Oversight and Government Reform.

3294. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting a report on the Annual Inventory of Commercial and Inherently Governmental Activities for 2007, in accordance with Section 2 of the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

3295. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3296. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3297. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3298. A letter from the Under Secretary and Director, Department of Commerce, transmitting the Department's final rule — Changes to Practice for Continued Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications [Docket Nos.: PTO-P-2005-0022; PTO-P-2005-0023] (RIN: 0651-AB93; 0651-AB94) received August 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3299. A letter from the Under Secretary and Director, Department of Commerce, transmitting the Department's final rule — Revision of Patent Fees for Fiscal Year 2007 [Docket No. PTO-C-2006-0015] (RIN: 0651-AB81) received August 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3300. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Federal Emergency Management Agency (FEMA) Touthy Regulations [Docket ID FEMA-2007-0006] (RIN: 1660-AA54) received August 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3301. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Also: Part 1, Sections 704(c); 1.704-3(e)(3).) (Rev. Proc. 2007-59) received September 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3302. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.602: Tax forms and instructions. (Also: Part 1, 179) (Rev. Proc. 2007-60) received September 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3303. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 6332. — Summer of Property Subject to Levy (Rev. Rul. 2006-42) received September 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on Financial Services. Supplemental report on H.R. 1852. A bill to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes (Rept. 110-217 Pt. 2). Ordered to be printed.

Mr. GORDON: Committee on Science and Technology. H.R. 2698. A bill to authorize appropriations for the civil aviation research and development projects and activities of the Federal Aviation Administration, and for other purposes; with an amendment (Rept. 110-329). Referred to the Committee of the Whole House on the State of the Union.

Ms. MATSUI: Committee on Rules. House Resolution 650. Resolution providing for consideration of the bill (H.R. 1852) to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes (Rept. 110-330). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2881. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; with an amendment (Rept. 110-331). Referred to the Committee of the Whole House on the State of the Union. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL:

H.R. 3539. A bill to amend the Internal Revenue Code of 1986 to extend financing for the