

EXHIBIT 2
Goals 2000: Educate America Act, Pub. L. no. 103-227,
Sec. 318, 108 Stat. 186

Statutory Provision:

LEXSEE 103 P.L. 227
UNITED STATES PUBLIC LAWS
108th Congress -- 2nd Session
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PUBLIC LAW 103-227 [H.R. 1804]
MARCH 31, 1994
[GOALS 2000: EDUCATE AMERICA ACT]

103 P.L. 227; 108 Stat. 125; 1994 Enacted H.R. 1804; 103 Enacted H.R. 1804

Sec. 318. <20 USC 5898> PROHIBITION ON FEDERAL MANDATES,
DIRECTION, AND CONTROL.

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

Excerpts from House of Representatives Debate October 13, 1993

LEXSEE 139 CONG REC H 7769
Congressional Record -- House
Wednesday, October 13, 1993
103rd Cong. 1st Sess.
139 Cong Rec H 7740

REFERENCE: Vol. 139 No. 137

TITLE: GOALS 2000: EDUCATION AMERICA ACT

SPEAKER: Mr. BALLENGER; MR. BARRETT OF WISCONSIN; Mr. BECERRA;
MR. BEREUTER; MR. BONILLA; Mr. CASTLE; MR. CLEMENT; MRS. COLLINS
OF ILLINOIS; Mr. CONDIT; MR. CRANE; Mr. ENGEL; Ms. ENGLISH of Arizona;
MR. FAZIO; Mr. FORD of Michigan; Mr. GENE GREEN of Texas; Mr. GILLMOR;
Mr. GOODLING; Mr. GUNDERSON; Mr. HEFLEY; MR. HUGHES; MRS.
KENNELLY; Mr. KILDEE; Mr. KLINK; MR. KYL; Mr. McCURDY; MS. NORTON;
Mr. OLVER; MR. ORTON; MS. PELOSI; MR. REED; Mr. ROEMER; MR.
ROSTENKOWSKI; Mr. SAWYER; MR. VENTO; Mr. WALKER; Ms. WOOLSEY

TEXT: Text that appears in UPPER CASE identifies statements or insertions which are not spoken by a Member of the House on the floor.

[*H7740] The Committee resumed its sitting.

The CHAIRMAN pro tempore (Mr. Wise). The Chair recognizes the gentleman from Pennsylvania [Mr. Goodling].

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, I hope that everyone who may be listening to this discussion listens carefully because I am afraid an awful lot of people are talking about a bill that is not before us today. As most people know, when H.R. 1804 left committee, there was no Republican support for the bill. Almost all the problems that we found with the bill as it left the committee, I am happy to say, have been worked out between both sides of the aisle and the administration.

So I think it is important that I talk first about what is not in the bill.

What is not in the bill: No. 1, race norming is not in the bill. There were [*H7741] those who were concerned that some of the language in the original bill as it passed committee might have something to do with that issue. I would refer them to page 123 of the bill as it is before you. And the bill before you says, "consistent with Federal civil rights laws," nothing else.

The second area with which I had great concern was that perhaps we might be sending out unfunded mandates like we have never sent them before. We have sent an awful lot. Special education is a good example. I was concerned that we may be sending billions of dollars of unfunded mandates in Goals 2000 out to State and local governments and taking State and local government control from them.

So that was another reason why we did not find the bill acceptable when it left committee.

The amendment which I will offer, which I understand is accepted by both sides, says, "Nothing in H.R. 1804 can be interpreted to give the Federal Government control over State and local activities with regard to curriculum, instruction, and" -- and this is an addition to current law -- "allocation of State and local resources." This should put to rest the concern that we are going to dictate from the Federal level that somewhere, some way, the local and State Governments will find money for our dictates.

That has been eliminated from the bill with my amendment.

The next issue that I hear people talking about is family planning and reproductive health services. I want to read the language that is in the committee report so that we make it perfectly clear that that is not the intention of this legislation: "The committee wishesto emphasize that the language authorizing the coordination of health and social services with education is not" -- and a repeat -- " not intended to support projects or activities which provide family planning or reproductive health services."

Again I hope people will understand we are dealing with an entirely different piece of legislation than what was reported out of committee.

The next area that is discussed that is no longer in this legislation -- and never was -- deals with the whole idea of privacy and the whole idea of parental consent on testing.

You have to understand that there is a law called GEPA, and in GEPA the Buckley amendment handles the privacy issue and Buckley, as amended by Hatch, handles the parental consent in relation to psychological testing.

So we have satisfied, in my estimation, anybody's concern dealing with that issue.

Those are four areas that are no longer a part of the legislation, and I want my colleagues to understand that this is a different bill that is before us today. And those areas -- race norming, unfunded mandates, Federal takeover of State and local control, family planning/reproductive health services, privacy, parental consent on testing -- all have been taken care of adequately in the legislation.

Now let me talk a few minutes about what is in the bill.

The chairman has done a good job of that, so I will go over it very quickly. In title I we talk about the national education goals, and we put them into cement. This is something that has been going on for many years now, ever since the Charlottesville meeting between President Bush and the Governors. Six goals were set up. I do not think there is anyone in the United States who does not agree with those six goals.

My hope would be, when we are finished with the legislation, conference committee and so on, any additional goals will not be additional goals but will become a part of the six goals.

I say this simply because we now have the public concentrating on six goals and they all agree that they are the six goals we must reach. Let us keep it that way and feed into those six goals some concerns that other Members might have.

In title II, we have the National Education Goals Panel and the National Education Standards and Assessment Council, again all voluntary. I have been a part of the goals panel, along with Congressman Kildee, since its inception. Everything is voluntary.

What we are trying to do is to say that if a school district, or if a State, wants to adopt goals that have been prepared by experts in the field, by parents, by educators, et cetera, they can do that. But they do not have to.

What we are trying to say is that if you as a parent want to know what it is a youngster should know in mathematics by the time they have completed third grade, we can tell you what they should know. We can also tell you whether they know it or not.

Another concern we had, as the bill was being passed out of committee, was that it might be moving toward a top-down rather than a bottom-up approach. That concern has been addressed. It is strictly a bottom-up effort now.

So we have taken care of that.

In title III we authorize grants that go out to the States and local governments. They do not have to accept them, do not have to apply for them. In fact, as I said, if my

amendment is not accepted, I do not think that anybody would apply for funds. But, hopefully, that will change because those in most need should apply for some of those grants in order to improve their local districts.

Keep in mind that this improvement movement did not start here in Washington. The improvement movement has started with parents dealing with school boards dealing with State legislators, and those improvements are taking off all over the country.

So those grants are available.

I am not going to discuss title IV because I am sure Mr. Gunderson will. Title IV was added when the new Secretary of Labor came onboard. We can argue whether this bill is or is not the proper vehicle. At any rate, I think Congressman Gunderson is now satisfied that title IV is written in such a manner that it is not perfect by a long shot, but can be used as the base on which to build when we go to conference with the Senate.

So I will let him discuss that.

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

* * * * *

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 103 09288.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Goodling: Page 75, after line 21, insert the following (and redesignate the subsequent subsections accordingly):

(m) Prohibition on Federal Mandates, Direction, and Control. -- Nothing in this section shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State and local resources.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. Goodling] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. Goodling].

Mr. GOODLING. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, as I indicated in my remarks during general debate, there were some contradictory provisions in the bill relating to how prescriptive the Federal Government will be in requiring States to enforce their standards. Some of us, including Mr. Condit and myself, feel that this lack of clarity in the bill could be interpreted to be a mandate on States to meet standards required by the act, even through Federal funds will never come close to covering it.

I believe that ours is really a clarifying amendment in that the committee report clearly states that there was no intention to create such an unfunded mandate on States. The President in a letter to me on H.R. 1804 stated that it was not his intention to influence State fiscal priorities with this legislation. The Governors and chief State school officers support the intentions of this amendment.

Further, there has been some concerns raised about the effects of this bill on State and local control of curriculum and instructional practice. Our amendment clarifies the intent of Congress in this regard as well.

Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. Hefley].

Mr. HEFLEY. Madam Chairman, several of us from both sides of the aisle over the last few months had been working diligently to try to address a concern that has been a growing concern I think of many of us in this Congress, and certainly across the country, and that concern is that unfunded mandates by Congress must end. The Federal Government, if they cannot pony up the bucks, should not expect the States to do it.

On nothing do we get more complaints from our local legislators, our county commissioners, and our school board members than these unfunded mandates. That is a concept that we should be including in every single piece of legislation which produces a program which could potentially have mandates in it down the line, and every one of those pieces of legislation should have an amendment like this in it. And this bill, as I said in general debate, really does have the potential if someone down the line decides that the States are not going along with our great idea here, it has the potential for producing a nightmare of mandates.

So I rise in strong support of this amendment. I think the bill is made much better by the presence of this amendment as a part of it.

Mr. GOODLING. Madam Chairman, I yield the remainder of my time to the gentleman from California [Mr. Condit], the cosponsor of the amendment.

(Mr. CONDIT asked and was given permission to revise and extend his remarks.)

Mr. CONDIT. Madam Chairman, I rise in strong support of the amendment that I am offering with my colleague, Congressman Bill Goodling.

As many in this body know, there are few issues that I feel more strongly about than unfunded Federal mandates. I believe that it is wrong for us on the Federal level to pass legislation but shift the costs of implementation and compliance to our State and local governments. In order to locate a bipartisan solution to this enormous problem, I have founded the congressional caucus on unfunded mandates. Over 70 Members of the House are currently members of the caucus.

Before explaining why I believe that our amendment is important and needs to be included in the bill, I would like to thank a number of people who have been involved in this effort. First, I would like to thank Bill Goodling for his cooperation and guidance on this issue. Second, Secretary Riley, Chairman Ford and subcommittee Chairman Kildee have been extremely patient and gracious to me. They have kept me abreast of developments with this legislation, and they have assured me that H.R. 1804 is not intended to become another unfunded Federal mandate.

I got involved in H.R. 1804, Goals 2000; Educate America Act, because I felt that the legislation had the potential to become an enormous unfunded mandate upon our States. I came to this conclusion because of an amendment that was added to the Goals 2000 bill in the Education and Labor Committee. This amendment would require States to ensure that all schools meet opportunity to learn standards required by the bill. It should be noted that the bill does not provide the States with funds necessary to even begin to satisfy this requirement.

After carefully analyzing the bill, I came to the conclusion that States had three options at their disposal when confronting this requirement: First, they could take the requirement seriously and end up with a multimillion-dollar unfunded Federal mandate; second, they could lower their standards so that all schools can meet them; or third, they could just simply refuse to participate in the program. This was not the original intent of the administration [*H7770] and it turns the whole spirit of the legislation on its head.

For these reasons, I, along with Congressman Goodling, am offering an amendment that clarifies that nothing in this legislation will mandate how a State or local education agency should organize itself or spend its own money. This amendment is important and needs to be incorporated into the bill. By adding this language, we are trying to preserve the fundamental principle of the school reform movement -- that education decisions should be made by those closest to the classroom.

Before proceeding, I want to acknowledge those who have told me that this bill is not an unfunded mandate. Those individuals have based their arguments on two points. Thus, the bill is not a mandate. While true that States can avoid the requirement by not applying for the program, I believe that we should encourage States to pursue education reform, instead of relying upon them to not participate. Second, they cited the committee report on H.R. 1804, which emphasizes that the bill is not intended to impose a Federal mandate. While I am pleased that this message appears in the committee report, having the language in the report is not good enough -- this language needs to be in the bill. And, the Condit-Goodling amendment does just this.

In closing Madam Chairman, our amendment is not a controversial amendment. It merely clarifies what the committee and the bill's sponsors have been saying all along -- that this legislation is not an unfunded Federal mandate. The President supports our approach, the Governors support our approach and the Department of Education supports our approach. Therefore, I would urge all of my colleagues to support the Condit-Goodling amendment to H.R. 1804.

Mr. KILDEE. Madam Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Michigan, the chairman of the subcommittee.

Mr. KILDEE. I thank the gentleman for yielding.

Madam Chairman, we accept the amendment offered by the gentleman from Pennsylvania [Mr. Goodling] and appreciate his offering it.

Mr. GOODLING. I thank the chairman.

Madam Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. Gillmor].

(Mr. GILLMOR asked and was given permission to revise and extend his remarks.)

Mr. GILLMOR. Madam Chairman, I rise in support of the Goodling/Condit amendment.

MADAM CHAIRMAN, I RISE IN STRONG SUPPORT OF THE GOODLING-CONDIT AMENDMENT TO THE GOALS 2000: EDUCATE AMERICA ACT. THIS AMENDMENT WILL ELIMINATE THE UNFUNDED FEDERAL MANDATE PORTION OF THE REED AMENDMENT DEALING WITH OPPORTUNITY TO LEARN STANDARDS. AS IT STANDS NOW, THE REED AMENDMENT WOULD REQUIRE STATES TO LIST CORRECTIVE ACTIONS TO BE TAKEN AGAINST SCHOOLS THAT DO NOT MEET THE OPPORTUNITY TO LEARN STANDARDS.

THESE STANDARDS ARE A FATALLY FLAWED POLICY INITIATIVE BECAUSE THEY SEEK TO STANDARDIZE CURRICULA AND EQUALIZE EDUCATION FUNDING THROUGH A NATIONAL STANDARDS BOARD. THIS TO ME IS NOT REFORM, BUT YET ANOTHER EXAMPLE OF THE FEDERAL GOVERNMENT'S ATTITUDE THAT IT KNOWS WHAT'S BEST FOR SCHOOLS IN EVERY STATE AND LOCALITY ACROSS THE COUNTRY.

EVEN MORE DISTURBING THAN THE POLICY FLAWS IN THESE STANDARDS, IS THE FACT THAT CONGRESS WOULD PROVIDE NO FUNDING TO HELP STATES COMPLY. ONCE AGAIN CONGRESS IS ATTEMPTING TO SET FORTH HIGH-MINDED POLICY GOALS AND LEAVING THE STATES TO PAY THE BILL.

IT IS ABOUT TIME THAT CONGRESS STARTED TAKING RESPONSIBILITY FOR ITS OWN POLICY ACTIONS. UNFUNDED FEDERAL MANDATES ARE PUTTING AN EVER INCREASING STRAIN ON STATE BUDGETS. MANDATES HAVE BECOME YET ANOTHER MECHANISM FOR CONGRESS TO SHIRK ITS RESPONSIBILITY FOR THE BUDGET DEFICIT. AS CONGRESS HAS COME UNDER INCREASING PRESSURE TO CUT FEDERAL SPENDING, THERE HAS BEEN A SUBSEQUENT RISE IN THE NUMBER OF UNFUNDED MANDATES. CONGRESS STILL WANTS TO PUSH ITS POLICY AGENDA ONLY NOW IT WANTS THE STATES TO PAY FOR IT.

UNFORTUNATELY STATES ARE RESPONSIBLE FOR THOSE DUTIES THAT ARE MOST IMPORTANT TO THE AMERICAN PEOPLE. LAW ENFORCEMENT AND FIREFIGHTING ARE JUST A FEW STATE-FUNDED SERVICES THAT ARE BEING CUT BECAUSE FEDERAL MANDATES FORCE STATES TO SPEND MONEY IN OTHER AREAS.

WHILE WE ALL REALIZE THE IMPORTANCE OF EDUCATION REFORM, STATES AND LOCALITIES ARE MUCH BETTER EQUIPPED TO SET EDUCATION FUNDING PRIORITIES THAN THE FEDERAL GOVERNMENT. REAL REFORM WOULD GIVE STATES AND LOCALITIES THE FLEXIBILITY TO RESPOND TO THEIR OWN DIVERSE EDUCATION NEEDS. TAKE SOME

RESPONSIBILITY AND DO NOT SET STANDARDS UNLESS YOU INTEND TO PAY FOR THEM. SUPPORT THE GOODLING-CONDIT AMENDMENT.

Mr. GOODLING. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

If not, the Chair will put the question on the amendment.

Mr. FORD of Michigan. Madam Chairman, it was my understanding that setting the time on the amendments put the control of the time on that side in the gentleman from Pennsylvania [Mr. Goodling] and on this side in me. Is that correct? The chairman just asked if there was anybody around who would like to come over and get into the fight on our side. We would rather pick the people.

The CHAIRMAN. Under the rule, 5 minutes was allotted for the proponent and 5 minutes for an opponent.

Mr. FORD of Michigan. I thought the rule read that -- --

The CHAIRMAN. If the gentleman wishes, a Member who is in support of the amendment may claim the time reserved for opposition, if there is no objection.

Mr. FORD of Michigan. I am not asking unanimous consent to do anything. I am asking for a clarification of the rule. Do we have a hybrid situation here? Do we have 5 minutes of controlled debate on each side?

This is governed by the rule for this bill, not the House rules.

The CHAIRMAN. The rule with respect to time is that it be equally divided between proponent and opponent.

Mr. FORD of Michigan. Well, Madam Chairman, I would claim the time and yield it back. We do not have anything more to say about this.

The CHAIRMAN. The Chair will put the question on the amendment.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. Goodling].

The question was taken, and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were -- ayes 420, noes 0, not voting 18, as follows:

(See Roll No. 493 in the ROLL segment.) [*H7771]

Mrs. SCHROEDER changed her vote from "no" to "aye."

So the amendment was agreed to.

Excerpts from Senate Debate February 2, 1994

LEXSEE 140 CONG REC S 605
CONGRESSIONAL RECORD -- *Senate*
Wednesday, February 2, 1994
(Legislative day of Tuesday, January 25, 1994)
103rd Congress 2nd Session
140 Cong Rec S 605

REFERENCE: Vol. 140 No. 7

TITLE: GOALS 2000: EDUCATE AMERICA ACT

TEXT: [*S605]

The PRESIDING OFFICER. Under order 106, the Senate now turns to consideration of S. 1150. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systematic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes.

The Senate proceeded to consider the bill.

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[*S626]

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AMENDMENT NO. 1358, AS MODIFIED

Mr. GREGG. Mr. President, I send to the desk a modification of my amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. GREGG. This modification replaces the amendment that is pending at the desk.

The PRESIDING OFFICER. The amendment is so modified.

This amendment, as modified, is as follows:

On page 115, at the end of title IV, insert the following:

SEC. . PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or

school's curriculum, program of instruction, or allocation of State or local resources or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1358, AS FURTHER MODIFIED

Mr. KENNEDY. Mr. President, I have talked with the Senator from New Hampshire on his modification. We have over the period of time been addressing this issue. I am wondering on the modification on line 7, instead of the word "require" could we substitute the word "mandate"? I think that was agreeable to the Senator.

Mr. GREGG. I have no objection.

Mr. KENNEDY. I ask unanimous consent that it be in order.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. KENNEDY. Mr. President, perhaps the Senator would like to address the Senate on this issue. We are prepared to accept this amendment, and then we are prepared to accept a series of amendments, the Gregg amendments, and we still have perhaps one other on which we are in the process of working out language. We then expect there will be debate on the opportunities-to-learn program, the views of the Senator from New Hampshire. I see the Senator from Wisconsin and the Senator from Illinois. So we would proceed on that measure.

Then I am very hopeful we will have the Senator from Indiana. [Mr. Coats] here to debate the issues on school choice, and we could get started on that in terms of the very late, late afternoon.

Then hopefully we might get into some of the other issues that are here. We have actually had some of what is called the general social issues, that those are going to be matters which are going to be raised. There are a series of amendments on those, and we would like to address them in the early part of the evening.

We have worked out a number of different amendments which will be discussed further and are being incorporated into this legislation or into other education legislation. I know the Senate has been extremely patient with the floor managers, but we have been making important progress.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I thank the Chair. I wish to thank the chairman of the committee and the manager of the bill on the Republican side for their cooperation and courtesy, and staff on both the Republican and Democratic sides, for their assistance in working out some of these amendments.

As I understand it, we now have agreement on eight amendments. The amendment that is pending at the desk is agreed to. The purpose of the amendment pending at the desk is to assure that this bill will not become an unfunded mandate. I think we all appreciate the burdens being put on the States and local communities as a result of Federal mandates which are not funded. This is a very significant concern, I know, in my State. It is a concern I think throughout this body. There are a number of Members of this body who have dedicated a considerable amount of energy to this issue.

At least as it relates to this bill, we will have very specific and very, I believe, effective language in it to make it clear that if the Federal Government tells the State to do something or tells the local community to do something, the Federal Government will have to pay for the costs of that mandate.

The other amendments which I believe have been worked out deal with making it specific in the bill that certain activities that have been traditionally locally controlled will not be overwhelmed by the nature of this goals panel or the activities of NISEC, and they include the language that makes it clear that there is no mandate in this bill that would affect teacher instructional practices, teacher certification systems, limitations on class size, curriculum content, national [*S627] school building standards, or equalized spending per student.

Obviously, all of these issues are very sensitive issues which should remain in the domain of the local school boards and with States, and this language makes it clear that they do in the context of this bill.

The final amendment which I understand has been agreed to involves the litigation issue which I raised in my opening statement, and attempts, although I do not think it can ever guarantee it, knowing the imagination of members of the bar, at least to limit the usage of this bill as an anvil upon which the hammer of litigation can be used to drive the activities of local school boards and to affect local school policy by requiring that it comply with the standards that are set out by any Secretary under this bill.

I very much appreciate, again, the cooperation of the leadership of the committee in addressing these issues and I look forward to the adoption of these amendments and yield back my time.

Mr. KENNEDY. Mr. President, just very briefly, it was never our intent to establish in this legislation an unfunded mandate or to require that as a result of this legislation, we would be requiring of the States expenditures that the States did not desire. We have been working with legal counsel about how that particular language will reflect that position. I believe Senator Jeffords and myself are in accord with what the Senator from New Hampshire is desirous of, and that is that the Federal Government is not going to mandate to the States additional kinds of funding on the basis of this legislation in which the States themselves are not going to be involved.

That is clearly our intention. The Senator's amendment I think captures that. We have agreed to accept this language. We will work very closely with the Senator, obviously, in the conference. But we are strongly committed to that concept and to that principle. If there are better ways we can work that in terms of language, we are open to it. But we have no difference in supporting the Senator's principle.

I urge the Senate to accept the amendment as modified.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I echo the words of Senator Kennedy from Massachusetts, and also my good friend across the border in New Hampshire. I certainly believe the last thing we want to do is mandate additional expenditures at State levels with all of the crises they are having now in funding.

Certainly, I agree that is not what we intend here, and therefore I certainly, speaking for myself as the manager from our side, would agree with the amendment.

The PRESIDING OFFICER. Is there any further debate on amendment 1358, as modified?

If not, the question is on agreeing to the amendment.

The amendment (No. 1358), as modified, was agreed to.

AMENDMENT NO. 1359

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate limitations on class size for a State, local educational agency or school)

AMENDMENT NO. 1360

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate a Federal teacher certification system for a State, local educational agency or school)

AMENDMENT NO. 1361

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate teacher instructional practices for a State, local educational agency or school)

AMENDMENT NO. 1362

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate equalized spending per pupil for a State, local educational agency or school)

AMENDMENT NO. 1363

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate national building standards for a State, local educational agency or school)

AMENDMENT NO. 1364

(Purpose: To provide that nothing in the Goals 2000: Educate America Act shall be construed to mandate curriculum content for a State, local educational agency or school)

AMENDMENT NO. 1365

Mr. KENNEDY. Mr. President, we have a series of amendments which have all been proposed by Senator Gregg . These seven amendments are offered en bloc on behalf of the Senator from New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. Kennedy], for Mr. Gregg , proposes amendments numbered 1359, 1360, 1361, 1362, 1363, 1364, and 1365, en bloc.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1359

On page 115, line 17, strike and".

On page 115, line 20, strike the period and insert ; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate limitations or class size for a State, local educational agency or school.

AMENDMENT NO. 1360

On page 115, line 17, strike and".

On page 115, line 20, strike the period and insert ; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate a Federal teacher certification system for a State, local educational agency or school.

AMENDMENT NO. 1361

On page 115, line 17, strike and".

On page 115, line 20, strike the period and insert ; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate teacher instructional practices for a State, local educational agency or school.

AMENDMENT NO. 1362

On page 115, line 17, strike and".

On page 115, line 20, strike the period and insert ; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate equalized spending per pupil for a State, local educational agency or school.

AMENDMENT NO. 1363

On page 115, line 17, strike and".

On page 115, line 20, strike the period and insert ; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate national school building standards for a State, local educational agency or school.

AMENDMENT NO. 1364

On page 115, line 17, strike and".

On page 115, line 20, strike the period and insert ; and".

On page 115, between lines 20 and 21, insert the following:

(3) to mandate curriculum content for a State, local educational agency or school.

AMENDMENT NO. 1365

Strike line 24 on page 44 and everything that follows through line 2 on page 45, and inserting in lieu thereof:

(g) Construction.- Nothing in this Act shall be construed to-

(1) require any State to have standards certified pursuant to subsection (b) or (d) in order to participate in any Federal program; or

(2) create a legally enforceable right for any person against a State, local educational agency, or school based on a standard or assessment certified by the Council or the criteria developed by the Council for such certification."

Mr. KENNEDY. Over the period of these last several hours, we have addressed these issues about the Federal Government not imposing mandates on per pupil spending, mandating curriculum, instructional practices, teacher certification, on class size, and on school buildings. Those are incorporated in the Senator's amendments.

We support the Senator's amendments that would make explicit that intention.

The Senator had what they called the unfunded mandates, which the Senate has accepted, and the Senator has an additional amendment dealing with litigation, and we will, after we dispose of this, dispose of that. And then we understand there is one additional amendment that the Senator will offer with regard to the role of the Governor and the approval of State plans. I think that is at least our understanding of it.

I will urge at the appropriate time, after my colleague from Vermont and the Senator from New Hampshire make what comments they would like, that [*S628] we move ahead and incorporate these amendments.

If I could, Mr. President, also include then at this time the amendment dealing with the nonenforceability of standards by litigation, and ask that that be made a part of the amendments en bloc, as well.

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

Mr. JEFFORDS. Mr. President, I echo the comments again of the manager of the bill, and also the Senator from New Hampshire. I concur in those amendments and believe they will be helpful in making more clear the understanding that we have on these issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Again, I wish to thank the managers of the bill and the chairman for accepting these amendments. I do have a couple of other amendments which we are still discussing with the Governor, one obviously on opportunity to learn, and maybe one more. But I greatly appreciate the assistance in these amendments and would urge they be considered approved.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 1359, 1360, 1361, 1362, 1363, 1364, and 1365) were agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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GOALS 2000: EDUCATE AMERICA ACT

DATE: March 21, 1994. Ordered to be printed

SPONSOR: Mr. Ford of Michigan, from the committee of conference, submitted the following

REPORT
CONFERENCE REPORT
(To accompany H.R. 1804)

* * * * *

PROHIBITION ON FEDERAL MANDATES, DIRECTION, and CONTROL

Prohibition: Both bills include a general prohibition on Federal mandates, direction, and control although the House bill limits the prohibition to this Section and the Senate bill applies it to the Act. The Senate version also says that this Act does not allow the Federal government to mandate a State or locality to incur costs not paid for under this act. The House recesses. (p. 146a, #152)

Construction: The Senate bill, but not the House bill, clarifies that nothing in this Act shall be construed to supersede the provisions of section 103 of the Department of Education Organization Act, and to require the teaching of values or the establishment of school-based clinics as a condition of receiving funds under this Act. The Senate bill also contains numerous specific prohibitions on federal mandates. The Senate recesses.

It is the intent of the conferees that nothing in this legislation supersedes Section 103 of the Department of Education Organization Act. This would include, but is not limited to, prohibiting the federal government from mandating to states, local educational agencies, or schools: limitations on class size, a Federal teacher certification system, teacher instructional practices, equalized per pupil spending, school building standards, curriculum content, or curriculum framework, instructional material, examination, or assessment for private, religious, or home schools.