

District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make the judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, in violation of Constitutionally-defined separation of powers principles, the Committee on House Oversight passed a resolution demanding the Department of Justice to bring criminal charges against an organization of private citizens; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

*Resolved*, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's prior statement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Florida (Mrs. MEEK) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

#### ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. ROYBAL-ALLARD. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas the Committee on House Oversight passed a resolution, House Resolution 244, purporting to demand that criminal charges be brought against an organization of private citizens, despite the fact that Con-

gress has no power to compel compliance with subpoenas; and whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it.

*Resolved* that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

Mr. Speaker, I ask unanimous consent that the form of the resolution appear in the RECORD at this point.

The SPEAKER pro tempore. Without objection, the resolution will appear in the RECORD.

There was no objection.

The text of the resolution is as follows:

Whereas Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C., on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make the judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible

evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the House Oversight Committee passed a resolution H.Res 244, purporting to demand that criminal charges be brought against an organization of private citizens, despite the fact that Congress has no power to compel compliance with subpoenas; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

*Resolved*, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's prior statement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California [Ms. ROYBAL-ALLARD] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

#### PROVIDING FOR CONSIDERATION OF H.R. 2746, HELPING EMPOWER LOW-INCOME PARENTS (HELP) SCHOLARSHIPS AMENDMENTS OF 1997 AND H.R. 2616, CHARTER SCHOOLS AMENDMENTS OF 1997

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 288 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 288

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2746) to amend title VI of the Elementary and Secondary Education Act of 1965 to give parents with low-incomes the opportunity to choose the appropriate school for their children. The bill shall be considered as read for amendment. The bill shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

SEC. 2. After disposition of the bill (H.R. 2746), the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on

the state of the Union for consideration of the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Goodling of Pennsylvania or his designee. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the committee amendment in the nature of a substitute, as amended, shall be considered as the original bill for the purpose of further amendment. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. (a) In the engrossment of H.R. 2616, the Clerk shall—

(1) add the text of H.R. 2746, as passed by the House, as new matter at the end of H.R. 2616;

(2) conform the title of H.R. 2616 to reflect the addition of the text of H.R. 2746 to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 2746 to the engrossment of H.R. 2616, H.R. 2746 shall be laid on the table.

SEC. 4. House Resolution 280 is laid on the table.

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman from

North Carolina [Mrs. MYRICK] is recognized for 1 hour.

Mrs. MYRICK. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, Wednesday, the Committee on Rules met and reported House Resolution 288, which will provide a rule for consideration of two bills before us today. The first is a closed rule for the consideration of H.R. 2746, the HELP Scholarships Amendments Act of 1997.

That rule provides for 2 hours of debate on the bill, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides one motion to recommit.

The second bill in the resolution, H.R. 1616, the Charter Schools Amendments of 1997, will be considered under an open rule. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. It further makes in order a Committee on Education and the Workforce amendment in the nature of a substitute as an original bill for the purpose of amendment which shall be considered as read.

A manager's amendment printed in the report of the Committee on Rules, if offered by the gentleman from Pennsylvania [Mr. GOODLING], the chairman, or his designee, is made in order by the rule. That amendment is considered as read, is not subject to amendment or to a division of the question, is debatable for 10 minutes, equally divided between a proponent and an opponent, and if adopted is considered as part of the base text for further amendment purposes.

The Chair may give priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Votes may be postponed during consideration of the bill and reduced to 5 minutes if the postponed vote follows a 15-minute vote. One motion to recommit with or without instructions is provided.

House Resolution 288 further provides in the engrossment of H.R. 2616, the Clerk shall add the text of H.R. 2746 as passed by the House, as a new matter at the end of H.R. 2616, and make conforming and designation changes within the engrossment.

Following engrossment, H.R. 2746 shall be laid on the table. That is, should the HELP Scholarships bill pass today, it will be combined with the Charter Schools bill, provided that it passes, when it is sent to the other body.

The final section of House Resolution 288 provides that House Resolution 280 is laid on the table. House Resolution 280 is a resolution providing for the

consideration of the Nuclear Waste Policy Act which was never used. This small provision in House Resolution 288 is a technical committee cleanup procedure and has no bearing on the consideration of H.R. 2746 or H.R. 2616.

Mr. Speaker, I want to be clear about what will happen if this resolution is passed. It will allow for separate consideration of the HELP Scholarships bill and the Charter Schools bill. Each bill would be debated under separate rules. If they both pass, they will be put together in a package and sent to the other body for consideration.

Members will have an opportunity to vote individually on each bill. This resolution merely allows us to take them both up today.

Mr. Speaker, this resolution is not a vote on vouchers as some may lead Members to believe. It is a vote to determine if this body wants to bring these two important bills to the floor for a debate. I hope my colleagues support this resolution so that we can have an important debate about education in America.

During consideration of House Resolution 288 in the Committee on Rules, there was some discussion about the way the HELP Scholarships bill is being brought to the floor. I would like to take this opportunity to explain the reason for this process, and I plan to yield time to the gentleman from California [Mr. RIGGS], the chairman of the Subcommittee on Early Childhood, Youth and Families, which has jurisdiction over this matter, so that he may offer further clarification about the process which brought the HELP Scholarships to the floor.

When the Charter Schools bill was being crafted, the original intent was to add HELP Scholarships to the bill as an amendment. However, the Charter Schools bill evolved as a very bipartisan one, particularly due to the hard work of the gentleman from Indiana [Mr. ROEMER]. Thus, in the spirit of bipartisanship, the decision was made to not offer the HELP Scholarships language as an amendment.

Today we are again going to debate the future of education in America. I believe that it is the duty of all Americans to ensure our children are well educated and prepared for the future. I also believe that low-income families should have the same opportunity to send their children to safe, effective schools as rich families. This is about children.

The crisis in American education today especially affects children in elementary and secondary education. The education system is failing them and leaving too many children unprepared for the future.

Mr. Speaker, I ask my colleagues to consider the following: 40 percent of all 10-year-olds cannot meet basic literacy standards; eighth graders recently placed 28th in the world in math and science skills; over 60 percent of 17-year-olds cannot read as well as they should; and 2,000 acts of violence take

place in schools every day. Children in Los Angeles are taught a drill to protect themselves at the sound of gunfire, and almost one-third of freshmen entering college require some sort of remedial instruction.

We have a moral obligation to fix these problems and without bold new ideas and innovative solutions we never will.

The first bill, H.R. 2746, the Helping Empower Low-Income Parents Scholarships Amendment Act of 1997, is a very controversial issue, but one I wholeheartedly support. The bill empowers low-income parents living in poverty-stricken areas to send their children to the best schools that they see fit. Specifically, it permits State educational agencies and local educational agencies to use their title VI education block grant funds for public and private school choice at the State and local levels, and this is purely voluntary. In order to access these funds, the State legislature must enact school choice legislation. The bill further stipulates that the school choice program would be in low-income communities and be limited to low-income families.

Last week, we passed a bill that allows families to use money from an education savings account for school-related expenses. Many people opposed to the bill said that their opposition was based on the fact that it would not benefit the poor. Well, I did not agree with them on that issue; they now have an opportunity to vote on a bill that is designed specifically for the poor. I hope that they will join me in support of this bill and will empower the very people they claimed to defend last week.

Mr. Speaker, others have raised questions about the constitutionality of HELP Scholarships. As long as the decision about where the funds are spent is in the hands of individual students or parents, and as long as the program does not discriminate, a choice plan is likely to survive a constitutional challenge.

The Federal Government already provides grants to students at private and religious colleges. Pell grants are awarded to college students based on financial needs and Pell grants are accepted at numerous private and religious schools. I have heard many of my colleagues fight hard for Pell grants, and I hope that those same people will come to the floor today and support a similar idea that will allow students based on financial need the same opportunity for elementary and secondary education.

In addition to Pell grants, the Federal Government allows the GI bill to cover tuition at seminaries. That is Federal money going to religious education, not just to a religious school. I do not hear any of my colleagues clamoring to take this ability away from recipients of the GI bill.

I ask my colleagues, is that not Federal money? Is that not money going to private and religious schools? What is the difference?

The best part about programs like HELP Scholarships is that they work. Elementary school students in Milwaukee who participated in the Nation's first school voucher program scored higher in reading and math than those who stayed in public schools.

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The school choice option we are offering today is steadily gaining support across the Nation. A survey conducted by USA Today, CNN, and Gallup poll found that 54 percent of Americans favored vouchers. A majority of the grassroots organizations supporting education vouchers and school choice programs are from minority communities.

A survey conducted by the joint center for political and economic studies found that 57 percent of African-Americans supported school vouchers for public, private, or parochial school. This is not surprising since black children in urban areas are the most endangered by the failures of public education. In fact, support among African Americans for education reform is fast outstripping the growth of enthusiasm among whites.

The argument that public education is the greatest equalizer is unfortunately falling on deaf ears in the poorest neighborhoods. That is where the schools are the worst. Large numbers of public schools in these areas are exclusive and segregated. Ironically, private religious schools in many urban areas are more consistent with the original concept of public education bringing together children of widely differing social and economic backgrounds. The HELP scholarships will allow more of these children to get the quality education they deserve. They very well may be the real equalizer of the future.

This resolution also grants a rule for consideration of H.R. 2616, the Charter Schools Amendment Act of 1997. This is somewhat less controversial. It enjoys broad bipartisan support and also deserves the support of all my colleagues.

Charter schools are innovative public schools which are set free from burdensome regulations and held accountable for their results. Since the inception of charter schools in Minnesota 6 years ago the idea has swept the Nation. Currently, 29 States, the District of Columbia and Puerto Rico have charter schools. Though this is a new concept, it is helping to transform public education in a way that is beneficial to the children that attend them. Parental satisfaction is high, students are eager to learn, teachers can enjoy their jobs again, administrators are freed from the shackles of suffocating regulation, and more money is getting to the classroom where it belongs.

In light of this success, we need to expand the current program so that we can reach more children in more communities. This bill is a good one that carefully targets the new money. It directs money to those States that pro-

vide a high degree of fiscal autonomy, allow for increases in the number of charter schools from year to year and provide for accountability. It also increases the number of years a charter school can get a grant from 3 to 5 years. This bill also stipulates that 95 percent of the Federal charter schools money goes to State and local level. That way we can be sure the Federal bureaucracy is not wasting money that is intended for the kids.

Finally, the bill directs the Secretary of Education to make sure that charter schools are on level ground so that they will receive their fair share of Federal categorical aid such as title I and special education funding. The Secretary is also directed to assist charter schools in accessing private capital.

I am excited about both of the bills this resolution brings to the floor, and I know that many of my colleagues do not share my enthusiasm. They have had philosophical disagreements with the intent of these new and innovative ideas. This resolution accommodates them. It allows for a separate vote on each bill. It allows them to vote their conscience without having to compromise their philosophical beliefs. I urge my colleagues to support House Resolution 288 so that we may have a spirited debate on the important issues facing America's families.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield such time as she may consume to the gentlewoman from Missouri [Ms. MCCARTHY].

(Ms. MCCARTHY asked and was given permission to proceed out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. MCCARTHY of Missouri. Madam Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of House.

I ask unanimous consent that the form of the resolution appear in the RECORD at this point.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C., on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be

without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the record seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make the judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, on Committee on House Oversight has demanded that the Justice Department bring criminal charges against *Hermanidad Mexicana Nacional*, even through it is beyond the Constitutionally-defined powers of Congress to compel compliance with subpoenas; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

*Resolved*, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Under rule IX a resolution offered from the floor by a Member other than the majority leader or minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentle-

woman from Missouri will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

I thank my colleague from North Carolina [Mrs. MYRICK] for yielding this time to me.

This resolution in my opinion is a hybrid rule. It provides for the consideration of H.R. 2746, which is the Helping Empower Low-Income Parents Scholarship Amendments of 1997 under a closed rule. The resolution also provides for the consideration of H.R. 2616, the Charter Schools Amendments of 1997. This is under an open rule.

H.R. 2746 permits title VI education block grant funds to pay for educational vouchers that low-income parents can use at public or private schools. H.R. 2616 authorizes funds to start up charter schools.

As my colleague from North Carolina has described, this rule provides 2 hours of general debate for H.R. 2746, and 1 hour for H.R. 2616.

H.R. 2746 was introduced just 2 days ago. There were no hearings, committee markups, or committee reports. This closed rule effectively guarantees that no Member will have a chance to offer amendments.

Madam Speaker, the use of public money for educational vouchers that can be used in private schools is a very dominant issue facing our country today and facing public education, especially. It is very controversial. Passions run deep on both sides. To consider a bill on this subject with no hearings, no committee action, and no amendments on the House floor shows disrespect for the democratic process and contempt for Members who want to help shape this important legislation.

Madam Speaker, I urge Members to defeat the previous question and if the previous question is defeated, I will offer an amendment to make in order a substitute bill offered by the gentleman from Missouri [Mr. CLAY], ranking minority member of the Committee on Education and the Workforce. Only by defeating the previous question will the gentleman from Missouri [Mr. CLAY] have the opportunity to amend this act.

I urge Members to vote "no" on the previous question.

Madam Speaker, I include for the RECORD the following:

TEXT OF PREVIOUS QUESTION AMENDMENT TO H. RES. 288 H.R. 2746 (H.E.L.P.)—H.R. 2616 (CHARTER SCHOOLS)

On page 2, line 13 of H. Res. 288 after "except" insert the following:

"1) the amendment printed in sec. of this resolution if offered by Representative

Clay or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for sixty minutes equally divided and controlled by the proponent and an opponent and 2)"

At the end of the resolution add the following new section:

"Sec. (see accompanying text of Clay substitute) Strike Section 3 and renumber Section 4.

Amendment in the Nature of a Substitute to H.R.

2746

Offered by Mr. Clay of Missouri

Strike all after the enacting clause and insert the following:

TITLE I—GENERAL PROVISIONS

PART 1—PROGRAM AUTHORIZED FINDINGS AND PURPOSE

#### SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) According to the General Accounting Office, one-third of all elementary and secondary schools in the United States, serving 14,000,000 students, need extensive repair or renovation.

(2) 7,000,000 children attend schools with life safety code problems.

(3) School infrastructure problems exist across the country in urban and nonurban schools; at least 1 building is in need of extensive repair or replacement in 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools.

(4) Many States and school districts will need to build new schools in order to accommodate increasing student enrollments; the Department of Education has predicted that the Nation will need 6,000 more schools by the year 2006.

(5) Many schools do not have the physical infrastructure to take advantage of computers and other technology needed to meet the challenges of the next century.

(6) While school construction and maintenance are primarily a State and local concern, States and communities have not, on their own, met the increasing burden of providing acceptable school facilities for all students, and low-income communities have had the greatest difficulty meeting this need.

(7) The Federal Government, by providing interest subsidies and similar types of support, can lower the costs of State and local school infrastructure investment, creating an incentive for States and localities to increase their own infrastructure improvement efforts and helping ensure that all students are able to attend schools that are equipped for the 21st century.

(b) PURPOSE.—The purpose of this title is to provide Federal interest subsidies, or similar assistance, to States and localities to help them bring all public school facilities up to an acceptable standard and build the additional public schools needed to educate the additional numbers of students who will enroll in the next decade.

#### SEC. 102. DEFINITIONS.

Except as otherwise provided, as used in this title, the following terms have the following meanings:

(1) COMMUNITY SCHOOL.—The term "community school" means a school facility, or part of a school facility, that serves as a center for after-school and summer programs and delivery of education, tutoring, cultural, and recreational services, and as a safe haven for all members of the community by—

(A) collaborating with other public and private nonprofit agencies (including libraries and other educational, human-service, cultural, and recreational entities) and private businesses in the provision of services;

(B) providing services such as literacy and reading programs, senior citizen programs, children's day care services; nutrition services, services for individuals with disabilities, employment counseling, training, and placement, and other educational, health, cultural, and recreational services; and

(C) providing those services outside the normal school day and school year, such as through safe and drug-free safe havens for learning.

(2) **CONSTRUCTION.**—(A) The term "construction" means—

(i) the preparation of drawings and specifications for school facilities;

(ii) erecting, building, acquiring, remodeling, renovating, improving, repairing, or extending school facilities;

(iii) demolition in preparation for rebuilding school facilities; and

(iv) the inspection and supervision of the construction of school facilities.

(B) The term "construction" does not include the acquisition of any interest in real property.

(3) **LOCAL EDUCATIONAL AGENCY.**—The term "local educational agency" has the meaning given that term in section 14101(18) (A) and (B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18) (A) and (B)).

(4) **SCHOOL FACILITY.**—(A) The term "school facility" means—

(i) a public structure suitable for use as a classroom, laboratory, library, media center, or related facility, whose primary purpose is the instruction of public elementary or secondary students; and

(ii) initial equipment, machinery, and utilities necessary or appropriate for school purposes.

(B) The term "school facility" does not include an athletic stadium, or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of Education.

(6) **STATE.**—The term "State" means each of the 50 States and the Commonwealth of Puerto Rico.

(7) **STATE EDUCATIONAL AGENCY.**—The term "State educational agency" has the meaning given that term in section 14101(28) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(28)).

#### SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title \$5,000,000,000 for fiscal year 1998 and such sums as may be necessary for each succeeding fiscal year.

#### SEC. 104. ALLOCATION OF FUNDS.

(a) **ALLOCATION OF FUNDS.**—Of the amounts appropriated to carry out this title, the Secretary shall make available—

(1) 49 percent of such amounts for formula grants to States under section 111;

(2) 34 percent of such amounts for direct formula grants to local educational agencies under section 126;

(3) 15 percent of such amounts for competitive grants to local educational agencies under section 127; and

(4) 2 percent of such amounts to provide assistance to the Secretary of the Interior as provided in subsection (b).

(b) **RESERVATION FOR THE SECRETARY OF THE INTERIOR AND THE OUTLYING AREAS.**—

(1) Funds allocated under subsection (a)(4) to provide assistance to the Secretary of the interior shall be used—

(A) for the school construction priorities described in section 1125(c) of the Education Amendments of 1978 (25 U.S.C. 2005(c)); and

(B) to make grants to American Samoa, Guam, the Virgin Islands, and the Common-

wealth of the Northern Mariana Islands, in accordance with their respective needs, as determined by the Secretary.

(2) Grants provided under subsection (b)(1)(B) shall be used for activities that the Secretary determines best meet the school infrastructure needs of the areas identified in that paragraph, subject to the terms and conditions, consistent with the purpose of this title, that the Secretary may establish.

### PART 2—GRANTS TO STATES

#### SEC. 111. ALLOCATION OF FUNDS.

(a) **FORMULA GRANTS TO STATES.**—Subject to subsection (b), the Secretary shall allocate the funds available under section 104(a)(1) among the States in proportion to the relative amounts each State would have received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year if the Secretary had disregarded the numbers of children counted under that subpart who were enrolled in schools of local educational agencies that are eligible to receive direct grants under section 126 of this title.

(b) **ADJUSTMENTS TO ALLOCATIONS.**—The Secretary shall adjust the allocations under subsection (a), as necessary, to ensure that, of the total amount allocated to States under subsection (a) and to local educational agencies under section 126, the percentage allocated to a State under this section and to localities in the State under section 126 is at least the minimum percentage for the State described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for the previous fiscal year.

(c) **REALLOCATIONS.**—If a State does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may re-allocate all or a portion of the State's allocation, as the case may be, to the remaining States in the same proportions as the original allocations were made to those States under subsections (a) and (b).

#### SEC. 112. STATE ADMINISTRATION.

The Secretary shall award each State's grant to the State educational agency to administer the State grant, or to another public agency in the State designated by the State educational agency if the State educational agency determines that the other agency is better able to administer the State grant.

#### SEC. 113. ALLOWABLE USES OF FUNDS.

Each State shall use its grant under this part only for 1 or more of the following activities to subsidize the cost of eligible school construction projects described in section 114:

(1) Providing a portion of the interest cost (or of another financing cost approved by the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a State or its instrumentality for the purpose of financing eligible projects.

(2) State-level expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in paragraph (1).

(3) Making subgrants, or making loans through a State revolving fund, to local educational agencies or (with the agreement of the affected local educational agency) to other qualified public agencies to subsidize—

(A) the interest cost (or another financing cost approved by the Secretary) of bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other agency or unit of local government for the purpose of financing eligible projects; or

(B) local expenditures approved by the Secretary for credit enhancement for the debt or

financing instruments described in subparagraph (A).

(4) Other State and local expenditures approved by the Secretary that leverage funds for additional school construction.

#### SEC. 114. ELIGIBLE CONSTRUCTION PROJECTS; PERIOD FOR INITIATION

(a) **ELIGIBLE PROJECTS.**—States and their subgrantees may use funds under this part, in accordance with section 113, to subsidize the cost of—

(1) construction of elementary and secondary school facilities in order to ensure the health and safety of all students, which may include the removal of environmental hazards, improvements in air quality, plumbing, lighting, heating, and air conditioning, electrical systems, or basic school infrastructure, and building improvements that increase school safety;

(2) construction activities needed to meet the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(3) construction activities that increase the energy efficiency of school facilities;

(4) construction that facilitates the use of modern educational technologies;

(5) construction of new school facilities that are needed to accommodate growth in school enrollments; or

(6) construction projects needed to facilitate the establishment of community schools.

(b) **PERIOD FOR INITIATION OF PROJECT.**—(1) Each State shall use its grant under this part only to subsidize construction projects described in subsection (a) that the State or its localities have chosen to initiate, through the vote of a school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(2) If a State determines, after September 30, 2001, that an eligible project for which it has obligated funds under this part will not be carried out, the State may use those funds (or any available portion of those funds) for other eligible projects selected in accordance with this part.

(c) **REALLOCATION.**—If the Secretary determines, by a date before September 30, 2001, selected by the Secretary, that a State is not making satisfactory progress in carrying out its plan for the use of the funds allocated to it under this part, the Secretary may reallocate all or part of those funds, including any interest earned by the State on those funds, to 1 or more other States that are making satisfactory progress.

#### SEC. 115. SELECTION OF LOCALITIES AND PROJECTS.

(a) **PRIORITIES.**—In determining which localities and activities to support with grant funds, each State shall give the highest priority to localities with the greatest needs, as demonstrated by inadequate educational facilities (particularly facilities that pose a threat to the health and safety of students), coupled with a low level of resources available to meet school construction needs.

(b) **ADDITIONAL CRITERIA.**—In addition to the priorities required by subsection (a), each State shall consider each of the following in determining the use of its grant funds under this part:

(1) The age and condition of the school facilities in different communities in the State.

(2) The energy efficiency and the effect on the environment of projects proposed by communities, and the extent to which these projects use cost-efficient architectural design.

(3) The commitment of communities to finance school construction and renovation

projects with assistance from the State's grant, as demonstrated by their incurring indebtedness or by similar public or private commitments for the purposes described in section 114(a).

(4) The ability of communities to repay bonds or other forms of indebtedness supported with grant funds.

(5) The particular needs, if any, of rural communities in the State for assistance under this title.

(c) **INELIGIBILITY FOR PART 2 SUBGRANTS.**—Local educational agencies in the State that receive direct grants under section 126 shall be ineligible for a subgrant under this part.

#### **SEC. 116. STATE APPLICATIONS.**

(a) **APPLICATION REQUIRED.**—A State that wishes to receive a grant under this part shall submit through its State educational agency, or through an alternative agency described in section 112, an application to the Secretary, in the manner the Secretary may require, not later than 2 years after the date of enactment of this Act.

(b) **DEVELOPMENT OF APPLICATION.**—The State educational agency or alternative agency described in section 12, shall develop the State's application under this part only after broadly consulting with the State board of education, and representatives of local school boards, school administrators, and business community, parents, and teachers in the State about the best means of carrying out this part.

(c) **STATE SURVEY.**—(1) Before submitting the State's application, the State educational agency or alternative agency described in section 112, with the involvement of local school officials and experts in building construction and management, shall survey the needs throughout the State (including in localities receiving grants under part 3) for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the State, including health and safety problems;

(B) the capacity of the schools in the State to house projected enrollments; and

(C) the extent to which the schools in the State offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A State need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this part.

(d) **APPLICATION CONTENTS.**—Each State application under this part shall include—

(1) a summary of the results of the State's survey of its school facility needs, as described in subsection (c);

(2) a description of how the State will implement its program under this part;

(3) a description of how the State will allocate its grant funds, including a description of how the State will implement the priorities and criteria described in section 115;

(4)(A) a description of the mechanisms that will be used to finance construction projects supported by grant funds; and

(B) a statement of how the State will determine the amount of the Federal subsidy to be applied, in accordance with section 117(a), to each local project that the State will support;

(5) a description of how the State will ensure that the requirements of this part are met by subgrantees under this part;

(6) a description of the steps the State will take to ensure that local educational agencies will adequately maintain the facilities that are constructed or improved with funds under this part;

(7) an assurance that the State will use its grant only to supplement the funds that the

State, and the localities receiving subgrants, would spend on school construction and renovation in the absence of a grant under this part, and not to supplant those funds;

(8) an assurance that, during the 4-year period beginning with the year the State receives its grant, the average annual combined expenditures for school construction by the State and the localities that benefit from the State's program under this part (which, at the State's option, may include private contributions) will be at least 125 percent of the average of those annual combined expenditures for that purpose during the 8 preceding years; and

(9) other information and assurances that the Secretary may require.

(e) **WAIVER OF REQUIREMENT TO INCREASE EXPENDITURES.**—The Secretary may waive or modify the requirement of subsection (d)(8) for a particular State if the State demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because the State or its localities have incurred particularly high level of school construction expenditures during the previous 8 years.

#### **SEC. 117. AMOUNT OF FEDERAL SUBSIDY.**

(a) **PROJECTS FUNDED WITH SUBGRANTS.**—For each construction project assisted by a State through a subgrant to a locality, the State shall determine the amount of the Federal subsidy under this part, taking into account the number or percentage of children from low-income families residing in the locality, subject to the following limits:

(1) If the locality will use the subgrant to help meet the costs of repaying bonds issued for a school construction project, the Federal subsidy shall be not more than one-half of the total interest cost of those bonds, determined in accordance with paragraph (4).

(2) If the bonds to be subsidized are general obligation bonds issued to finance more than 1 type of activity (including school construction), the Federal subsidy shall be not more than one-half of the interest cost for that portion of the bonds that will be used for school construction purposes, determined in accordance with paragraph (4).

(3) If the locality elects to use its subgrant for an allowable activity not described in paragraph (1) or (2), such as for certificates of participation, purchase or lease arrangements, reduction of the amount of principal to be borrowed, or credit enhancements for individual construction projects, the Federal subsidy shall be not more than one-half of the interest cost, as determined by the State in accordance with paragraph (4), that would have been incurred if bonds had been used to finance the project.

(4) The interest cost referred to in paragraphs (1), (2), and (3) shall be—

(A) calculated on the basis of net present value; and

(B) determined in accordance with an amortization schedule and any other criteria and conditions the Secretary considers necessary, including provisions to ensure comparable treatment of different financing mechanisms.

(b) **STATE-FUNDED PROJECTS.**—for a construction project under this part funded directly by the State through the use of State-issued bonds or other financial instruments, the Secretary shall determine the Federal subsidy in accordance with subsection (a).

(c) **NON-FEDERAL SHARE.**—A State, and localities in the State, receiving subgrants under this part, may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

#### **SEC. 118. SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT**

(a) **SEPARATE FUNDS OR ACCOUNTS REQUIRED.**—Each State that receives a grant, and each recipient of a subgrant under this part, shall deposit the grant or subgrant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this part.

(b) **PRUDENT INVESTMENT REQUIRED.**—Each State that receives a grant, and each recipient of a subgrant under this part, shall—

(1) invest the grant or subgrant in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness described in section 113; and

(2) notwithstanding section 6503 of title 31, United States Code, or any other law, use the proceeds of that investment to carry out this part.

#### **SEC. 119. STATE REPORTS.**

(a) **REPORTS REQUIRED.**—Each State receiving a grant under this part shall report to the Secretary on its activities under this part, in the form and manner the Secretary may prescribe.

(b) **CONTENTS.**—Each report shall—

(1) describe the State's implementation of this part, including how the State has met the requirements of this part;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities;

(3) identify the level of Federal subsidy provided to each construction project carried out with support from the State's grant; and

(4) include any other information the Secretary may require.

(c) **FREQUENCY.**—(1) Each State shall submit its first report under this section not later than 24 months after it receives its grants under this part.

(2) Each State shall submit an annual report for each of the 3 years after submitting its first report, and subsequently shall submit periodic reports as long as the State or localities in the State are using grant funds.

#### **PART 3—DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES**

#### **SEC. 121. ELIGIBLE LOCAL EDUCATIONAL AGENCIES**

(a) **ELIGIBLE AGENCIES.**—Except as provided in subsection (b), the local educational agencies that are eligible to receive formula grants under section 126 are the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary.

(b) **CERTAIN JURISDICTIONS INELIGIBLE.**—For the purpose of this part, the local educational agencies for Hawaii and the Commonwealth of Puerto Rico are not eligible local educational agencies.

#### **SEC. 122. GRANTEES.**

For each local educational agency for which an approvable application is submitted, the Secretary shall make any grant under this part to the local educational agency or to another public agency, on behalf of the local educational agency, if the Secretary determines, on the basis of the local educational agency's recommendation, that the other agency is better able to carry out activities under this part.

#### **SEC. 123. ALLOWABLE USES OF FUNDS.**

Each grantee under this part shall use its grant only for 1 or more of the following activities to reduce the cost of financing eligible school construction projects described in section 124:

(1) Providing a portion of the interest cost (or of any other financing cost approved by

the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other unit or agency of local government for the purpose of financing eligible school construction projects.

(2) Local expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in paragraph (1).

(3) Other local expenditures approved by the Secretary that leverage funds for additional school construction.

#### **SEC. 124. ELIGIBLE CONSTRUCTION PROJECTS; REDISTRIBUTION**

(a) **ELIGIBLE PROJECTS.**—A grantee under this part may use its grant, in accordance with section 123, to subsidize the cost of the activities described in section 114(a) for projects that the local educational agency has chosen to initiate, through the vote of the school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(b) **REDISTRIBUTION.**—If the Secretary determines, by a date before September 30, 2001 selected by the Secretary, that a local educational agency is not making satisfactory progress in carrying out its plan for the use of funds awarded to it under this part, the Secretary may redistribute all or part of those funds, and any interest earned by that agency on those funds, to 1 or more other local educational agencies that are making satisfactory progress.

#### **SEC. 125. LOCAL APPLICATIONS.**

(a) **APPLICATION REQUIRED.**—A local educational agency, or an alternative agency described in section 122 (both referred to in this part as the "local agency"), that wishes to receive a grant under this part shall submit an application to the Secretary, in the manner the Secretary may require, not later than 2 years after the date of enactment of this Act.

(b) **DEVELOPMENT OF APPLICATION.**—(1) The local agency shall develop the local application under this part only after broadly consulting with the State educational agency, parents, administrators, teachers, the business community, and other members of the local community about the best means of carrying out this part.

(2) If the local educational agency is not the applicant, the applicant shall consult with the local educational agency, and shall obtain its approval before submitting its application to the Secretary.

(c) **LOCAL SURVEY.**—(1) Before submitting its application, the local agency, with the involvement of local school officials and experts in building construction and management, shall survey the local need for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the local educational agency, including health and safety problems;

(B) the capacity of the local educational agency's schools to house projected enrollments; and

(C) the extent to which the local educational agency's schools offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A local educational agency need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this part.

(d) **APPLICABLE CONTENTS.**—Each local application under this part shall include—

(1) an identification of the local agency to receive the grant under this part;

(2) a summary of the results of the survey of school facility needs, as described in subsection (c);

(3) a description of how the local agency will implement its program under this part;

(4) a description of the criteria the local agency has used to determine which construction projects to support with grant funds;

(5) a description of the construction projects that will be supported with grant funds;

(6) a description of the mechanisms that will be used to finance construction projects supported by grant funds;

(7) a requested level of Federal subsidy, with a justification for that level, for each construction project to be supported by the grant, in accordance with section 128(a), including the financial and demographic information the Secretary may require;

(8) a description of the steps the agency will take to ensure that facilities constructed or improved with funds under this part will be adequately maintained;

(9) an assurance that the agency will use its grant only to supplement the funds that the locality would spend on school construction and renovation in the absence of a grant under this part, and not to supplant those funds;

(10) an assurance that, during the 4-year period beginning with the year the local educational agency receives its grant, its average annual expenditures for school construction (which, at that agency's option, may include private contributions) will be a least 125 percent of its average annual expenditures for that purpose during the 8 preceding years; and

(11) other information and assurances that the Secretary may require.

(e) **WAIVER OF REQUIREMENT TO INCREASE EXPENDITURES.**—The Secretary may waive or modify the requirement of subsection (d)(10) for a local educational agency that demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because that agency has incurred a particularly high level of school construction expenditures during the previous 8 years.

#### **SEC. 126. DIRECT FORMULA GRANTS.**

(a) **ALLOCATIONS.**—The Secretary shall allocate the funds available under section 104(a)(2) to the local educational agencies identified under section 121(a) on the basis of their relative allocations under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in the most recent year for which that information is available to the Secretary.

(b) **REALLOCATIONS.**—If a local educational agency does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may reallocate all or a portion of its allocation, as the case may be, to the remaining local educational agencies in the same proportions as the original allocations were made to those agencies under subsection (a).

#### **SEC. 127. DIRECT COMPETITIVE GRANTS.**

(a) **GRANTS AUTHORIZED.**—The Secretary shall use funds available under section 104(a)(3) to make additional grants, on a competitive basis to local educational agencies, or alternative agencies described in section 122.

(b) **ADDITIONAL APPLICATION MATERIALS.**—Any local educational agency, or an alternative agency described in section 122, that wishes to receive funds under this section shall submit an application to the Secretary that meets the requirements under section 125 and includes the following additional information:

(1) The amount of funds requested under this section, in accordance with ranges or

limits that the Secretary may establish based on factors such as relative size of the eligible applicants.

(2) A description of the additional construction activities that the applicant would carry out with those funds.

(3) A description of the extent to which the proposed construction activities would enhance the health and safety of students.

(4) A description of the extent to which the proposed construction activities address compliance with Federal mandates, including providing accessibility for the disabled and removal of hazardous materials.

(5) Information on the current financial effort the applicant is making for elementary and secondary education, including support from private sources, relative to its resources.

(6) Information on the extent to which the applicant will increase its own (or other public or private) spending for school construction in the year in which it receives a grant under this section, above the average annual amount for construction activity during the preceding 8 years.

(7) A description of the energy efficiency and the effect on the environment of the projects that the applicant will undertake and of the extent to which those projects will use cost-efficient architectural design.

(8) Other information that the Secretary may require.

(c) **SELECTION OF GRANTEES.**—In determining which local educational agencies shall receive direct grants under this part, the Secretary shall give the highest priority to local educational agencies that—

(1) have a need to repair, remodel, renovate, or otherwise improve school facilities posing a threat to the health and physical safety of students, coupled with a low level of resources available to meet school construction needs, and have demonstrated a high level of financial effort for elementary and secondary education relative to their local resources;

(2) have a need to repair, remodel, renovate, or construct school facilities in order to comply with Federal mandates, including providing for accessibility for the disabled and removal of hazardous materials, coupled with a low level of resources available to meet school construction needs, and have demonstrated a high level of financial effort for elementary and secondary education relative to their local resources; and

(3) demonstrate a need for emergency assistance for to repair, remodel, renovate, or construct school facilities, coupled with a low level of resources available to meet school construction needs, and have demonstrated a high level of financial effort for elementary and secondary education relative to their local resources.

(d) **MINIMUM ALLOCATIONS.**—Of the amount available for competitive awards under section 104(a)(3), the Secretary shall ensure that, in making awards under subsection (a), no less than 40 percent of such amount is available to the local educational agencies described in section 121(a) and no less than 40 percent of such amount is available to the local educational agencies eligible for subgrants under part 2.

(e) **ADDITIONAL CRITERIA.**—The Secretary may establish additional criteria, consistent with subsections (c) and (d), and with purposes of this title, for the purpose of electing grantees under this part.

#### **SEC. 128. AMOUNT OF FEDERAL SUBSIDY.**

(a) **AMOUNT OF FEDERAL SUBSIDY.**—For each construction project assisted under this part, the Secretary shall determine the amount of the Federal subsidy in accordance with section 117(a).



(b) NON-FEDERAL SHARE.—A grantee under this part may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

**SEC. 129. SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT**

(a) SEPARATE FUNDS OR ACCOUNTS REQUIRED.—Each grantee under this part shall deposit the grant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this part.

(b) PRUDENT INVESTMENT REQUIRED.—Each grantee under this part shall—

(1) invest the grant funds in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness; and

(2) notwithstanding section 6503 of title 31, United States Code, or any other law, use the proceeds of that investment to carry out this part.

**SEC. 130. LOCAL REPORTS.**

(a) REPORTS REQUIRED.—(1) Each grantee under this part shall report to the Secretary on its activities under this part, in the form and manner the Secretary may prescribe.

(2) If the local educational agency is not the grantee under this part, the grantee's report shall include the approval of the local educational agency or its comments on the report.

(b) CONTENTS.—Each report shall—

(1) describe the grantee's implementation of this part, including how it has met the requirements of this part;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities; and

(3) other information the Secretary may require.

(c) FREQUENCY.—(1) Each grantee shall submit its first report under this section not later than 24 months after it receives its grant under this part.

(2) Each grantee shall submit an annual report for each of the 3 years after submitting its first report, and subsequently shall submit periodic reports as long as it is using grant funds.

**TITLE II—LOCAL COMMUNITIES RENEWAL OF PUBLIC SCHOOLS**

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Assistance to Local Communities in Renewal of Public Schools Act".

**SEC. 202. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds the following:

(1) Although the majority of our Nation's elementary and secondary public schools provide high quality education for our children, many schools need additional resources to implement immediate assistance and reform to enable them to provide a basic and safe education for their students.

(2) The Government Accounting Office recently found that 1/3 of all elementary and secondary schools in the United States, serving 14,000,000 students, need extensive repair and renovation.

(3) Recent reform of under-achieving schools in a number of States and school districts demonstrates that parents, teachers, school administrators, other educators, and local officials, given adequate resources and expertise, can succeed in dramatically improving public education and creating high performance schools.

(4) Such reform efforts show that parental and community involvement in those reforms is indispensable to the objective of high quality, safe, and accountable schools.

(5) Despite the successes of such reforms, public schools are facing tremendous chal-

lenges in educating children for the 21st century. The elementary and secondary school population will grow by 10 percent by the year 2005, and over the next 10 years, schools will need more than 2,000,000 additional teachers to meet the demands of such expected enrollments.

(6) Almost 7 of 10 Americans support increased Federal assistance to our Nation's public schools, and that support crosses all boundaries, including cities, towns, and rural areas.

(7) When Federal investment in public schools and children has increased, test scores have improved, and high school graduation rates and college enrollments have increased.

(8) The Federal Government should encourage communities that demonstrate a strong commitment to restore and reform their public schools.

(b) PURPOSE.—It is the purpose of this title to assist local communities that are taking the initiative—

(1) to overcome adverse conditions in their public schools;

(2) to revitalize their public schools in accordance with local plans to achieve higher academic standards and safer and improved learning environments; and

(3) to ensure that every community public school provides a quality education for all students.

**SEC. 203. DEFINITIONS.**

For purposes of this title:

(1) CONSORTIUM.—The term "consortium" means a local schools consortium as defined in paragraph (2).

(2) LOCAL SCHOOLS CONSORTIUM.—The term "local schools consortium" means the local educational agency in collaboration with a group composed of affected parents, students, and representatives of teachers, school employees and administrators, local business and community leaders and representative of local higher education group working or residing within the boundary of a local educational agency.

(3) PARENT.—The term "parent" includes any of the following:

(A) A grandparent.

(B) A legal guardian.

(C) Any other person standing in loco parentis.

(3) PLAN.—The term "plan" means a 3-year public schools renewal and improvement plan described in section 504.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the American Virgin Islands, Guam, and American Samoa.

**SEC. 204. PROCEDURE FOR DECLARATION.**

(a) IN GENERAL.—A request for a declaration by the President that a "public schools renewal effort is underway" shall be made by a local schools consortium.

(b) REQUEST.—The local education agency shall submit the request to the Governor of the State who shall, with or without comment, forward such request to the President not more than 30 days after the Governor's receipt of such request. Such request shall—

(1) include the plan;

(2) describe the nature and amount of State and local resources which have been or will be committed to the renewal and improvement of the public schools; and

(3) certify that State or local government obligations and expenditures will comply with all applicable matching requirements established pursuant to this title.

(c) DECLARATION.—Based on a request made under this title, the President, in consultation with the Secretary, may declare that a

"public schools renewal effort is underway" in such community and authorize the Department of Education and other Federal agencies to provide assistance under this title.

(d) PROGRESS REPORTS.—The consortium shall—

(1) amend such request annually to include additional initiatives and approaches undertaken by the local educational agency to improve the academic effectiveness and safety of its public school system.

(2) submit annual performance reports to the Secretary which shall describe progress in achieving the goals of the plan.

**SEC. 205. ELEMENTS OF RENEWAL AND IMPROVEMENT PLAN.**

(a) IN GENERAL.—As part of its request to the President, and in order to receive assistance under this section, a consortium shall submit a plan that includes the elements described in subsections (b) and (c).

(b) ADVERSE CONDITIONS.—The plan shall specify the existence of any of the following factors:

(1)(A) A substantial percentage of students in the affected public schools have been performing well below the national average, or below other benchmarks, including State developed benchmarks in such basic skills as reading, math, and science, consistent with Goals 2000 and title I of the Elementary and Secondary Education Act of 1965; or

(B) a substantial percentage of such students are failing to complete high school.

(2) Some or all of such schools are overcrowded or have physical plant conditions that threaten the health, safety, and learning environment of the schools' populations.

(3) There is a substantial shortage of certified teachers, teaching materials, and technology training.

(4) Some or all of the schools are located where crime and safety problems interfere with the schools' ability to educate students to high academic standards.

(c) ASSURANCES.—The plan shall also include assurances from the local educational agency that—

(1) the plan was developed by the local schools consortium after extensive public discussion with State education officials, affected parents, students, teachers and representatives of teachers and school employees, administrators, higher education officials, other educators, and business and community leaders;

(2) describe how the consortium will use resources to meet the types of reforms described in section 7;

(3) provide effective opportunities for professional development of public school teachers, school staff, principals, and school administrators;

(4) provide for greater parental involvement in school affairs;

(5) focus substantially on successful and continuous improvement in the basic academic performance of the students in the public schools;

(6) address the unique responsibilities of all stake holders in the public school system, including students, parents, teachers, school administrators, other educators, governmental officials, and business and community leaders, for the effectiveness of the public school system especially with respect to the schools targeted for greatest assistance;

(7) provide for regular objective evaluation of the effectiveness of the plan;

(8) the agency will give priority to public schools that need the most assistance in improving overcrowding, physical problems and other health and safety concerns, readiness for telecommunications equipment, and teacher training and the pool of certified teachers;



(9) ensure that funds received under this title shall be used to supplement, not supplant other non-Federal funds;

(10) certify that the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the request for a declaration is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the request for a declaration is made; and

(11) will address other major issues which the local schools consortium determines are critical to renewal of its public schools.

#### **SEC. 206. ALLOWABLE FEDERAL ASSISTANCE.**

(a) IN GENERAL.—To provide assistance under this title, the President may—

(1) direct the Department of Education, with or without reimbursement, to use the authority and the resources granted to it under Federal law (including personnel, educational equipment and supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts;

(2) direct any other Federal agency to provide assistance as described in paragraph (1);

(3) coordinate such assistance provided by Federal agencies; and

(4) provide technical assistance and advisory assistance to the affected local educational agency.

#### **(b) DISTRIBUTION OF ASSISTANCE FUNDS.—**

(1) IN GENERAL.—At the direction of the President, the Secretary shall distribute funds and resources provided pursuant to a declaration under this title to local educational agencies selected for assistance under this title.

(2) EXISTING PROCEDURES.—The Secretary shall determine the best method of distributing funds under this Act through personnel and existing procedures that are used to distribute funds under other elementary and secondary education programs.

(c) PROHIBITION.—No provision of this title shall be construed to authorize any action or conduct prohibited under the General Education Provisions Act.

#### **SEC. 207. USE OF ASSISTANCE.**

Assistance provided pursuant to this title may be used only to carry out a plan, and to effectuate the following and similar types of public school reforms:

#### **(1) STUDENT-TARGETED RESOURCES.—**

(A) Increasing and improving high-quality early childhood educational opportunities.

(B) Providing comprehensive parent training so that parents better prepare children before they reach school age.

(C) Establishing intensive truancy prevention and dropout prevention programs.

(D) Establishing alternative public schools and programs for troubled students and dropouts, and establishing other public school learning "safety nets".

(E) Enhancing assistance for students with special needs (including limited English proficient students, English as a second language, and students with disabilities).

#### **(2) CLASSROOM FOCUSED SCHOOL DEVELOPMENT.—**

(A) Establishing teacher and principal academies to assist in training and professional development.

(B) Establishing effective training links for students with area colleges and universities.

(C) Establishing career ladders for teachers and school employees.

(D) Establishing teacher mentor programs.

(E) Establishing recruitment programs at area colleges and universities to recruit and train college students for the teaching profession.

(F) Establishing stronger links between schools and law enforcement and juvenile justice authority.

(G) Establishing stronger links between schools and parents concerning safe classrooms and effective classroom activities and learning.

(H) Establishing parent and community patrols in and around schools to assist safe schools and passage to schools.

(I) Implementing research-based promising educational practices and promoting exemplary school recognition programs.

(J) Expanding the time students spend on school-based learning activities and in extra-curricular activities.

#### **(3) ACCOUNTABILITY REFORMS.—**

(A) Establishing high learning standards and meaningful assessments of whether standards are being met.

(B) Monitoring school progress and determining how to more effectively use school system resources.

(C) Establishing performance criteria for teachers and principals through such entities as joint school board and union staff improvement committees.

(D) Establishing promotion and graduation requirements for students, including requirements for reading, mathematics, and science performance.

(E) Providing for strong accountability and corrective action from a continuum of options, consistent with State law and title I of the Elementary and Secondary Education Act of 1965.

#### **SEC. 208. DURATION OF ASSISTANCE.**

Assistance under this title may be provided for each of fiscal years 1998 through 2000.

#### **SEC. 209. REPORT.**

Not later than March 31, 2000, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate assessing the effectiveness of this title in assisting recipient local schools consortia in carrying out their plans submitted under this title.

#### **SEC. 210. AUTHORIZATION OF APPROPRIATIONS; MATCHING REQUIREMENT.**

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this title—

(1) for fiscal year 1998, \$250,000,000; and

(2) for fiscal year 1999, \$500,000,000; and

(3) for fiscal year 2000, such sums as may be necessary.

#### **(b) MATCHING REQUIREMENT.—**

(1) IN GENERAL.—Federal funds expended or obligated under this title shall be matched (in an amount equal to such amount so expended or obligated) from State or local funds.

(2) OTHER FEDERAL RESOURCES.—The Secretary shall, by regulation and in consultation with the heads of other Federal agencies, establish matching requirements for other Federal resources provided under this title.

(3) WAIVER.—Based upon the recommendation of the Secretary, the President may waive paragraph (1) or (2).

#### **TITLE III—MISCELLANEOUS PROVISIONS**

#### **SEC. 301. TECHNICAL EMPLOYEES.**

For purposes of carrying out this title, the Secretary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, may appoint not more than 10 technical employees who may be paid without regard to the provisions of chapter 51 and subchapter IV of chapter 5 of that title relating to classification and General Schedule pay rates.

#### **SEC. 302. WAGE RATES**

(a) PREVAILING WAGE.—The Secretary shall ensure that all laborers and mechanics em-

ployed by contractors and subcontractors on any project assisted under this title are paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, as amended (40 U.S.C. 276a et seq.). The Secretary of Labor has, with respect to this section, the authority and functions established in Reorganization Plan Numbered 14 of 1950 (effective May 24, 1950, 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(b) WAIVER FOR VOLUNTEERS.—Section 7305 of the Federal Acquisition Streamlining Act of 1994 (40 U.S.C. 276d-3) is amended—

(1) in paragraph (5), by striking out the "and" at the end thereof;

(2) in paragraph (6), by striking out the period at the end thereof and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(7) title V of the Reading Excellence Act,".

#### **SEC. 303. NO LIABILITY OF FEDERAL GOVERNMENT.**

(a) NO FEDERAL LIABILITY.—Any financial instruments, including but not limited to contracts, bonds, bills, notes, certificates of participation, or purchase or lease arrangements, issued by States, localities, or instrumentalities thereof in connection with any assistance provided by the Secretary under this title are obligations of such States, localities or instrumentalities and not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

(b) NOTICE REQUIREMENT.—Documents relating to any financial instruments, including but not limited to contracts, bonds, bills, notes, offering statements, certificates of participation, or purchase or lease arrangements, issued by States, localities or instrumentalities thereof in connection with any assistance provided under this title, shall include a prominent statement providing notice that the financial instruments are not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

#### **SEC. 304. REPORT TO CONGRESS.**

The Secretary shall report on the activities conducted by States and local educational agencies with assistance provided under this title, and shall assess State and local educational agency compliance with the requirements of this title. Such report shall be submitted to Congress not later than 3 years after the date of enactment of this Act and annually thereafter as long as States or local educational agencies are using grant funds.

#### **SEC. 305. CONSULTATION WITH SECRETARY OF THE TREASURY.**

The Secretary shall consult with the Secretary of the Treasury in carrying out this title.

Mr. HALL of Ohio. Madam Speaker, I reserve the balance of my time.

Mrs. MYRICK. Madam Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Madam Speaker, I thank the gentlewoman from North Carolina for yielding me the time. I rise in support of the rule for H.R. 2746, the HELP Scholarships Act. I commend my good friend and colleague, the gentlewoman from North Carolina, for her support and leadership on this important legislation. The gentlewoman's reputation as a friend of education is well earned and her support for this measure is very significant.

Every single Member of this Congress shares one common goal with regard to education, that is that we do what is right for all of America's children with regard to their most fundamental right as Americans, their right to a solid education. I just urge my colleagues to allow this rule to pass and urge their support for this rule so that we can debate this very important issue. I look very forward to that debate.

Mr. HALL of Ohio. Madam Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], ranking minority member on the Committee on Rules.

Mr. MOAKLEY. Madam Speaker, I thank my colleague, the gentleman from Ohio [Mr. HALL] for yielding me this time.

Madam Speaker, I rise in strong opposition to this very strange and very confusing rule. For rule watchers, we have got a doozy here today.

To begin with, this rule provides for the consideration of two separate bills, one under a closed rule and one under an open rule. The first bill, the HELP school vouchers bill, has not been considered by any committee, no hearings. It has not been reported out of any committee, Madam Speaker. In fact, it was only introduced 3 days ago and the ink is still wet on it. But if any of my colleagues are thinking about offering any amendment to this steel-clad bill, forget it. The Republican leadership has wrapped this bill up in a completely closed rule, which all of my colleagues know, means they have prohibited any and all amendments.

The other bill to be considered under this rule is the Charter Schools Act. This bill is a bipartisan effort that is supported by many Members on both sides of the aisle. The good news is that this bill will be considered under an open rule. The bad news is that because of the confusing way this ill-fated rule is structured, it may never see the light of day.

Even if it passes by an overwhelming margin, the charter school bill may very well be heading for a veto threat down the road.

So here is the reason why if this strange rule passes, which I hope it will not, the two bills, even though considered and voted upon separately, will be joined together and sent to the Senate for consideration as a single bill.

The final joining of the good bipartisan bill and one dangerous controversial bill, Madam Speaker, is the death knell for charter schools.

By way of this rule, the Republican leadership is effectively singing a very well thought out, bipartisan bill on charter schools by attaching a spur-of-the-moment idea, which will hurt public education and one that the President has promised to veto. Furthermore, even though the President supports the charter schools legislation, it will be vetoed if the HELP voucher bill is attached.

So in the Committee on Rules, I tried to make some sense of this strange leg-

islative cartwheel. I thought that perhaps there was a substantive reason for doing it this way. So during consideration of the measure in the Committee on Rules on Wednesday, I asked my good friend, the chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING], why was it necessary to join these two bills. Why could we not have taken them out individually?

Madam Speaker, after a pause, he replied, I do not know that I have an answer to that question, I will be perfectly frank with you.

So, Madam Speaker, if it is a mystery to the chairman of the committee who has been chairman for 3 years and a member of the committee for 23 years, if anybody is an expert on education in this House, my friend, the gentleman from Pennsylvania [Mr. GOODLING], is, that means only one thing: Somebody in a higher pay grade than the gentleman from Pennsylvania [Mr. GOODLING] made that decision.

Once again, Madam Speaker, the Republican leadership is putting politics before substance and this time it is the American education system that will pay the price.

Madam Speaker, although I believe improving American education should be our first priority, I am very confused about the way my Republican colleagues are going about it. I urge my colleagues to oppose the rule, oppose the previous question.

Mr. HALL of Ohio. Madam Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. CLAY], ranking minority member of the Committee on Education and the Workforce.

Mr. CLAY. Madam Speaker, I am appalled at the arrogant and dictatorial way that this bill has been brought to the floor. I urge my colleagues to defeat the previous question and defeat this rule.

The majority party has run roughshod over the entire democratic process. A previous Republican speaker this morning said that this is not a vote on vouchers, but it is a vote to permit debate on the issue of vouchers.

□ 1030

How misleading. This rule continues that farce. This bill has never had a public hearing in either the Subcommittee on Early Childhood, Youth and Families or on the full Committee on Education and the Workforce. This bill has never been marked up by the committee. There was no debate, no discussion, no public involvement, no give-and-take. Clearly, Madam Speaker, the doors of democracy have been slammed shut.

And to further stifle legitimate debate on the school voucher issue, the majority proposes, through this rule, to deny all Members of Congress the right to address this bill through a fair amendment process. If ever an issue needed the benefit of public discussion, of debate and of sunshine, it is this voucher issue.

As we look at the many debates surrounding strategies to improve elementary and secondary education, no issue is more contentious, no issue arouses more passion, and no issue divides us more than these proposals to take funds from public schools and give them to private schools in the form of vouchers. It would be a travesty if this rule passes. The Republican Party should be ashamed for playing politics with America's schoolchildren through the manipulation and abuse of House rules.

So I urge my colleagues to defeat the previous question so that we can substitute consideration of this reprehensible voucher bill with legislation that addresses issues that the Republican majority does not care to consider; namely, legislation that will help improve the public schools, where 50 million children go each day to receive an education.

Madam Speaker, I urge all of the Members to vote no on this rule.

Mrs. MYRICK. Madam Speaker, I yield 2½ minutes to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Madam Speaker, I do rise today in support of this rule, in large measure because of my concern about, first, the preservation of public education, but more importantly, trying to get the kind of product out of public education that I think the forefathers and those of us who have participated over the years in this whole problem of trying to ensure that every child in America has access to the best possible education.

The 1954 Brown versus Board of Education was a battle about separate but equal schools by definition of those who tried to maintain segregation. In 1997, we realize that schools are separate but unequal. In almost every single statistical base of data that has been put forth, there is a realization that children in the lower tier, and, indeed, public education has two tiers, on the upper tier, people are educated properly, they are given the tools necessary to compete in society, to be able to function in a world that globally is so competitive, if they do not have the tools they cannot survive; and on the lower tier, which is reflective of most of our urban communities of which I serve one of and also serve as a pastor and minister. When I discover there are so many of our young people who have not been given a fair opportunity for competition, it becomes clear to me that we must look at some alternatives that challenges the public system to be able to do the job that it is intended to do.

This is not a question for me about Democrats or Republicans. It is really a question about whether or not we are going to continue to let every child die, arguing that, if we begin to do vouchers, if we do charter schools, what we in fact are doing is taking away from the public system. We say, let them all stay there. Let them all die. It is like saying there has been a plane crash.

But because we cannot save every child, we are not going to save any of our children; we will let them all die, we will not even try to create some means by which we can rescue those that can be rescued, we will assume it will be better for all of them to die than for us to take some of them out.

So my argument is simply this: Let us do what we can, as a people, to ensure in 1997 that which the Supreme Court intended in 1954; and that is to create a system that is not separate and unequal but a system that understands that if we have an integrated community, an integrated society, if it is going to be an integrated society, every child ought to be able to get the best education possible.

I intend next week, after I have retired, to spend my time trying to convince more people to deal with the question of what is not happening, the failure of too many of our children in public education, not again to get rid of it, but to make it better. This is a free market society in which we live. If, indeed, that is correct, let us create some competition, and I believe we will have a better product coming out of the public system.

Mr. HALL of Ohio. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. MARTINEZ].

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

Mr. MARTINEZ. Madam Speaker, once again, the Republican leadership, with the backing of the extreme religious right, have sought to gag open and free debate through this politically motivated rule.

Today, the Republican leadership is asking Republican Members to support a rule which not only closes off debate on one of the most controversial issues before us today, that issue on voucher education. The issue of private school vouchers is one that has been debated for a long time. But never has a rule like this brought this issue to the floor.

The worst part of it, this rule marries this discriminatory and ill-conceived voucher proposal with the charter school bill, one that is bipartisan. Even though I have concerns about the charter school legislation, I do not appreciate the Republican leadership using that bipartisan bill as a political hockey puck by issuing a rule to marry it with the voucher bill after separate votes on each measure.

Members should know that H.R. 2746, the HELP, or should I say Hurt, Scholarship Act was never marked up in committee, did never receive a hearing. This legislation was created in a political vacuum that leaves us no room for dissenting views or open debate.

Now before us, as the gentleman from Indiana [Mr. ROEMER] has said, we have a discharge petition without benefit of 218 signatures. I guess if we operate as a dictatorship, we will do that.

Madam Speaker, we have before us a rule that continues a ridiculous closed

path through the barring of amendments. Members of the House will never get a chance to debate this legislation in a truly open manner, especially since proponents of vouchers are doing the bidding of those conservative forces, such as the Christian Coalition, in rushing this legislation through the process.

I ask the Members to think objectively about the issue and join with myself and my colleague, the gentleman from Missouri [Mr. CLAY] in defeating the previous question. If we do defeat the previous question, we will offer two initiatives, which truly will reinforce our public education system, as the gentleman from New York [Mr. FLAKE] said, making sure that every child in the United States gets a quality education, one that will enable the Federal Government to provide Federal assistance to local schools to develop local-inspired plans to renew their communities' public schools, and the other would provide much needed finance assistance to repair the large number of crumbling schools throughout our Nation.

These proposals truly respond to the needs of our education system, unlike the voucher proposal, which the majority would have us consider. I urge all Members to vote against this rule.

Mrs. MYRICK. Madam Speaker, I yield 4½ minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Madam Speaker, I thank the gentlewoman from North Carolina [Mrs. MYRICK], who is handling the rule, for yielding me the time, and the gentlewoman from Missouri [Mrs. EMERSON], presiding as acting speaker.

I say good morning to my colleagues and to let them know that as the chairman of Subcommittee on Early Childhood, Youth and Families, otherwise known as the Subcommittee on Education, I stand before my colleagues today as the lead author of both measures that will be considered under this rule. Although, I hasten to add how satisfying and gratifying it was to work with my good friend, the gentleman from Indiana [Mr. ROEMER] in truly a collaborative bipartisan effort on the charter school bill.

I also want to say at the outset of my remarks that it is unfortunate and I regard it as beneath the gentleman from California [Mr. MARTINEZ], who I respect professionally and regard as a personal friend, to attack the so-called religious right or Christian Coalition. I think that is a rather specious argument to interject into this debate.

I will just get this off my chest, as well, at the outset just so everybody knows, particularly Americans listening to this debate today, when we talk about bipartisanship, please understand that, like welfare reform, what we are talking about is perhaps half House Democrats supporting the idea of expanded parental choice in public education for these new breed of public schools, these independent charter schools. Maybe half will vote with us. About half voted with us in committee.

Whereas, almost all House Republicans will support the charter school bill, and almost all House Republicans will support the HELP scholarship bill, otherwise called vouchers for low-income families.

Let me explain the linkage here under the rule. Several months ago, before we began deliberation of these two bills, we gave considerable thought and discussion to the idea of offering a low-income parental choice demonstration amendment on the charter school bill. But as that bill evolved into, as I said earlier, a bipartisan effort, thanks in large part to the efforts of the gentleman from Indiana [Mr. ROEMER], out of respect for his efforts and out of deference to the process, the bipartisan process, that had evolved, we decided that we would not offer the low-income parental choice demonstration bill as an amendment. However, we still want to make that linkage on the House floor. And that is why we are going to do that under a single rule making in order both proposals.

I am not the only one making that linkage. Let me quote to my colleagues from a December 17 article in *The Washington Post* headlined "Scholarships for Inner-City School Kids," and coauthored by Diane Ravitch and William Galston. William Galston happens to be the former domestic policy advisor to President Clinton. Diane Ravitch is a former assistant secretary of education in the Bush administration. And they wrote, "A number of jurisdictions have experimented with new contracting and management arrangements. Twenty-five States," now actually 29 States plus the District of Columbia and Puerto Rico, "have passed the charter school laws, which allow new or existing public schools to function as independent units free of most regulation." And we are trying to expand on those efforts on the floor here today. "With President Clinton's strong leadership, Federal support," Federal taxpayer support, "for charter school start-ups has risen substantially during the last 4 years." And again, we intend to redouble those efforts and build upon the Federal taxpayer assistance that has already been expended for charter schools in States and communities across the country.

But Ms. Ravitch and Mr. Galston go on to write, "But while all of these efforts are moving in the right direction, we have concluded that for the poorest children, those most at risk of failure," and let us be clear where most of those children are, they are in our urban communities, they are too often trapped in failing inner-city school districts, where they have to attend unsafe or underperforming schools, "for those children most at risk, even stronger measures have to be tried. State legislatures in Wisconsin and Ohio have enacted laws to permit poor children in Milwaukee and Cleveland to receive means-tested scholarships for nonpublic schools."

And that is what we are trying to do. With the HELP scholarship proposal

here today on the floor, we are trying to expand on the programs in Milwaukee and Cleveland. I will have more to say about those programs later.

But I want to add now that those programs have shown a direct correlation to increased parental involvement, increased parental satisfaction, and what should be the bottom line for all of us, if we are going to approach these issues on a nonpartisan basis or, as the President has said, if we are going to leave partisan politics at the schoolhouse door, what should be the bottom line is that those programs, experimental in nature, have led to a substantial increase in pupil performance. That is the bottom line here.

So Galston and Ravitch were making a linkage. And the bottom line here, as far as I am concerned, the American people want more choice. They have spoken, colleagues. When asked if parents should be allowed more control to choose where their children are educated, two-thirds of the American people say yes. That is why we are on the floor with these two bills today.

Mr. HALL of Ohio. Madam Speaker, I yield 2½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Madam Speaker, I rise in strong opposition to the rule, in strong opposition to vouchers, and in very, very strong support of our bipartisan legislation on public charter schools.

Madam Speaker, I think it is appropriate on Halloween that we talk about a ghoulish, strange, scary rule that has brought this particular set of circumstances to the House floor, where we will vote on a very, very weak bill, the voucher bill, that has never had a hearing, that has never been marked up in committee, that has, as I called it in the Committee on Rules, I called it a discharge petition, without 218 votes automatically going to the House floor, without debate.

In the building trade, they have a term for this, Madam Speaker. It is called a cleat, where you have a very, very weak board and you staple or nail a strong board to support that. Well, in this case, the weak board is the voucher school bill, and the strong piece of legislation, the bipartisan piece of legislation, the legislation that is bold and innovative and saves our public schools, every child and every school, is the charter school bill.

I would encourage my colleagues on the right, who are always concerned about Government intervention and Government strings being attached to Government money, I would refer and I would ask unanimous consent to have extraneous material entered into the record, a Wall Street Journal article written by Gerald Seib referencing a Mr. Trowbridge, who says, "Government vouchers will invite Government interference in private schools." "Government vouchers will invite Government interference in private schools." Your Wall Street Journal, your private schools, your argument.

In The Washington Post, there is another article entitled "A Conservative Case Against School Choice," that Government money can come without Government strings attached.

I would encourage my colleagues not to vote for the vouchers, to defeat the rule, to defeat vouchers and vote for the cradle of innovation. Vote for strong, strong public school voice. Vote for creative new ideas that will rescue our public school system, keeping dollars in public schools, and not giving Government strings and Government attachments to our private school system.

Madam Speaker, I include the following for the RECORD:

[From the Wall Street Journal, Sept. 3, 1997]

SCHOOL CHOICE: NO CLOSED BOOK ON RIGHT FLANK

(By Gerald F. Seib)

It's September, so the kids are back in school, the teachers are at the front of the class, and the education debate is about to begin in Washington. It promises to be a lot more interesting than that 7:30 a.m. college calculus class you've tried to forget.

For his part, President Clinton will be stepping out to promote nationally standardized tests, arguing they will help parents gauge schools and force educators to whip them into shape. Conservative Republicans will claw back, arguing, on principle, that standardized tests will only pull the federal government deeper into state and local educational systems.

Meanwhile, surely all those conservatives will be renewing their standard arguments in favor of school choice, including government vouchers to help parents move their kids out of public schools and into private ones. That, after all, is the universal view on the right, isn't it?

Well, not exactly.

Anybody who thinks the conservative book on school choice is closed will be surprised to open the new edition of National Review, a Bible of the right, and find a long essay arguing that conservatives ought to oppose school vouchers. Vouchers, of course, would essentially be government rebates to help parents pay the cost of private schooling. The essay, written by Ronald Trowbridge, a prominent conservative commentator from Hillsdale College in Michigan, reflects a small but significant school of thinking on the right that argues for re-examining the philosophical and political underpinnings of the school-choice debate.

Mr. Trowbridge argues that conservatives ought to oppose school vouchers for the same reason they oppose federally written standard tests: Government vouchers will invite government interference in private schools. This, he writes, already is the view of many grass-roots Republicans and conservatives who oppose vouchers because they "realize that government money to private schools sooner or later will be followed by government control."

Mr. Trowbridge is, frankly, a little ticked that conservatives and Republican leaders have given so little attention to this argument on vouchers. "They are all just raving about choice, and they never suggest there is anything that could possibly be wrong with it," he says in an interview.

Aside from the philosophical problem of opening the door to more government involvement in private schools, Mr. Trowbridge worries about the political downside risks for Republicans. Having made the decision to send their children to private schools

for their special environment, he argues, a lot of parents won't exactly welcome seeing that environment changed by paving the way for people who weren't willing to make that choice on their own.

That's a practical political concern also voiced by Republican pollster William McInturff. He did a lot of early work in favor of the school-choice issue and generally remains a fan. But at a recent meeting of Republicans in Indiana, Mr. McInturff and his firm warned Republicans that there are limits of school choice as a national policy.

On VOUCHERS, Mr. McInturff worries about a backlash from middle-class parents who have chosen, of their own free will, to take a financial hit to send their kids to parochial or private schools. These parents may see school vouchers as merely a path to let in people who weren't willing to make the same sacrifice on their own, thereby eroding the specialness they thought so important for their kids. "Those parents think they have made difficult and painful sacrifices to put their kids in those schools," Mr. McInturff says.

More broadly, he thinks many parents hear school-choice rhetoric and conclude that it means "somebody else's school will get fixed, not mine." His polling suggests Republicans score better with the public when they stress improving teacher standards, getting parents more involved and forcing more attention to basics in the classroom.

This is a big, broad debate that, far from being settled, is only really beginning. The vehicle for carrying it out this fall will be legislation introduced by Georgia GOP Sen. Paul Coverdell, which calls not for vouchers, but for a kind of first cousin to them. It would allow parents to put as much as \$2,000 a year into a tax-free savings account, then withdraw the money for tuition at a private elementary or secondary school.

Some people who don't like vouchers—Mr. Trowbridge, for one—think this is a good alternative, because it doesn't involve a direct payout from the federal government. Others want to go all the way to vouchers, giving even low-income parents a full "choice" in picking schools. The Clinton administration will argue against all these variations, on the grounds that they amount to abandoning the public-school system that still educates 90% of American kids. Take notes; there will be a political test in 1998 and 2000.

[From the Washington Post, Sept. 8, 1997]

A CONSERVATIVE CASE AGAINST SCHOOL CHOICE

(By Timothy Lamer)

No issue unites the right as school choice does. The religious right, neocons, culturecons, supply-siders, and libertarians all argue that vouchers will unleash market forces and break the iron grip of the National Education Association. Many on the right also see school choice as a means to promote moral and religious education. But is publicly funded school choice really conservative? In arguing for vouchers, many of my brethren on the right sound a lot like liberals. Some examples:

The Egalitarian Argument. James K. Glassman makes this common argument in a Post column [op-ed, Sept. 3]: "But there's the matter of justice too. Chelsea Clinton's parents can choose the best school for their child. Why can't the parents of the poorest kids on the most dilapidated, drug-infested block in Washington, Los Angeles or New York?"

Well, from that point of view, does justice demand that the government provide poor families the same choices rich families have in, say, health care? Conservatives have long argued that inequality is a fact of life and

that when governments try to do something about it, they end up harming everyone; that instead of building up the poor, they tear down the wealthy and middle class. Could vouchers harm private schools instead of helping public schools? Conservatives who usually make such arguments against misguided egalitarianism should at least consider the possibility.

**The Right-to-a-Subsidy Argument.** The Heritage Foundation's Dennis P. Doyle and Fordham University's Bruce C. Cooper argue in another recent *Post* article [Outlook, Sept. 1] that without school choice, poor children's religious liberties are being violated. In other words, the Constitution obliges taxpayers to send poor children to religious schools if their parents so choose. "The First Amendment clearly proscribes the establishment of a state church," they write. "But it also guarantees the 'free exercise' of religion."

"Poor children—compelled by economic necessity to attend government schools—are denied the opportunity to freely exercise their religious beliefs within a school setting," they maintain.

This argument—that First Amendment guarantees are not rights protected against government intrusion, but entitlements produced by government spending—is normally employed by extreme liberals, not Heritage Foundation fellows. Do Doyle and Cooper think the government should have to buy printing presses for poor people so they can exercise their freedom of the press? Do they agree with liberals that artists supported by the National Endowment for the Arts have a First Amendment "right" to a federal subsidy? Poor people have the right to freely exercise their religion, but they don't have a right to do it with other people's money.

**The Every-Other-Civilized-Country-Does-It Argument.** Doyle, this time in the *American Enterprise*, writes, "In the Netherlands, for example, 70 percent of children attend denominational schools at public expense," and "America is the only civilized country in the world that does not support religious elementary and secondary schools" with government funds.

Liberals often argue that every other civilized country has high tax rates, statist health care and so forth; therefore the United States should too. Conservatives usually retort that America's unparalleled prosperity is a result of our relative lack of government interference in the economy. We point out that if this country had French-style economic policies it would also have French levels of unemployment.

A similar argument could be made against Doyle. Why is the United States more religious, relatively speaking, than the countries he holds up as models? Perhaps because keeping church and state separate has served to strengthen religion in America.

**The Just-Like-Pell-Grants Argument.** On his show on the conservative NET channel, Dan Mitchell of the Heritage Foundation recently condemned the ACLU's opposition to school choice: "What's their rationale? Well, (they say) this is a subsidy to a religious school. Well, now, hold on a second. You have students attending Brigham Young University, Notre Dame University, all sorts of Catholic, Protestant, Jewish—all sorts of religious colleges—with Pell Grants and student loans from the federal government." Bob Dole said that the vouchers in his school choice proposal would be "like Pell Grants."

If vouchers are like Pell Grants, does that mean they will wildly inflate tuitions at private schools, as Pell Grants and student loans have done at colleges and universities? Will school choice become a sacred-cow program that grows every year and that Republicans can cut only at a steep political price,

as Pell Grants and student loans have become? Will vouchers be used by liberals as an excuse to regulate private schools, as student aid has been used to regulate higher education? Shouldn't conservatives be at least a little worried that if vouchers are "like Pell Grants," they just might bear the same sour fruit?

Some on the right (including me) are leery of school choice. For one thing, it looks an awful lot like taxing citizens to advance religious teachings with which they disagree, a type of coercion that should be especially distasteful to religious citizens. And a heavy burden of proof is on those who claim, against the weight of history, that government money can come without government strings attached.

Fears about school choice may turn out to be unwarranted, but the liberal arguments some conservatives use to advance vouchers aren't reassuring.

□ 1045

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Madam Speaker, I rise to strongly oppose this undemocratic process in which the voucher bill is being considered today. It is ridiculous that the House will consider a bill which has existed for 1 week, had no hearings, no markups, now being considered under a closed rule, thereby preventing Members from offering amendments.

Madam Speaker, there is one amendment that I would have liked to have had the opportunity to offer, and that would be to ensure that civil rights protections for all students would be available. Any entity that receives Federal aid must comply with Federal civil rights laws and the Justice Department is empowered to enforce those laws. This bill contains a statutory trick that declares private schools receiving vouchers are not recipients of Federal funds and therefore not subject to Federal enforcement of civil rights laws. This provision is in the bill intentionally.

The closed rule protects it from amendments so that we cannot correct the egregious problem or any other problems that exist with the bill. Make no mistake about it, the acceptance of the rule is acceptance of the intentional exclusion of the applicability of Federal civil rights laws.

Madam Speaker, I would also like to have considered amendments that would have informed parents of expenses and special education students of services available to them. But the acceptance of this rule prevents it from being exposed for what it is, bad civil rights policy, bad policy for parents of children who would be lured into this scam, as well as bad policy for the 99 percent of the children who will be left behind in overcrowded, crumbling and unfunded schools.

Madam Speaker, as for the poll that suggested that people supported this, that poll measures only the knee jerk reaction to a sound bite. We ought to put up a graph that shows what happened when people had an opportunity to vote on it on a referendum, after

they have been educated about what a bad idea this is. The last 20 times it has been on the ballot it has gone down by margins averaging 3 to 1. Vote no on this rule. It is a bad bill.

Mrs. MYRICK. Madam Speaker, I yield 10 seconds to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Madam Speaker, I just want to make it very clear. We have had extensive hearings in the subcommittee and the full committee on the issue of greater parental choice and competition in education. We had hearings on the charter school bill. We had hearings on the various legislative parental choice proposals, including the one that is on the floor.

Mrs. MYRICK. Madam Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Madam Speaker, I thank the gentlewoman for yielding me this time. There have been a number of comments this morning. Madam Speaker, about the fact that this bill comes up under an unusual procedure. It does. These are unusual times we live in. There are millions of children trapped in schools, in America's urban core, where they do not learn, where they are not safe, and where their parents know with a terrible certainty that the schools are not going to change.

Madam Speaker, I suggest that the only thing worse than being without opportunity yourself is to know that unless you can do something that you feel you cannot do, your children are not going to escape, your children are not going to have any hope or any opportunity. This bill, the HELP scholarships, offers a hand to these parents. It gives their kids a chance, a modest chance, but a chance at a decent education and a good school. If ever a bill aided the powerless, it is this bill. But, Madam Speaker, if ever a bill offended the powerful, it is also this bill, because there is in this country an establishment, and I speak here without malice, but an establishment that controls millions of dollars, whose power and prestige and position depend on defending the status quo and public education in these poor neighborhoods. That establishment, Madam Speaker, is not fighting this bill because they are afraid it will fail. They are fighting it because they believe it will succeed. They are not fighting this bill because they think it will result in poorer education for these children. They are fighting it because they think it will result in better education for these children if they have the same chance and the same options that all of us would want for our children in those circumstances. That establishment does not want the embarrassment of having it proven that at much less cost, these kids can be educated. It is not some great deficiency with them, but rather the system that has failed them and has failed their parents as well. And so that establishment has supplied enormous and unrelenting

pressure against this bill and against Members of Congress to oppose the bill.

I appreciate those of my colleagues who have been holding out and appreciate those who are going to vote for this rule. I think we are going to pass this rule, and I am grateful to all of my colleagues for that. So, yes, Madam Speaker, this bill is here under an unusual procedure. But the really unusual thing about it is that it is here at all, given the opposition to it. It is only here because of the forbearance and the patience of the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and the Workforce, because of the persistence of the gentleman from California [Mr. RIGGS], because of the compassion of the gentleman from Oklahoma [Mr. WATTS], and because of the courage of the gentleman from New York [Mr. FLAKE]. To them, to those men who have done so much on behalf of these people who are so powerless, I express my appreciation. I ask all the Members to remember, if we do not represent these people, nobody is going to represent them. Do the right thing, vote for this rule, give these people a chance when the bill comes up for a vote on final passage.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, a sound public school system is how we prepare all of our children for the high skilled, high wage jobs that ensure America's leadership in this world marketplace and ensures that these children will earn a livable wage and not be on welfare as adults. Public education is the backbone of our country. It is why we are a great Nation. Public education is available to all. It does not discriminate, and it must be strengthened, not weakened.

Today's rule will profoundly weaken our public schools, forcing charter school supporters to go on record supporting school voucher plans that support a religious school. That, Madam Speaker, flies in the face of providing opportunity to all children. We do not hesitate in thinking that religious schools should be available. What we say is choose your religious school. Do not take it away from our public education system. That is where the real opportunity lies.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentlewoman from California [Mrs. TAUSCHER].

Mrs. TAUSCHER. Madam Speaker, I rise today in opposition to this misguided rule and urge my colleagues on both sides of the aisle to vote against it. This rule offers us tricks and treats just in time for Halloween. The rule we are considering this morning provides a complicated procedure whereby two separate bills, one bipartisan on charter schools and one controversial on vouchers can be considered and passed

separately before being joined together and sent to the Senate and thereafter to the President for his signature or veto.

The first bill has never been considered, the bill on vouchers, by the authorizing committee. This is quite a trick. The other measure, H.R. 2616, deals with charter schools. It has received great support by a majority of Republicans and Democrats on the Committee on Education and the Workforce. Charter schools are public schools that are created by communities to stimulate reform and provide an alternative to traditional public school systems. In short, charter schools are a real treat for parents and children alike. I strongly oppose vouchers and strongly support charter schools. I urge my colleagues to vote no on this misguided rule.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Madam Speaker, the issue before the House today is a fundamental one, and that is how to improve the public education system for our children. There are two stark choices. The first is the voucher, which at best is a huge untested experiment that threatens to significantly undermine our ability to fund our public schools. The other choice is charter schools. Charter schools are one of the most promising reforms taking place in our country today with respect to public education. They are often created by parents, by teachers and by communities who personally know children and care about them.

In my State, Florida, as in many States, many of the children that are enjoying the benefits of charter schools are children with special needs, are children that are at risk. In the 5 schools that have opened in Florida, and certainly with respect to the over 15 yet to come, over half of the children who were underperforming in the traditional public school setting are now performing at at least above average in these schools. These schools are innovative, they are unencumbered by many of the rules plaguing our public school system and they have smaller class sizes. These are positive reforms, not an abandonment of the public school system. We need to support charter schools and defeat vouchers.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Madam Speaker, I thank the gentleman for yielding me this time. I rise today in strong opposition to this misguided rule and even stronger opposition to this notion about a voucher bill. Traditionally in politics we try to do the most good for the most people.

In America 90 percent of the students attend public schools. The Republicans today would like to do a little good for a few people, and that is why they are advocating a voucher plan that they say will give choice to the underprivi-

leged classes. Let us be candid. Private schools, even if you had a voucher, do not have to take you, so the troubled students from inner cities and the troubled students from poor communities do not automatically get a choice even with their plan. But more importantly, we ought to be assisting public school education, where most students attend school. We need to work on providing repairs for dilapidated schools. We need to expand buildings and build new schools for overcrowded schools. We need to upgrade technology for schools that are behind in the technological age. We have opportunities for innovation and for choice, charter schools. I support that concept. We need to help our local communities in a real way, supporting public education, not through benign paternalism for a few. I urge rejection of the rule.

□ 1100

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from California [Mr. DOOLEY].

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Madam Speaker, I rise in very strong opposition to this rule, and I do so because we have two very important bills which have diametrically opposing objectives and it is senseless for us to consider them in one particular rule.

The voucher bill will, without question, undermine our public education system. It will siphon money out of our public schools, which will ensure that we will see a deterioration in the education that can be afforded to our Nation's children.

Vouchers will certainly undermine what has been one of the most important historical institutions in this country, which has led more to our economic advancement than anything else, our public schools. We cannot afford to go down that path.

But there is a path we must take, and that is embodied in our charter schools bill. We need to unleash the creativity and the innovation in our public schools, and charter schools will provide that incentive.

For all too long, we have standardized the process of education in our public schools. We need to unleash that creativity, and charter schools will release that creativity and innovation.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. ETHERIDGE].

Mr. ETHERIDGE. Madam Speaker, I rise in strong opposition to this latest voucher bill to use taxpayers' money to subsidize private and religious schools, and I urge my colleagues to vote against this rule. It is misguided, it is wrong, and it is not what is in the best interests of the 90 percent of the children in this country who attend public schools every day.

I sought this office because I could not stand by and watch the revolutionary Members of this Congress scapegoat, run down and bad mouth our children and our public schools of this country. This voucher bill is the latest attack on our public schools. Make no doubt about it, it is an attack on our children, their parents and their communities, and I urge Members to vote against it.

Public education is the foundation of a strong America. Our public schools have served as a great equalizer in this country, and now we want to undermine that. We cannot and must not let this happen. We can improve our schools.

This is a defining vote. Members of this House are either for strong public schools, or they are against public schools in this country, and I urge Members to vote against this.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Madam Speaker, I rise in strong opposition to this rule. It is an unfair rule in terms of gagging the consideration of this voucher bill, and, I think, not providing good consideration of it.

Quite frankly, I am appalled at the fact that a bill like this would come to the floor in terms of proposing vouchers. Our whole tradition as a Nation for 200 years has been to build a solid public education system, and that has been the core and the foundation on which our Nation has been so successful.

I do not want to denigrate private schools. These exclusive, elite religious schools do a lot of good. I am a product of such schools. But I am also an educator and worked for years in terms of teaching, and the abandonment of the public school system which is taking place by virtue of trying to hold out this false hope of vouchers is wrong.

The issue here is going to be that we cannot abandon them. This is the abandonment of the public school system, is what this is. That is the message you are sending to hundreds of thousands of students in my State in saying you are going to provide vouchers for a couple hundred here and have a debate.

This is a false hope. This is an abandonment. Do not give up on the kids in this country. Do not give up on the public education. Do not give up on the 200 tradition we have had of building education for democracy. It has been the basis of our success, and we are the most successful culture and society in the history of the world.

What are we about here? Creating false hopes where they do not have room in terms of these, where these schools can exclude individuals when they want to. We know the way the system works for the elite and others.

Yes, the schools work; but the fact is the fundamental thing for the people in this country is to maintain a good public education system and improve it. I have seen charter schools. They were initiated in my district in Minnesota.

They work, and they are a good idea, but there are problems with those, too.

So we need to pay attention to those problems. They are right on the front page of the Washington Post today. I can tell you stories about religious activities that have taken place at these charter schools that are questionable.

The governing structural we have in terms of freely elected people that work and set the policies for our public schools in our States and local communities are enormously important. Give them the support they deserve, rather than using them as a political scapegoat.

Mrs. MYRICK. Madam Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Madam Speaker, I thank the distinguished gentlewoman from North Carolina for yielding.

When it comes to educating our kids, Washington does not know best. For too long we have had this top-down approach here that the Federal role in education is what it should be, and who is paying the price for the failure? Our kids are paying the price, and we all know it. They are not receiving the quality education they deserve, parents are certainly not being utilized to their full potential in the education process, and the time has come for change.

I happen to think charter schools represent good change, a unique approach that empowers parents, teachers, students, letting them work together to determine what actually works in education.

Local communities, not Washington politicians or special interests, establish then what the curriculum is going to be and how it works. I think it is a fact, charter schools are cost-effective. They get money to the classroom, they enhance accountability, and are gaining popularity around the country. It is time to deal with that.

The HELP Scholarship Act, to provide real educational opportunities for the poorest of the poor in America, this is a good idea. The real question though is a far more reasonable one: Do you support giving local communities the option, and I say option, of using some Federal dollars on scholarships for their poorest children? Who would say, no? That makes good sense.

I am inclined to support and trust the local folks back home. We vote for them at school board time. They do a pretty good job. I think their judgment deserves to be heard in this.

Madam Speaker, I think it is time that we got the education of our country's children back in the classroom, where it belongs, and out of Washington, DC, the land of special interests and all wisdom.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I wanted to say as a member of the authorizing committee and a strong, strong supporter of charter schools, I must rise in opposition to this rule. I also want to associate myself with the remarks of my colleague on the committee, the gentleman from Indiana [Mr. ROEMER], who observed that here we are on Halloween with this scary rule. I totally agree with the gentleman.

I cannot support this rule. It is an extraordinary departure from acceptable procedures. We should not have to take into account as we vote on charter schools the fact that this rule will be putting these two bills together as one, making vouchers part of the charter school if it passes. That is the issue here on this vote.

This can only be conceived as a device to drag through vouchers because it has serious opposition and it could not survive on its own in full and open debate and in committee analysis.

I oppose the rule. Support charter schools, but oppose this rule.

Mrs. MYRICK. Madam Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Madam Speaker, there is nothing unusual about this rule. We had the option of putting this rule out, making in order the charter bill and substitute the Watts-Flake amendment to it, or to put them out as two separate bills so that the issues could be separated and Members would have the choice of voting for either or both if they want to. That is a reasonable rule. You ought to come over here and vote for it.

Let me mention on behalf of the gentleman from Michigan [Mr. HOEKSTRA] here that we have had 15 hearings in 13 States and heard over 200 witnesses overwhelmingly expressing support, parents of different socioeconomic backgrounds for more choice.

Let me say in this country, and I think the gentleman from New York [Mr. FLAKE] in New York City said it very, very clearly. We spend billions of dollars on education at the Federal, State, and local level. Even with all these dollars, American children continue to lag behind other nations in most areas of achievement, particularly in the inner cities of this country. We need to stick up for the inner cities of this country.

Isn't it about time we start thinking about the future of these children? I am the father of five and the grandfather of six. We need to give all these children whatever level, whatever their ethnic backgrounds, a future. Come over here and vote for both of these bills.

Mr. HALL of Ohio. Madam Speaker, I yield one minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)



Ms. JACKSON-LEE of Texas. Madam Speaker, let me say how unfair on the day of Halloween that we play such trickery. It is interesting, all those hearings about the bipartisan part of this, that was charter schools. We do believe in the opportunities for parents and local governments to involve themselves. But there was no consensus on this so-called trickery, Halloween antics and tactics dealing with the voucher program.

What it simply is is a complete abdication and abandonment of our responsibility of the virtues and values of public school education; the very virtue and value of public school education that has trained the dominance of your scientists and doctors, lawyers, teachers, truck drivers, Presidents, and Congress, people of the United States of America.

How tragic, on a day when children have fun, that we come to the well of the House with a false rule that misleads all of us and abandons our children. We need to stand on the side of public education, stand on the side of understanding, and if we take away some \$50 million, 90 percent of our students in public school education will suffer. When they said go West, young man and young woman, those circles of wagons built the first public schools. Why should we in 1997 abandon those schools? Vote down this rule. Support charter schools and vote down this helpless rule that deals with taking away money from our children in our public school system.

Mr. HALL of Ohio. Madam Speaker, I yield the balance of my time to the gentleman from Indiana [Mr. ROEMER].

The SPEAKER pro tempore. The gentleman from Indiana is recognized for 2½ minutes.

Mr. ROEMER. Madam Speaker, the gentleman from New York [Mr. SOLOMON], my good friend, who I really like a lot and we kid each other, I respect, has just said that this is not an unusual rule. Let me bring us back to Halloween analogy and talk about Jeckyll and Hyde.

Now, we have a rule here, Madam Speaker, that on the one hand we have a bipartisan charter school bill that has strong support on both sides. I believe, with the help of the gentleman from California [Mr. RIGGS] and my help on this side, because it invests in every child, in every public school, with innovation and less regulation. Let us come up with new ideas to save our public education system and let us not encumber those schools with Federal and State bureaucratic dictates that will hinder learning in those schools.

Let us have these schools be cradles of innovation. Let us have these schools be boldly having new ideas come forward to the schools.

On the other hand, we have vouchers. We do not have any markups on this bill in committee, in the Committee on Education and Labor, because they do not have the votes for that bill. I do

not think they have the votes for that bill on the House floor.

I strongly encourage my colleagues on both sides of the aisle to vote against the rule, because it is an unfair rule, it unfairly intertwines a very strong bill like charter schools with the vouchers, if vouchers pass. However, the first vote next week will be on vouchers. If we can, in a bipartisan way defeat vouchers, then have a straight up and down vote on charter schools, we will send the Senate the charter school bill.

We will show this country we can work in a bipartisan way to help save our public education system with less regulation, with more bold innovative ideas. We will show this country just as we worked together on balancing the budget, just as we worked together on providing modest tax relief, we are going to work together on bipartisan help in solving education problems for all parents.

□ 1115

Now, we discovered, Madam Speaker, that the IRS was badly broken. We did not say we were going to fix the IRS for a couple of people; we said we were going to fix the IRS for everybody. Vouchers say we are going to fix schools for just a few thousand people and leave the rest of these schoolchildren in bad public schools.

Let us resurrect, reform, boldly innovate in the public school system. That is what charter schools do, that is what bipartisan legislation we have before us does for every child, for every public school. Let us vote down this rule. Let us defeat vouchers next week, and let us show wide bipartisan support to vote for charter schools.

Mrs. MYRICK. Madam Speaker, I yield 3 minutes to the gentleman from Georgia, Mr. NEWT GINGRICH, the Speaker of the House.

Mr. GINGRICH. Madam Speaker, I thank my friend, the gentlewoman from North Carolina, for yielding time to me.

Madam Speaker, I am delighted to follow my friend, the gentleman from Indiana, because I find his argument so perplexing, and I wanted a chance to chat about it. Fourteen years ago, under President Reagan, the Department of Education published a book called "A Nation At Risk," and said, our schools are in trouble. For 14 years we have heard politicians and bureaucrats promise us, soon we will fix it.

We had a report come out yesterday for the Washington, DC, schools, which spend \$10,000 a child. According to the Department of Education, it is the most expensive system in the country. What did it say? It said two things. It said, first of all, if you actually applied standards to second and third graders, standards they have proposed to apply next year, over 40 percent of them would fail.

Now, the children are not failing. The 40 percent who are going to fail are children trapped in a system destroy-

ing their future. These same children, in a decent school with decent discipline, with a fair chance, can graduate and go to college, not to prison. But they are trapped, 40 percent. We know that today, from yesterday's paper.

A study just came out that said the longer you are in the D.C. schools, the less likely you are to score at grade level; that literally, the percentage goes up every year. The longer you are in the D.C. public schools, the less likely you are to be able to score at grade level. For \$10,000 a year, we are not only trapping these children, we are weakening their likelihood of scoring.

Here is what I am fascinated by. A "no" vote on this rule is a vote of fear. What are they afraid of? Are they afraid that the big inner-city schools that are failing will fail? They are already failing. Are they afraid that children might be liberated to go to a school that has discipline? Why would Members oppose that? They say to us, we should help the public schools reform. But that is exactly what the bill of the gentleman from California [Mr. RIGGS] does. It has a charter school provision for the public schools. It does exactly what the gentleman says.

In addition, we say if your local system is so terrible that you believe your child's life will be destroyed and their future will be ruined, you should have the right to choose a scholarship so your child can go to a school that is safe, drug-free, with discipline, and has a chance to learn. What is so frightening about that, that requires a public school to fail so badly, to be such a disaster, that the parent decides to go to the extra effort to make the extra choice?

Yet, those who would vote "no" today are voting "no" out of fear. They are afraid to give the parents the right to choose. They are afraid to give the children the right to choose.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, why are the gentlemen there afraid to have a separate vote on these two issues?

Mr. GINGRICH. We have two separate votes. This will come up as an amendment.

Mr. CLAY. On the rule.

Mr. GINGRICH. The votes will be separate. If the gentleman wants to vote against allowing poor children to have the choice of going to a separate school, is going against parents having the right to choose, they will get that vote under this rule.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Indiana.

Mr. ROEMER. I would ask, Mr. Speaker, who I know visits many schools in Washington, I have visited a school called the Options Charter School, where they serve 100 percent minority, 100 percent eligible for free

and reduced lunches. Most of those students are two to three grade levels behind where they should be, and they failed through the D.C. public school system.

We created a charter school there. That is our solution partly, not a panacea or silver bullet, but this Options Charter School, to say we want to help with discipline, with safety, with more parental involvement, with better ratios of students and teachers in these charter schools, and experimentation. That is our solution.

Mr. GINGRICH. OK. But I would say to my friend, first of all, voting for this rule brings that option to the floor, and I will vote with the gentleman on that option. There is no reason to be against this rule if the gentleman wants to help charter schools. This rule brings the charter school bill to the floor.

But what seems to be frightening the gentleman, and I am not sure why the gentleman is frightened, is we also offer an alternative, if in fact there are not charter schools, or there are not enough charter schools, or the school is so terrible.

And I would point out to the gentleman, the President the other day went to Chicago where Mayor Richard Daley is doing a good job. The President said, if you cannot fix the school, fire the principal. If firing the principal does not work, fire the teachers. If that does not work, he said, close the school.

We have an alternative. There are 4,000 slots available today in Washington, DC, for children to go to schools that are private, that have a high graduation rate, that have a high education rate, that have a low drug-use rate, that have a low violence rate. There are 4,000 slots available today. We have an answer when the President closes that school he talked about. I do not know that the gentleman has an answer to that.

Mr. ROEMER. Madam Speaker, if the gentleman will continue to yield, I do have an answer.

Mr. GINGRICH. What is the gentleman's answer?

Mr. ROEMER. My answer is the Democratic Party's model is the Chicago reform system.

Mr. GINGRICH. What happens in a neighborhood—

Mr. ROEMER. You do fire teachers, principals, and you reconstitute schools that are not working. That is what we are doing in Chicago. We are not giving up on the public school system.

Mr. GINGRICH. We are not, either.

If I may reclaim my time, Madam Speaker, I just want to make a point here. I think this particular canard needs to be put down right now. I am a little fed up with Democrats who come in here and say, well, you all do not want to save the public schools.

Let me make two points. First of all, I went to public school. My children went to public school. My wife went to

public school. We have lived our personal commitment. I have taught in a public high school. The gentleman from Pennsylvania [Mr. GOODLING] spent years of his career in public schools as a teacher, as a coach, as a counselor, as a principal. We are committed to public school, and we live it. Our children have been there. But we also do not believe children should be destroyed on the altar of a union and children should be destroyed on the altar of a bureaucracy.

Notice what this rule does, because I think the gentleman ought to be fair about this. This rule brings to the floor the charter school bill to help public schools. That is coming to the floor under this rule. So a "yes" vote here is not an antipublic school vote. A "yes" vote here is a pro public school, pro charter school vote, and a positive vote for those children and those parents trapped in bad neighborhoods that the system has not reformed.

I just want to pose this thought. I had 70 children surrounding me yesterday, 70 children, all of them African-American, all of them from a neighborhood where, for \$10,000 a year, their bureaucracy had failed them. I would say to my friends in the Democratic Party, why do they keep the children trapped? What are they so afraid of that they will not give the parents a chance to save their children from jail by giving them a chance to go to a school with discipline, that is drug-free, where they graduate and have a chance to go to college?

Vote "yes" on this rule, and let us have an honest up-or-down debate on some very good public school choice and some very good parental choice.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support of this bipartisan bill but with disappointment in the majorities' use of this important legislation to advance their political agenda.

Most of us agree that we need to present some form of alternative for children who do not have access to quality public schools. Charter schools present a viable alternative to traditional public education for all children in the United States. Offering a choice to 2,000 students for whom there is insufficient space in the schools they could afford with vouchers is not a solution.

On Wednesday, the District of Columbia chartering authority interviewed applicants interested in opening 1 of the 20 new charter schools that we authorized last Congress. I am optimistic about these new schools. There are currently 3 charter schools operating in the District. This is fewer than the number of charter applicants approved by the Charter School Board. The other approved charter schools could not open because they lacked sufficient startup funds. This is not the result of District of Columbia financial mismanagement. As my colleagues know from their own States and districts, it has been the case for approved charters nationally. Some 59 percent of charter school operators reported a lack of these funds. With the passage of enabling legislation in more States every legislative session, start-up funding needs will only increase. In fiscal year 1997, State requests for charter school

funding exceeded appropriations by \$24 million. We are addressing this problem in this charter schools amendments bill. We need the increased authorization to meet the \$100 million appropriation, and we need the increase in the length of the Federal grant from 3 to 5 years to meet this need.

The need will not be met if we attach a voucher provision to this bill. The HELP Scholarship Act was only introduced into the House 1 week ago. It has not been subjected to committee scrutiny, and no hearings have been held on this bill, cutting out the hearing process and any input from the people on whom it would have the greatest impact. The attachment of this voucher language in conference would clearly compromise the bipartisan nature of the charter school bill. It should be considered on its own merit after appropriate committee scrutiny and approval.

Unlike the HELP Scholarship bill, the Charter School Amendments Act was considered by its committee of jurisdiction, the Education and the Workforce Committee. After committee members had an opportunity to amend the bill, it passed out of committee with a strong, bipartisan majority. I urge my colleagues to vote against the rule to allow attachment of the HELP Scholarship bill in conference. It threatens final passage of this important legislation.

Mr. ADAM SMITH of Washington. Madam Speaker, I rise to oppose this rule to join two bills, H.R. 2746 and H.R. 2616. These bills reflect two fundamentally different concepts of what is needed to improve the education system in our country, and combination is absolutely unacceptable.

H.R. 2746, Helping Empower Lower Income Parents Scholarships, is a voucher bill that will steal money from our public school system. At a time when our public school system is in desperate need of resources to assure all children in this country are given the educational opportunities they deserve, this bill moves us in the wrong direction. Giving a small number of students taxpayer money to attend a private school does nothing to improve our school system as a whole and takes away resources from the 90 percent of the children in our country who attend public schools. This is not the kind of change we need.

H.R. 2616, the Charter School Amendments, is the type of innovation that could improve our public school system and these changes make sense. Charter schools provide for local control and opportunities for innovation in a public school system, while assuring the schools are held accountable to specified standards. All students can take advantage of the opportunities that charter schools provide and these changes encourage the first class schools that we are looking for in our public school system.

Congress must be allowed the opportunity to debate and vote on these two fundamentally different bills separately.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning in opposition to this rule. My colleagues, this is nothing less than an extraordinary rule. This rule provides for consideration of two entirely unrelated pieces of legislation: H.R. 2616, the Charter Schools Amendments Act and H.R. 2746, the Helping Empower Low-Income Parents Scholarships Act. Ironically, although perhaps not unexpectedly, the rule allows amendments to H.R. 2616, a bipartisan bill enjoying broad support,

but requires that H.R. 2746, a controversial and deeply flawed piece of legislation, be considered under a completely closed rule. Finally, although the rule allows for a separate vote on each bill, it requires the Clerk to join them into a single bill before transmittal to the Senate, thus, joining two unrelated bills into one.

This rule is certainly a clever and strategic ploy to give H.R. 2746 some cover as it moves into the Senate. Do we really want the education of our Nation's young people subject to clever political and partisan ploys? Do we really mean to allow the American public education system to be upset by the unfairness and trickery that underlie this rule? Because that is what we are doing with this rule. We are allowing H.R. 2746 to proceed to vote without a chance of amendment. We are allowing it to move to a vote without the opportunity to mediate some of the more troublesome provisions it contains. When you vote on this rule today, I ask my colleagues to remember that this is a vote about our children and the future of the American public education system.

Mr. Speaker, I am compelled to voice my objections to H.R. 2746. The primary point of concern, for myself, and many other members of this body in regard to H.R. 2746, is the school scholarship or vouchers provision included in this revision of title VI of the Education and Secondary Reform Act.

This provision would authorize the distribution of scholarships to low to moderate income families to attend public or private schools in nearby suburbs or to pay the costs of supplementary academic programs outside regular school hours for students attending public schools. However, only certain students will receive these tuition scholarships.

This legislative initiative could obviously set a dangerous precedent from this body as to the course of public education in America for decades to come. If the U.S. Congress abandons public education, and sends that message to localities nationwide, a fatal blow could be struck to public schooling. The impetus behind this legislative agenda is clearly suspect. Instead of using these funds to improve the quality of public education, this policy initiative enriches fiscally successful, local private and public institutions. Furthermore, if this policy initiative is so desirable, why are certain DC students left behind? Is this plan the right solution? I would assert that it is not. Unless all of our children are helped, what value does this grand political experiment have?

I see this initiative as a small step in trying to position the Government behind private elementary and secondary schools. The ultimate question is why do those in this body who continue to support public education with their lip service, persist in trying to slowly erode the acknowledged sources of funding for our public schools? Public education, and its future, is an issue of the first magnitude. One that affects the constituency of every Member of this House, and thus deserves full and open consideration.

School vouchers, have not been requested by public mandate from the Congress. In fact, they have failed every time they have been offered on a State ballot by 65 percent or greater. If a piece of legislation proposes to send our taxpayer dollars to private or religious schools, the highest levels of scrutiny are in

order, and an amendment that may correct such a provision is unquestionably germane. Nine out of ten American children attend public schools, we must not abandon them, their reform is our hope.

I would like now to contrast the harm H.R. 2746 would bring to the American public school system to the good that is promised by H.R. 2616. H.R. 2616 is a bill to which we all can, and should, lend our support. H.R. 2616 enjoys broad bipartisan support and encourages innovative approaches to educating the children in our public schools. The key elements of charter schools are that they give parents and teachers the opportunity and flexibility to try innovative approaches to providing a high quality, stimulating education, in exchange for being held accountable for academic results and proper management of funds.

Charter schools have faced a substantial problem, however, in the form of a lack of adequate startup funds. According to the Department of Education's first year report on charter schools, inadequate startup funds are the most commonly cited barrier that charter schools face. Nearly 60 percent of charter schools—both newly established ones and those that had been in operation for a year or two—cited a lack of startup funds and operational funds as a problem. H.R. 2616 answers this problem by authorizing \$100 million in fiscal year 1998 for the Federal Charter Schools Program intended primarily to offset the schools startup costs.

My colleagues, I urge you to vote against this extraordinary rule. I urge you to vote no and in so doing signal your opposition to the so-called "HELP" Scholarships Act and your support for the Charter Schools Amendment Act.

Mrs. MYRICK. Madam Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. CLAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 195, not voting 16, as follows:

[Roll No. 566]

YEAS—222

Aderholt  
Archer  
Armey  
Bachus  
Baker  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bereuter  
Bilbray  
Bilirakis  
Bliley

Blunt  
Boehlert  
Boehner  
Bonilla  
Bono  
Brady  
Bryant  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady

Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Coble  
Coburn  
Collins  
Combest  
Cook  
Cooksey  
Cox  
Crane  
Crapo  
Davis (VA)  
Deal

DeLay  
Diaz-Balart  
Dickey  
Doolittle  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Everett  
Ewing  
Fawell  
Flake  
Forbes  
Fowler  
Fox  
Franks (NJ)  
Frelinghuysen  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gingrich  
Goodlatte  
Goodling  
Goss  
Graham  
Granger  
Greenwood  
Gutknecht  
Hansen  
Hastert  
Hastings (WA)  
Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hobson  
Hoekstra  
Horn  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Jenkins  
Johnson (CT)  
Johnson, Sam  
Jones

Kasich  
Kelly  
Kim  
King (NY)  
Kingston  
Klug  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
Livingston  
LoBiondo  
Lucas  
Manzullo  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McKeon  
Metcalf  
Mica  
Miller (FL)  
Moran (KS)  
Morella  
Myrick  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Oxley  
Packard  
Pappas  
Parker  
Paul  
Paxon  
Pease  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Pombo  
Porter  
Portman  
Pryce (OH)  
Quinn  
Radanovich  
Ramstad

NAYS—195

Abercrombie  
Allen  
Andrews  
Baesler  
Baldacci  
Barcia  
Barrett (WI)  
Becerra  
Bentsen  
Berman  
Berry  
Bishop  
Blagojevich  
Blumenauer  
Bonior  
Borski  
Boswell  
Boucher  
Boyd  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Cardin  
Carson  
Clay  
Clayton  
Clement  
Clyburn  
Condit  
Conyers  
Costello  
Coyne  
Cramer  
Cummings  
Danner  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette

Delahunt  
DeLauro  
Dellums  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doyle  
Edwards  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Fazio  
Filner  
Ford  
Frank (MA)  
Frost  
Furse  
Gejdenson  
Goode  
Gordon  
Green  
Gutierrez  
Hall (OH)  
Hall (TX)  
Hamilton  
Harman  
Hastings (FL)  
Hefner  
Hilliard  
Hinchey  
Hinojosa  
Holden  
Hooley  
Hoyer

Jackson (IL)  
Jackson-Lee (TX)  
Jefferson  
John  
Johnson (WI)  
Johnson, E. B.  
Kanjorski  
Kaptur  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kilpatrick  
Kind (WI)  
Klecza  
Klink  
Kucinich  
LaFalce  
Lampson  
Lantos  
Levin  
Lewis (GA)  
Lofgren  
Lowey  
Luther  
Maloney (CT)  
Maloney (NY)  
Manton  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McDermott  
McGovern  
McHale  
McIntyre

McKinney Poshard Stabenow  
Meehan Price (NC) Stark  
Meek Rahall Stenholm  
Menendez Rangel Stokes  
Millender- Reyes Strickland  
McDonald Rivers Stupak  
Miller (CA) Rodriguez Tanner  
Minge Roemer Tauscher  
Mink Rothman Taylor (MS)  
Moakley Roybal-Allard Thompson  
Mollohan Rush Thurman  
Moran (VA) Sabo Tierney  
Murtha Sanchez Torres  
Nadler Sanders Towns  
Neal Sandlin Turner  
Oberstar Sawyer Velazquez  
Obey Schumer Vento  
Olver Scott Waters  
Ortiz Serrano Watt (NC)  
Owens Sherman Waxman  
Pallone Siskis Wexler  
Pascrell Skaggs Weygand  
Pastor Skelton Wise  
Pelosi Slaughter Woolsey  
Peterson (MN) Smith, Adam Wynn  
Pickett Snyder Yates  
Pomeroy Spratt

## NOT VOTING—16

Ackerman Foley Payne  
Cannon Gallegly Schiff  
Cubin Gephardt Visclosky  
Cunningham Gonzalez Weldon (FL)  
Deutsch McIntosh  
Foglietta McNulty

## □ 1143

The Clerk announced the following pair:

On this vote:

Mr. McIntosh for, with Mr. Deutsch against.

Ms. SLAUGHTER changed her vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the resolution.

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

## RECORDED VOTE

Mr. HALL of Ohio. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 198, not voting 21, as follows:

[Roll No. 567]

## AYES—214

Aderholt Campbell English  
Archer Canady Ensign  
Armey Cannon Everett  
Bachus Chabot Ewing  
Baker Chambliss Fawell  
Ballenger Chenoweth Forbes  
Barr Christensen Fowler  
Barrett (NE) Coble Fox  
Bartlett Coburn Franks (NJ)  
Barton Collins Frelinghuysen  
Bass Combest Ganske  
Bateman Cook Gekas  
Bilbray Cooksey Gibbons  
Billakis Cox Gilchrist  
Bliley Crane Gilmor  
Blunt Crapo Gilman  
Boehner Davis (VA) Gingrich  
Bonilla Deal Goodlatte  
Bono DeLay Goodling  
Brady Diaz-Balart Goss  
Bryant Dickey Graham  
Bunning Doolittle Granger  
Burr Dreier Greenwood  
Burton Duncan Gutknecht  
Buyer Dunn Hansen  
Callahan Ehlers Hastert  
Calvert Ehrlich Hastings (WA)  
Camp Emerson Hayworth

Hefley Metcalf Schaffer, Bob  
Herger Mica Sensenbrenner  
Hill Miller (FL) Sessions  
Hilleary Moran (KS) Shadegg  
Hobson Myrick Shaw  
Hoekstra Nethercutt Shays  
Hostettler Neumann Shimkus  
Houghton Ney Shuster  
Hulshof Northup Skeen  
Hunter Norwood Smith (MI)  
Hutchinson Nussle Smith (NJ)  
Hyde Oxley Smith (OR)  
Ingليس Packard Smith (TX)  
Istook Pappas Smith, Linda  
Jenkins Parker Snowbarger  
Johnson (CT) Pastor Solomon  
Johnson, Sam Paul Souder  
Jones Paxon Spence  
Kasich Pease Stearns  
Kelly Peterson (PA) Stump  
Kim Petri Sununu  
King (NY) Pickering Talent  
Kingston Pitts Tauzin  
Klug Pombo Taylor (NC)  
Knollenberg Porter Thomas  
Kolbe Portman Thornberry  
LaHood Pryce (OH) Thune  
Largent Quinn Tiahrt  
Latham Radanovich Traficant  
LaTourette Redmond Upton  
Lazio Regula Walsh  
Leach Riggs Wamp  
Lewis (CA) Riley Watkins  
Lewis (KY) Rogan Watts (OK)  
Linder Rogers Weldon (PA)  
Livingston Rohrabacher Weller  
LoBiondo Ros-Lehtinen White  
Lucas Royce Whitfield  
Manzullo Ryun Wicker  
McCollum Salmon Wolf  
McCrery Sanford Young (AK)  
McDade Saxton Young (FL)  
McInnis Scarborough  
McKeon Schaefer, Dan

## NOES—198

Abercrombie Eshoo Manton  
Allen Etheridge Markey  
Andrews Evans Martinez  
Baesler Farr Mascara  
Baldacci Fattah Matsui  
Barcia Fazio McCarthy (MO)  
Barrett (WI) Filner McCarthy (NY)  
Becerra Ford McDermott  
Bentsen Frank (MA) McGovern  
Bereuter Frost McHale  
Berman Furse McHugh  
Berry Gejdenson McIntyre  
Bishop Goode McKinney  
Blagojevich Gordon Meehan  
Blumenauer Green Meek  
Boehlert Hall (OH) Menendez  
Bonior Hall (TX) Millender-  
Borski Hamilton McDonald  
Boswell Harman Miller (CA)  
Boucher Hastings (FL) Minge  
Boyd Hefner Mink  
Brown (CA) Hilliard Moakley  
Brown (FL) Hinchey Mollohan  
Brown (OH) Hinojosa Moran (VA)  
Cardin Holden Morella  
Carson Hooley Murtha  
Castle Horn Nadler  
Clay Hoyer Neal  
Clayton Jackson (IL) Oberstar  
Clement Jackson-Lee Obey  
Clyburn (TX) Olver  
Condit John Ortiz  
Conyers Johnson, E. B. Owens  
Costello Kanjorski Pallone  
Coyne Kaptur Pascrell  
Cramer Kennedy (MA) Pelosi  
Cummings Kennedy (RI) Peterson (MN)  
Danner Kennelly Pickett  
Davis (FL) Kildee Pomeroy  
Davis (IL) Kilpatrick Poshard  
DeFazio Kind (WI) Price (NC)  
DeGette Kleczka Rahall  
Delahunt Kucinich Ramstad  
DeLauro LaFalce Rangel  
Dellums Lampson Reyes  
Dontos Lantos Rivers  
Levin Lantieri Rodriguez  
Lewis (GA) Lowey Roemer  
Lofgren Lowey Rothman  
Lowe Roukema  
Luther Roybal-Allard  
Maloney (CT) Rush  
Maloney (NY) Sabo

Sanchez Spratt Towns  
Sanders Stabenow Turner  
Sandlin Stark Velazquez  
Sawyer Stenholm Vento  
Schumer Stokes Waters  
Scott Strickland Watt (NC)  
Serrano Stupak Waxman  
Sherman Tanner Wexler  
Siskis Tauscher Weygand  
Skaggs Taylor (MS) Wise  
Skelton Thompson Woolsey  
Slaughter Thurman Wynn  
Smith, Adam Tierney Yates  
Snyder Torres

## NOT VOTING—21

Ackerman Gallegly Lipinski  
Cubin Gephardt McIntosh  
Cunningham Gonzalez McNulty  
Deutsch Gutierrez Payne  
Flake Jefferson Schiff  
Foglietta Johnson (WI) Visclosky  
Foley Klink Weldon (FL)

## □ 1201

The Clerk announced the following pair:

On this vote:

Mr. McIntosh for, with Mr. Deutsch against.

Mr. MCHUGH changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to committee was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Madam Speaker, I yield to the gentleman from Texas [Mr. ARMEY], the majority leader, for purposes of inquiring about the schedule for today and next week.

Mr. ARMEY. Madam Speaker, I am pleased to announce that we have had our last vote for the day. I believe all Members will be able to make it back home tonight to see their little angels and saints head out for Halloween.

Next week, the House will meet on Tuesday, November 4, at 10:30 a.m. for morning hour and 12 noon for legislative business. We do not anticipate any recorded votes before 5 p.m. on Tuesday, Election Day.

On Tuesday, November 4, the House will take up a number of bills under suspension of the rules, a list of which will be distributed this afternoon. After suspensions, we will return to H.R. 2746, the HELP Scholarships Act, and H.R. 2616, the Charter Schools Amendment Act.

The House will meet at 10 a.m. on Wednesday and Thursday and at 9 a.m. on Friday to consider the following bills: H.R. 2292, the Internal Revenue Service Restructuring and Reform Act of 1997; H.R. 2195, the Slave Labor Productions Act of 1997; H.R. 967, a bill to prohibit the use of U.S. funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide certain Chinese officials shall be ineligible to receive visas and excluded from admission into the United States; H.R. 2570, the Forced Abortion Condemnation Act; H.R. 2358, the