

the rule is perfect or flawed, the substance of the final rule is reasonable and is clarifying an interpretation of how to comply with statutory requirements.

It is now 2017. Federal requirements to improve teacher preparation program quality and transparency have gone largely unfulfilled since the 2008 reauthorization. In such an instance, it is well within the purview of the implementing agency to regulate and more clearly interpret statutory requirements to prompt meaningful compliance and inform Congress and the agency in subsequent reauthorizations.

The executive overreach or illegality of a rule and the disagreement with the substance of the rule are not two sides of the same coin. Republicans now control the executive branch. President Trump has administrative tools at his disposal to revise or to completely rewrite this regulation. It is clear, based on the history of the implementation of these provisions, that regulatory clarity is necessary. The responsible approach would be to utilize those tools to improve the regulation.

In the history of the Congressional Review Act, Congress has only used it once to disapprove a regulation. Instead of engaging in the hard work of governing by revising the teacher preparation rule, my colleagues have resorted to this act of repealing yet another rule that is meant to support our Nation's families and children. It is unnecessary, and we must recommit to doing the right thing for those whom we serve.

I urge my colleagues to reject this resolution.

□ 1530

Mr. GUTHRIE. Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself the balance of my time to close.

I think this has been a good discussion, and I think that the hearing that we had today was even an opening as well at looking at this issue.

I think no matter what side of the aisle one was on, you couldn't necessarily distinguish the witnesses because it was important that we say that there is a smart way to do this and, frankly, there is kind of a stupid way to do it. Because we want to be sure that the consequences of our actions are not ones that would be impacting our children down the road.

So we have to go about this in a measured way, in a smart way. I actually believe that we all have the capacity to do that. There is no question in my mind that we can't do that in a way that really asks the right questions: Why are those protections there? Why did they establish those regulations and protections?

So that we can track and understand what is behind them.

I really do remember that, as a school board member, now and then, there was some frustration over some-

thing within the special education arena. But when you went back and you looked at why that came about, it was because there was a child who represented a problem in the system because we didn't do the right thing. We realized that it wasn't just that child, but it was many children who could be affected in the same way.

That is what we have to look at: Why are they there? How can we change them? How can we be smart about it and make sure that we don't do something that, in the end, will harm our education system and even impact those children who really are the most vulnerable that we would not want to impact under any circumstances?

So, Mr. Speaker, let's work together on this. Unfortunately, what this does today is it takes away that ability to use, I think, the goodwill of our committee to do the right thing. I hope that my colleagues will agree with that.

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

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Republicans and Democrats on both sides of the aisle have worked hard in recent years, particularly in the ESSA that we passed to make sure that we have local control of education, the idea that reforms that State and education local leaders know best. I think the same is true for teachers.

It is vitally important that we have teachers that are prepared to succeed. We want the best and brightest in the classroom that help ensure our students receive the quality education they deserve.

This resolution will put an end to this rule that will have negative consequences, I believe, for teachers and students; but it will allow us to address teacher preparation responsibly. Article I of the Constitution gives the legislative powers to Congress. So we don't just need to say: There's a new administration in town, let them fix it.

What we need to say is that it is Congress' job, through working together, to pass the law and reauthorize higher education that will ensure that we have quality teachers in the classroom teaching our children.

So I urge my colleagues to put a stop to this rule and vote "yes" on H.J. Res. 58.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 91, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on passage of the joint resolution.

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

Ms. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY DEPARTMENT OF EDUCATION RELATING TO ACCOUNTABILITY AND STATE PLANS

Mr. ROKITA. Mr. Speaker, pursuant to House Resolution 91, I call up the joint resolution (H.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 91, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965 (published at 81 Fed. Reg. 86076 (November 29, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. ROKITA) and the gentleman from Colorado (Mr. POLIS) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. ROKITA. Mr. Speaker, I ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.J. Res. 57.

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

There was no objection.

Mr. ROKITA. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.J. Res. 57.

Mr. Speaker, I was here also on this floor listening to the debate that just finished on H.J. Res. 58, and I have a feeling a lot of the same things are going to carry over because we are dealing with the same Department. In fact, we are dealing with the prior administration generally.

I was struck by the words that we need to "give direction to the States." I think, by definition, those words demonstrate how one side here thinks that they know best; that their judgment is somehow better than the judgment of governors, of State legislators,

of parents, teachers, and superintendents themselves when it comes to this issue and, in fact, in a larger perspective, when it comes to most issues around here. We must give direction to the States—no.

The fact of the matter is, when the President signed into law, when we passed ESSA—the Every Student Succeeds Act—in a lot of ways we were saying to the States: You give the direction. You set the way that you think is best to educate your best assets. Your best assets, of course, being our next generation.

While we at the Federal level would like to be partners, the fact of the matter is it is their property. The tax dollars we are talking about are the property of the individuals living in the 50 States and other jurisdictions.

So now here we are using the Congressional Review Act to get rid of some regulations that are doing that very thing. We wrote a very specific law saying the States are in charge. Here we have a Federal agency inserting itself, not just interpreting law, but actually making law and taking us in the exact opposite direction that all of us intended.

When I say all of us, I say that in a very bipartisan way, Mr. Speaker, because—I am now in my fifth year of being chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education here in the House. My first 4 years were consumed working with past Chairman John Kline, current Chairwoman VIRGINIA FOXX, other members of the committee, and all our Democratic counterparts in getting this very bipartisan law passed and signed into law.

Let me go back, Mr. Speaker, and set the table here. You will have to remember that under the No Child Left Behind law, which was the law of the land for some 13 years—perhaps a well-intentioned law, but completely unreasonable in terms of its forced, ridged, one-size-fits-all accountability system that heavily dictated how we would gauge and address school performance—that system represented a top-down approach in K–12 education. After 13 years, the data is in and the results are in. It simply didn't work.

So that is why just a little more than a year ago, Congress passed—again, former President Obama signed into law in a very bipartisan way—the Every Student Succeeds Act. With this law, Republicans and Democrats worked together to reform our education system to ensure that all children are able to receive the education they deserve. It represents a fundamentally different approach to education and, in the words of one superintendent, empowers local leaders to “dream and lead and transform public education in this country.”

Unfortunately, almost immediately after the bill became law, the Obama administration began its attempt to roll back these bipartisan reforms. With the Every Student Succeeds Act,

Congress promised to reduce the Federal role and restore State and local control over K–12 education. The law empowers States to develop their own policies to hold schools accountable to parents and taxpayers.

For accountability to work, Mr. Speaker, it must be driven by the State and local leaders who are best equipped to directly address the issues in their school. Those leaders know better than any Federal bureaucrat in the Department of Education what their kids need, even down to what their kids' names are. I challenge any Federal bureaucrat to know better.

Unfortunately, the Obama administration's flawed accountability regulation would reestablish the Washington-knows-best approach to accountability. It is the very same thing I mentioned earlier that we just heard regarding H.J. Res. 58. It is an approach that is deeply flawed.

How do I know? What is the best metric to prove the point that that Washington-knows-best approach is deeply flawed?

Look at it. Look at the test scores since the Federal Government has been involved in education. You see that they haven't gone up. Yet we have spent billions and billions of dollars since the 1970s here at the Federal level on local education to see no improvement in the test scores.

Not only does the regulation dictate prescriptive accountability requirements, but it violates many of the prohibitions that we put in on the Secretary of Education. As we all saw, the top-down approach simply didn't work. So that is why we repealed No Child Left Behind and passed a bill to transform K–12 education.

Our students deserve better than the failed policies of the past, and that is what the Every Student Succeeds Act does, if implemented as Congress intended.

Now, our intent was not ambiguous, and the law is far from silent. We were very specific in the law we wrote. Our specificity dictated that the States and localities were back in charge. They were driving the bus again. No pun intended.

The Department has taken some kind of ambiguity, I guess, some kind of silence, and has inserted themselves into the lawmaking role. That wasn't our intent.

Our intent was for a new role for the Department, a much smaller role for the Department, a less supervisory role for the Department, and a less punitive role for the Department, one that would simply ensure that our specifically written law, as passed off this floor, passed off the Senate floor, and eventually signed into law, was followed as we wrote it. So an example of that was we require the States to have plans for how they were going to test, that they would test, but nothing more prescriptive than that. That is just one example, the testing. There were some other parameters.

Then they were to submit those plans to the Federal Government, and the Department of Education was simply to check the box and make sure that the plans were done and otherwise comply with the law. The Department wasn't to be more prescriptive than that. It wasn't to give any more regulation than that. It wasn't to, frankly, give too much more direction than that because we recognize that this responsibility is primarily that of governors, State legislators, school superintendents, parents, and teachers.

Now, States are already working to implement the law in their school districts. I want to be very clear that this resolution in no way does anything to stymie those efforts. States should move straight ahead.

Instead, the resolution gives States the certainty they need to continue moving forward, confident that their plans will be reviewed by the Department of Education against the requirements of the statute and nothing more, with deference given to the judgment of these local legislators, local superintendents, et cetera, as the law requires.

We are also committed to working with the new administration to ensure States receive the support they need consistent with the limits placed in the statute.

So, my colleagues, by passing this resolution and blocking implementation of the Obama administration's flawed accountability rule, we can ensure that the promises we made under the Every Student Succeeds Act to restore State and local control in K–12 education are kept.

I urge my colleagues to support H.J. Res. 57 and protect those important bipartisan reforms.

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

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the resolution before us, which would overturn the accountability regulations in the Every Student Succeeds Act, our Nation's most important K–12 education law.

These accountability guidelines promulgated by the Department are not only allowed under the Every Student Succeeds Act, but they are essentially required. This legislative body last session put language into the Every Student Succeeds Act calling upon the Department and the Secretary to clarify this. It is a very different perspective on what that legislative intent was.

There are items in the Every Student Succeeds Act that we agreed—Democrats and Republicans—the Secretary and the Department would be prohibited from promulgating rules regarding. For instance, one of those is the promulgation of rules in support of the Common Core curriculum.

□ 1545

Democrats and Republicans agree that the Federal Government should

not be setting curriculum. That is a matter for the States. We prohibit it, specifically, in language in ESSA. We prohibit the Federal Government from promulgating rules that require, in any way, shape, or form, the adoption of the common core standards at the State level.

What is not prohibited is rules regarding State accountability systems. Quite to the contrary, it is important work. In fact, it is the core work under the Every Student Succeeds Act, that very core commitment to civil rights that so many Democrats and Republicans feel passionate about that is contained through these rules.

When the Elementary and Secondary Education Act first passed in 1965, it was a critical piece of civil rights legislation, and it still is to this day. It was written with the intent that every student, no matter their race, background, ZIP Code, deserved a great education. And today, the Every Student Succeeds Act maintains that spirit.

If it had some of the prohibition that my colleague on the other side of the aisle believes it has, but won't be able to cite specific statute that it has, Democrats wouldn't have supported that bill, and it wouldn't have passed with nearly every Democrat—if not every Democratic vote—in the House and the Senate.

For months, States have been working diligently to write their own State plans to comply with the Every Student Succeeds Act. My home State of Colorado has undertaken an extensive process. I got to attend one of the stakeholder meetings as part of that process, gathering feedback from educators, and parents, and students to write a State plan that works for Colorado and meets the requirements of the new law and the rules that this CRA would undo.

This resolution would undo all of that State-level work, all of the work that people in Colorado have done, that people in other States have done; create massive chaos and uncertainty in public education; and destroy the civil rights safeguards that Republicans and Democrats worked so diligently to put in place in the Every Student Succeeds Act.

Not only would this CRA overturn the regulations, but it would prevent the Department of Education from looking at accountability again. It would tie the hands of the newly confirmed Secretary of Education, preventing her from improving or building upon the accountability measures that Congress, through the language of ESSA, asked the Department to take on.

This regulation was written after the Department of Education received thousands of comments from stakeholders, including parents, teachers, school boards, and advocates. Without a rule, the approval of the State accountability plans would be entirely at the discretion of the new Secretary, Secretary DeVos—the exact type of

scenario the Republicans wanted to avoid by rewriting ESSA, essentially arguing—and many Democrats agreed with the argument—that effectively it was arbitrary use of power that then-Secretary Duncan wielded, and then-Secretary King, to grant the necessary waivers under the No Child Left Behind Act by removing these rules that had been promulgated.

Effectively, we would be back to where we started without criteria for approval or denial of State plans; without adequate safeguards for civil rights; and without the assurance that we can improve and build upon progress.

How can we trust any Secretary—Duncan, King, DeVos, future Secretaries—to know what a good accountability plan and bad accountability plan look like? Why should our legislative body delegate that level of authority without rules and regulations that we derive and allow them to make an arbitrary and capricious decision-making process that could involve approving bad accountability plans, or failing to approve strong accountability plans? That should be a huge concern for parents, teachers, students, and the public system.

You know what? Republicans were right, as were Democrats, when we argued that we needed criteria for the approval of accountability plans. And the answer is not to give blanket authority to any Secretary with regard to approval or denial of their plans, and that is what these rules do. And if they need to be improved and built upon, let's work with the new Secretary to do that.

But by not only undoing those rules, but by actually prohibiting the Secretary from promulgating additional rules, it will give the Department of Education effective arbitrary veto over every State in our country and an unprecedented level of federalized control of our schools, which might be the real Republican agenda with this bill here today.

I reserve the balance of my time.

Mr. ROKITA. Mr. Speaker, I would only comment that the comments made to the rule in this regard—the ones I have seen—were almost all bad. They were negative against this rule, except for maybe a few groups.

I would like to yield 4 minutes to the gentlewoman from North Carolina (Ms. FOXX) who is chairwoman of the full committee.

Ms. FOXX. Mr. Speaker, I want to thank my colleague Mr. ROKITA for yielding time and for handling this on the floor today.

Mr. Speaker, I rise in strong support of H.J. Res. 57. For years, the Federal Government operated under the flawed idea that Washington knows best when it comes to education. Policies put in place in recent decades vastly expanded the Federal footprint in the K-12 schools and prevented State and local education leaders from delivering the high-quality education all children deserve.

Something needed to change. Yet, under the Obama administration, the problem only got worse. For years, the last administration used regulations, waivers, and pet projects to unilaterally exert its control over education. Its heavy-handed, one-size-fits-all policies only increased the Federal role in America's classrooms, moving K-12 education in the wrong direction. That is why Republicans and Democrats came together to pass the Every Student Succeeds Act.

Enacted just over a year ago, the law was built on three important principles: empowering parents, reducing the Federal role, and restoring local control. It sent a clear message that the American people were done with the top-down approach to education.

Unfortunately, the previous administration didn't get the message. The Department of Education continued using rules and regulations to push its failed education agenda—the same agenda Congress rejected with overwhelming bipartisan support. We are here today to put a stop to two of those rules.

The resolution under consideration, H.J. Res. 57, will roll back a regulation implementing accountability provisions in the Every Student Succeeds Act. The law empowers States to develop ways to hold schools accountable to the students and parents they serve, and ensure taxpayer dollars are being spent responsibly. The Department's accountability rule, however, does the exact opposite. Not only does it impose prescriptive accountability requirements on State education leaders, but it also violates specific prohibitions the law places on the Secretary of Education's authority.

We also considered, a few moments ago, H.J. Res. 58, which will block implementation of a regulation that significantly expands the Federal Government's involvement in teacher preparation.

Yet, another example of Obama overreach, the teacher preparation rule essentially creates a Federal system for evaluating teacher performance. It would be virtually impossible to implement and could lead to fewer teachers serving low-income students.

Together, these two resolutions of disapproval will move us towards limiting the Federal role in education and protect the local control promised with recent education reforms.

I want to thank Representatives ROKITA and GUTHRIE for their work to fight against the flawed policies of the past and for leading the way in delivering a more positive, more limited, and more responsible Federal role in education.

I urge my colleagues to support both resolutions.

Mr. POLIS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Committee on Education and the Workforce.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding. I

rise in strong opposition of H.J. Res. 57. This resolution takes aim at the heart of the Every Student Succeeds Act, or ESSA. That bill passed with overwhelming bipartisan support. This resolution would strike down regulations that provide necessary clarity to States about what it means to ensure that all students are taught to high standards, and what it means to provide accurate data on student academic performance and resource equity.

States now lack direction needed to proceed with implementation of the bill. Just last week, the Department removed all ESSA technical assistance to the States from the public domain, despite numerous and repeated requests for technical assistance from State and local leaders.

Mr. Speaker, when Congress came together to pass ESSA, we made a promise, the promise of stability and consistency and a full replacement of No Child Left Behind. And while we promised new flexibilities, those flexibilities came with guardrails to guide the decisionmaking, to ensure protections for vulnerable students, and to support educators and school leaders. This resolution breaks that bipartisan promise.

Contrary to the wishes of some, ESSA was not a blank check to States from the Federal Government. ESSA is a fundamental approach with much power restored to the State and local level, but it comes with Federal protections for vulnerable students. So we must not waver in our commitment to give States the support and guidance they need to move forward.

Mr. Speaker, some claim the regulations are unnecessary because States can just read the law and implement it. But we all know, based on precedence and common sense, that the new landscape of ESSA would necessitate regulatory clarity from the executive branch, just as all Federal agencies routinely update existing regulations as new legislation is passed.

Providing stakeholders with direction and clarity about how to carry out the Federal laws as big as the Elementary and Secondary Education Act is not new. No Child Left Behind led the Bush administration to undergo similar rulemaking, and it was more than 2 years before the regulations were fully realized. It also enabled States, in their efforts, to move forward with timely submission of their ESSA plans.

If this resolution of disapproval is enacted, States will have no ability to prepare State plans that require Federal approval until after the Department reestablishes requirements and criteria, causing an unwelcome and unnecessary delay for States eager to move forward, leaving ESSA unregulated before States to just wait until the new regulations are passed, and also undo months of work that is currently underway.

In effect, the lack of clarity on how to effectively utilize the new flexibilities, while meeting statutory requirements, may lead many States to revert

to—they have to revert to something—maybe the No Child Left Behind narrow policies and systems, the very policies that the ESSA eliminated.

Mr. Speaker, where the law's requirements are ambiguous, agency interpretation is necessary to set a Federal floor. Without that floor, compliance with the Federal law becomes subjective, with different standards being applied from State to State. This kind of subjectivity was the same problem we had with No Child Left Behind when States relied on guidance without regulation.

Under that scheme, the Department could not be held accountable for treating one State different from another, and that is what we are correcting through the enactment and regulation of ESSA's core requirements. Those requirements must be applied fairly across all States. That is the whole point of a Federal law.

The Department conducted hundreds of meetings, held public forums and listening sessions, and read and responded to thousands of comments to produce a consensus-driven rule. The Department made significant revisions before finalization, and they were met with praise from teachers, State education chiefs, local administrators, parents, and civil rights communities.

Regardless of whether you think the rule is perfect or flawed, the substance of the rule is a reasonable interpretation that provides clarity for States to enable their compliance with statutory requirements. Now, President Trump has administrative tools at his disposal to revise or completely rewrite this regulation. However, it is clear, based on history of implementation of the Elementary and Secondary Education Act that regulatory clarity is necessary.

Using the CRA to block the rule is unnecessary and shortsighted. It hurts students and schools. It undermines a bipartisan intent of Congress and leaves States in a lurch by causing confusion and delays for the submission of their State plans. It also undermines equity protections for vulnerable students that the law was intended to serve.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. SCOTT of Virginia. This resolution threatens the success of the law we fought so hard to pass, so I urge a "no" vote.

Mr. ROKITA. Mr. Speaker, I finally realized what is happening here. What the other side considers ambiguous is really flexibility. I think that is the difference here. But, let's be clear. What we intended through ESSA was flexibility for the States. Nowhere in the law are we ambiguous about what we intended.

I would like to yield 3 minutes to the gentleman from Georgia (Mr. FERGUSON), who, in the month that he has been here, has already injected a lot of

energy to the committee and is doing a great job for his constituents.

□ 1600

Mr. FERGUSON. Mr. Speaker, I rise today in support of H.J. Res. 57. Voting in support of this resolution ensures that the Federal Government will stay out of our children's classrooms and give the power back to the local authorities to make good, solid education decisions.

Throughout my congressional campaign, the people of the Third District of Georgia of all backgrounds and income continued to express their frustration that the Federal Government continued to get involved in policies that should be the domain of local and State governments.

I have spoken with education leaders in the Third District of Georgia, in places like Troup County and Fayette County, and they were very pleased with the bipartisan effort of the Every Student Succeeds Act passed last Congress. They told me that they felt hopeful with the new flexibility written into the law granting the power to the States and the local leaders to decide what accountability measures work best for their students. However, as time went on, they expressed great concern as the Department of Education began writing this new accountability regulation.

The accountability measures that will work for my home State of Georgia and my home district won't always work best for students elsewhere. Trying to educate students in the Third District of Georgia the exact same way you do students in Detroit, Michigan, or Spokane, Washington, or Prescott, Arizona, just simply will not work.

Every child deserves access to quality education, but imposing a nationwide standard will only hamper this goal with burdensome regulations, and we have seen that failed policy under the No Child Left Behind Act. This resolution pulls back the Federal overreach, ensuring that the decisions will remain at the local level, and that is why I support H.J. Res. 57 today.

Mr. POLIS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Speaker, I rise in opposition to H.J. Res. 57.

This resolution is an extreme measure that will disrupt and delay the implementation of the bipartisan Every Student Succeeds Act, an important law that replaces the failed policies of No Child Left Behind by carefully balancing the need for more local control in education with strong Federal civil rights protections for students.

Today, sadly, the promise of the Every Student Succeeds Act is in jeopardy. This resolution appears to be part of a larger effort to dismantle the oversight and enforcement responsibilities of the Department of Education which would harm all students.

If my Republican friends are serious about successfully implementing the

law we all worked so hard to pass, they would not be demolishing a key set of regulations, and certainly not while States are currently finalizing their plans to implement the new accountability systems and public reporting requirements outlined in the regulations.

These regulations give States considerable flexibility and guidance. For example, they provide additional time to identify schools for comprehensive and targeted support. They ensure that parents are notified if their school is identified for additional support and explain how parents can get involved in their school's improvement efforts, and they give States flexibility to use multiple indicators in evaluating schools. These regulations are reasonable clarifications that reinforce the intent of the law.

Of course, my colleagues might disagree with some elements of the regulations, but this is the wrong way to change them. If my colleagues were serious about changing the regulations, then they would involve stakeholders and have a collaborative and transparent process to amend the rules through the public notice and comment process.

Unfortunately, without critical rules for implementing the Every Student Succeeds Act and the ability to write similar rules in the future, I expect we will see two things happen, both of which are detrimental:

Some States will take an anything-goes approach, which could hurt our 15 million public school students and, historically, is particularly damaging to African-American students, Hispanic students, Native American students, students with disabilities, and English-language learners. Remember the original Elementary and Secondary Education Act was about equity.

Other States, without clear rules for compliance, will simply continue existing policies—many of which are a legacy of the No Child Left Behind era—and miss out on the important flexibility and positive changes in the new law.

Using the Congressional Review Act to dismantle important regulations for the Every Student Succeeds Act will create a great deal of uncertainty and threaten the implementation of the law. Certainty is what our school districts need, and it risks critical equity protections for disadvantaged students.

The resolution before us is an extreme measure. It is entirely avoidable. The administration can revise these regulations, but instead, the supporters of this resolution are choosing to gut this important law by making implementation essentially unfeasible and uncertain.

Mr. Speaker, I urge all of my colleagues to stand with our students across this country and vote “no” on this resolution, and then let's work together to amend the regulations.

Mr. ROKITA. Mr. Speaker, I agree with the gentlewoman: ESSA was a

landmark bipartisan achievement. Unfortunately, the Obama administration's partisan implementation of it is what brings us here today. Instead of choosing to take every opportunity to work with us, the Obama administration is choosing to do through the regulatory process what it couldn't achieve legislatively.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. COSTELLO), who is doing a great job for his State.

Mr. COSTELLO of Pennsylvania. Mr. Speaker, last Congress, Members on both sides of the aisle came together to restore education decisionmaking authority to where it should be—at the State and local level—devolving it from overreach by the Federal Government through the Every Student Succeeds Act. It was a bipartisan accomplishment that I speak very proudly of in my congressional district, as I know many Members do in their congressional districts.

However, certain regulations were issued by the Department of Education last year that threaten regulatory overreach, including problematic provisions requiring States to issue uniform standards to determine a teacher's level of effectiveness or ineffectiveness. Put quite simply, the rule, as it was issued late in November, is not consistent with the law that we passed that we were all so proud of. In fact, it is necessary to use the CRA to override this rule in order to maintain the integrity of the ESSA, which we are all very proud of passing, to restore local control, and that goes from student testing to curriculum, to teacher evaluation. What we have here, as written, are regulations which threaten an overemphasis on students' standardized testing scores when evaluating the quality of a teacher.

H.J. Res. 57 would override regulations because they are not consistent with the law that we just passed. H.J. Res. 57 would preserve the bipartisan accomplishments achieved in the ESSA by allowing States to continue tailoring the ESSA to meet local needs without overreach and without mandates from the Federal Government. Put simply, what we are seeking to do here is to prevent the Federal Government from once again nudging its nose into local and State control over teacher evaluations, which was one of the main objectives of the ESSA in the first instance.

Mr. Speaker, I want to thank Congressman ROKITA for his leadership.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ESPAILLAT), who is a new member of the Education and the Workforce Committee and is doing an excellent job so far.

Mr. ESPAILLAT. Mr. Speaker, I stand here today in strong opposition to H.J. Res. 57. Not only is the rollback of these substantive measures incredibly detrimental, but the process by which my Republican colleagues are fa-

cilitating their actions is, quite simply, wrong. This regulation is a product of months of work to come to a consensus on what is best for all of our students.

Mr. Speaker, the Every Student Succeeds Act received strong bipartisan support, and it received bicameral support when it passed when 359 Members of the House and 85 Senators voted in favor of this legislation. In fact, Senator LAMAR ALEXANDER, who serves as chairman of the Senate Health, Education, Labor, and Pensions Committee, said back then that this bill was truly a Christmas miracle for American children. However, just weeks into this administration, Republicans, for purely political reasons and for political purposes, are actively working to strip States and districts of the stability and clarity they need to implement this law.

Approximately 50 million children attend public schools in the United States. About 1.1 million of those students are in New York City Public Schools. I think everyone agrees that we should be doing all we can do to help and prepare our students, but this resolution does the exact opposite. This regulation provides important guidance to ensure the students are college and career ready. It helps schools identify subgroups of students in need of additional academic support and help.

Dismantling this regulation will disrupt ways in which information used to measure school performance and resource equity is reported, ultimately resulting in our parents, teachers, and policymakers not being equipped with the necessary data to make important decisions.

The SPEAKER pro tempore (Mr. COLLINS of New York). The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. ESPAILLAT. Further, rolling back this regulation directly targets inner-city public schools and shows, at best, indifference to our Nation's most vulnerable students. It will leave students—specifically, low-income minority students and English-language learners—without the protections and support intended by Congress.

I, of all people, understand this important measure to look out for students with special English-language needs, coming from a low-income immigrant family, and I implore my Republican colleagues to reconsider this troublesome action.

Mr. ROKITA. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Delaware (Ms. BLUNT ROCHESTER), who is a new member of the Education and the Workforce Committee.

Ms. BLUNT ROCHESTER. Mr. Speaker, I rise in opposition to H.J. Res. 57 today for two reasons. I believe that the majority's repeated use of the Congressional Review Act this week

and last week is unnecessary, constraining, and, in this case, adds cost. The Congressional Review Act has only been used successfully in 2000 one time, and already this month the House is considering its eighth joint resolution of disapproval.

I believe in our role of oversight of the executive branch, but using the blunt tool of the CRA to block regulatory action in an effort to support and improve public education is an abuse of the CRA. The newly confirmed Secretary of Education can already amend targeted rules like the one this resolution is addressing without fully repealing the guidance and preventing similar rules in the future.

The Every Student Succeeds Act was a major bipartisan accomplishment, and I am particularly concerned about the uncertainty for the States and local stakeholders caused by repealing these accountability standards in the underlying rule.

In Delaware, just as in States across the country, local stakeholder groups and State departments of education have been working together to provide thorough feedback and guidance on these accountability rules that the majority wants to repeal.

I have heard from my State board of education that repealing these regulations would cause States to delay the development of their plans, potentially costing them both time and money to gather feedback on a significantly different set of guidelines for the plan, and, most importantly, further delaying the implementation of changes to the education system that our students need and deserve.

Mr. Speaker, my question to my colleagues would be: Why get rid of the whole rule when it comes from a bill that ultimately happened in such a bipartisan way? Why prevent accountability and guidance for States?

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. BLUNT ROCHESTER. I will oppose H.J. Res. 57, Mr. Speaker, and I urge my colleagues to oppose H.J. Res. 57.

□ 1615

Mr. ROKITA. Mr. Speaker, I yield myself 30 seconds.

The effect of this action will not halt State implementation efforts. Let me say that again. The effect of this action will not halt State implementation efforts.

Our intent is to require clarity and consistency so implementation can, in fact, continue. States are continuing to develop State plans that comply with the law, as you have already seen being done across the country. The States and school districts are in the driver's seat here, Mr. Speaker, and they should continue moving forward.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Cali-

fornia, (Ms. JUDY CHU), the chair of the Congressional Asian Pacific American Caucus.

Ms. JUDY CHU of California. Mr. Speaker, I rise today in strong opposition to H.J. Res. 57. This reckless measure rolls back the progress made by the Every Student Succeeds Act, or ESSA, by making it easier for schools to ignore vulnerable or underachieving students.

Before ESSA, American schools operated under the one-size-fits-all model of No Child Left Behind. What we got was a lopsided understanding of our education system—one that focused on meeting unforgiving benchmarks and turned a blind eye to students who needed more support.

Then, after years of careful, bipartisan work, we finally succeeded in passing ESSA last Congress. Thanks to the work of the Congressional Tri-Caucus, this bill made needed changes to ensure that vulnerable students, including English language learners and students of color, didn't slip through the cracks. In fact, the accountability provisions within ESSA were specifically designed to protect the rights of every student and ensure that struggling schools have the resources and support they need to succeed.

Now, by rescinding the rule which implements the core of this law, Republicans are undoing all of that work in the name of relentless deregulation. Worse, they are, once again, using the little-known Congressional Review Act, which means no future administration can issue a rule like this ever again.

Most Americans are unfamiliar with the Congressional Review Act because, before this Congress, it has only been used once before. Now Republicans are using it almost daily to weaken our government and support fewer people.

With today's vote, Republicans are taking an ax to equity provisions of ESSA and prioritizing politics over students. Rather than pass this extreme measure, we should focus on a way to enforce ESSA and ensure that every student, no matter their race, income level, or language ability, has access to a quality education.

I urge my colleagues to prioritize our Nation's students and vote "no" on H.J. Res. 57.

Mr. ROKITA. Mr. Speaker, I yield myself 1 minute to say to the gentlewoman that I agree that we have to be careful to make sure underserved children are not vulnerable, which is what we did in the underlying law in a bipartisan manner when we passed it and when the President signed the law.

I reject the premise that State and local leaders, however, cannot be trusted to deliver an excellent education to all of their students. More importantly, that premise was rejected by Congresses in ESSA itself.

Beyond that, the criticism just levied is simply not true. The Department of Education has the right and, indeed, the obligation to enforce the law. That has never been in dispute.

There are clear requirements in this statute for States to develop ways to hold their schools accountable and to report information about school performance to parents and their communities. That duty continues.

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

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard a lot about the legal implications and the chaos that this resolution would create if it were passed. I want to share with you a brief story from a parent who has two sons with special needs and who depends on strong accountability for her son's success.

What parents across this country who have kids in public schools want to see is a system that works for them. They are not so caught up in which rule is being passed by who and who is doing what. They want to make sure the learning needs of their child are met.

Frankly, a strong accountability system and a reliable accountability system with parameters that are clear rather than a chaotic and unpredictable one goes a long way to reassuring parents across this country that the needs of their child are being met.

Here is a brief story from a parent with two sons with special needs:

My son Jacob is a freshman in high school. Today, he's a straight A student well on his way to a great future. But it wasn't always that way. He spent his early elementary school years lacking the supports he needed to be successful in the classroom.

At the beginning of fourth grade, he was in a self-contained classroom, which supported his behavioral needs, but not his academic needs. We were given the choice to "opt out" of grade-level testing, but refused. It was the results of those tests that gave us the data we needed to see where he needed support and to see where he could excel academically. We all saw he was working at or above grade-level in many areas. It kept us accountable to planning his successful future.

By the end of fourth grade, he was partially included in a general education classroom. By middle school, he was fully included in the general education classroom with minimal supports in place. Without accountability standards in place for students like Jacob, none of us—his parents, his teachers, and even Jacob himself—would have been able to track his upward trajectory.

I hear stories like this from so many of my constituents, Mr. Speaker: kids with learning disabilities, kids who attend schools that have pervasive achievement gaps between higher- and lower-income students and students of color and White students.

Frankly, the accountability system that we have had and the improvements that we built into it through the Every Student Succeeds Act and this rulemaking process are the prime civil rights safeguards that families across the country have so that they can, with confidence, know that the public schools are required to meet the learning needs of their child and that somebody is watching that, who will watch the watchers, and that their only recourse isn't just expensive litigation,

which the repeal of this rule would lead to more of, but, frankly, is where the money is coming from and making sure that there is a degree of controls in place that the learning of the child is being met.

Stories like Jacob's are the reason why so many organizations have voiced their opposition to H.J. Res. 57.

Mr. Speaker, I include in the RECORD a list of organizations that have announced opposition.

The following organizations have all voiced their opposition to House Joint Resolution 57:

Congressional Asian Pacific American Caucus (CAPAC); Congressional Black Caucus (CBC); Congressional Hispanic Caucus (CHC); Alliance for Excellent Education; Association of University Centers on Disabilities; Center for American Progress; Children's Defense Fund; Consortium for Citizens with Disabilities; Council of Parent Attorneys and Advocates; Democrats for Education Reform; Disability Rights Education & Defense Fund.

Easterseals; The Education Trust; Judge David L. Bazelon Center for Mental Health Law; League of United Latin American Citizens; Mexican American Legal Defense and Education Fund (MALDEF); NAACP; NAACP Legal Defense and Educational Fund, Inc.; National Association of Councils on Developmental Disabilities; National Center for Learning Disabilities; National Council of La Raza; National Disability Rights Network; National Down Syndrome Congress; National Indian Education Association.

National Urban League; National Women's Law Center; New Leaders; PolicyLink; Southeast Asia Resource Action Center (SEARAC); Stand for Children; Teach For America; Teach Plus; The New Teacher Project (TNTP); The Leadership Conference on Civil and Human Rights; U.S. Chamber of Commerce; United Negro College Fund (UNCF).

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
February 6, 2017.

TO THE MEMBERS OF THE UNITED STATES CONGRESS: The Chamber opposes H.J. Res. 57, which would block regulations implementing accountability provisions in the bipartisan Every Student Succeeds Act (ESSA).

The Chamber believes these regulations, although not perfect, have provided states, districts, and schools the guidance necessary to ensure an orderly transition from the prior No Child Left Behind Act to the new, and far more flexible, accountability provisions under ESSA.

The Chamber is concerned that repealing the regulations could delay implementation of this critical new law. Over the past year, states have been developing implementation plans with input from thousands of stakeholders. Many states are in the final stages of developing these plans and preparing them for submission to the Department of Education. Repealing will create unnecessary confusion and uncertainty.

The Chamber urges you to vote against H.J. Res. 57.

Sincerely,

JACK HOWARD.

CONGRESSIONAL TRI-CAUCUS CHAIRS OPPOSE
EFFORTS TO UNDERMINE PUBLIC EDUCATION
[For Immediate Release—Feb. 7, 2017]

WASHINGTON, DC.—Today, the Chairs of the Congressional Tri-Caucus—composed of the Congressional Asian Pacific American Caucus, the Congressional Black Caucus, and the Congressional Hispanic Caucus—released the

following joint statement in opposition to H.J. Res. 57, which would undermine the Department of Education's authority to implement and enforce key provisions of the Every Student Succeeds Act (ESSA):

"H.J. Res. 57, the joint resolution to undermine implementation of the bipartisan Every Student Succeeds Act (ESSA), is another step in the Republican attack on public education and enforcement authority of the Department of Education. First, President Trump nominates a champion of privatization who is unfamiliar and unwilling to enforce key civil rights protections for students. Now, Congressional Republicans are ripping apart regulation to guide implementation of the most important equity provisions of our nation's new K-12 law.

"As leaders of the Congressional Asian Pacific American, Black, and Hispanic Caucuses we fought to couple ESSA's unprecedented state and local flexibility over school accountability and improvement with strong federal protections for our most vulnerable students. Without the stability and clarity provided through regulation, plan development stops, systems halt, and students and teachers lose. While this regulation reflects the consensus of the education and civil rights community, it is within the purview of the new Republican administration to re-examine and amend it as they see fit. However, rather than take this responsible approach to implementing the new law, Republicans have chosen to put politics before students.

"H.J. Res. 57 would leave key provisions of the law completely unregulated indefinitely, leaving state systems that serve our nation's more than 50 million public school students in limbo and important civil rights obligations unfulfilled. Faithful implementation of ESSA must honor both the bipartisan intent of Congress and the longstanding civil rights legacy of the Elementary and Secondary Education Act. This reckless measure flies in the face of both. For these reasons, we firmly oppose H.J. Res. 57."

CONSORTIUM FOR CITIZENS
WITH DISABILITIES,
February 6, 2017.

DEAR REPRESENTATIVE: The co-chairs of the Consortium for Citizens with Disabilities (CCD) Education Task Force, on behalf of the CCD Education Taskforce, write in opposition of H.J. Res 57 to rescind the accountability regulations under the Every Student Succeeds Act (ESSA).

The CCD Education Task Force advocates for Federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. The CCD Task Force sees these principles as critical elements in a society that recognizes and respects the dignity and worth of all its members.

The CCD Ed Task Force believes that the ESSA accountability regulations are critical for meaningful implementation of ESSA. The regulations clarify the statutory language in ESSA, build upon ESSA's flexibility for school improvement and provide a clarified role for families, educators and stakeholders to share in the implementation process. Perhaps, most importantly, the final regulations help assure that States meaningfully develop accountability plans that will create statewide systems to identify schools and districts which need to target funds to intervene and support students not meeting state-determined standards. We view this as critical to helping shine a needed light on the education gap for groups of students, including students with disabilities so they can make important gains and achieve the same education outcomes as their peers.

The passage of ESSA was a successful bipartisan effort to improve education for all students built upon the frame of accountability. To rescind these regulations would not only be a disservice to the spirit of ESSA and diminish the efficacy of the law, but would also serve to undermine the equity of educational opportunity for all students, including students with disabilities.

Should you have any questions, please do not hesitate to contact any of the co-chairs listed below.

Sincerely,

LINDSAY E. JONES,
National Center for
Learning Disabilities.

LAURA KALOI,
Council of Parent Attorneys and Advocates.

AMANDA LOWE,
National Disability Rights Network.

KIM MUSHENO,
Association of University Centers on Disability.

CINDY SMITH,
National Assoc. of Councils on Developmental Disabilities.

THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS,
February 6, 2017.

Keep ESSA Implementation Moving Forward—Oppose H.J. Res. 57.

DEAR REPRESENTATIVE: On behalf of The Leadership Conference on Civil and Human Rights and the 29 undersigned organizations, we urge you to oppose H.J. Res. 57 and to support continued implementation of the bipartisan Every Student Succeeds Act (ESSA). In order for the latest reauthorization of the Elementary and Secondary Education Act of 1965 to fulfill its purpose as a civil rights law and for implementation to comply with the requirements Congress set forth, federal oversight is critical. The underlying accountability and state plan regulation will help states, districts, and schools to faithfully implement the law and meet their legal obligations to historically marginalized groups of students including students of color, students with disabilities, and students who are English learners, immigrants, girls, Native American, LGBTQ or low-income. Congress should reject the effort to overturn these regulations under the Congressional Review Act (CRA) and should preserve critical protections for marginalized students.

Over the course of legislative debate in 2015, Congress reached several compromises which enshrined both meaningful guardrails and state flexibility into the new law. It was these compromises—the allowance of flexibility while still maintaining core principles of fiscal responsibility and protections for marginalized students—which led to the passage of the ESSA. At the core is an offer to states—federal funding in exchange for compliance with requirements regarding accountability, protections for students, and fiscal responsibility. States must not be permitted to take federal funds while flouting the law's mandates. The accountability and state plan regulation provides clarification and timelines which will support the vital role of the U.S. Department of Education in ensuring that states hold up their end of that deal.

The process of soliciting public feedback on potential ESSA regulations began long before a draft rule was even published. On December 22, 2015 the Department of Education issued a request for information and

noticed two public meetings, “soliciting advice and recommendations from interested parties prior to publishing proposed regulations.” Then, when draft rules were issued more than five months later, the agency received over 21,000 public comments in response to the notice of proposed rulemaking. After considering the voluminous feedback, the Department of Education issued a final rule on November 29, 2016. This robust and transparent engagement process was appropriate and needed—questions regarding the responsible use of federal funds and the need to ensure that every student succeeds generate considerable interest. Support for the CRA and discarding this important regulation diminishes the important time and thought dedicated to this process, and the voices of parents, students, advocates, educators and others who have sought to be heard.

ESSA can and should, “provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.” These lofty objectives, however, require vigilance and oversight by the Department of Education and support from Members of Congress. We urge you to oppose this resolution and to allow for the continued implementation of the law. Should you have any questions, please reach out to Liz King, Leadership Conference Director of Education Policy.

Sincerely,

The Leadership Conference on Civil and Human Rights; Alliance for Excellent Education; Association of University Centers on Disabilities; Children’s Defense Fund; Council of Parent Attorneys and Advocates; Democrats for Education Reform; Disability Rights Education & Defense Fund; Easterseals; The Education Trust; Judge David L. Bazelon Center for Mental Health Law.

League of United Latin American Citizens; MALDEF; NAACP; NAACP Legal Defense and Educational Fund, Inc.; National Association of Councils on Developmental Disabilities; National Center for Learning Disabilities; National Council of La Raza; National Disability Rights Network; National Down Syndrome Congress; National Indian Education Association; National Urban League; National Women’s Law Center; New Leaders; PolicyLink; Southeast Asia Resource Action Center (SEARAC); Stand for Children; Teach For America; Teach Plus; TNTIP; UNCF.

THE COUNCIL OF PARENT ATTORNEYS AND ADVOCATES, INC., DEMOCRATS FOR EDUCATION REFORM, THE EDUCATION TRUST, THE LEADERSHIP CONFERENCE, NATIONAL CENTER FOR LEARNING DISABILITIES, NATIONAL COUNCIL OF LA RAZA, U.S. CHAMBER OF COMMERCE,

February 6, 2017.

Hon. PAUL RYAN,
Speaker, House of Representatives,
Washington, DC.

Hon. NANCY PELOSI,
Democratic Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN AND LEADER PELOSI: Over the past two years, our organizations have worked together—across lines that often divide us on matters of public policy—to secure provisions in the Every Student Succeeds Act (ESSA) that we all think are vitally important to our nation’s future, and ensure those provisions are implemented well in the states. Our common goals include:

State-adopted standards aligned with the demands of postsecondary education and the workforce;

Annual statewide assessment of all students in grades 3–8 and once again in high school, with a strictly limited exception for students with the most significant cognitive disabilities;

Transparent, accessible reporting of data—disaggregated by race, income, disability status, and English proficiency—at the state, district, and school levels, so educators, parents, and students themselves have objective information on where they are on their journey to college and career readiness; and

Statewide accountability systems that include achievement and graduation-rate goals for all groups of students, rate schools in large part on the academic performance of all groups of students, and require action when any group of students consistently underperforms.

The overwhelmingly bipartisan legislation reflects these principles. It grants states broad discretion to design their systems while holding them responsible for working within-federal guardrails to design systems that ensure genuine equity and excellence for all students.

Since ESSA’s passage, we have collectively been working in states across the country to equip diverse partners to push for and support the development of state systems focused on equity and improvement.

One important piece of this process is the adoption of regulations, which provide clarity and certainty on both the key principles of the statute and the processes for implementation.

The U.S. Department of Education finalized those regulations in November. But just as states and state advocates are putting pen to paper on their state plans, you are considering a resolution disapproving of the regulations. This action will cause unnecessary confusion, disrupting the work in states and wasting time that we cannot afford to waste.

Just as we believe the Every Student Succeeds Act incorporates our principles, we believe the regulations do as well. And they provide states with the clarity they need to move forward. We do not support H.J. Res 57 and we ask you to vote no.

Mr. POLIS. The opposing organizations include Alliance for Excellent Education; Association of University Centers on Disabilities; Children’s Defense Fund; Consortium for Citizens with Disabilities; Council of Parent Attorneys and Advocates; Democrats for Education Reform; Easterseals; The Education Trust; League of United Latin American Citizens; Mexican American Legal Defense and Education Fund; NAACP; National Center for Learning Disabilities; National Council of La Raza; National Down Syndrome Congress; National Urban League; National Women’s Law Center; Southeast Asia Resource Action Center; Stand for Children; Teach For America; United Negro College Fund. And even, Mr. Speaker, the U.S. Chamber of Commerce has weighed in on this bill to oppose these efforts to strip away the accountability system from our public education.

I also want to point out that I was opposed to the earlier resolution on the floor today, which would unravel the Department of Education’s regulation on teacher preparation.

The intent of the teacher preparation program, as was argued here, was to

provide more transparency and accountability around the quality of teacher preparation programs.

This Republican quest to abolish accountability for our public schools is exactly the opposite of what I hear from parents and families in my district who want to make sure that we have more transparency and more accountability, not less.

While I think we all can agree that a great education starts with a great teacher, we ought to be able to make sure that teacher preparation programs are charged with adequately preparing teachers and that we have some objective criteria for checking whether teacher preparation programs are doing a good job or doing a poor job.

The regulation also requires that TEACH Grant recipients attend high-performing teacher preparation programs. It is not a matter of picking winners or losers. It is simply a solution towards making sure our limited taxpayer dollars for professional development and teacher training are used effectively. If money is going to be invested in teachers at high-needs schools, we want to make sure that teachers are attending high-quality programs.

Now we have had a robust debate about the implications of accountability and the real impact it has for States, districts, and students; but I want people to focus on the story of parents and families in their district who benefited from the accountability system that previously existed and is improved upon through the Every Student Succeeds Act.

It walks away from accountability—that is what this CRA does. If this CRA passes, it doesn’t just get rid of a particular set of rules around accountability. Everybody might have things they want to change. There is a process for changing those and a new Secretary in place who can certainly begin that process. No, it wouldn’t do that.

It would abolish the entire rules and effectively prevent the Secretary from promulgating new rules around accountability, leaving it completely unknown to the States and the school districts what criteria the Federal Government was looking for in improving State-based accountability programs.

Parents like Jacob’s wouldn’t know if the Federal Government would be there to make sure that school districts had a plan to meet the learning needs of every child.

The reason it is opposed so vociferously by civil rights organizations is none of us would know whether the State accountability plan had a plan to close the achievement gap to make sure that schools can cater to the needs of all kids, regardless of their race or income.

That is what is lacking by passage of this CRA. It would effectively handcuff the Secretary of Education, prevent her from implementing the overwhelming will of this body, Democratic and Republican, to maintain the civil

rights and accountability safeguards of No Child Left Behind; by moving away from the one-size-fits-all accountability formula towards increased State flexibility, so long as the basic goal of meeting the learning needs of all students were met by State level plans.

That is at the heart of why we need accountability in the Every Student Succeeds Act. This is why we need guidance from the Department of Education through rules and regulations.

The resolution before us today would completely undermine the civil rights provisions of the Every Student Succeeds Act and would prevent the Department of Education from even considering new rules and regulations to protect the civil rights of Americans across our country.

Those with learning disabilities and those without, parents across the country have banded together to oppose this Congressional Review Act.

I urge my colleagues to reject this attempt to undermine our public schools and undermine accountability. I oppose this resolution, and I urge a "no" vote.

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

Mr. ROKITA. Mr. Speaker, I yield myself the balance of my time.

The gentleman talks about accountability. I want to reassure all the Members here that will be voting on this joint resolution that we are not throwing accountability out the window.

What we decided last year when we passed the Every Student Succeeds Act is that accountability was a good thing. But the best leaders and the best persons to determine what that accountability should be and what that accountability should look like are found in our States and are found in our local jurisdictions. They know our best assets the best—our best assets being our children. They know what they need.

So we are not throwing accountability out the window. We are saying accountability is to be measured at the State level by the States, by the local jurisdictions, and they are to simply report to the Department of Education what their accountability plan is in a transparent way so that, again, parents, teachers, and taxpayers can decide if that State is doing a good job, so that people like the NAACP—if they are and should be, as we all should be, worried about achievement gaps—could affect how to close those achievement gaps in those respective States and, by the way, perhaps come up with a more effective way, a better plan, a more aggressive plan to close that achievement gap rather than the one-size-fits-all bureaucracy that is the Federal Department of Education. That is the whole point.

Secondly, regarding civil rights. Nothing in this resolution that takes back this draconian rulemaking from the Department of Education affects civil rights. We are very clear in the

Every Student Succeeds Act that the civil rights protections remain. We agreed with that in a bipartisan way, and all of that remains. Don't let the gentleman from Colorado scare you into thinking anything different.

There was a lot of talk about uncertainty from previous speakers—uncertainty for States—and that blocking implementation of these regulations will create that uncertainty. Let me address that for just a couple of minutes.

We, Congress, cannot allow Federal agencies to ignore the clear prohibitions against executive overreach. These regulations clearly attempt to reassert Federal control that was returned to the States by Congress under ESSA.

□ 1630

Repealing these regulations is the only way to give States and school districts the certainty that they need with sufficient time to move the implementation process forward. The law itself provides enough guidance. We were very specific how we wrote this law. We were very specific in the requirements needed. That removes the need to have the kind of rulemaking that the Department of Education, either through habit or through direct intent, is trying to do here. We don't need to do it here.

The law itself lays out clear criteria for the State plans. It states explicitly that the onus is on the Department of Education to demonstrate how a plan does not comply with the law that we wrote and that the President signed into law. It does not require, and the States are not required, to go jump through the hoops that the Department is trying to have them jump through now through this rulemaking.

The law also requires the Department to review the State plans with deference to State and local judgments. The Department is trying to take that judgment away from the States and put it under its own umbrella.

Under the law, as long as States can demonstrate that their plans comply with the statute, they will be approved. We wrote that into the law. Because of this, States can have the certainty that the work they began can continue. The Department, with this rule, is trying to unravel all that. The resolution stops the Department from doing that.

I know Congressman COSTELLO mentioned teacher performance. Others have talked about student assessment participation rates. Let me give you a few examples for the record, Mr. Speaker. ESSA allowed States to determine how to hold schools accountable for assessing students. The final rule limits States to only four options for assessing students and requires schools to implement a plan to address low test participation—not required in the law, not part of what we are doing here. The Department, by doing that, is making up law.

Regarding teacher performance and some things that Mr. COSTELLO referenced, ESSA explicitly prohibited the Secretary from mandating the creation of teacher evaluation systems. As the Federal Government, we are getting out of the business of teacher evaluation systems. It didn't mean the States couldn't do it. It didn't mean that most States wouldn't do it. However, the final rule requires States to establish a statewide definition for what an ineffective teacher means that differentiates between categories of teachers.

Now, if you look at this in effect, in practical terms, it would be almost impossible for States to fulfill this requirement without implementing a teacher and school leader evaluation, something the law specifically didn't require, specifically prohibited. Yet, here we are with the Department's rule basically making States do it. Not what was intended. Not what we wrote. Not what we voted on on the floor of this House, and not what was signed into law by the President of the United States at the time.

So these are the kinds of things that we are fighting against here, Mr. Speaker. These are the kinds of things that H.J. Res. 57, and H.J. Res. 58 for that matter, would stop the Department from doing. H.J. Res. 57 protects the positive reforms Congress made with Every Student Succeeds Act and ensures that those reforms are implemented as Congress intended. In doing so, the resolution preserves State and local control over K-12 education and provides States and school districts the certainty they need to proceed with the plans that they are already in the process of writing.

That is why a number of groups—including the National Governors Association; AASA, the School Superintendents Association; and the Council of the Great City Schools—have spoken out in support of the resolution. It is also why the National School Boards Association supports this resolution, and it is why H.J. Res. 57 is supported by Citizens Against Government Waste.

I am confident that Congress will continue working in a bipartisan manner to empower our State and local communities to take the lead in accountability. There will be accountability. By putting a stop to the Obama administration's flawed and overreaching accountability regulation, however, we can keep the promise we made to reduce the Federal role, restore local control, and ensure all children receive the high-quality education that they deserve.

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

Mr. JOHNSON of Georgia. Mr. Speaker, today I rise to voice my strong opposition to H.J. Res. 57, which is another Republican proposal to erode the oversight and enforcement authority of the Department of Education.

In 2015, Congress responded to the voice of the American people by passing the Every

Student Succeeds Act (ESSA) with bipartisan and bicameral support. This sweeping rewrite of the Elementary and Secondary Education Act gave states and local boards of education greater flexibility to implement plans to ensure student achievement, resource equity and greater accountability.

I was happy to support the ESSA after seeking the advice of experienced educators and education stakeholders from Rockdale, DeKalb, and Gwinnett Counties, as well as throughout Georgia.

H.J. Res 57, on the other hand, flies in the face of Congressional intent by gutting a key ESSA rule developed with, and supported by teachers, civil rights organizations, parents and states. H.J. Res 57 removes civil rights protections and blocks improvements to our nation's public education system by dismantling data-reporting requirements that ensure that the needs of underperforming groups in all subgroups are adequately supported. This includes African Americans, Latinos, and students with disabilities. The Administration and my Republican colleagues are playing political games that will ultimately harm taxpayers, teachers, and our nation's most disadvantaged students.

During my time in Congress, I have worked to ensure that all students have access to a world-class education regardless of their background or zip code. I believe that all children deserve a quality education and that no child should ever fall between the cracks. I will continue fighting against republican attempts to divert funding from public education and reduce equal opportunity for all students.

Mr. MITCHELL. Mr. Speaker, I rise in support of House Joint Resolution 57. I am pleased to join Congressman TODD ROKITA as an original cosponsor.

As a parent, I know that success looks different for each child. I frequently hear from parents, teachers, and school boards in my district that with more local flexibility, they can better meet the needs of local students. This is why the Every Student Succeeds Act replaced the one-size-fits-all approach to K-12 education, and gave power back to states and school districts. Unfortunately, the previous administration used executive authority to impose an inflexible accountability system and take away the local voices; voices that are critical in determining how schools should be held accountable. Local schools, teachers, and parents, not Washington bureaucrats, know best what success looks like.

Mr. Speaker, let's return authority where it belongs—with teachers, schools, and school districts.

Success and accountability should be about meeting students' needs, not Washington's mandates. I urge my colleagues to support passage of House Joint Resolution 57.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 91, the previous question is ordered on the joint resolution.

The question is on engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Passage of H.J. Res. 44; passage of H.J. Res. 57; and passage of H.J. Res. 58.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF THE INTERIOR RELATING TO BUREAU OF LAND MANAGEMENT REGULATIONS

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 44) disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 234, nays 186, not voting 12, as follows:

[Roll No. 83]

YEAS—234

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot

Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fleischmann
Flores
Fortenberry
Fox

Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurde
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)

Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar

Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Rohy
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas
J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schrader
Schweikert
Scott, Austin

Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—186

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
Demings
DeSaulnier
Deutch
Dingell
Doggett

Doyle, Michael
F.
Ellison
Engel
Eshoo
Espallat
Esty
Evans
Fitzpatrick
Foster
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo

Loebsack
Lofgren
Lowenthal
Lowe
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sanchez
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)