

301, 401-407, 602-606, 609, 612, 705, 707, 712, 721, 1234, 1351-1352, 1704, and 1811 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. CUBIN and Mr. RAHALL.

Provided that Mr. KIND is appointed in lieu of Mr. RAHALL for consideration of Title IV of Division C of the House bill, and modifications committed to conference.

From the Committee on Science, for consideration of sections 11009, 11025, 12301-12312, 14001-14007, 14009-14015, 14029, 15021-15024, 15031-15034, 15041, 15045, Division B, section 30301, Division E, and Division F of the House bill and sections 501-507, 509, 513-516, 770-772, 807-809, 814-816, 824, 832, 1001-1022, Title XI, Title XII, Title XIII, Title XIV, sections 1502, 1504-1505, Title XVI, and sections 1801-1805 of the Senate amendment, and modifications committed to conference: Mr. BOEHLERT, Mrs. BIGGERT and Mr. HALL.

Provided that Mr. COSTELLO is appointed in lieu of Mr. HALL for consideration of Division E of the House bill, and modifications committed to conference.

Provided that Mr. LAMPSON is appointed in lieu of Mr. HALL for consideration of section 21708 and Division F of the House bill, and sections 824 and 1223 of the Senate amendment and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 11001-11004, 11006, 11009-11011, 12001-12012, 12014, 12401, 12403, 13001, 13201, 13202, 15021-15024, 15031-15034, 15041, 15043, 15051, 16012, 16021, 16022, 16023, 16031, 16081, 16082, 16092, 23001-23004, 30407, 30410, and 30901 of the House bill and sections 102, 201, 205, 301, 701-783, 812, 814, 816, 823, 911-916, 918-920, 949, 1214, 1261-1262, and 1351-1352 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI and OBERSTAR.

From the Committee on Ways and Means, for consideration of Division D of the House bill and Division H and I of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY and RANGEL.

There was no objection.

GENERAL LEAVE

Mr. FREYLINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2765, and that I may include tabular and extraneous material.

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

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Friday,

July 25, 2003, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2765.

□ 0955

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of Friday, July 25, 2003, the bill is considered as having been read the first time.

The gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRELINGHUYSEN).

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

Mr. Chairman, the fiscal year 2004 District of Columbia Appropriations bill totals \$7.9 billion. Included in this total are \$466 million for Federal payments to various District programs and projects, which I will describe shortly; \$1.8 billion in Federal grants to District agencies; and \$5.6 billion in local funds for operating expenses and capital outlays of the District government.

This bill, Mr. Chairman, is a product of the hard work of every member of the Subcommittee on the District of Columbia. It is the culmination of several weeks of hearings, visits to local schools and other city institutions, and meetings with elected city officials and numerous others who have a keen interest in helping the District. I want to thank each of them for their interest in the District and their input into this bill. I especially want to thank the gentleman from Pennsylvania (Mr. FATTAH), my ranking member, for his advice, counsel and support. He has been a pleasure to work with.

Mr. Chairman, I believe this bill reflects Congress' commitment to helping our Nation's capital. This is where we all work and many of us live, our home away from home. So we have special reasons to help our capital city.

How grateful I am to so many of my colleagues for their ongoing efforts, prior to my chairmanship, to assist the citizens of this great city, especially its school children to have better lives, and many thanks, as well, to a number of my colleagues who now seek support for a number of new projects to further help the citizens in this budget.

When I became chairman, I wanted to get to better know this city. I did this by listening and learning, visiting chil-

dren in their schools and touring the many neighborhoods that make up the city. I want to thank Mayor Anthony Williams, Council Chairman Linda Cropp, and School Board President Peggy Cooper Cafritz for the support and advice they have given me.

The Constitution, Mr. Chairman, gives Congress exclusive legislative authority over the affairs of the District, and I take this mandate seriously. The District is in a stronger financial position today than a few years ago. Much of this is due to Mayor Williams and the city council, but we cannot overlook the role Congress has played in the financial recovery as well.

□ 1000

The District still has a long way to go to resolve many personnel and management problems, but I believe that progress is being made. I stand ready to help in any way I can.

Mr. Chairman, the committee has carefully reviewed the District's budget request and, as reflected in the bill, has given the Mayor and City Council's priorities the highest consideration when putting this bill together.

As I mentioned earlier, the bill totals \$7.9 billion of which \$466 million are Federal payments to various programs and projects. This is \$43 million below last year's allocation and equates to an 8.4 percent reduction.

Seventy-seven percent of these funds, or \$359 million, is to continue funding of the D.C. courts, the Public Defender Service, the Court Services and Offender Supervision Agency, CSSOSA. These are District functions that the Federal Government assumed financial responsibility for in the National Capital Revitalization and Self-government Improvement Act of 1997.

The remaining 23 percent, or \$107 million, are for programs and projects that directly benefit the District. These include: \$17 million for the tuition assistance program for the District for college-bound District students; \$15 million to reimburse the District for added emergency planning and security costs related to the presence of the Federal Government in the District; \$10 million for a D.C. scholarship program; \$42.7 million for capital development projects in the District; dollars for the Anacostia Waterfront Initiative; and dollars for public school facility improvements.

Lastly, Mr. Chairman, I am well aware that the President's request for a school choice program in the District of Columbia, which would provide D.C. school scholarships, has stirred up considerable controversy. Personally, I have supported such scholarships for the District since they were first proposed in 1995 by Members of Congress.

There is excitement that surrounds the very successful charter movement in this city. There are 37 charter schools and 11 more on the drawing boards, more than any other city in the Nation. We have charter schools in this city.

That excitement is also apparent in those parents who strongly advocate for this new educational choice option for their children.

While we are all supportive of the District public school system and the success of the city's charter school movement, many more children can be helped by this new program.

The statistics in the U.S. Department of Education on District student performance on reading, writing, math and other core academic studies are very disturbing. The bottom line is that children in this city will be helped by giving parents more choices for educating their children. Many parents are hopeful that we will act. That is why I am happy that later today we will have an amendment to provide for the authorization of the funding I have included in this bill.

There will be much debate on this issue. And one of the arguments the opposing side will make is that this bill does not provide funding for what is called the three-pronged approach to education which the District leadership wants. While that is true, it is not my intention that this be the case when we come out of conference with the Senate.

Due to the fiscal constraints of this bill, we were only able to provide for the D.C. scholarships; but the Senate bill includes additional funding for both public and charter schools as well.

I support the Mayor's approach and will work with Chairman YOUNG towards a conference allocation that is sufficient to address all three sectors of education in the city.

The timing of this bill, Mr. Chairman, is always of concern to the District, and rightly so, because the city's local funds cannot be spent until we pass the conference report for the bill. I am mindful of these concerns and will do everything within my power to get the District its funds in a timely manner.

In summary, the fiscal year 2000 District of Columbia appropriations bill is fiscally responsible, a balanced bill that deserves bipartisan support.

Lastly, I would like to thank the subcommittee staff, our excellent clerk Carol Murphy, Rob Nabors who works so well with the gentleman from Pennsylvania (Mr. FATTAH) and certainly with this chair, and Kelly Wade of my staff for their diligent and professional work on this bill.

I would also like to thank Nancy Fox from my immediate staff and William Miles from the gentleman from Pennsylvania's (Mr. FATTAH) staff for their hard work as well.

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

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume, and let me start by thanking the chairman of the subcommittee, the gentleman from New Jersey (Mr. FRELINGHUYSEN). This chairman, I think in the ways most remembered of Julian Dixon, has taken the helm and worked

hard, been sensitive to the issues arising here in the capital city. He has been out and about visiting and visibly showing the concern of the Congress for the plight of the city's neighborhoods. I think he most appropriately understands and appreciates the work that the city's leadership, the Mayor and the council and its delegate, the gentlewoman from the District of Columbia (Ms. NORTON), have done to rescue the city from its fiscal constraints from years ago.

Mr. Chairman, I worked with the gentleman from Virginia (Mr. TOM DAVIS) in creating the financial control board, which was modeled after the PICA Board that we instituted in Philadelphia that I sponsored in the legislature then, and it has worked well here in the District. The district is now on its own and has done a tremendous job in righting the ship.

The chairman understands and appreciates the superb leadership that superintendent Paul Vance has brought to the school district and the board of education here in Washington, D.C., and I just want to thank the chairman, thank his staff, particularly Carol Murphy, who has shepherded at the helm the work of the majority staff, and I would also like to thank Rob Nabors on the Democratic appropriations staff and William Miles from my personal staff that have worked on D.C.-related matters.

We come here today with a bill in which there will be a lot of attention on what we disagree on, and we disagree on one item, that of vouchers; but I do not want that to overshadow the fact that this bill, absent that one disagreement, is a very significant accomplishment and it is owed solely to the leadership of the chairman and his capable political skills and bringing to a consensus how we should address a whole host of issues affecting our capital city.

This is, I think without disagreement, in the world's only remaining superpower, the wealthiest country in the world, this is our capital city, and it is a symbol in every important way to world visitors, foreign leaders, and to those who look upon this Nation as to where our priorities are. So it is important work that the Congress does. And as we seek to promote democracy in other places, I know that we hope one day here in the District that American citizens who pay taxes and who are dying on foreign battlefields will have democracy here in the District and be able to have on the floor of this House not just a voice but a vote.

Mr. Chairman, today I commend the chairman for this bill. I think it addresses the critical issues in important ways. He has fought for an allocation that some may have some issues with, but it is representative of approaching what we need to address the District's problems; and I thank him and his staff for their work.

Mr. Chairman, I hope we can enter into the general debate and move

through this bill, have a passionate discussion about the question of vouchers but not overlook the fact that we have broad agreement here on the direction of what our fiscal responsibilities are to the District of Columbia.

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

Mr. FRELINGHUYSEN. Mr. Chairman, it is my pleasure to yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the vice chairman of the committee and, in fact, a long-time member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this committee used to be a drudgery. If you asked somebody to serve on the D.C. committee, you had to pull them out from under the bed to get them to come to work. I would say that thanks to the ranking member, the chairman, and the work that the committee has done over the past few years, it has gotten to be one of the better committees.

I think if one looks at what has been done in a bipartisan way, and, yes, we do have some differences, but in a bipartisan way, with the help of a Mayor that is business-oriented, Mayor Williams, who I think has done a good job, I think we can be proud of the committee and the output of this, with a couple of exceptions.

I have volunteered to stay on the committee all these years I have been in Congress because I have an education background and I had several goals. One was to help the education system in Washington because it had some of the highest cost and lowest productivity. Any Member that would go out into the city will find some very dedicated, very good teachers in Washington, D.C. I know the ranking member and the chairman have both gone out into the community, as I have, and visited some of these schools. You would be amazed at the differences since the committee has started to work.

The Mayor has gone through a pretty tough bureaucracy; and like all bureaucracies, sometimes you cannot get the things done that you want even though you are the leader of a city. So I laud the Mayor for the work that he has done. Even though in some cases very slow, he has plodded through it. He has kept true to his word. He communicates, and I thank Mayor Williams for that.

Another area was the waterfront. But there was a whole area in which pilings had been left from the 1940s that were corroding into the Potomac River. The Anacostia River had the highest fecal count of any river in the United States. It was not just pollution that was killing the fish. There is such a high fecal count because every time it rains that raw sewage goes into the Anacostia River. Fish were dying because of the bacteria. There was so much bacteria it ate the oxygen and the fish suffocated. That is how bad it was. We still need a

national program to help the Washington, D.C. sewage system. Without it, we will not clean up our rivers, and it will be a health hazard to Washington, D.C.; and I look forward to working with my colleagues on doing that as well.

If my colleagues will go down now they will see a marina in progress. Half of it is done, and the other half, all the pilings that were leaching creosote into the water, are gone and the new docks are coming in. Guess what? That is revenue to the city because that is leased land. Instead of being a drain, instead of being a deficit, it will be a revenue producer for the city.

My goal is to make the waterfront like a San Diego, where I live, or a San Francisco wharf and waterfront where people can go down with their families and enjoy the waterfront and water that is clean instead of polluted like it even still is today. And again I want to thank the ranking member.

We differ a little bit on economic scholarships. I personally think my colleagues would be surprised that, yes, I support vouchers, as some call them, or economic scholarships, whatever you want to call them. But I only support them if the community wants them. I do not think the Federal Government should mandate it. The community must itself want them, because in some areas there may be transportation costs far exceeding the cost of moving a child to another area. There may be a certain school that, a private school, that does not take IDEA children. And those costs may be apples and oranges.

In many areas across the country vouchers do work. In my opinion, Washington, D.C. is a classic. I know the gentlewoman opposes it, but the Mayor supports it, the city supports it; and I think the people that in some cases where their children are trapped, where a mother of a child that wants to learn is out there and wants to get out of the quagmire that they live in but yet are trapped in a school that does not produce, they deserve the opportunity. The first goal is to bring that school up to level, I agree, with public education. But in the meantime, let us not let that child get left behind. Let us work with that child.

I think my colleagues know my heart is in the right place, even though they may disagree with me on the issue. But I think it will be a good program.

Mr. Chairman, I again want to thank the ranking member and the chairman and the members on the committee. It is starting to be a very good pleasure to work with this committee.

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman from California for his comments and his work on the committee, and indeed it is because of the leadership that he has brought that a great deal of progress has happened in terms of the waterfront.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from California.

□ 1015

Mr. CUNNINGHAM. Mr. Chairman, Mayor Williams did another thing. The highest incidence for prostate cancer is among African Americans, and the highest incidence in the United States is in Washington, D.C. The mayor worked with our committee and chairman and ranking member, and on a sleet, rain-driven night, we packed the house in a town hall meeting on prostate cancer for African Americans because it had never been done before. The mayor has agreed to do another meeting, and we plan on doing that.

Mr. FATTAH. Reclaiming my time, it is well known that the gentleman from California (Mr. CUNNINGHAM), unlike many other Members, has sought and stayed on this committee and has made a real contribution at the waterfront, and I am aware of his efforts in terms of this particular type of cancer.

I would tell him in terms of the sewer system and the infrastructure in the District of Columbia, there are tremendous needs. I understand the President will be down soon with a \$13 billion request to rebuild the sewer system in Iraq with taxpayer money. Maybe there might be a few pennies left that we can do something more to help in our own capital city; but Members should not hold their breath because I am sure we will be told there is not enough money to address these domestic concerns.

The question of vouchers is an important one, and I am going to yield to the Member who has the most to say about this. As the gentleman from California (Mr. CUNNINGHAM) said, really there is not a lot of disagreement because if somebody wants this, it should not be outlawed. But the question here in the District of Columbia was there was a referendum. The voters have spoken. They do not want vouchers.

Mr. Chairman, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON) to address the bill and any particular concerns the gentlewoman wants to beyond that.

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank the gentleman from New Jersey (Mr. FRELINGHUYSEN) who has worked in such a bipartisan fashion with the gentleman from Pennsylvania (Mr. FATTAH) on this appropriation. I want to thank them both for their bipartisanship, bipartisanship without compromising their principles, but also for their sensitivity to home rule and the fact that this is an independent jurisdiction that ought to be able to speak up for itself the way jurisdictions of every Member of this House can.

I am proud how far our city has come under the leadership of Mayor Williams and City Council Chairwoman Linda Cropp and our city council. We have come a very long way from insolvency to a city now that is in better shape

than most jurisdictions in the United States because of the prudence of our local leadership.

I want to talk about what this bill is about because this is not our usual D.C. appropriation where I would normally thank the President for funding my tuition access bill, and let me do it anyway, probably the most popular legislation in the District of Columbia because it allows young people to go to any State-supported institution anywhere in the United States; but nobody will remember the D.C. appropriation 2003 for anything but one issue. Members simply have to concentrate on what they are voting on.

This is a bill with a vouchers-only provision. We will hear promises about maybe in the Senate they will have some money. That bill is in huge trouble in the Senate, and of course some money has been put in for public funding when there was an uproar in the city about funding vouchers, and then the pro-voucher officials came forward and said wait a minute, we have a three-sector approach, and we will get some money for the public schools, too.

But everybody understands the public money is a cover for vouchers. It is a way to take the sting out of vouchers. This is one of the most anti-voucher jurisdictions in the United States of America. They have tried it here for 20 years, and this is a jurisdiction which sent me, their Congresswoman, time and again, back here to ask Members to veto their appropriation to keep vouchers from being attached to it until President Clinton could somehow negotiate them off.

So the people of the District of Columbia have not turned around on a dime and flip-flopped and said we want vouchers. All Members need to do is sit in my office and they will know where they stand, because the elected officials, the majority of the elected officials of the school board, the majority of the city council, have written to you to say we do not want vouchers.

What is important for every Member to know and to understand is that this is not only a vouchers-only bill so that is what Members are going to be voting on, but this will be the first time in the United States of America that the Congress of the United States has sent money to private schools, something that huge numbers of Members on the other side of the aisle have crossed to this side of the aisle to vote with us to say we will never do.

There is a reason people do not do it. They do not do it in part because two-thirds of the American people oppose vouchers, if we want to get down to particulars. But this year is the last time we would want them to do it because this is the year when if Members went home for recess, Members heard a bipartisan backlash against a bipartisan bill, the No Child Left Behind bill, because people are now beginning to pay the unfunded mandate for No Child Left Behind, and now Members

are going to vote to send money to private schools with that \$9 billion unfunded mandate.

Schools are in the worst crisis that they have been in our country since World War II, the worst funding crisis, according to all of the data coming forward. What do Members have in your own districts on CNN and everywhere else? Slick, expensive ads, national TV, the opening salvo to a new nationwide drive for vouchers in every district, just as that well-funded set of forces have wanted to do for some time.

If Members pass this bill, if Members vote for vouchers, they will send a signal to every private school in the country, every organization of private schools, to every organization of religious schools, that this is the time to bring pressure to get the same kind of private school deal that the District of Columbia got, and Members can expect the same slick ads right in their district.

Mr. Chairman, many Members have heard from our mayor. He is my good friend, and will continue to be my good friend, even on an issue like this. We will continue to work closely on the issues affecting our city. He has pressed this Congress, but he has not successfully pressed the elected officials of the District of Columbia or the people of the District of Columbia.

We have the letter from the council chair and Members have the letter from the parents' association. Perhaps Members saw the hundreds of D.C. residents, led by ministers and rabbis who fanned out all over this Congress on Wednesday to say do not do vouchers in this city. We are not to be your pilot. Do not experiment in the District of Columbia, experiment in your own States. The city has a situation here which is not cost free. We are undergoing \$40 million in cuts, another \$25 million will go out if 2,000 students exit if the schools are funded on a per-pupil basis. D.C. has a \$50 million unfunded No Child Left Behind mandate right now. All of our elected officials should be down here trying to get that money the way Members of Congress have.

The District of Columbia wants Congress to respect their alternatives. We are ahead of virtually every district in this Congress on alternatives. We have our own charter schools, the largest number in the United States per capita. They have long waiting lists. Those are the chosen options of our people by our people. We have 15 transformation schools for the poorest children in the District of Columbia, the first breakthrough in Stanford 9 scores in the history of the city. That breakthrough will no longer occur unless the funding that the city has put in continues. And then, of course, a child in the District of Columbia can go out of boundaries; something that Members' districts have yet to do or have finally been mandated to do, we have been doing for decades.

Members do not want vouchers in their districts. They have been voted

down on the floor. I represent this District of Columbia. I am here to tell Members you do not want them in your district, and we do not want them in our district. This is not a Democratic or Republican issue, it is not because a huge majority, almost two-thirds of the American people, oppose vouchers; and why would Members think it would be any different in the District of Columbia? It is no different.

Mr. Chairman, Members should not forget where their constituents stand when they cast their vote today. I certainly have not forgotten where mine stand.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. WELDON), a valued member of the Subcommittee on the District of Columbia.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to commend the gentleman from New Jersey (Mr. FRELINGHUYSEN) for his hard work in support of the city, and I particularly want to commend him for caring. I have enjoyed working with him over the past year, and I have been able to clearly discern that he is very interested in improving the city. It is America's city. I think we all have a vested interest in making sure that we make Washington, D.C. a better, healthier place to live, better, healthier place to educate their kids.

I want to address the school choice issue that we are going to be debating in more detail later, just to make one very, very important point. I really want to commend the chairman and, as well, the gentleman from Virginia (Mr. TOM DAVIS) for their hard work. One of the things that has always bothered me is that wealthy people in America have school choice, but poor people do not. Many of those families in poor neighborhoods cannot afford a private option. Unfortunately, many of those types of situations are in the District of Columbia.

I have wanted for years to be able to seriously look at this issue, go into some of the poor neighborhoods in America, give the parents the option. And really when we have a marketplace, when parents have an option, I think quality improves. We know that in the consumer sector with consumer goods, it is good to have companies competing with each other. I think the reason higher education in America is the best in the world, our colleges and universities, is because there is a real marketplace. We can send our kids to any college. And the hope with the public schools and school choice is that the public schools will rise with the other schools when they have to compete for students, but we need to get good data.

The gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) have crafted some very good language that will help us look at this issue. I think it is very, very appropriate, and I want

to address one very important thing. We are going to hear this over and over again. This pilot, this \$10 million study that we are trying to do, is going to take money away from public schools, that it is going to take money away from public education.

The budget for the District of Columbia is \$1.1 billion to educate their kids, and this money is a plus-up. If this amendment is defeated, they are not going to get the extra money. The real debate is not taking money away from public schools. I have been hearing that on the radio. We are not taking money away from public schools. We are putting an extra, actually from the Labor-HHS allotment, we are taking money from that committee and moving it over here so we can once and for all try to study this issue.

Despite what I think are very good intentions, and if school choice is so bad, like so many people on the left keep claiming, let us discover that.

I think the opposition to this issue has nothing to do with the arguments being put forward. It is about power and who controls where your kids are going to school. If this study shows that it works, if parents like it better, academic performance improves, these are all of the parameters the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Ohio (Mr. BOEHNER) are going to be following, along with the Secretary of Education is going to be following. If it actually shows that it works and it is good for the District of Columbia, it is good for the kids, it is going to erode the power of one of the most powerful groups in this country, and that is the teachers union, and that is the opposition to this.

□ 1030

To say this is going to move money from public education, if this gets killed, you do not get the money. That is really what it boils down to. We need to study this issue because kids are failing and they are failing unnecessarily and we need to do more for them.

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

I want to make a couple of points. One is that it is true that the mayor has come out in favor of this approach, assuming that there would be dollars for our public schools and charter schools, in what we now call the three-prong approach. The three-prong approach is not what is before us at all, and I sincerely believe the chairman when he says that we hope in conference that we can address that. But the vote before us today is to do nothing additional for public schools, nothing additional for charter schools and solely and singularly take dollars and to provide them to private institutions.

I personally think that private school choice is wonderful and if people want to make private choices, I think they should pay for them privately. This is a public enterprise and we have

to make public choices. If we have got 70,000 children in a school system that lacks fully-qualified teachers, we should take every penny we can find and get them fully-qualified teachers; that if they lack libraries, we should get them libraries, and so forth and so on. We know what we need to make public schools work. They work right outside of the District of Columbia today, in Fairfax County, in Alexandria. They work. You put quality teachers in the classroom, you put a limited class size, you give them updated textbooks, and kids learn. Why do we not do that in the District? Why do we not give to them what we provide to other children rather than give them some unproven, newfangled idea that nobody has any indication will work?

The gentleman who just spoke, my colleague from Florida, Florida just had an embarrassment where they had vouchers going to some outfit who, it is at least alleged, was involved in terrorism activity. When you have these uncontrolled, unregulated vouchers, you can have everything from the David Duke Academy getting dollars to anything that anybody else can dream up.

We need to be careful as we go forward because all we are looking forward to here is for some kind of embarrassment.

Mr. Chairman, I yield 3 minutes, even though I only promised him 2½, to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, first let me thank my good friend from Pennsylvania for yielding me this time and his generosity.

In my congressional district, the Third District of Maryland, I represent 110 District of Columbia residents. They live at the Oak Hill detention center, a maximum security campus in Laurel, Maryland, approximately 30 miles from Washington. It is located on more than 600 acres of Federal land adjacent to the National Security Agency. The facility was originally constructed 50 years ago. Few renovations have been made since then, and the campus is now in a severe state of neglect and disrepair, littered with partially-boarded abandoned buildings that are frequently broken into and set afire. Roughly half the children at Oak Hill have been convicted of crimes and sentenced to a term there, and the other half are detainees awaiting trial. Their average length of stay is more than 8 months.

A 2001 mayoral commission recommended closing Oak Hill and placing youth offenders in a network of residential treatment facilities, community-based group homes and other less restrictive settings. I support the commission's recommendations, including the closing of Oak Hill. Some progress has been made toward that goal, including beginning construction of a pretrial holding facility in northeast Washington that should reduce by 50

percent the number of children housed at Oak Hill.

July's four-part series in the Washington Post documented a near complete breakdown of the community-based rehabilitative care system that now exists for the District's youth offenders. The District needs to develop an appropriate community-based system for its juvenile offenders.

In addition, because the District of Columbia has only one residential treatment center which is plagued by alleged physical and sexual abuse, the city must send many of its children to lengthy stays out of State. Currently 400 District children are in residential treatment centers, some as far away as Arizona, at a conservative cost of \$25 million a year.

Mayor Williams recently acknowledged that his juvenile justice system is in a state of serious dysfunction and has pledged to take corrective measures. But he was also quoted as saying, "There hasn't been an embrace, at the agency level, of the issue. There hasn't been the sense of urgency." I would tell the mayor that there is a sense of urgency for both the District of Columbia and in my district in Maryland.

I recently had the opportunity to meet with the gentlewoman from the District of Columbia (Ms. NORTON) and Deputy Mayor Carolyn Graham, and I subsequently visited Oak Hill. There I met with youth services administrator Gayle Turner and her staff and I toured the facility and surrounding grounds. I was impressed by the progress we were making. As a result of our initial discussions, they were moving in the right direction: toward razing the dilapidated structures that are beyond rehabilitation and toward developing proposals to make more cost-effective and more appropriate use of the land. That is why I was disappointed that both of the individuals I met with positions were terminated and no longer are there.

Today's debate is about funding the District of Columbia, but this issue involves more than appropriate funding levels. This is about the best course of treatment of these children, the best way to ensure the safety of our communities and the most appropriate use of Federal land.

Mr. Chairman, as the representative of the community surrounding Oak Hill, I look forward to working to help improve the state of juvenile justice services for the District of Columbia. I might also point out that the Federal land on which Oak Hill is located is a prime site for expansion of NSA and for the State of Maryland and Anne Arundel County to develop environmental, recreational and economic opportunities.

I hope to continue working with the gentlewoman from the District of Columbia (Ms. NORTON), with the members of the Subcommittee on the District of Columbia, and with Mayor Williams and the city council to develop the right solutions for all involved.

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to reiterate that Mayor Anthony Williams, the chief elected officer, the mayor of this city, supports this choice option.

Mr. Chairman, I am pleased to yield 6 minutes to the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform, who I have had the pleasure of working with and who is the architect of this D.C. parental school choice initiative in his bill.

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Chairman, I have a lengthy statement talking about generally what is in this bill, really basically praising the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Pennsylvania (Mr. FATTAH) for putting together a very good bill.

I would like to address briefly, though, the Davis amendment that will be coming up before this body a little bit later. I will submit for the RECORD a Washington Post editorial written by Tony Williams, the elected mayor of the city; Kevin Chavous, elected council member and chairman of the District's education committee; and Peggy Cooper Cafritz, the elected chairman of the school board, all supporting my amendment and the school voucher program. I will also submit for the RECORD a May 12, 2003, editorial from the Washington Post which sets the record straight on the history of school vouchers in Washington.

Let me just say, the idea that this is an anti-voucher city is something we need to contend with. The vote in 1981 was not on a school voucher program like we have here. It was on tuition tax credits that one could argue hurt the District budget. I think we have solved that here by bringing additional money in, and more money will be coming into the city that would not otherwise come in as a result of the appropriations process I think at the end of this.

So that was a completely different proposal. That vote was in 1981. The Washington Post, a newspaper of some renown in this town, ran a poll in May of 1998 that asked, do you favor or oppose using Federal money in the form of vouchers to help low-income students in the District go to private or parochial schools? In that poll, 56 percent of city residents said they favored the idea. If that is the idea of anti-voucher, I think that we are being misled. City opinion is split on this, but the elected mayor and the elected chairman of the school board have come to us, they are in charge of this, they are entrusted by the voters to focus on this particular issue, and they have said that they need this to help D.C. schoolchildren get the same level of opportunity that the rest of us have for kids in our districts.

Over the years I have worked hard to try to bring this city back. I have worked with my friend, the gentlewoman from the District of Columbia

(Ms. NORTON), on a number of issues and we have had a number of successes. We have sponsored legislation to bring the city back to financial stability. We sponsored legislation to help the city overcome its unfunded pension liability, a major issue that people said could not be done. We have worked in assisting the economic recovery of this city with tax relief and regulatory relief for our Nation's capital. We have worked together on the D.C. College Access Act which makes college affordable to the District population that basically was discouraged from going because they had no State university system like the rest of us do in our States. I think all of these have helped. But the most difficult problem facing this city is its public school system.

I respect my colleagues who oppose this amendment. They argue that public dollars should be reserved for public schools only. I think philosophically I believe the same thing, but I think they are misguided in this instance when they put the preservation of the institution, a failed institution, ahead of the opportunities for children that could be advanced by this. Ultimately our responsibility is to the kids, not to an institution, not to a failed, dysfunctioning bureaucracy.

What has it produced over the years? They say that we are going to put more money into public schools. We have put more money into public schools. It still has one of the highest dropout rates in the Nation. It has some of the lowest test scores in the Nation. The average SAT throughout the city, combined verbal and math, is under 800. It is a failure. Its school lunch program was just rated by the Physicians Committee on Responsibility and was given an F. They cannot even feed the kids in the public school system. Yet they say, no, that is where we want to send them, that is where they have to go. We are talking about kids whose parents cannot move to the suburbs. They cannot move to Ward 3. They are trapped in an area, in a monopoly system that is not even giving them a decent school lunch. By the way, that same system rated my county a B on its school lunch, rated the city of Detroit an A-minus, but the city of Washington gets an F on its school lunch program.

It is a system that has produced a disproportionate number of rapes, of assaults and robberies to kids in the public school system. Yet they say we want them to go to that school, a public school system, that we will just add more money, which we have done. Over \$2,000 a year more is paid on a kid's education in the city than is paid in my county of Fairfax. If money were the answer, we would put money at it and solve the problem. But it is a failed institution. You cannot put, to quote biblically, new wine into old bottles. This is an old bottle and it needs fixing. It is a system that last week was found to have paid \$59,000 to a phantom company that does not even exist.

For opponents of this amendment who say more money, it is the same old, same old, same old. If you do the same thing time and time again, you are going to get the same results. President Bush has talked about the soft bigotry of low expectations. We are trying to change that. These kids deserve every bit the opportunity that my kids have. The proof in the pudding here is that no Member of the House to my knowledge has sent their kids to the D.C. public school system in the last decade. The President and the Vice President, living here and given that opportunity to pick any school in the city, chose private schools.

We just want to give the same opportunities to the poorest of the poor. This legislation restricts it to kids from nonperforming schools, low-income. This is going to be, I think, a shock treatment to the public education system. Five years from now I hope we will not need this, I hope the public education will improve, but it is not going to improve without this kind of shock treatment. I urge my colleagues to support the Davis amendment.

[From the Washington Post, May 12, 2003]

STRAIGHT TALK ON VOUCHERS

In making her case against a federally funded school voucher pilot program, Del. Eleanor Holmes Norton (D) has repeatedly said that D.C. voters are firmly opposed to the idea. Thus, she argues, to support vouchers is to oppose home rule. As the basis for her declaration, Ms. Norton cites the results of an exit poll conducted in November for the National School Boards Association. The poll, which she supplied to this page, showed that 76 percent of the 603 voters interviewed opposed school vouchers. But as is true of so much that stirs up this city, Ms. Norton's poll is hardly gospel.

Let's look at the wording of the question posed in the poll. It asked: "Do you favor or oppose giving taxpayer-funded vouchers to parents to pay for their children to attend private schools even if that means less money for public school students?" Note the phrase "even if that means less money for public school students." That's a loaded question if there ever was one. What majority would favor that? It would be just as unfair if voucher supporters sponsored a poll that asked, "Do you favor or oppose giving taxpayer-funded vouchers to parents to pay for their children to attend private schools if that enables them to transfer out of an inferior public school with low test scores?" Imagine the responses to that question.

There is a less prejudicial way to measure public sentiment on the school voucher question. The Post conducted a poll based on random interviews with 1,002 D.C. adults in May 1998 that asked the following: "Do you favor or oppose using federal money in the form of vouchers to help send low-income students in the District to private or parochial school?" In that poll, 56 percent of city residents said they favored the idea, compared with 36 percent who opposed vouchers and 8 percent who had no opinion. Ms. Norton may be aware of that poll as well, since the results and story were published on May 23, 1998.

The Post's findings are consistent with the results of a National Opinion Poll on education conducted with 1,678 adults in May 1999 for the nonpartisan, nonprofit Joint Center for Political and Economic Studies. The center researches and analyzes issues of

concern to African Americans and other minorities. The center's poll found that "support for school vouchers among African Americans, which has fluctuated in past Joint Center polls, grew by 25 percent since 1998 with 60 percent of African American respondents favoring school vouchers." But beyond polls is the question of actual demand for school choice. Not only are parents expressing their strong desire for alternatives, as the popularity of public charter schools attests, but private associations that provide scholarship assistance to D.C. students seeking enrollment in private or parochial schools also report strong requests for help from D.C. parents. Shouting that support for vouchers doesn't exist in the District won't make it so. Neither will over-the-top rhetoric and personal invective that add little substance to the debate.

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

Let me just make a couple of comments. A basic understanding of how the city government operates is that the mayor is the executive. City policy is designed by a consensus between the council and a majority and the executive through statute. There is nothing that prevents the D.C. Government at any time from instituting a voucher program if it wants to. There does not exist a political consensus in the District; that is, the legislative body, which we should have great sympathy for as we are a legislative body, does not agree with this policy. So to say, well, you have got the city's support because you have the mayor, ask us if you have the full support of the city government when you actually do not.

It is important that as we say that we come with great concern about the plight of the children in the District and that we want them to have the same opportunity that our children have, let us give them the same opportunity that the constituents of the gentleman from Virginia have. That is, they have quality schools with fully-qualified, credentialed teachers. Let us take these dollars and provide that here in the District. They have schools that have updated curriculums and adequate libraries and school counselors for all of the children who are presented to the schoolhouse door, not taking a few children, siphoning them off and helping them, and forsaking the rest to a District that by his own statement is not living up to what we would hope it would live up to.

□ 1045

So this question of diverting public dollars for a private school and schools is a very important one about what we really believe. If we want to truly help these children, let us do for them what we are doing for other children, and that is provide quality public schools in the District of Columbia so that these children and future generations of them can benefit because we already know that that works. It works right in the gentleman from Virginia's (Mr. TOM DAVIS) district. It works today. Vouchers have not been proven to work anywhere in the country, and why experiment on the future life chances of these children here in the District?

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I stand in strong opposition to the provision in the District of Columbia appropriation bill authorizing \$10 million in funding for school vouchers.

Having worked as an elementary school teacher, a school psychologist, and having served on a school board of the largest school district in the State of California, I have seen firsthand the need to strengthen standards in our public schools and to demand more from our teachers and our students through better accountability and adequate resources.

However, voucher programs that divert precious funding away from the public school system, and particularly here in D.C., would do exactly the opposite.

First, vouchers lack accountability. Private schools funded by vouchers are not subjected to the same standards established by the Leave No Child Behind Act.

Second, vouchers can discriminate. Private schools have the ultimate say in deciding which students they want to enroll, and they can screen out applicants based on any factor without obeying Federal antidiscrimination laws. The children that need to be focused on are not going to be admitted in these private schools. Trust me when I say that.

Finally, vouchers simply do not have a proven record of success. There is no discernible difference in achievement between students and voucher programs and students in public education program. Every time vouchers have appeared on the California ballot, they have been voted down. Senator FEINSTEIN's support of this provision is not reflective of the will of the people in California in this regard.

So how else could we use this \$10 million? We could use it to improve the public schools which are already facing a \$40 million budget cut.

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

I would like to say for the record that the dollars for this new choice program will be given to the parents so that they can make the choice. They will not be given to the school. And secondly, I need to reiterate this is new money. This is money that came from the gentleman from Ohio's (Mr. REGULA) mark. It is not being taken away from the public schools or from the charter schools.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT), a member of the Committee on Appropriations.

Mr. NETHERCUTT. Mr. Chairman, I want to thank the chairman of the subcommittee for yielding me this time and commend him for his leadership not just on the issue of education for students in the District of Columbia, but for all the aspects of this bill that

benefit the District of Columbia, our Nation's capital.

I do not think we should overlook the good parts of this bill and the dedication that has been placed on making this bill very responsive to the needs of the District of Columbia, over and above the issue of education for the students here.

I also want to commend the gentleman from Pennsylvania (Mr. FATTAH) who has been I know a strong leader on advocacy for the District of Columbia, and the team of the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Pennsylvania (Mr. FATTAH) have been responsible in trying to address the needs of this District, this Nation's capital, this jewel of a city that we want all of this country to be so proud of.

I want to reiterate the gentleman from New Jersey's (Mr. FRELINGHUYSEN) comment about the \$10 million in this bill for vouchers. Why in the world would we not want to use this new money for an education purpose that the mayor and otherwise people feel is appropriate for these children? And why would we say, let us not have that \$10 million go to kids? It will be lost if it is not used for this purpose. So I would argue that this is a responsible course for this committee, this Congress, to take, to use this \$10 million, to give these kids a chance. It is not all the thousands of children who need the money, but it certainly is going to help parents and children who are in need in this educational environment in which we find ourselves.

As the gentleman from Virginia (Mr. TOM DAVIS), who is such a strong leader on advocacy for the District of Columbia and good government has stated, this is an effort that the City wants, I would argue, that the mayor wants, and he is taking a very difficult, but responsible, position to help the kids of this District.

So my comments are really to commend the gentleman from New Jersey (Mr. FRELINGHUYSEN) for his dedication as the new chairman to this bill, to this City, to the needs of this City, and also to commend his partner in this effort, the gentleman from Pennsylvania (Mr. FATTAH), who is also dedicated and committed to trying to do what is right for these children. But I think we should make sure that when the day is done, that we vote in favor of children, vote in favor of the new \$10 million to go to parents and children to improve their education capabilities and to improve their education experience here in the District.

So I rise in support of that concept and that mission that I think we have today to try to pass this legislation, but also pass this very important amendment that is such a part of the gentleman from Virginia's (Mr. TOM DAVIS) attention.

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

I would like to enter into the RECORD a new story from the Florida Naples

Daily News which headlines "Private School with Ties to Terrorists gets State Money" through a private tuition voucher program.

And I appreciate the comments from the gentleman from Washington State. It is true that the mayor supports dollars for vouchers which I disagree with. It is also true, and I think fair to say, that this is not the proposal that the mayor supports. He supports a three-pronged approach that is not what is going to be before us today, and I sincerely appreciate all the work that the gentleman from Virginia (Mr. TOM DAVIS) has done on behalf of the District, but this is not a proposal that the mayor supports nor is it a proposal that the City Council supports. So to say this has the support of the District, I think, is really kind of twisting things slightly.

[From the Florida Naples Daily News, July 18, 2003]

PRIVATE SCHOOL WITH TIES TO ALLEGED TERRORIST GETS STATE MONEY

TAMPA.—Senate Democrats urged Gov. Jeb Bush on Thursday to cut off payment to a school co-founded by a professor accused of being the North American leader of a worldwide terrorist organization.

The school received \$350,000 last year through a state program that pays private school tuition for some students.

A February grand jury indictment against Sami Al-Arian, the alleged leader of the Palestinian Islamic Jihad, and seven others says the school was used as a base of support for the organization.

The indictment said the purpose of the organization was "to assist its engagement in, and promotion of, violent attacks designed to thwart the Middle East Peace Process." It said the Palestinian Islamic Jihad is responsible for 100 murders in Israel and its territories.

Al-Arian, who is being held in jail without bail and denies any connections to terrorism, co-founded the school in 1992 and served as its director and chairman of its board.

The school's treasurer, Sameeh Hammoudeh, also was indicted and is being held in jail without bond. He and Al-Arian allegedly encouraged people who wanted to send money to Palestinians to write checks to their school. The Palm Beach Post reported in its Thursday editions.

Last year, the 300-student Islamic Academy of Florida received more than 50 percent of its revenue from the state program, Florida PRIDE, which uses corporate donations to pay for poor students to attend private schools.

"The disclosures that more than \$300,000 of this money went last year to a school suspected of terrorist ties raises the frightening specter that Florida's taxpayers may be unwittingly funding extremist organizations intent on the destruction of our nation and its allies," Senate Democratic Leader Ron Klein and Senator Dave Aronberg wrote in their letter to Gov. Jeb Bush.

Denise Lasher, spokeswoman for Florida PRIDE, said officials conducted an independent audit of the school after the indictment was released and found no misuse of funds and no connection between the scholarship money and terrorist activity.

She said the school received more than \$300,000 in federal grants for computers and its free- and reduced-price school lunch program.

"It was unfortunate that there was someone at the school accused of doing something

illegal, but that doesn't mean the school has done something illegal," she said Thursday.

But although Florida PRIDE found that all of its scholarship money was going to the school, Hammoudeh was paid for his services as school treasurer, and the indictment states that school supplies and equipment were used in the Jihad operation. It is unknown whether Al-Arian was being paid.

Corporations that donate to the program receive a dollar-for-dollar tax break. The program gave out nearly \$50 million in scholarships last year.

Since the program began, large corporations such as WCI Communities Inc., Gulf Power Co., Florida Power & Light and Verizon Wireless have donated to the program, but how much and to which program is not public information.

Critics of the corporate tax credit scholarship program are concerned that there is no government oversight of the schools that take the money. In their letter to Bush, Klein and Aronberg called for a review of the program and of the schools.

Under the May 2001 law, the Florida Department of Education cannot dictate curriculum or monitor how students are progressing academically.

But Lasher insisted the schools teachers and students and teachers are top notch academically.

Senate President Jim King, R-Jacksonville, jokingly said in May that he could start a school for witches under the law and receive corporate tax credit scholarships.

"The intent of this program was to help poor kids. The intent was never to make opportunistic entrepreneurs wealthy," said King, who also ordered a study of the program.

Despite the accountability concerns, Bush remained a supporter, saying last week that it was a "proven success," based on the students receiving the scholarships.

Ahmed Bedier, spokesman for the Muslim advocacy group Council on American-Islamic Relations, said the Tampa school is well respected. He noted that the University of South Florida is also mentioned in the indictment.

But USF, where Al-Arian was a professor and Hammoudeh was an instructor, is not listed as one of the bases of support for the Palestinian Islamic Jihad.

Administrators at the Islamic Academy did not return phone calls Thursday.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, I rose on the floor of the House yesterday and asked my colleagues to join me in eliminating Federal intrusion into the decision-making of Houston, Harris County, as related to light rail. I am very proud to say that mostly along a party-line vote, my colleagues on this side of the aisle recognized and respected local control. My good friends, the Republican majority, again dashed the hopes and dreams of local communities and decided to intrude their desires on those local communities.

Today we do the same thing. But we do so by experimenting with our children. And I believe that this House has no place in experimenting with the lives of the children of this Nation or of Washington, D.C. In particular, I would have hoped that we would have

focused more of our energies on providing full funding for Leave No Child Behind. For someone who served in local government, there is nothing more severe than unfunded mandates, and that is what Leave No child Behind represents.

The distinguished chairman of this subcommittee on the District of Columbia of the Committee on Appropriations, has indicated that this is new money. Let me say to him that why not use the new money for a good purpose and that is to build up the public schools of D.C., to build up the two credited chartered schools that need more resources?

Every study indicates that when we begin to use public funds for private schools, we diminish the very heart of the education of this Nation, and that is the equality of having good quality public schools that all may access. Why not take the \$10 million and provide the school supplies and backpacks that many of these children need or clothing that many of these children need?

This is a bad amendment, adding \$10 million when it could be use utilized for a more effective purpose. And might I ask to conclude, Mr. Chairman, that the D.C. Council, the legislative body, has actively opposed this legislation.

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

Mr. FATTAH. Mr. Chairman, could we have an audit of the time? We will not have audits of these private schools.

The CHAIRMAN. Each side has 4 minutes remaining.

Mr. FATTAH. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Chairman, in his first month, the President called together all Members of the Congress to support a bipartisan education bill. He said that he was willing to do two things: promise additional funding for education of no less than \$6 billion, and he was also willing to take vouchers off the table as a part of Federal policy.

Now, we hear the Republican majority sneaking vouchers back onto the table. They are going to reinstitute the drive of the Republican majority to privatize education.

When the Republicans took control of the Congress, there were two former Secretaries of Education who reported to testify at our Committee on Education and the Workforce, Secretary Bennett and Secretary Alexander. They wanted to abolish the Department of Education. And because there was such a public outcry against the abolishment of the Department of Education and against the low profile of the Federal Government in education, Republicans decided to turn that around and camouflage their intent. They pretend now to be advocates of

public education while guerilla warfare behind the scenes goes on.

And what we see now is an act of sabotage where vouchers are put back on the table at a time when education reform is already in great trouble. We are in trouble because of the lack of funds. School districts are shutting down early. In D.C. several years ago, schools started late because they did not have money for school construction or they had given money to private industry to do some construction. They had not done it well, and they had to shut down on the basis of safety. Private industry does not solve any problems for education. Enron shows that private industry can get us into greater trouble.

The Republicans have returned to their agenda for long-term privatization of education. This is the opening salvo of their new guerilla warfare. This first strike in Washington is very serious indeed. I do not want vouchers in New York. People do not want vouchers in New York. That is why we have to stop vouchers right now here in Washington.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Chairman TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, let me just set the record straight here, Mr. Chairman, because they talk about audits of time, there will be no audits of the private schools. That is false. The private schools that participate in this have to go through extensive recordkeeping and comparisons and will go through more when the Department of Education has written their regulations. So that is false.

There are no terrorism schools that currently would be eligible for this money as I read the legislation. So, again, that is just a red herring put up there to try to defend the existing status quo which has produced a failing school system that is depriving tens of thousands of District youngsters the kinds of opportunities that children around the rest of the country get.

I know the gentleman from Pennsylvania (Mr. FATTAH) has an amendment that wants to compare with Fairfax County. Let me make a point. The District of Columbia pays more per student than they pay in Fairfax County or Arlington. If this were a money problem, they would get the money, but they have a school system that when given the money has not been able to produce textbooks on time, was under court order to repair its schools, wasted just last week \$59,000 on a phantom contract to a company that does not even exist.

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

Let me say to the gentleman from Virginia that I think it gives some example of the weakness of the proposal when we have to go to, well, they gave some contract and it is being investigated. The Defense Department has given out contracts that have become fraudulent.

□ 1100

So I do not see us privatizing our Nation's defense because of some malfeasance with one particular contract.

Let us not get into anecdotal situations. Let us deal with the reality, which is the public school system is a public good. It is important to the entire community. It is not just about educating one child; it is about what we see as the need to promote values for the entire community.

When you privatize public education, you create very parochial, selfish interests. This school in Florida in which the principals have now been indicted with these terrorist leanings, this is not some joke, this is not some example of a red herring. This is reality, in the news today about what has happened when the State of Florida provided public dollars to private institutions.

There have been similar scandals in other places around the country, and there will be, I guarantee you, because the majority will probably have its way, when this program gets set up there will be scandals here because of this program.

That is not what makes it bad, because some people will use it improperly. What makes it bad is what it says about the public spirit of our actions, which is that we would rather take 2,000 children and siphon them off into private schools, rather than repair a school system that can provide for 70,000 children, which really should be our goal.

We are going to build 1,500 new schools in Iraq at the cost of billions, but here we are scrapping on the floor of the House about \$10 million for the District of Columbia, our capital city. It is a question about what our priorities are. I would hope for the District quality teachers, smaller class sizes, updated textbooks. That is what I believe the solution is, not vouchers.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Chairman TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, let me again just say how much I have enjoyed working with the gentleman from Pennsylvania (Mr. FATTAH) and the gentlewoman from the District of Columbia (Ms. NORTON) on a number of other issues. We have a difference on one issue that we will resolve today on the House floor and then we will go on, and we will be working together on other issues tomorrow.

But this is an important issue; it is important I think to all of us. And this is not dollars to private schools; these are dollars to parents. Because what has happened to the District of Columbia over the years, thousands of District residents have moved to the suburbs so their kids could get a decent education that they could not get in the city. Thousands of District residents send their kids to private schools because the public schools in the city have failed them.

Not one Member of Congress, not a member of the city council, currently has their kids in the public schools of the District of Columbia. They are not good enough for our kids, but they are good enough for the people who cannot afford otherwise. This is a chance to equalize opportunity. That is all it is.

It has been requested by those poor families that came before our committee and testified. They said, We have been waiting for years. They said they are going to fix the system, and 9 percent of our school children are reading proficiently in the 4th grade.

That is the problem, and that is what we are trying to fix, not defend a system that is failing our kids.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself the balance of my time.

In closing, make no mistake about it, Mayor Williams supports what we are doing today. The gentleman from Virginia (Chairman TOM DAVIS) has referenced the editorial in The Washington Post by Mayor Williams and Councilman Chavous and Peggy Cooper. Let me read from it:

"For those of us involved every day in urban education, there are staggering realities that keep us awake at night. Every child who graduates without basic skills or drops out altogether is on a potential pathway to public assistance, to being alienated from the full benefits of participation in society, or, worse, to a life in the criminal justice system."

They go on. They say: "We think that this is an appropriate investment by the Federal Government in the children of the Nation's capital. Without the resources ordinarily provided by a State, the District is more challenged than other cities in its efforts to adequately fund public education and foster innovative reform."

"Our children," they go on, "have endured decades of neglect in public education. But there is hope. We have a reconfigured school board and respected superintendent."

They say, "Despite these underpinnings, parents still want more choices. At town meetings, community picnics, hearings and PTA meetings, we hear the same complaints: I cannot find the right setting for my child, or my child is not flourishing in this environment."

This is a good bill, Mr. Chairman. This is about parental choice, and it is good for the students and children of the District.

Mr. MILLER of Florida. Mr. Chairman, I rise today to offer my strongest opposition to H.R. 2765, the District of Columbia Appropriations for fiscal year 2004.

Many of you may not realize, but this legislation allows DC taxpayer dollars to be used for domestic partner benefits. Any allocation of the DC budget should not be used to fund domestic partner benefits. The family unit—beginning with a marriage between one man and one woman—has been the basic unit of every civil society since time immemorial. I firmly believe that marriage is a legal union between a

man and a woman and the foundation for a strong, healthy family.

Studies have proven time and time again that a healthy marriage between a man and a woman provides the fundamental support for rearing healthy children, both mentally and physically. Despite the overwhelming evidence of the benefits of marriage to families and society, the sad fact is that, for over four decades, the welfare system has penalized and discouraged marriage. Allowing domestic partnerships means providing employment, health, or government benefits to unmarried domestic partners. By recognizing the partnership they will benefit from both the welfare system and tax credits, which undermines the sanctity of marriage and government services for those truly in need.

Although I am in opposition to the overall legislation, I urge my colleagues to strongly support the District of Columbia Student Opportunity Scholarship Act. Who should have the right to determine where a child goes to school, the parents or the government? I unconditionally believe parents have this right and are in a much better position than a government bureaucrat to decide what is best for a child. Public schools are government-run and supported by individuals through their tax-dollars. Vouchers would allow parents to use their own tax dollars to achieve the means of educating their children.

I urge my colleagues to oppose this bill.

Mr. BLUMENAUER. Mr. Chairman, taking money away from under-funded public schools and diverting it into selective private schools is fundamentally flawed.

This proposed voucher program is part of a larger initiative of the Bush administration to privatize essential services wherever they can. A basic problem is that the experience of privatization shows little evidence of enhanced accountability or performance. In fact, the 10-year Government Accounting Office study of public and privately funded voucher programs found no evidence of test gains for children who participated in voucher programs. Furthermore, the public when given their choice, have repeatedly voted against vouchers and recent national polls suggest no change in that opinion.

Our resources could be much better utilized to fulfill the President's promises. He and the Congressional Republican Leadership has walked away from funding No Child Left Behind leaving nearly \$9 billion unfunded mandates throughout the Nation. In the District of Columbia, No Child Left Behind has left almost \$50 million in unfunded mandates. It would be a tragedy to further short change public education by encouraging families to leave a system that can work and, unlike the private schools who would be favored with vouchers, our public schools take all our children no matter how needy or troubled.

I support innovation in public schools. Reform and improvement will happen sooner if we focus our attention and resources on our public schools. Rather than vouchers, we should start funding the Federal mandate of No Child Left Behind, the unmet 40 percent special education target, and school modernization. Congress needs to stop making the jobs of public schools harder.

Mr. STARK. Mr. Chairman, I rise today in opposition to this unpatriotic and anti-democratic District of Columbia appropriations bill

(H.R. 2765), and in favor of Delegate NORTON's amendment to remove the school voucher program.

As the former Chairman for the Committee for the District of Columbia, I am disappointed that Republican Members are again carrying out their annual assault to force their extremist right wing policies on the District of Columbia—policies that are so extreme that they are unable to implement them nationwide.

I would like to remind the sponsors of this bill that the citizens of the District of Columbia do not want a school voucher program. That is why their elected representative, Delegate NORTON, is offering her amendment to strike this program today. I guess representative democracy is okay for the citizens of Iraq, but not for the citizens of our Nation's capital.

School vouchers do not solve the problems confronting our public schools. At best, private schools can only accommodate a small portion of students' educational needs in the District of Columbia. Nor will private schools—even with limited government financial assistance—ever be affordable to most families. It's simple, if enacted, this voucher program will mean fewer resources for the District's public schools. The \$10 million for vouchers today would be far better used to improve the District of Columbia public school system, helping all children in our Nation's capital—not just a privileged few.

The Republicans have not stopped at subverting democracy in the District of Columbia with their school voucher program. They are also prohibiting the city from implementing a locally approved ballot initiative to allow the medical use of marijuana by DC residents suffering debilitating health conditions and diseases including cancer and HIV infection. In addition, the Republican bill maintains the current prohibition on the use of Federal or local funds for needle exchange programs in the District. Finally, the Republican bill prohibits the District from using Federal or local funds for abortions, except to save the life of the woman or in cases of rape or incest.

Like their foreign policy, the Republicans only support democracy in this country when it suits their extremist right wing ideology. The District of Columbia has an elected government that should be able to determine the laws for its residents—just like every state in our Nation determines its own laws. It is past time for Congress to respect the rights of the citizens of the District of Columbia and uphold democratic principles that this country was built upon.

I urge my colleagues to join me—and support democracy—by voting against the District of Columbia appropriations bill.

Ms. WOOLSEY. Mr. Chairman, had I been present, I would have voted "no" on rollcall No. 478. In fact, I am in strong opposition to the Davis amendment.

A sound public school system is the only way we can prepare all our children for the high skill, high wage jobs that will ensure America's leadership in the world marketplace, and will prevent dependency on welfare at home.

Public education is the backbone of our country, including here in the District of Columbia. 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. Yet, there is no doubt that this amendment will profoundly harm DC public

education. This amendment takes precious education dollars out of DC's public schools, and gives them to private and religious schools.

The supporters of this amendment act as if vouchers are a magic bullet for DC education. But this amendment doesn't help teachers, or give them more opportunities for professional development. This amendment doesn't build new schools or repair old ones.

That is why I oppose this amendment. Instead, we should all work with parents and educators at home, and work with each other here, to make the DC public schools the best in the world and to make sure that every child in DC gets a first class public education.

In addition, had I been present I would have voted "aye" on rollcall vote No. 479. I would have voted "no" on rollcall vote No. 480.

Had I been present during rollcall No. 463, I would have voted "aye". During rollcall No. 464, I would have voted "no". On rollcall No. 469, I would have voted "aye". During rollcall No. 470, I would have voted "no". During rollcall No. 471, I would have voted "aye". During rollcall No. 472, I would have voted "aye". During rollcall No. 473, I would have voted "no". During rollcall No. 474, I would have voted "aye". During rollcall No. 475, I would have voted "aye".

Ms. KILPATRICK. Mr. Chairman, I rise in opposition to H.R. 2765, the District of Columbia Appropriations for 2004. I oppose the bill because of the Davis, Frelinghuysen/Boehner amendment that seeks to authorize a school voucher program in the District of Columbia.

Proponents of the amendment contend that it will afford options to parents who want to improve the quality of education that their children will receive by providing \$7,500 in funds for students to attend private elementary or high schools in the District. The proposal and the amendment are flawed because the District would have a program forced upon it. The members of the city council are opposed to the provision. The residents of the District are overwhelmingly opposed to this measure. Furthermore, I agree with the detractors of the proposal that the funds being proposed could be better used to fully fund public education programs in the District.

The impetus for the amendment is based on a parochial attitude by the authors that they know what is best for the students, families and residents that rely on the DC public education system. This provision undermines the principles of "home rule". I urge my colleagues to support the Norton amendment to strike down this harmful and ill-conceived provision designed to de-fund the DC school system and undermine support for public education.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in strong support of enacting school choice programs. I watched and supported the development of this plan in the Government Reform Committee and I am very pleased it is before us today.

There are numerous skeptics who claim that school choice plans lack accountability. I disagree with this notion. Each voucher will be held by a parent or guardian who will demand that their child is appropriately cared for and educated. Parents are the ultimate instruments of accountability. To say that vouchers lack accountability is an insult to parents.

Last year the National Assessment of Educational Progress reported the results of thou-

sands of children who took tests to find out how much they do and do not know. From these tests we have learned that over half of the 8th graders in the public school system in this city do not possess basic reading skills.

A maximum voucher of \$7,500 would allow children in low income homes to no longer be trapped in deficient schools.

I would like to extend my praise to Mayor Williams, Chairmen DAVIS, BOEHNER, and FRELINGHUYSEN for their determination to provide better schools even when it was not the most popular thing to do.

Today, Mr. Chairman, I cast my vote for the young first grader a few blocks from here who will have the opportunity to excel because her parents had more options for her academic future.

Mr. NUSSLE. Mr. Chairman, I rise today in support of H.R. 2765, the District of Columbia Appropriations Act for Fiscal Year 2004. And I commend Chairman YOUNG for bringing this, the 13th appropriations bill, to the floor.

Under authority granted in Article I of the United States Constitution (section 8, clause 17), this bill appropriates Federal payments to the District to fund certain activities, and also approves the District of Columbia's entire budget, including the expenditure of local funds (\$7.4 billion in local funds for fiscal year 2004). Although the vast majority of the funds discussed in this bill are local funds originating from the District of Columbia, I speak today only about the \$466 million in Federal funds appropriated in this bill.

H.R. 2765 as reported to the House, provides \$466 million in new budget authority. This bill is equal to the 302(b) suballocation for the District of Columbia subcommittee as adopted by the Appropriations Committee on July 22nd. I can report that this bill is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2004, which Congress adopted as its fiscal blueprint on April 10. The bill therefore complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority.

H.R. 2765 contains no emergency-designated new budget authority, no advanced appropriations, nor does it include rescissions of previously enacted appropriations.

The bill is \$45 million above the President's request, these increases include \$20 million for the water and sewer authority, and an additional \$10 million for the District of Columbia scholarship program, \$8 million for a unified communications center, and an additional \$7 million for public school facilities and the family literacy programs.

In summary, this, the final appropriations bill, comes to the floor in a form that is consistent with the Budget Resolution.

Mr. BEREUTER. Mr. Chairman, this Member wishes to add his support for the District of Columbia appropriations bill for fiscal year 2004 (H.R. 2765) and would like to comment on what is probably the most controversial provision of the measure—the appropriation of \$10 million in Federal funds for a scholarship program that would allow certain low-income District of Columbia parents to send their children to private schools.

Although this Member does not support school vouchers because they have the potential to do great damage to many public school

systems, this Member believes that the District of Columbia warrants special consideration.

The District of Columbia has one of the most troubled public school systems in the United States. School choice would offer hope to parents and students by giving them the opportunity to select a school that meets their educational needs, while the competition school choice brings would improve the overall educational atmosphere for the parents, teachers, and administrators who continue to work to improve the District of Columbia public school system.

School children in the District of Columbia have been trapped in failing schools for too long. Providing funding for a school choice program would provide certain low-income parents residing in the District of Columbia with the financial means needed to enroll their children in higher-performing schools in the District of Columbia. In addition, the funds these students receive could also be used to pay for transportation, fees, and tuition costs.

The House of Representatives has used the District of Columbia appropriations bill to provide school choice proposals for District of Columbia students in the past. In fact, both the fiscal year 1996 and 1999 District of Columbia appropriations bills, as passed by the House, contained language permitting the use of funds for a scholarship program (although the language was not enacted into law). This Member has supported these efforts in the past and believes it is essential that this appropriations bill contain similar language allowing for a District of Columbia scholarship program.

This legislation would not establish a voucher system; it is a system of scholarships. In a voucher system, the public school money would go with the child to the private or public school that the parents choose for their child. However, under this scholarship program, if a student receives a scholarship and decides to go to a private school, no funds would be taken from the specific public school that the child was attending. Therefore, the Washington, DC, school system would lose no money if low-income children choose to attend private schools with the scholarship money.

Opponents of the scholarship program claim that the District of Columbia public school system overall would lose money under this plan. However, the District of Columbia Mayor, Anthony A. Williams, has indicated he will lead to hold District of Columbia schools harmless, meaning that the public school system will keep more than \$16 million in local per pupil aid for the 2,000 children they will no longer have to educate. This idea is briefly mentioned in the September 3, 2003, Washington Post editorial, entitled "Washington's Children Deserve More Choices," written by Mayor Williams; Mr. Kevin P. Chavous, a member of the DC Council and Chairman of its Education Committee, and; Ms. Peggy Cooper Cafritz, President of the DC Board of Education. The article says, "... our public schools will not be penalized financially for the loss of students to private or parochial schools." This Member has confirmed the Mayor's "hold harmless" provision with staff at the Government Reform Committee and the Education and the Workforce Committee.

Mr. Chairman, in closing, this Member urges his colleagues to support H.R. 2765.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of Friday, July 25, 2003, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in House Report 108-230 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for 40 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.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$17,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than 7 percent of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in

written consultation with the elected county or city officials of surrounding jurisdictions, \$15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$163,819,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$8,775,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$83,387,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$40,006,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$31,651,000, to remain available until September 30, 2005, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate funds provided under this heading for the Court of Appeals, District of Columbia Superior Court, and the District of Columbia Court System: *Provided further*, That such reallocation may increase or decrease funding for such entity by no more than two percent.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$32,000,000, to remain available until expended: *Provided further*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$31,651,000 provided

under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$31,651,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA
(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$163,081,000, of which not to exceed \$2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$100,460,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$37,411,000 shall be available to the Pretrial Services Agency; and of which \$25,210,000 shall be transferred to the Public Defender Service for the District of Columbia: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding chapter 33 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia to house or supervise offenders and defendants, with funds made available for this purpose in Public Law 107-96: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the

Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$35,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE

For a Federal payment to the District of Columbia Department of Transportation, \$4,300,000, to remain available until September 30, 2005, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$1,300,000, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR CAPITAL DEVELOPMENT IN THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for capital development, \$8,000,000, to remain available until expended, for the United Communications Center.

FEDERAL PAYMENT FOR PUBLIC SCHOOL FACILITIES

For a Federal payment to the District of Columbia Public Schools, \$4,500,000, of which \$500,000 shall be for a window repair and reglazing program and \$4,000,000 shall be for a playground repair and replacement program.

FEDERAL PAYMENT FOR THE FAMILY LITERACY PROGRAM

For a Federal payment to the District of Columbia, \$2,000,000 for the Family Literacy Program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties: *Provided*, That the District of Columbia shall provide a 100 percent match with local funds as a condition of receiving this payment.

FEDERAL PAYMENT FOR A DISTRICT OF COLUMBIA SCHOLARSHIP PROGRAM

For a Federal payment for a District of Columbia scholarship program, \$10,000,000, subject to authorization.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, \$10,000,000 for education, public safety and health, economic development, and infrastructure initiatives in the District of Columbia.

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT NO. 3 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. NORTON.
Page 11, strike lines 1 through 5.

Ms. NORTON. Mr. Chairman, this amendment promises to be perhaps the first of three voucher-only votes in this body at this time. The first will be on this bill to remove or strike the funding for vouchers; the second would be the Davis bill, which will try to legislate vouchers onto this appropriation; and, of course, if vouchers remain in the bill, the third would be the vote on the bill itself.

The \$10 million in this bill is not a lot of money, and that is really not what this controversy is about. It does not look like a lot until you look at where it comes from and where it is going and what will follow as a result of our vote.

First of all, first let us look at where the money is coming from. This money has come straight out of education. It took a vote in the Committee on Appropriations transferring money from the Labor-Education appropriation over to the District appropriation in order to fund this bill. It came straight out of education for this bill.

So we already see that this is not new money, as has been claimed, that this is money straight out of education, and that is where voucher money always comes from, because there is only one pot of money. Different folks may designate that pot, but there is only one pot of money, and that is where this money is coming from. It is coming from it for the first time, if you vote for this bill and against my amendment.

If you indeed vote to allow vouchers to remain in this bill, it will not go unnoted. I do not know where you were at recess, but I know that every State in the Union is crying about unkept promises for Federal money. The biggest unkept promise is special education, which is taking down education systems in entire States, including the District of Columbia. We promised 40 percent. We have not come close to that.

Then, of course, there is the backlash against the No Child Left Behind bill. That was a bipartisan bill. We are losing folks everywhere because of that unfunded mandate, because there are going to be children that are not going to be able to graduate from high school because the funding to help them prepare for the tests is not there.

As long as there are mandated costs on our States and school districts, it is simply impossible to justify diverting a single dollar of public money to private schools.

Now, I know that there are Members here who voted in committee for vouchers for the District who have never voted for vouchers generally on a Federal bill, because you can do anything on the District of Columbia. You can savage their public schools, as if

your States, I would say to the gentleman from Virginia (Mr. TOM DAVIS), did not have such schools in Southern Virginia, as if California, Mrs. FEINSTEIN, did not have the L.A. School District in it. And yet these folks will not vote to have vouchers so that those school districts, sometimes rural, sometimes big city, can have the same treatment as the District of Columbia.

The District of Columbia schools have improved, but you will not find me an apologist for the D.C. government and its problems or for the D.C. school system. I am proud of the fact that scores have gone up for the last 3 years. I am very proud of the transformation schools, where, with extra services for parents and children alike, we now see a breakthrough that no private school and no public school has ever accomplished. These are the poorest children in the District of Columbia. They have the least conscious parents. They have got foster parents, sometimes they have got no parents at all or hardly any parents; yet we have been able to break through because we provided a lot of extra services for the parents and for the children alike.

Private schools and religious organizations will not see a vote for vouchers for the District of Columbia as a vote that can be contained here, and they are going to try to do all they can to make sure it is not contained here. The pro-voucher forces have shown how well-funded they are. They have been into your States, sometimes two or three times, to get on the ballot; and you have turned them back every single time. Not a single voucher referendum in the United States of America has passed. But they keep coming back, because they have got a lot of money, and you see that money on television ads as I speak.

If you want to fund vouchers, do it the way the Washington Scholarship Fund did it. Fund the vouchers through private funds. Do not displace those private funds with public funds.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, make no mistake about it, this amendment would basically take \$10 million in additional funds away from the District of Columbia which it badly needs and \$10 million away from an educational system, by all accounts, that badly needs additional money so that children have choices as to where they can go to school.

We know, Mr. Chairman, that the Mayor supports this voucher proposal, the President of the school board, the chairman of the Committee on Education and Libraries and Recreation of the D.C. council.

The Mayor has said on school choice, "Despite the steady increases in local funding and other efforts to support our public schools, I have learned firsthand from hundreds of parents who feel there are no practical or easy alternatives for their children within the current systems of public education."

On another occasion, Mayor Williams said relative to school choice, "I was elected by the people of my beloved city and I took the solemn oath to act in what I think are their best interests, even in the face of conventional political wisdom. Today, I believe I have an obligation to represent all the children of the District."

Mr. Chairman, in my capacity as chairman, I have met with many parents who have children in the public school system who support this choice program. They are literally desperate to have this new alternative.

The clearest evidence of the excitement for school choice is in the city's charter school movement: 37 charter schools, 11 on the drawing boards. I had a group representing the charter schools in my office just yesterday saying that they had waiting lists for their four charter schools that they run running at 300 children. So I think there is a lot of desperateness on the part of parents to find alternatives.

I make the point again, Mr. Chairman, that the \$10 million in the bill are additional funds for the District above the subcommittee's allocation. The gentleman from Ohio (Chairman REGULA) agreed to transfer the funding from the Labor-HHS bill, and I am grateful for his support of this initiative and the extra dollars.

□ 1115

Eliminating this funding puts the \$10 million for the District in jeopardy of being transferred back to his committee and out of the city hands. For these and other reasons, I ask this amendment be rejected and we give the District leadership what it wants. What the mayor has asked for is these dollars and certainly has asked for additional dollars, and I have made a commitment to work in conference for the other dollars for the District school system, as well as additional dollars for the charter school movement.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. It is very interesting that this committee would say that the mayor and the chair of the school board of the D.C. school systems want this money. What mayor and what chairman of a school board would not want more money? But the reality is that this \$10 million should perhaps be going towards adequately funding public schools. Perhaps it should be going towards teacher training so that the teachers in the classroom are better trained to do what they need to do. Perhaps the money should be going towards special education.

But I stand here from a community, the city of Cleveland, that was the test case in the Supreme Court for vouchers. And I stand here capable and able to tell you that an independent study from Indiana University reported that the children in voucher schools are doing no better than the children in

Cleveland public schools. I stand here to say to you that instead of parceling out \$10 million here and \$10 million there, we ought to fund public education at a level that every child in the United States of America is getting a decent education. We ought to be saying to parents across this country that we want you to have the opportunity to fund education in public school systems.

Now, the reality is we keep talking about parental choice. Even in the Cleveland school system case, there was only a choice. All children who did not go to public schools and took a voucher went to Catholic schools. There was no choice. It was either public school or Catholic school. And it is clear in the language of the Supreme Court case that parents ought to have a choice. Let us get real in Congress. Let us get real. Let us talk about funding public education where all children have an opportunity to get a decent education. Let us talk about taking money and improving the building systems. Let us talk about taking money and reducing the teacher-student ratio. Let us talk about making real, making real this piece that we talk to children about, the importance of education, the importance of doing well.

By doing this \$10 million voucher program for the D.C. school systems, we are leaving out so many other children that ought to have a decent education. The reality is in these United States the way we fund education based on property taxes does not, in fact, make it fair.

The Supreme Court of Ohio found that the way we fund education in the State of Ohio is unconstitutional because it means that if you live in a community where the property tax is high and the dollars are allocated for property tax for schools, that children in some parts of the State get a better education than children in the other parts of the State.

I say this morning, our job is to defeat this voucher program for the D.C. school systems, to support the amendment of my colleague, the gentleman from the District of Columbia (Ms. NORTON) and to support a strong public education for all children.

Mr. BACA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in support of the elimination of these funds and that we put these funds into public schools. Public schools is where we need a fix. We need to fix our public schools. We do not need to take money and resources away from public schools. We want to make sure that every child has an opportunity to learn, that every child is given the same tools that they are given somewhere else.

The answer is not to take those privileged kids and put them into private schools. It is not going to change the system. And many of the kids who are in the public schools will not have an opportunity to go and use a voucher system. What happens to many of

those other kids in that area? Have we really fixed it?

I have heard us say, well, our schools are failing, the system is failing. Well, it is our responsibility to fix it. It is our responsibility to train teachers. It is our responsibility to motivate the students. It is our responsibility to make sure that no child is left behind.

Let me state that it is a shame when we go to school and a lot of our children are not learning. There are many of our children that are learning and those who are not. It is our ability and our responsibility to make sure that those students have an opportunity to progress. They want to do the same things that everybody else wants. Let me state that if we take those funds away from public schools, what is going to happen? We take those \$10 million and we have kids to which we say we want to prepare them for the 21st century, and they are not prepared because they do not have the tools or instruments because we have taken funding away. This is wrong. This is wrong for the District of Columbia. This is wrong, and it will probably happen to other portions of the States.

Is this what we want? No.

We want to invest in public education. We have good teachers who are out there. We need to give them the funding. We need to give them the tools. We need to give them the motivation. We need to give them the support. They need to know that we stand behind them, that we want to fix the schools, that we just do not want to take the easy answer. Like our parents always said, if you have a difficult time, it is time to get involved and do something about it. Do something that is going to help the schools, not run away. This is just running away from the problem, it is not fixing our school systems.

What happens? As our President said, I want to make sure that we leave no child behind. We are going to leave more children behind because what happens to the student if a student is expelled? Do you think that student is going to be accepted at a private school under the voucher system? Do you think that parents can then take that child and put him into a private school under the voucher system? No. They are only going to take the top of the crop. And what happens to this school system? We still have the responsibility to fund it. We still have the responsibility to make sure the infrastructure is there. Who pays for that? We as taxpayers pay for that, and we are taking money and resources from our schools.

Let me state that this is bad legislation. It is terrible legislation. It should not even be up before us right now. We should be making sure that we spend more money on education, therefore, we should eliminate the funding.

Mr. SCHROCK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the House Committee on Government Re-

form chaired by my good friend and colleague, the gentleman from Virginia (Mr. TOM DAVIS), I was privileged to hear the debate in its entirety on the subject we address here today, and that is help for the children in the failing District of Columbia public school system.

I do not think anyone in this Chamber, in any capital city, can honestly say that the district schools are good. They cannot because they are not. It is not a question of whether or not the D.C. school system is failing. It already has and everybody knows it. If we are going to ensure the education of the children in this city, we need to provide funding to give at least 2,000 children a way out and an option and a chance to attend a school where they can achieve. That is the very least this body can do for them.

I was in that committee room that day and watched the anguish on the faces of the mothers and grandmothers who were present, and I watched them crying during and after the hearing. They made me more determined than ever to help provide them and their children a way out of this failing school system. One of the young fellows who was there, a 6-year-old named Alonzo Stallans, drew a picture during the hearing that he gave to me a couple of days later. It says, "A good education, a good future," in only the way that a 6-year-old can do it.

He gets it, but not everybody in this Chamber does.

I have had visits from those mothers and grandmothers of these young folks, the most recent yesterday, and they have high hopes that we will do the right thing and pass the legislation for these great young kids. If we do, and we must, we will be giving them a chance at life that most of us were given when we were their age.

What we do here today will change the lives of these young people forever in a very positive way. I hear my colleagues talk about money and fully funding the education system. Let us talk about that for a minute.

If money were any indication of the success of a school system, the boys and girls in Washington, D.C. would be receiving the finest education in America with test scores higher than any students in America. But that is not happening. In fact, the opposite is true. More money is being spent in D.C. per student than anywhere in America and the test results are the worst.

That is an absolute travesty.

These kids need and deserve a way out of this school system. The legislation we pass here today will do just that.

Frankly, I think parents and grandparents know what is best for their children, not the bureaucrats who roam the halls on Capitol Hill.

My wife and I knew what was best for our son and, frankly, he has done great in life.

Parents and grandparents know what is best for their kids. They want out of

a school system that has failed them and their kids. Today we are going to fix that. And, frankly, the sooner the better.

We have heard special praise for three people today. I want to do that again. They are D.C. Mayor Anthony Williams, D.C. Council Education Committee Chairman Kevin P. Chavous, and D.C. Board of Education President Peggy Cooper Cafritz for stepping up to the plate and leading the charge for this legislation. That is true leadership. And true leadership on this floor today means that we pass this legislation.

Mr. Chairman, I urge all of my colleagues on both sides of the aisle to give the D.C. kids a good chance at a successful life by voting for this very worthwhile piece of legislation.

Mr. CUMMINGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) and to oppose the ill-conceived Davis amendment to add vouchers to the District of Columbia appropriations bill.

Mr. Chairman, not only have the citizens and many leaders of Washington opposed vouchers, but the House has also made certain that our own districts would not have mandated vouchers imposed in its public schools.

I find that very interesting, Mr. Chairman, considering what the last speaker just said. Basically the implication was that there should be local control. It is clear here that we are trying to impose our will on the District of Columbia when we cannot even do it.

We do not accept vouchers in our own districts. Why should we do it here? I think we have to be very candid and honest with ourselves to begin to ask the question, why are we doing this?

In fact, we rejected voucher proposals in the No Child Left Behind legislation in the IDEA bill. The RECORD of this House reflects that voucher amendments have been soundly defeated for years by this House. So I find it interesting that some in the House want to impose a voucher program for D.C., but clearly it is not something that they want for their own districts.

You have heard many Members on the other side of the aisle say that vouchers will help low-income children in Washington, D.C. They may believe the hype that accompanies the debate on vouchers for our Nation's disadvantaged children. But this is what we do know about vouchers: Vouchers drain money away from public schools and leave the remaining children with even less resources, schools like the ones in my district where in one school there were 13 computers for 1,300 children. Where children, just a year or so ago, were reading out of books where Jimmy Carter was still the President. These were honor students. And situations where children can go through

high school without ever looking through the lens of a microscope.

Another thing that we know about vouchers is that vouchers do not improve student achievement. I wish they did, but they do not. And let us not be fooled by that. Vouchers offer false promises of choice because private schools have the ultimate decision on which students they enroll.

Of its 42 public charter schools and 15 public transformation schools, Washington, D.C. has the most wide-ranging set of alternatives to traditional public schools in this entire country. Public school choice is the real choice and the only choice program we should support in this House.

Mr. Chairman, I know that every Member of the House wants to provide the best education possible for our children. I believe that investing adequate funds in public schools with access to technology, up-to-date textbooks, and highly-qualified teachers is the correct choice.

The District of Columbia should not be used as an experiment for public school reform.

I urge my colleagues to support the Norton amendment and vote against the Davis amendment. An experimental voucher program in Washington, D.C. will leave too many children behind and harm the city's public schools.

□ 1130

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Chairman, I rise in strong support of the gentlewoman's amendment. With 42 public charter schools and 15 public transformation schools, the 70,000 children of the District of Columbia have school choice, with the most extensive set of alternatives to traditional public schools in the country. For this reason the gentlewoman from the District of Columbia (Ms. NORTON) simply believes that any additional public funds should be used to enhance and expand these publicly accountable schools.

The central question before us is whether or not we believe, as a Congress, that every child should have access to an equal high-quality education. Who among us does not believe in this? I have introduced House Joint Resolution 29, a constitutional amendment that crystallizes this premise and that ensures that every child in the United States has access to an equal high-quality education, an idea I think and hope all of us will support.

If we believe that every child in America deserves a high-quality public education, then why are we here today considering that only 2,000 of 70,000 children in the District of Columbia public school system should have an equal high-quality education? If we believe that every child should have ac-

cess to high-quality education, we should support the gentlewoman's amendment. The District of Columbia has serious problems that need real solutions.

Article I, section 8, clause 17 of the Constitution gives Congress responsibility over the District of Columbia. They do not have a State legislature or a governor to which to redress their grievances. That responsibility includes all of the children of the District of Columbia public school system, not just the 2,000 children that the voucher program in this bill addresses.

Article I, section 8, clause 1 of the Constitution gives Congress the power to provide for the common defense. Yesterday, we found out that the common defense includes \$60 billion for another appropriations supplemental bill which includes building schools in Iraq. If we can find the resources to rebuild schools in Iraq, I know we can find the resources to rebuild the schools for all of the children of the District of Columbia and their public school system.

It is clear, Mr. Chairman, that if the proponents of this \$10 million set aside for vouchers truly think they will improve the education system in D.C., they would probably also try to fix a broken arm with a Band-Aid. In January 2002, President Bush signed a bill that was supposed to ensure that no child was left behind. If this \$10 million is included in this bill, we are ensuring that 68,000 D.C. kids are left behind.

At a time when the No Child Left Behind Act is underfunded by close to \$9 billion nationwide and is underfunded by \$50 million in the District, does it make sense to try to make up this shortfall with only \$10 million that will subsidize private schools and not fix some of the core problems plaguing D.C. public schools?

In conclusion, Mr. Chairman, I urge and support the gentlewoman's amendment. If the gentlewoman's amendment fails, I urge my colleagues to vote against the passage of the D.C. Appropriations bill. If this Congress genuinely believes that every child deserves the right to a public education of equal high quality, then we should fight for it as a fundamental right for every American. A separate and unequal education system in the District of Columbia and between the States is indeed unacceptable for every American.

Mr. FLAKE. Mr. Chairman, I move to strike the requisite number of words.

I am pleased to be here for this debate, and I was pleased to hear the gentleman from Illinois recognize the primacy of our involvement here, that the Constitution does grant the U.S. Congress authority to move on matters such as this for the District of Columbia.

I have found it interesting to listen to the debate and to listen about this amendment in particular. This amendment is based on the premise that no one in the District of Columbia wants to have a voucher to travel to anything

other than a public school, and we have heard that argument again and again and again from the other side, nobody wants this program.

On this side, polls are quoted. There were 57 percent, 60 percent, 75 percent, various numbers of people who want to see this program move ahead. I say the only way to settle it is to offer them, and if it is true as the gentlewoman who offered this amendment proposes, that nobody wants these vouchers, then nobody will accept them, nobody will take them. An affirmative action has to be taken for a voucher to be used. They are imposed on no one. They simply have to be used by a parent. So if it is the case that nobody wants them, that the parents of the District of Columbia do not want to have vouchers, this appropriation of funds will have no effect because the money simply will not be spent. But if it is, as is the case as we maintain, that there are parents who do want them, then they will be used. So it is up to the parents.

I found it strange in the hearings leading up to this on the bill that I offered, and then later on the bill that we had before us, both times those on the other side of the aisle stood and said parents in D.C. do not want vouchers, and each time the parents lined up at the back of the room said otherwise. Parents, lined up outside in the hall, said otherwise. I say if my colleagues really believe in choice, that parents ought to have that choice, then let us put this to the test, allow this to go forward. If it is the case that parents do not want them, they simply will not be used; but if they do want them, they will. So it is up to the parents in the District of Columbia.

I applaud those who have helped put this bill together and to put it on the floor today.

Mr. ETHERIDGE. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I will not take the full 5 minutes.

I do rise in support of the gentlewoman from D.C.'s amendment and in opposition to what I perceive to be the latest Republican attack on our public schools.

We hear about all the money spent, but let me remind my colleagues that across this country, roughly, only 7 percent or less are Federal funds, and yet we see now we want to control 100 percent of what goes on in our schools. For people who believe in local control, I feel here that somebody is missing the boat or misrepresenting the facts.

Vouchers are a bad idea. They always have been because they drain resources away from the public schools in this country where 90-plus percent of our children, depending on the States, go to school. They are educated there. And my colleagues do that in favor of private schools, where there is no accountability for the taxpayers' money at a time when we are running huge deficits, the largest in the history of this country, and yet we do not want to fund the public schools.

We are eating our seed corn and ruining our future. Rather than siphoning funds from the public schools, we ought to be investing more initiatives in things like school construction. My colleagues have talked about it. I will not go into detail. Teacher training, if we really want to improve the quality of instruction in the classroom, put the resources out to improve teacher training. Reduce class sizes, provide tutorial help for those children who are behind. Those are proven methods that raise academic achievement.

I can tell my colleagues it has happened. It happened in North Carolina where I was State Superintendent, and it is still happening. It will not happen if we take the funds away and continue to erode public support.

Under the No Child Left Behind, our public schools are forced to do more than they have ever been required to do before, and this administration and this Congress refuses to fund No Child Left Behind because what has that done? That has created a massive, unfunded mandate on our States and our local school units at the very time when they are struggling to make budgets balance. The last thing we should be doing is use this Republican voucher scheme to take public dollars that should be going to strengthen our public schools and putting them in private tuition grants.

I urge my colleagues to support this amendment. And if this amendment does not win, then we should defeat this bill because this will prove, over the long run, to be detrimental to public education in the United States of America.

Ms. HART. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment and in support of the \$10 million that is being appropriated to the D.C. public schools.

The reason that this money is being given to the system is so that we can improve the system. School choice has been shown to improve an opportunity for a child. Each child who has been suffering through the terrible school system of Washington, D.C., is really imprisoned in that District. This money will give these children an opportunity to learn, and I believe that is what schools are for.

Unfortunately, the D.C. public schools have been in crisis, and it is unfair to force children who live in D.C. to be subjected to a terrible education or a lack of an education. Statistics show that a very high percentage of students drop out. They also show that the D.C. schools are ranked lower than every other State in reading or every State in reading and math scores. Students score on the average of 220 points below the national average on the SATs. Seventy-six percent of D.C.'s fourth graders perform below grade level in math and only 10 percent read proficiently by the fourth grade. These problems persist, despite spending more than nearly every school Dis-

trict in the Nation, at least \$11,000 per pupil.

It was stated earlier that we were promoting parochial self-interest if we promote school choice in D.C. If parochial self-interest is parents wanting their children to get a real education, then I am all for that, and this is what this will do. It will allow these parents to find a better way to educate their children. If their child is currently in the D.C. schools, their opportunities are really not limitless the way they should be. School choice offers them more opportunity. It will also offer the children who stay in the public schools more opportunity, and it really is dismaying to me that the opponents of school choice do not see this.

Problems in many inner city school districts, such as D.C., are caused largely because of overcrowding too many children in a classroom. For example, school choice will take a number of children out of the public school system. This is true. They will go to schools that are now empty or at least in need of more students. That will allow smaller classes in the D.C. schools. It will encourage the D.C. schools to improve, in fact give them more opportunity to do so, with fewer students and the same amount of money.

So it will relieve overcrowding in the D.C. public schools. It will help the children because the children will have an opportunity to go to a school where they will learn, where they will feel safe in many cases where they may not now.

It is unfair for us, and I think completely irresponsible for us, to waste the learning year of the children who happen to be in these schools now and say, well, we are going to fix the public schools, but if it takes 6 to 12 years to fix them, what happens to those children who are still in the public schools? Nothing good. We need to give them an opportunity to learn now, elsewhere if that is where they need to go, in a place that is more suitable for their education, while we work on and fix the D.C. public schools.

I support this appropriation. I support school choice for D.C., and I hope that we will oppose this amendment.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Norton amendment, and I strongly oppose private school vouchers. No matter the location, the type of program or the amount, vouchers are a bad idea for our children. The Committee on Government Reform approved this amendment by a one-vote, razor-thin margin. Both Republicans and Democrats voted against the D.C. voucher, and I thank my colleagues for their opposition to D.C. vouchers.

Serious concerns were raised about this amendment during committee consideration. I share those concerns and believe it is important that this information be shared with the public.

We know that vouchers drain millions from public education. Any extra

money should be invested into D.C. public schools and other public schools nationwide that deserve the majority of our children. Investing in public schools helps us hire more highly-qualified teachers, purchase supplies and books, and repair our schools. Vouchers are not the solution.

Vouchers eliminate public oversight for taxpayer dollars. Unfortunately, as illustrated in Milwaukee, Cleveland, and Florida's voucher programs, vouchers eliminate public oversight, public accountability and have led to cases of fraud and fiscal mismanagement.

Vouchers contradict the accountability reform required by the No Child Left Behind, such as the hiring of highly-qualified teachers and the annual testing and public reporting on student performance. These standards are not required by private schools that accept federally funded vouchers, creating a double standard regarding Federal funding and education.

I would be glad to hear from proponents of vouchers to tell us why we should not have accountability when public dollars follow these children to private institutions. I would love to hear from the other side to tell us why we should not have better accountability.

I offered an amendment in the Committee on Government Reform in good faith, asking that the same standards that apply to all of our public schools also apply to these vouchers. I would love to hear their response.

□ 1145

I urge my colleagues to respect the right of D.C. residents to make decisions of their own in their city. The majority of D.C. elected officials and residents oppose vouchers. The official position of the D.C. school board and city council is to oppose vouchers. If the residents of the District of Columbia wanted vouchers in D.C., their local governance, the school board or city council could create such a program.

Some in this body have suggested that D.C. residents need our permission or Federal money to create a voucher program. That simply is not true. D.C. residents do not need the permission of this Congress. Nor do they need the Federal purse to create a program. D.C. residents just do not want vouchers.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, the gentleman mentioned how we feel about accountability. The ultimate accountability is portability, the ability to move to a different school if you do not like the school you are attending now. That is the ultimate accountability and that is what this provides.

Mr. CLAY. Reclaiming my time, Mr. Chairman, I might respond that we also need accountability of public dollars. When those dollars follow those children to those private institutions, we should also hold them accountable

and have benchmarks. Show us where test scores have improved, show us where reading levels have gone up, show us where dropout rates have been lower. That is the kind of accountability I am suggesting.

Mr. FLAKE. Mr. Chairman, if the gentleman will continue to yield, I would advise him that in reading the bill he will see that there are extensive reporting requirements in the bill.

Mr. CLAY. No, there are not. Now, there are not. Now, we discussed this when Secretary Paige came to the committee, and he suggested that we do strengthen the language in the bill to have real accountability.

Mr. FLAKE. Mr. Chairman, I would submit that this is real accountability. Portability is the best accountability.

Mrs. MUSGRAVE. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose this amendment.

I have a great deal of interest in education. I have been married to a public school teacher. He taught for 24 years. When I was a graduate of college, I taught public school for a time before I started raising our four children. When I first started being interested in public policy, I ran for our local board of education, and I served there for 4 years before I went into the State legislature in Colorado. One of my committee assignments that I requested right away was the education committee because I feel very strongly that a good education is one of the best tools that we can give a child in order that they might have a successful life.

I have faced the challenges that public school teachers face. I am very appreciative of the job that they do. I am, most of all, however, very respectful of parents. You birth a child, you nurse a child, you get up with them in the middle of the night when they are sick, you try to instruct them on what they should eat, you try to instruct them on how they should behave, you instruct them in the moral arena; but somehow or another when it then comes to education, some people think that parents do not have the ability to make a good choice for their child. Well, of course they have the ability. But most of all they love that child, and they have a very strong desire for that child to be successful.

So who are we, who is anybody to tell parents that they cannot make a choice for their child? And as parents, one of the things that we want to do is we want to have hope for our child's success. We all know our children have different learning styles. Even within a family, children are very different; and parents make various choices for the different children. And I think that we should trust parents to know what is best for their child. I think that we need to empower parents to make an educational choice for their children.

Again, a quality education is one of the best things that we can give a student. It empowers them to make choices in their life. It empowers them

to have a realization of success. I think that when parents are seeing their children fail in a school that it is very important that we empower them to make a selection for their child that will give them hope, that will empower them.

When I was on the school board, when I was a teacher, when I was involved in my children's education, one of the things that the educational community continually asked for was parental involvement. Everybody knows that one of the best predictors of a child's success in education is the involvement of their parents. Let us let these parents in D.C. be involved in their children's education.

Mr. BELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment, hopeful that we will pass the Norton amendment and not engage in what I think most charitably can be described as a giant cop-out. It saddens me that we have reached a point in this Nation's history when so many people simply want to throw up their hands and suggest that the only way that we can solve the problems facing public school education in the United States is to send more and more children to private schools, forgetting that what has separated the United States of America from other countries throughout the world is the fact that our forefathers made a commitment to public school education, deciding that children, regardless of financial status, would have free access to a quality public school education.

I serve on the Committee on Government Reform. I listened to the debate there, and I am listening to the debate here. It is very similar, where once again the proponents of this voucher measure suggest that the only way to give parents in Washington, D.C. choice is through private school vouchers. Mr. Chairman, that is simply false. And if my colleagues do not believe me, all they have to do is look at the D.C. public school Web site, where it talks about the out-of-boundary policy, the out-of-boundary application process, discretionary transfer, is for parents or guardians who wish to apply for permission to enroll their children in D.C. PS schools other than their neighborhood school.

The Washington Post, May 20, 2003: "Throughout the Washington area there are multiple options for parents seeking alternatives to traditional neighborhood schools." The Federal No Child Left Behind law stipulates that if a neighborhood school underperforms for 2 consecutive years, parents may transfer their child to another school. D.C. is doing it the way it should be done, by offering parents a choice through the public school system.

I can say that that is the way it is to be done because I come from a city, the city of Houston, that improved its public school system by using public school choice and other measures, a city where in the 1980s many wanted to

throw up their hands and say you cannot afford to send your child to the Houston Independent School District; you have to send your child to a private school so that they can get an adequate education. But some community leaders, thankfully, were not willing to accept that argument. They were not willing to simply cop out and throw up their hands. They decided we had to do something about our public education system, so they did implementation programs like public school choice and charter schools and called for more local control.

So much improvement has been seen in the Houston Independent School District, so much improvement that a Republican President, George Bush, decided that the superintendent who had overseen most of that improvement, Rod Paige, should serve as the Secretary of Education in his administration. And private school vouchers had absolutely no role in the improvement of Houston public schools.

Then we hear the argument that moving money out of the D.C. public schools and into a private school voucher program will have no real impact; that money does not really play a role in the performance of public schools. How ludicrous is that? Schools, teachers, books. Everybody realizes they all cost money, a lot of money. And there are no private schools that I am aware of who are asking for less money. They are constantly asking the parents of their children for money, and they are constantly calling on private foundations for more donations.

So let us not pretend this voucher bill is not going to have a profound financial impact on D.C. public schools, and let us also not pretend, let us also not pretend that this voucher measure is just about D.C. schools. Because I have listened to that argument as well; that this is a D.C. problem and let D.C. try this because it will not impact anyone else. If I truly believed that, perhaps I would not feel so passionately about this measure, but I do not.

I do think this will start us on a slippery slope. And I hate that argument because it is used and abused here. And there is no one in this Chamber who cannot look at a mole hill and see a mountain instead and suggest that with every issue we are starting down a slippery slope. But in this particular case I do believe that is what we are looking at. I think the proponents of vouchers in this Nation, seeing that they had failed in passing vouchers in any sort of broad-ranged manner, want to do it on an incremental basis starting with D.C., and trying to gather some favorable statistics, like you can always do, and then spreading it from State to State, city to city, until finally we have more and more children enrolled in private schools.

Mr. Chairman, that brings me back to where I started, a cop-out, a giant cop-out, the wrong road to go down, a path that I hope we will not start on here today.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we stand here today with the opportunity to join Mayor Williams, the President of the D.C. School Board, the chairman of the city council's education committee, and numerous parents who are all excited about the opportunity for Congress to provide \$10 million in an innovative pilot program for education in D.C.

Educational equality for all of our children regardless of their family's income is a fundamental principle of the American education system. However, too many low-income families find themselves in a position where they are unable to send their children to the school of their choice simply because they are poor. Families living in poor neighborhoods are unable to make the education choices that many of us can afford to make for our own children when we buy a house in a suburb with high-performing public schools or send our own children to private schools.

The D.C. choice pilot program offers hope and empowers parents and students in the District of Columbia by giving them the opportunity to select a school that meets their educational needs while the competition school choice brings will improve the overall educational atmosphere for the parents, teachers, and administrators who continue to work to improve the public school system within the District. This debate today should be about doing everything we can to better educate all of our children.

In 1996 and 1997, the Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce embarked on a project called Education at a Crossroads. We went around the country. We talked to parents, we talked to teachers, and we talked to administrators.

Now, people say that we have to focus on improving public education, and we are doing that; and we are investing significant dollars both at the Federal level and at the State level to make that happen. But I still remember the father who came to me in New York City and said, they are just embarking on another 5-year plan. He had a 7- or 8-year-old son with him. He said, you know, a few years ago they embarked on a 5-year plan, and I had hoped that my son would be going to a better school. The schools are now as bad if not worse than what they were 5 years ago. And now they are embarking on another 5-year plan, where we are not guaranteed or we do not really know what this 5-year plan will bring, but I do know what it will mean for my son. If it is no better at the end of this next 5-year plan than it was at the end of first 5-year plan, the product that we will lose is my son. My son will have been in schools that did not help him learn what he needed to learn to compete. Please give me the opportunity to send my son to a high-performing school.

In D.C. last summer we had the opportunity to meet with the parents of the D.C. scholarship program who are enthused and excited about the opportunities that they had had to make decisions for their children, to get them in a school that enabled their children to get the education that they needed, and they saw dramatic progress. I laugh about the accountability, saying we have to put in the accountability standards so that these schools will be accountable to an education department down on Independence Avenue. All we have to do is look into the face of the parents in New York City, in Cleveland, in Detroit, or in Washington, D.C. and you can see that the accountability that we need is not to a bureaucrat in Washington, not to a bureaucrat in one of our State capitals. The accountability that we need is of a school district to a parent. A parent sees and knows what is happening with their child each and every day.

This is about giving D.C. the chance to experiment with this change so that low-income children in our Nation's capital can get a better education now, which we all know is a critical predicate for their future success in life. It is exactly what the parents in the park told us last summer.

□ 1200

This debate has been sidetracked by political ideology, and in the process we are further condemning the students in the District of Columbia to an education system that has left a majority of its students nonproficient in reading and math. It has left these students behind.

I urge Members to support the D.C. appropriations bill and to oppose the Norton amendment on this legislation. Many parents in D.C. cannot afford any other choices for their children, and we have the opportunity today to make \$10 million available, and allow 7,500 families who are on the waiting list for this possibility to truly choose what will work for their children.

Mr. DAVIS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Norton amendment. There has been a lot of conversation today about whether this \$10 million somehow takes money away from the public school system. There has been a lot of discussion about whether making an investment in vouchers drains resources away. I think that is the wrong focus, with all due respect to some of my colleagues on the other side of the aisle, because regardless of whether we are taking money away from one pot and putting it into another, let us make no mistake about something that we are doing: We are taking and subtracting credibility from the public school system.

If we have a vouchers game anyplace in this country, we are implicitly saying to that community that the public school system is not good enough.

What is the consequence of saying that? I happen to have come primarily from the public school system in Birmingham and Montgomery, Alabama. There are some of us who remember a time in this country when the public school system had a very unique role. It was, number one, the one instrument that we had that brought people together from different classes and different walks of life. You could have someone who was the son of a CEO at a bank sitting next to someone who came from the wrong side of the railroad tracks. The public school was once a civic institution in this country.

For a variety of reasons that are beyond the scope of this debate, that kind of civic pride in our schools has been drained away. For a variety of reasons, we have lost confidence in the public school system in this country; but the challenge is what do we do about it.

The proponents of vouchers tell us we can simply give people a chance to opt out. The proponents of vouchers say we can simply allow people to walk away from the system and that we can treat our public schools like a failed Wal-Mart or a failed BP or a failed Shell gas station; if it closes down, people can go someplace else.

Mr. Chairman, I would submit we are a stronger and a better country if we continue and we sustain our exclusive public investment in a public education system. I do not think that we can drain away a commitment from the vast public purpose of education in this country without having an enormous consequence to where we stand as a Nation.

It is true that we are 13th in the industrialized world in math and science scores. We rank number 15 in civic scores. The problem is that we are not making the kind of investment, either in terms of resources or in terms of community commitment, in our public schools that they deserve. Make no mistake about it, if we endorse this back door, if we open up this back door to vouchers, we are degrading and we are cheapening our public schools.

I have heard a lot of attacks from the other side of the aisle about how bad the public school system is in D.C., and I would venture that a lot of the speakers, if they were asked the systems in their cities, would probably come forward and launch the same kind of attacks. The families of this country are listening. The people who are struggling to teach in our schools may be busy right now, but they hear about these kinds of debates. And we ought to understand something: Teaching is an enormously honorable profession. Public education is an enormously honorable civic endeavor. But you do not walk away from civic endeavors, you do not create a private back channel to civic endeavors.

I urge my colleagues to support the Norton amendment because it is a very important symbol. I agree with the gentleman from Texas (Mr. BELL) that

this is an effort, it is the beginning of a slow effort to introduce vouchers into the public mainstream. It will be D.C. today. Next year, it will be a request that we have 5 target cities around the country, and then it will be a request that we have 10 target States around the country. This is very much where the administration wants to go.

The problem is that I am not prepared to abandon our public school system until we have made a stronger and better commitment. As one of the speakers on this side said earlier, only 7 percent of the money that goes into education comes from this budget and this appropriations process. We cannot let this system go anywhere in our country until we have done more and made a stronger and better commitment.

Mr. Chairman, I ask my colleagues to oppose vouchers for D.C. and to keep the credibility of the D.C. school system intact and to keep the civic institution intact.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Norton amendment and in support of the bill. I want to begin by thanking the gentleman from New Jersey (Mr. FRELINGHUYSEN) and my colleague and friend, the gentleman from Virginia (Mr. TOM DAVIS), for really taking the initiative. He did not have to do this, and he is doing this. This is very, very important.

I have five children. I am a product of public schools. All of my kids have gone to public schools. I worked for probably only one of a few Members of Congress, Congressman Pete Biester, who had a child in the District of Columbia schools. There are no Members in this body that I know of that have any of their children in District of Columbia schools. Many are in private schools, many are not here, but they are not in the District of Columbia schools.

My daughter Virginia taught in the D.C. public school system. She worked for 4 years at the Community of Hope up at 14th and Belmont. She can tell Members what the conditions of the public schools are. I think as the gentleman from Virginia (Mr. TOM DAVIS) said, if D.C. needs more money, offer the amendment and we will support it. But for these 1,000 children, that is their opportunity to get out. Everyone knows, Members know if you had not had that opportunity to have that education, you may not have gotten out. All of us on both sides of the aisle may have been in that condition. It is a way out.

I want to commend the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Virginia (Mr. TOM DAVIS), but particularly Mayor Williams for his leadership. I went to John Bartram High School, and the gentleman from Pennsylvania (Mr. FATTAH) knows where that is, on 67th and Elmwood Avenue. Education was my way out of there.

My dad was a policeman with a sixth-grade education. Education got me my way out. Why is it not good for those 1,000 families that are going to get their children out of there? Sometimes going into the schools, as the gentleman from Michigan (Mr. HOEKSTRA) discussed, and in talking to the parents, they tell us their kids may be beaten up and they may have problems. Let us help the schools. Offer the amendment and do what you can.

I want to commend also Senator FEINSTEIN and Senator BYRD. Senator BYRD is a statesman, and I commend him for his leadership. He understands. I also commend Mayor Williams because it is tough to break sometimes with your party. I know sometimes we get locked in over here and we do not want to leave, but he did. I commend Kevin Chavous for the leadership to break with the city council and do what he did. They have provided the leadership for 1,000 boys and girls.

If you are a father and you know your kids are not getting an education, if you are a mother and you know they are not getting an education, do not tell them, wait, we are going to improve the schools next year, we have a 5-year program, because if they are 7 and 8 and 9, we may lose them.

This is not to expand a program all over the country. The gentleman from Virginia (Mr. TOM DAVIS) has probably done more to help the District of Columbia, working with the gentleman from the District of Columbia (Ms. NORTON), than any other Member of the House. This is to help. This is to help 1,000 parents to have an opportunity to educate their children.

I strongly urge defeat of the Norton amendment, and I again thank the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Virginia (Mr. TOM DAVIS) for their leadership, because in 1,000 homes this year and 1,000 homes next year, they will really make a difference, and help some of the kids to be educated. Come back next year and offer the amendments to beefup the District of Columbia schools. I give my commitment. I will support it; but let us today support this bill to help those 1,000 kids.

Mrs. DAVIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask my colleagues, where are these 1,000 slots in our private schools? I rise in support of school choice in the District of Columbia, but public school choice. The District of Columbia, as we know and as Members have spoken to, has been a national leader in supporting charter schools to provide alternative choices for its families.

In 1996, the D.C. Council passed the Public Charter Schools Act. That launched this decision as the best method to improve the public schools. Not only have they instituted a large number of charter schools for the District of Columbia enrollment, but they have also supervised these programs

and they have closed those charter schools that have not been successful.

I support the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) to back this local decision. If the majority wants to appropriate additional funding for children in D.C., let the sum be appropriated to increase funding for the charter schools, to expand that program so that charter schools can have the resources needed to provide adequate and safe facilities as well as the programs of choice.

Mr. Chairman, I believe we must support D.C.'s children, but we can do that by continuing to support successful alternatives in the public school system.

Mrs. MILLER of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been struggling with this issue, and unlike so many other Members of this House who have had a position either for or against the voucher issue, in Michigan we actually had a statewide voucher proposal initiative on the ballot about 2½ years ago and it was defeated. I voted against the voucher initiative.

All of the arguments that are being advanced here today were part of our debate in Michigan. They were part of the debate in the Committee on Government Reform, on which I sit: Concerns about cherry-picking students where the private schools have their very high standards and the smart ones are picked, but the slower ones may be left behind. Concerns about religious schools where by taking tax dollars, suddenly the government begins to enforce certain requirements. And it is the old saw: Once you take the shekel, the shackle will follow.

I am a product of public education. I believe in public education. My grandmother was a schoolteacher in the public education system for almost 40 years, and I believe that public education has been the backbone of America. The educational opportunities may vary, but at least everyone has a chance at an education.

However, this proposal is quite different, quite different from what happened in the great State of Michigan. In our State we were talking about a Constitutional change, and it would have affected literally every school district, even those considered blue-ribbon schools. This proposal only deals with the D.C. schools, which by any definition are almost the worst in the Nation.

Quite frankly, I cannot imagine how it can get any worse, and I cannot turn my back when so many parents are literally on their knees begging for a chance for their children. I feel the D.C. case is an exception. First of all, the schools are not forced to participate. Secondly, we are assured by this legislation that we will be closely tracking the progress of this program to benchmark progress and to ensure scrutiny and oversight.

Where our referendum in Michigan would have actually made the voucher

proposal permanent by changing our Constitution, this proposal in D.C. is temporary, and it must show marked improvement in order to be reauthorized after 5 years. The elected leadership wants it. The mayor has spoken out. I think if we are truly compassionate, we must support this proposal and give these children a chance.

Some are saying that we are voting for choice, and I say we are voting for chance. Give these children a chance.

□ 1215

Ms. KILPATRICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too am from the State of Michigan and, yes, our State did turn down the voucher proposal as did this United States Congress and other States around the country. Over 90 percent of America's children go to public education. If this Congress really wanted to fix public education, we could do that. I support the Norton amendment because it is about home rule, about the people of each jurisdiction deciding as Michigan did, as this Congress did for the country, that they did not want vouchers.

I support all forms of education, but public money for public schools. That is what our Constitution says and that is what most State Constitutions say, as well as our country. If we really wanted to help the D.C. public schools, let us help all 70,000 students. How do you pick 2,000 out and say, okay, we're going to do it for you but not for you 68,000. If we, the United States Congress, are overseers for Washington, D.C., unfortunately, why not take all 70,000? How do you pick 2,000 of what some have described as one of the worst systems? I do not know about that, either, if it is the worst system. What is worse and what is bad is that this Congress, this United States Government, does not fund public education adequately where 90 percent of America's children attend.

Education is the difference between success and failure in a person's life. The budget is \$2.2 trillion; \$800 billion of it is discretionary. If we had the commitment for these 2,000 children, just think what we could do with the 70,000 with that \$750 billion discretionary budget that we have. Do not fool ourselves. There is only one pot of money. When you take money from this end, as we are doing for the 68,000, it does not make it better. It destabilizes public education.

I am a teacher. I am a parent. I have been in institutions of higher learning. I know when children, and you all know them, are bright, wide-eyed and bushy-tailed at 3, 5 and ready to go, they can be taught. All children can be taught. Someone said earlier, some kids are not teachable. I do not believe that. I think God created all of us equal and that all children can be taught in adequate schools that have trained teachers and the technology of today. And the commitment from not

just the city, not just the State but, yes, this United States Congress should do what is right.

I want to congratulate the gentlewoman from this District. She fights very hard and in very difficult circumstances as this United States Congress does not allow her to represent her people who have spoken, irrespective of what the Mayor does, and I respect his opinion, but many people in the D.C. District and its city council and its school board have spoke loudly, they do not want vouchers. If you are going to save this District, they say save all 70,000 of us and help us in that vein.

In Michigan, we voted down vouchers. Other jurisdictions voted down vouchers. Public money for public schools. Let us teach our children. Give them the opportunity they need to succeed in this world. They do not need to be 2,000 against the 68,000. In D.C. if you are going to have a United States Congress, let us do it for all 70,000. How do you pick 2,000 out of that? I think it is despicable. I think the people of D.C. have spoken. What we must do as a United States Congress is reinforce our children and provide for them the best education that they can have wherever they go to school. In Taiwan, they spend 70 percent of their Federal budget on education. In the United States we spend less than 2 percent of our Federal dollars on education. There is something wrong with this equation. It is not the D.C. community, it is not the District that is bad, it is not that the children are not performing. It is that this country has not made the commitment yet to God's children in this country to give them the very best that we can offer.

I commend the gentlewoman from the District of Columbia. I hope this Congress will support her.

Ms. WATSON. Mr. Chairman, I move to strike the requisite number of words.

I rise in the strongest support of the Norton amendment. I have listened very closely for the last hour and a half and I have heard very few people who are in opposition to this amendment support public schools. I heard them admit to the disaster that public schools are here in Washington, D.C. We invaded Iraq and it is costing us a billion dollars a week. The White House is going to come here and ask for multibillions of dollars in just a few days. Why does this coalition that is in so much support of the vouchers here, that will only address 2,000 students out of 70,000, not ask that we put money into what you consider a broken school district? We are going to go and build up the school system in Iraq, the health care system, the infrastructure, and you will not do that for the Washington, D.C. schools, where the seat of government operates? I am appalled. And you want to cut and run.

We already know that the D.C. schools are suffering from a \$40 million budget cut and a \$100 million shortfall.

Why do you not argue and support more money to fix all the schools, because we indeed will leave all of our children behind. Two thousand students going into private education is ludicrous. If you really believe that education is the way and you have that commitment, then argue for additional dollars for the D.C. school district. The Mayor is only one person. The city council has a letter on hand that says they do not support the D.C. voucher program. And why? Because it will siphon money away.

Do not treat us like we cannot add and subtract. If we take \$10 million to put into the private sector, that is \$10 million away from the public schools. I urge my colleagues to support the gentlewoman from the District of Columbia who has worked so hard, who is the heart and the soul of this district and cannot even vote. So we must vote for her. Let us save our schools. Let us save all of our children and not cherry-pick 2,000 children for private education and send those public dollars into the private sector.

I strongly urge my colleagues to support the Norton amendment and remove the funding for vouchers in D.C. that will only shortchange our teachers, our students, and our schools. Let us improve all of the system.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been in public life 30 years. I used to strongly oppose vouchers because I believed the arguments that we have been hearing in opposition without really frankly thinking them through. And then I opposed vouchers because I did not want to lose the support of the Connecticut Education Association and the local education associations because they opposed the concept of allowing our young people to have choice. But it started to really bother me because I felt that my opposition was based more on politics than on sound educational judgment.

I really believe that it is important to give choice to parents. I really believe that you have a better public education system if you give choice to parents. I really believe that the argument that we would be taking away from the public schools does not add up. If you do not have students in a public school, you do not have the expense of having those students in a public school to have to provide an education for. And every voucher system I have seen and every choice system I have seen spends less on the student in a private setting or parochial setting than it spends if they were in the public school system. So the school systems in the public sector gain from it. They do not have to educate that student at a cost greater than the amount of money that is being given to the private or parochial school.

Another factor that impacts me is that I always hear politicians, of which I am one, and proud to be, talk about the need to make sure that we do not

have choice in public schools and a number of them send their kids to private schools. I have never quite understood this issue between rich and poor. My colleagues on the other side of the aisle sometimes say that we on the Republican side of the aisle want to focus on the wealthy and not those who do not have wealth. Yet we are giving those who do not have wealth an opportunity to do what rich folks do, but somehow then it is not allowed. I strongly oppose taking this money out. I strongly oppose the Norton amendment.

I strongly support what the gentleman from Virginia has done. I am very proud of what my chairman has done. He recognizes that in Washington, D.C. the government, the Federal Government, functions like a State functions. We have an obligation to improve the school system in Washington, D.C. We spend a fortune on schools in Washington, D.C. We give hundreds of millions of dollars to the Washington school system. We are not shortchanging the Washington school system as is implied by some. We are merely saying, why not try out \$10 million extra dollars, and they are extra dollars, they would not be in the budget unless they were for this program only, and see its impact.

I have come to the conclusion that the opponents of choice, the supporters of the Norton amendment and the opponents of the Davis amendment, fear one thing. They fear that it is going to work. They fear that their arguments against this program simply will be found to be fallacious.

I have another sense. It is such a small amount relatively, why not give it a chance? Let us say I am wrong. Let us just say others of us are wrong. But the bottom line for me is I believe in accountability, I believe in choice, I believe in contrast, I believe in having different models in play to see how they work and what works. And I would like for the poor people, those with the least amount of resources in Washington, D.C., to have some of the same choices that some of the wealthy folks in Washington, D.C. have. Oppose the Norton amendment. I support strongly the Davis amendment. I thank him for offering it.

Mr. Chairman, I rise in strong opposition to Congresswoman NORTON's amendment.

We all know too many kids in our Nation's capital are not getting the education they need and deserve. Many students in the District lack basic language and math skills. Standardized test scores remain stagnant for D.C. public schools, and the average SAT score is more than 200 points below the national average. Additionally, the National Assessment of Educational Process just released a study which showed the District's school children were ranked as the worst readers in the country.

The D.C. Choice Program would provide scholarships of up to \$7,500 to eligible students to cover the cost of tuition, fees, and transportation expenses. These scholarships are assistance to the students, and not the

schools. And because all funding for the scholarship program comes from new funds, no public, private or charter school will be drained of its funding.

It is time to give parents of these children what every parent wants—the opportunity to give their child the best education possible.

I urge my colleagues to vote against this amendment.

Mr. Chairman, I rise in strong support of Chairman DAVIS' amendment to a School Choice program in D.C.

Too many kids in our Nation's capital are not getting the education they need and deserve. There is little doubt that D.C. public schools are in serious crisis, but it is not a crisis by a lack of resources. D.C. public schools spend more per pupil than surrounding school districts in Virginia and Maryland. Clearly, alternatives to increased funding should be tested. By promoting a competitive model, all schools will be forced to improve academically, provide better quality services, and create an administrative structure that operates efficiently.

I oppose directly spending federal tax dollars on private schools. But, just as I support providing Pell Grants to college students for use at the university of their choice—public or private, including religious schools—I also support school choice programs that provide parents with similar choices for their elementary and secondary school children.

Opponents of school choice argue such a proposal could drain public schools of money and students. I think they're dead wrong, but there's a simple way for us to see. Why not establish a handful of demonstration projects that will help determine whether school choice improves our education system? If the projects are unsuccessful, we will terminate them. But if the programs are successful, they can and should be expanded.

The D.C. Choice Program would provide scholarships of up to \$7,500 to eligible students to cover the cost of tuition, fees, and transportation expenses, if any. The scholarship would be considered assistance to the students and not the schools. In order to ensure accountability, an evaluation would be conducted that would consider the impact and academic achievement attained by the program.

The goal of school choice in the District of Columbia is to be an addition, not a subtraction. We all want the District's education system to improve, and this amendment will provide what every parent wants—the opportunity to give their children the best education possible.

I urge my colleagues to support this amendment.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Norton amendment, in opposition to vouchers as is evidenced also by support of the League of United Latin American Citizens, one of the largest national Hispanic organizations in the country in opposition to vouchers.

Mr. Chairman, here we go again. School districts across our Nation are burdened with large unfunded No Child Left Behind Act mandates at the very same time when school budgets are being cut because of the weakness of the national economy. And what is the Republican plan to solve this? Vouchers.

That is right; the Republican leadership is in effect using the District of Columbia as a testing ground for a policy that they dare not test on their own constituents.

And they're doing this against the will of the majority of the city's elected officials and residents, who argue that vouchers violate home rule and siphon much-needed funding from D.C.'s public schools.

Like most of our districts, D.C. is experiencing huge cuts in its public school budgets because of the weak economy. In fact, this year the District's schools are facing a \$40 million cut. If Congress imposes vouchers on the city, an additional \$25 million in federal and local per pupil funding will be lost. That is a heavy price to pay for unwanted and unnecessary vouchers.

Mr. Chairman, I would hope that all of us here can agree that all students in the District of Columbia's public schools deserve a quality education, but voucher plans most certainly do nothing to accomplish this. Instead, voucher plans constitute just one more drain on public funds—away from the public schools where they are really needed. Even Mayor Williams conditioned his support for vouchers on providing more money for public schools, which this bill does not.

Earlier this week, I sent to my colleagues a statement by the League of United Latin American Citizens (LULAC) opposing private school vouchers and highlighting their belief that more funding for public schools is needed. As Rick Dovalina, the National President of LULAC, stated, "As it is, we don't believe current resources will be enough to meet the No Child Left Behind Act's goals."

Instead, vouchers will send these much needed funds to schools that do not have to meet the accountability standards established by the heralded and greatly under-funded No Child Left Behind Act.

As some of you may know, D.C. officials and residents already have their own options to traditional public schools, including a large number of charter schools, transformation schools, and out-of-boundary school attendance.

Mr. Chairman, we would all insist that the decision of our districts concerning our own children and schools should be respected. The decisions of the majority of elected officials and residents in the District are entitled to the same respect. I urge all my colleagues to vote against the imposition of vouchers and in support of Congresswoman NORTON's amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Norton amendment and in strong opposition to the D.C. Davis voucher amendment for education. I am not against the Davis amendment because it only affects a small number of students. I am not against it because it is supposed to be experimental. I am not against it because it was introduced by my namesake and chairman of the Committee on Government Reform, a committee on which I serve, for he is indeed an honorable man and I respect and appreciate his leadership.

However, Mr. Chairman, my father used to tell us that fool me once, shame on you; fool me twice, shame on

me. And when I hear my colleagues and others talk about the great gift that this is to the poor children and the disadvantaged children of Washington, D.C., I am reminded of my mother who used to tell us to always look a gift horse in the mouth. And when I look at this voucher gift, I see a trick. I see subterfuge. I see us backdooring our way into further destabilization of public education. I see us undermining the principle that all children should have the right and the opportunity to get a good common school education. And since there is so much wrong with public education, since there is so much wrong with public schools, let us fix it and let us fix them.

Instead of trying to voucherize our way out of failing situations, why do we not fix the schools that we have got? Why do we not fix old, dilapidated and crumbling schools? Why do we not pay teachers an adequate and decent salary? Why not adequately prepare teachers so that they can really know how to teach? Why not put adequate materials in classrooms? Why not provide equal funding for all of our public schools so that every child will have an optimal opportunity to learn, to develop, to achieve, and to excel?

Yes, Mr. Chairman, fool me once, shame on you. Fool me twice, shame on me. I am afraid that this amendment will become part of a sinister plot to undermine public education. This is part of a message to those who want to isolate children and take us back to the dark days of segregation and unequal opportunity. This amendment is like manna to those who want to disorganize teachers and bust unions.

□ 1230

Yes, it is D.C. today. It is Chicago tomorrow; St. Louis, New Orleans, Los Angeles next week. Then it is all over America. And so Mr. Chairman, the message of this amendment goes far beyond Washington, D.C. and it is not good for America. I urge that we take into consideration the needs of all the children, and if we are serious about the children of Washington, D.C., then we should be serious about the children all over America and adequately fund public education so that every child has his and her opportunity to achieve.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to oppose the voucher provisions that poison this D.C. Appropriations bill and to support the Norton amendment. If we pass this bill without the Norton amendment, we will be approving vouchers at the Federal level. We will be paving the way for the demise of our public education system, and we will be hampering our students' ability to succeed.

In short, we will undermine what is really one of the fundamental pillars of American democracy, a top-quality free public education that is a fundamental right for all American children. Privatizing public education is not the American way and you know it. It is

wrong to be redistributing Federal money to private schools when public schools are facing teacher shortages, record-high student enrollments and dealing with subpar facilities and infrastructure. And yes, we must help rebuild schools in Iraq, but we must also invest in our own public schools in our own country.

This bill will also compromise the civil rights of our students. Even though vouchers would provide public money, private schools are not bound by civil rights provisions that govern our schools. Private schools can discriminate in admissions and employment on the basis of religion. Moreover, if we do give this money away, we lose the ability to account for the spending of that money. If voucher schools do not adopt academic standards, provide highly qualified teachers, or administer the assessments required of public schools, we have no recourse under this proposal.

Perhaps this explains why there has been so little success with voucher programs. Every serious study of voucher programs has found that vouchers do not improve student achievement. Objective studies funded by the Wisconsin and Ohio legislatures have found that voucher students perform no better than comparable students in other public schools.

The bottom line is that for every dollar we put into vouchers, we will be draining, draining, our public schools of the very life blood that makes it possible for us to have schools at the highest possible level, schools that educate all young Americans. And we will be putting lots of dollars, \$10 million for the District, and that is just a start. If we ever went to a national voucher program, of course, which this sets the stage for, one estimate claims that it could cost about \$73 billion. And that is just wrong. Instead of diverting money to private and religious schools, we must demonstrate a stronger commitment to safer schools, smaller classrooms, higher standards, technology and more accountability of all. That will benefit the public school system and it will not bankrupt it. We must put resources into our low-achieving schools so that they become high-performing schools. So I urge the Members to vote for the Norton amendment, and I thank her for her leadership. And I urge the Members to vote against the bill if it retains, however, the voucher provision which jeopardizes the future of public education.

This bill, with the voucher provision, really could be the beginning of the end of public education not only in the District of Columbia but in our entire country.

Again, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for bringing this forward, and I urge support of her amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentlewoman from the District of Columbia and in opposition to the imposi-

tion of vouchers on the people of the District of Columbia.

The facts are my colleagues, according to the National Coalition for Public Education, that vouchers are neither needed nor wanted in the District of Columbia. The majority of D.C. elected officials has written to Congress opposing vouchers. It is only that three officials abruptly changed their anti-voucher position without any public debate and now supports vouchers but they clearly don't speak for the majority of District citizens on the issue.

Vouchers as a means of improving public education in fact does the opposite. They send public funds to private schools while doing nothing to improve public schools, where the majority of DC students are enrolled. Additionally, programs to improve student achievement in the District have been implemented and are working and should be expanded. Meanwhile, the academic achievement of African American students who used privately funded vouchers to attend private schools in the District was no different than that of students who remained in public school, according to the GAO.

The amendment of the gentlelady from the District of Columbia would remove the \$10 million in funding for D.C. vouchers that would be sought to be authorized via a separate amendment. I urge my colleagues to support the gentlelady's amendment.

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of the amendment offered by my colleague and friend from the District of Columbia, Mrs. ELEANOR HOLMES NORTON. We must strike the voucher provisions from the D.C. Appropriations bill.

This body has held a number of votes on vouchers on a national level. We have rejected them every time because we know that vouchers for private schools for a few children will not fulfill our responsibility to provide a quality education for all children. This bill will only allow 2 percent of the children in the District to take advantage of the program. The other 98 percent will remain in the public school system, which will not be held harmless in funding if enrollments drop.

In this bill we are not really even helping a few children. The money available per student is far short of the average cost of private school tuition in the District of Columbia. That means the families who can already afford to send their children to private school will do so, but low-income children will be forced to remain in inadequately funded public schools.

In addition, private schools have no obligation to accept special needs or minority students, nor are they required to follow the guidelines of the No Child Left Behind Act or the Individuals With Disabilities Act.

It is the height of arrogance that this body would seek to impose on the District of Columbia something that we have rejected for the rest of the nation.

I urge my colleagues to reject any attempt to privatize public education in the District of Columbia.

The CHAIRMAN. Does any other Member wish to be heard on this amendment?

If not, the question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from the District of Columbia (Ms. NORTON) will be postponed.

Mr. FATTAH. Mr. Chairman, I was going to offer an amendment, but I decided due to the lack of time not to offer it at this time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

TITLE II—DISTRICT OF COLUMBIA
FUNDS
OPERATING EXPENSES
DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a) and section 117 of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2004 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$6,326,138,000 (of which \$3,832,734,000 shall be from local funds, \$1,568,734,000 shall be from Federal grant funds, \$910,904,000 shall be from other funds, and \$13,766,000 shall be from private funds), in addition, \$59,800,000 from funds previously appropriated in this Act as Federal payments: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2004, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$284,415,000 (including \$206,825,000 from local funds, \$57,440,000 from Federal grant funds, and \$20,150,000 from other funds), in addition, \$10,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Chief Financial Officer of the District of Columbia": *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, \$2,500 for the City Administrator, and \$2,500 for the Office of the Chief Financial Officer shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of

funding for Admission to Statehood from its own locally generated revenues: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That not to exceed \$25,000, to remain available until expended, of the funds in the District of Columbia Antitrust Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Official Code, sec. 2-308.20) is hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia in accordance with the laws establishing this fund.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$276,647,000 (including \$53,336,000 from local funds, \$91,077,000 from Federal grant funds, \$132,109,000 from other funds, and \$125,000 from private funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26; D.C. Official Code, sec. 2-1215.15 et seq.): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, \$745,958,000 (including \$716,715,000 from local funds, \$10,290,000 from Federal grant funds, \$18,944,000 from other funds, and \$9,000 from private funds), in addition, \$1,300,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Criminal Justice Coordinating Council": *Provided*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

Public education system, including the development of national defense education programs, \$1,157,841,000 (including \$962,941,000 from local funds, \$156,708,000 from Federal grant funds, \$27,074,000 from other funds, \$4,302,000 from private funds, and not to exceed \$6,816,000, to remain available until expended, from the Medicaid and Special Education Reform Fund established pursuant to

the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Law 14-190; D.C. Official Code 4-204.51 et seq.)), in addition, \$17,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support" and \$4,500,000 from funds previously appropriated in this Act under the heading "Federal Payment for Public School Facilities", to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—\$870,135,000 (including \$738,444,000 from local funds, \$114,749,000 from Federal grant funds, \$6,527,000 from other funds, \$3,599,000 from private funds, and not to exceed \$6,816,000, to remain available until expended, from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Law 14-190; D.C. Official Code 4-204.51 et seq.)), in addition, \$4,500,000 from funds previously appropriated in this Act under the heading "Federal Payment for Public School Facilities" shall be available for District of Columbia Public Schools: *Provided*, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year 2004 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia that are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2004, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2005: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia Public Schools shall submit to the Board of Education by January 1 and July 1 of each year a Schedule A showing all the current funded positions of the District of Columbia Public Schools, their compensation levels, and indicating whether the positions are encumbered: *Provided further*, That the Board of Education shall approve or disapprove each Schedule A within 30 days of its submission and provide the Council of the District of Columbia a copy of the Schedule A upon its approval.

(2) STATE EDUCATION OFFICE.—\$38,752,000 (including \$9,959,000 from local funds, \$28,617,000 from Federal grant funds, and \$176,000 from other funds), in addition, \$17,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support" shall be available for the State Education Office: *Provided*, That of the amounts provided to the State Education Office, \$500,000 from local funds shall remain available until June 30, 2005 for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

(3) DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS.—\$137,531,000 from local funds shall be available for District of Columbia public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available as follows: (1) the first \$3,000,000 shall be deposited in the Credit Enhancement Revolving Fund established pursuant to section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009; 20 U.S.C. 1155(e)); and (2) the balance shall be for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38-1804.03(b)(2)): *Provided further*, That of the amounts made available to District of Columbia public charter schools, \$25,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(6) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38-1804.03(b)(6)): *Provided further*, That \$660,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2004, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2005.

(4) UNIVERSITY OF THE DISTRICT OF COLUMBIA.—\$80,660,000 (including \$48,656,000 from local funds, \$11,867,000 from Federal grant funds, \$19,434,000 from other funds, and \$703,000 from private funds) shall be available for the University of the District of Columbia: *Provided*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2004, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2004, an amount equal to 10 percent of the total amount provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2005: *Provided further*, That not to exceed \$2,500 for the President of the University of the District of Columbia shall be available from this appropriation for official purposes.

(5) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—\$28,287,000 (including \$26,750,000 from local funds, \$1,000,000 from Federal grant funds, and \$537,000 from other funds) shall be available for the District of Columbia Public

Libraries: *Provided*, That not to exceed \$2,000 for the Public Librarian shall be available from this appropriation for official purposes.

(6) COMMISSION ON THE ARTS AND HUMANITIES.—\$2,476,000 (including \$1,601,000 from local funds, \$475,000 from Federal grant funds, and \$400,000 from other funds) shall be available for the Commission on the Arts and Humanities.

HUMAN SUPPORT SERVICES (INCLUDING TRANSFER OF FUNDS)

Human support services, \$2,360,067,000 (including \$1,030,223,000 from local funds, \$1,247,945,000 from Federal grant funds, \$24,330,000 from other funds, \$9,330,000 from private funds, and \$48,239,000, to remain available until expended, from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Act 14-403)): *Provided*, That the funds available from the Medicaid and Special Education Reform Fund are allocated as follows: not more than \$18,744,000 for Child and Family Services, not more than \$7,795,000 for the Department of Human Services, and not more than \$21,700,000 for the Department of Mental Health: *Provided further*, That \$27,959,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That \$7,500,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3004) and used exclusively for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3003): *Provided further*, That no less than \$2,000,000 of this appropriation shall be available exclusively for the purpose of funding the pilot substance abuse program for youth ages 14 through 21 years established pursuant to section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001 (D.C. Law 14-28; D.C. Official Code, sec. 7-3101): *Provided further*, That \$4,500,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund established pursuant to section 201 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4-101; D.C. Official Code, sec. 4-202.01), to be used exclusively for the Interim Disability Assistance program and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 13-252; D.C. Official Code, sec. 4-204.07): *Provided further*, That not less than \$640,531 of this appropriation shall be available exclusively for the purpose of funding the Burial Assistance Program established by section 1802 of the Burial Assistance Program Reestablishment Act of 1999 (D.C. Law 13-38; D.C. Official Code, sec. 4-1001).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$327,046,000 (including \$308,028,000 from local funds, \$5,274,000 from Federal grant funds, and \$13,744,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

CASH RESERVE

For the cumulative cash reserve established pursuant to section 202(j)(2) of the District of Columbia Financial Responsibility

and Management Assistance Act of 1995 (D.C. Official Code, sec. 47-392.02(j)(2)), \$50,000,000 from local funds.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a), such amounts from local funds as are necessary to meet the balance requirements for such funds under such section.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (D.C. Official Code, secs. 1-204.62, 1-204.75, and 1-204.90), \$311,504,000 from local funds: *Provided*, That for equipment leases, the Mayor may finance \$14,300,000 of equipment cost, plus cost of issuance not to exceed two percent of the par amount being financed on a lease purchase basis with a maturity not to exceed five years.

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$3,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, \$4,911,000 from local funds.

SETTLEMENTS AND JUDGMENTS

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, \$22,522,000 from local funds: *Provided*, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

WILSON BUILDING

For expenses associated with the John A. Wilson building, \$3,704,000 from local funds.

WORKFORCE INVESTMENTS

For workforce investments, \$22,308,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, \$19,639,000 (including \$11,455,000 from local funds and \$8,184,000 from other funds): *Provided*, That anticipated employee health insurance cost increases and contract security costs, \$5,799,000 from local funds.

PAY-AS-YOU-GO CAPITAL

For Pay-As-You-Go Capital funds in lieu of capital financing, \$11,267,000 from local funds, to be transferred to the Capital Fund, subject to the Criteria for Spending Pay-as-You-Go Funding Amendment Act of 2003, approved by the Council of the District of Columbia on 1st reading, May 6, 2003 (title 25 of Bill 15-218): *Provided*, That pursuant to this Act, there are authorized to be transferred from Pay-As-You-Go Capital funds to other headings of this Act, such sums as may be necessary to carry out the purposes of this Act.

TAX INCREMENT FINANCING PROGRAM

For a Tax Increment Financing Program, \$1,940,000 from local funds.

MEDICAID DISALLOWANCE

For making refunds associated with disallowed Medicaid funding, an amount not to

exceed \$57,000,000 in local funds, to remain available until expended: *Provided*, That funds are derived from a transfer from the funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's Grants Disallowance balance.

EMERGENCY PLANNING AND SECURITY COSTS

From funds previously appropriated in this Act under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia", \$15,000,000.

FAMILY LITERACY

From funds previously appropriated in this Act under the heading "Federal Payment for the Family Literacy Program", \$2,000,000.

SCHOLARSHIP PROGRAM

From funds previously appropriated in this Act under the heading "Federal Payment for a District of Columbia Scholarship Program", \$10,000,000.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, \$259,095,000 from other funds, of which \$18,692,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects and payable to the District's debt service fund.

For construction projects, \$199,807,000, to be distributed as follows: \$99,449,000 for the Blue Plains Wastewater Treatment Plant, \$16,739,000 for the sewer program, \$42,047,000 for the combined sewer program, \$5,993,000 for the stormwater program, \$24,431,000 for the water program, and \$11,148,000 for the capital equipment program; in addition, \$35,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to the District of Columbia Water and Sewer Authority": *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, \$55,553,000 from other funds.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, \$3,501,000 from other funds.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 et seq. and sec. 22-1716 et seq.), \$242,755,000 from other funds: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$13,979,000 from local funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979 (D.C. Official Code, sec. 1-711), \$13,895,000 from the earnings of the applica-

ble retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$69,742,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, \$7,849,000 from other funds.

CAPITAL OUTLAY (INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,004,796,000, of which \$601,708,000 shall be from local funds, \$46,014,000 from Highway Trust funds, \$38,311,000 from the Rights-of-way funds, \$218,880,000 from Federal grant funds, and a rescission of \$99,884,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$904,913,000, to remain available until expended; in addition, \$8,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Capital Development in the District of Columbia" and \$4,300,000 from funds previously appropriated in this Act under the heading "Federal Payment for the Anacostia Waterfront Initiative": *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended.

TITLE III—GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for a particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Official Code, sec. 47-1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 107. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter other than—

(1) the promotion or support of any boycott; or

(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 108. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center;

unless the Committee on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the reprogramming.

(b) None the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed four percent of the local funds in the appropriations.

SEC. 109. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 110. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-2041.22(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 111. No later than 30 days after the end of the first quarter of fiscal year 2004, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2004 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2005. The officially revised estimates at midyear shall be used for the mid-year report.

SEC. 112. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Official Code, sec. 2-303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 113. (a) In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 114. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 115. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 116. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, sec. 32-701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 117. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 118. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Colum-

bia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2004, an inventory, as of September 30, 2003, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 119. No officer or employee of the District of Columbia government (including any independent agency of the District of Columbia, but excluding the Office of the Chief Technology Officer, the Office of the Chief Financial Officer of the District of Columbia, and the Metropolitan Police Department) may enter into an agreement in excess of \$2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 120. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2004 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2-302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 121. (a) None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 122. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such

program separately from any funds contained in this Act.

SEC. 123. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted. The Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by the 10th day after the end of each quarter a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 124. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 125. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 126. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 127. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2003 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 128. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93-030-(PA) and 93-031-(PA).

SEC. 129. None of the Federal funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 130. During fiscal year 2004 and any subsequent fiscal year, in addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may use local funds to pay the settlement or judgment of a claim or lawsuit in an amount less than \$10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000 (D.C. Law 13-172; D.C. Official Code, sec. 2-402).

SEC. 131. Notwithstanding any other law, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50-2201.05(b)(1) and (2)). The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50-2201.05(b)(3)).

SEC. 132. During fiscal year 2004 and any subsequent fiscal year, any agency of the District government may transfer to the Office of Labor Relations and Collective Bargaining (OLRCB) such local funds as may be necessary to pay for representation by OLRCB in third-party cases, grievances, and dispute resolution, pursuant to an intra-District agreement with OLRCB. These amounts shall be available for use by OLRCB to reimburse the cost of providing the representation.

SEC. 133. (a) None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of \$4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

(b)(1) The District of Columbia Public Schools shall increase the amount of local funds it allocates for services to children

under the Individuals With Disabilities Education Act during fiscal year 2004 by the amount of savings resulting during the year from the restrictions on the payment of attorney fees under subsection (a), as estimated and published by the Chief Financial Officer.

(2) The Chief Financial Officer shall make estimates of the savings described in paragraph (1) on a quarterly basis during fiscal year 2004, and shall publish the estimates not later than 10 days after the end of each quarter.

SEC. 134. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: *Provided*, That as part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification: *Provided further*, That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: *Provided further*, That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 135. None of the funds contained in this Act may be used to fund or otherwise support the action of District of Columbia, et al., v. Beretta U.S.A. et al. (Nos. 03-CV-24, 03-CV-38, District of Columbia Court of Appeals).

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 52, line 12 be considered as read, printed in the RECORD and opened to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 119 regarding sole source contracts on the grounds that this section changes existing law in violation of clause 2(b) of House rule XXI and is, therefore, legislation included in a general appropriation bill.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. FRELINGHUYSEN. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the provision is stricken from the bill.

Are there any amendments?

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

Page 52, insert after line 12 the following:

TITLE IV—DC PARENTAL CHOICE

SEC. 401. SHORT TITLE.

This title may be cited as the "DC Parental Choice Incentive Act of 2003".

SEC. 402. FINDINGS.

The Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, public school choice provided for under the No Child Left Behind Act of 2001 is inadequate due to capacity constraints within the public schools. Therefore, in keeping with the spirit of the No Child Left Behind Act of 2001, school choice options, in addition to those already available to parents in the District of Columbia (such as magnet and charter schools and open enrollment schools) should be made available to those parents.

(3) In the most recent mathematics assessment on the National Assessment of Educational Progress (NAEP), administered in 2000, a lower percentage of 4th-grade students in DC demonstrated proficiency than was the case for any State. Seventy-six percent of DC fourth-graders scored at the "below basic" level and of the 8th-grade students in the District of Columbia, only 6 percent of the students tested at the proficient or advanced levels, and 77 percent were below basic. In the most recent NAEP reading assessment, in 1998, only 10 percent of DC fourth-graders could read proficiently, while 72 percent were below basic. At the 8th-grade level, 12 percent were proficient or advanced and 56 percent were below basic.

(4) A program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional under *Zelman v. Simmons-Harris* if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to schools solely as a result of their independent private choices.

SEC. 403. PURPOSE.

The purpose of this title is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in higher-performing schools in the District of Columbia.

SEC. 404. GENERAL AUTHORITY.

(a) **AUTHORITY.**—From funds appropriated to carry out this title, the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 405 to carry out activities to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this title.

(b) **DURATION OF GRANTS.**—The Secretary may make grants under this section for a period of not more than 5 years.

SEC. 405. APPLICATIONS.

(a) **IN GENERAL.**—In order to receive a grant under this title, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accom-

panied by such information as the Secretary may require.

(b) **CONTENTS.**—The Secretary may not approve the request of an eligible entity for a grant under this title unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 406;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 406;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 407(a);

(F) how the entity will determine the amount that will be provided to parents for the tuition, fees, and transportation expenses, if any;

(G) how the entity will seek out private elementary and secondary schools in the District of Columbia to participate in the program, and will ensure that participating schools will meet the applicable requirements of this title and provide the information needed for the entity to meet the reporting requirements of this title;

(H) how the entity will ensure that participating schools are financially responsible;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 409.

SEC. 406. PRIORITIES.

In awarding grants under this title, the Secretary shall give priority to applications from eligible entities who will most effectively—

(1) give priority to eligible students who, in the school year preceding the school year for which the eligible student is seeking a scholarship, attended an elementary or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(2) target resources to students and families that lack the financial resources to take advantage of available educational options;

(3) provide students and families with the widest range of educational options; and

(4) serve students of varying ages and grade levels.

SEC. 407. USE OF FUNDS.

(a) **SCHOLARSHIPS.**—

(1) **IN GENERAL.**—Subject to paragraph (2) and (3), a grantee shall use the grant funds to provide eligible students with scholarships to pay the tuition, fees, and transportation expenses, if any, to enable them to attend the District of Columbia private elementary or secondary school of their choice. Each grantee shall ensure that the amount of any tuition or fees charged by a school participating in the grantee's program under this title to an eligible student participating in

the program does not exceed the amount of tuition or fees that the school customarily charges to students who do not participate in the program.

(2) **PAYMENTS TO PARENTS.**—A grantee shall make scholarship payments under the program under this title to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this title.

(3) **AMOUNT OF ASSISTANCE.**—

(A) **VARYING AMOUNTS PERMITTED.**—Subject to the other requirements of this section, a grantee may award scholarships in larger amounts to those eligible students with the greatest need.

(B) **ANNUAL LIMIT ON AMOUNT.**—The amount of assistance provided to any eligible student by a grantee under a program under this title may not exceed \$7,500 for any academic year.

(b) **ADMINISTRATIVE EXPENSES.**—A grantee may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under this title during the year, including—

(1) determining the eligibility of students to participate;

(2) providing information about the program and the schools involved to parents of eligible students;

(3) selecting students to receive scholarships;

(4) determining the amount of scholarships and issuing them to eligible students;

(5) compiling and maintaining financial and programmatic records; and

(6) providing funds to assist parents in meeting expenses that might otherwise preclude the participation of their child in the program.

SEC. 408. NONDISCRIMINATION.

(a) **IN GENERAL.**—A school participating in any program under this title shall not discriminate on the basis of race, color, national origin, or sex in participating in the program.

(b) **APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.**—

(1) **APPLICABILITY.**—Notwithstanding subsection (a) or any other provision of law, it shall not be considered discrimination on the basis of sex for a school that is operated by, supervised by, controlled by, or connected to a religious organization to take sex into account to the extent that failing to do so would be inconsistent with the religious tenets or beliefs of the school.

(2) **SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.**—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single-sex school, class, or activity.

(3) **CONSTRUCTION.**—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to require any person or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or services related to a legal abortion.

(c) **CHILDREN WITH DISABILITIES.**—Nothing in this title may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act.

(d) **RELIGIOUSLY AFFILIATED SCHOOLS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a school participating

in any program under this title which is operated by, supervised by, controlled by, or connected to, a religious organization may employ persons of the same religion to the extent determined by that school to promote the religious purpose for which the school is established or maintained.

(2) **RELIGIOUS PURPOSES.**—Notwithstanding any other provision of law, funds made available under this title may be used for religious educational purposes, and no participating school shall be required to remove religious art, icons, scriptures, or other symbols. A participating school may retain religious terms in its name, select its board members on a religious basis, and include religious references in its mission statements and other chartering or governing documents.

(e) **RULE OF CONSTRUCTION.**—A scholarship (or any other form of support provided to parents of eligible students) under this title shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any scholarship (or other form of support provided to parents of an eligible student) under this title shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 409. EVALUATIONS.

(1) **IN GENERAL.**—

(A) **DUTIES OF SECRETARY.**—The Secretary shall—

(A) conduct an evaluation using the strongest possible research design for determining the effectiveness of the programs funded under this title that addresses the issues described in paragraph (2); and

(B) disseminate information on the impact of the programs in increasing the student academic achievement of participating students, as well as other appropriate measures of student success, and on the impact of the programs on students and schools in the District of Columbia.

(2) **ISSUES TO BE EVALUATED.**—The issues described in this paragraph include the following:

(A) A comparison of the academic achievement of students who participate in the programs funded under this title with the academic achievement of students of similar backgrounds who do not participate in such programs.

(B) The success of the programs in expanding choice options for parents.

(C) The reasons parents choose for their children to participate in the programs.

(D) A comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students who participate in the programs funded under this title with the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such programs.

(E) The impact of the program on students and public elementary and secondary schools in the District of Columbia.

(F) A comparison of the safety of the schools attended by students who participate in the programs and the schools attended by students who do not participate in the programs.

(G) Such other issues as the Secretary considers appropriate for inclusion in the evaluation.

(b) **REPORTS.**—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate—

(1) annual interim reports not later than December 1 of each year for which a grant is made under this title on the progress and preliminary results of the evaluation of the programs funded under this title; and

(2) a final report not later than 1 year after the final year for which a grant is made under this title on the results of the evaluation of the programs funded under this title.

(c) **PUBLIC AVAILABILITY.**—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) **LIMIT ON AMOUNT EXPENDED.**—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 3 percent of the total amount appropriated to carry out this title for the fiscal year.

SEC. 410. REPORTING REQUIREMENTS.

(a) **ACTIVITIES REPORTS.**—Each grantee receiving funds under this title during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) **ACHIEVEMENT REPORTS.**—

(1) **IN GENERAL.**—In addition to the reports required under subsection (a), each grantee shall, not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit a report to the Secretary regarding the data collected in the previous 2 academic years concerning—

(A) the academic achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) **PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.**—No report under this subsection may contain any personally identifiable information.

(c) **REPORTS TO PARENT.**—

(1) **IN GENERAL.**—Each grantee shall ensure that each school participating in the grantee's program under this title during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate; and

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions.

(2) **PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.**—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) **REPORT TO CONGRESS.**—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate an annual report on the findings of the reports submitted under subsections (a) and (b).

SEC. 411. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) **ADMISSION OF ELIGIBLE STUDENTS.**—Each school choosing to participate in a pro-

gram funded under this title shall accept any participating eligible student on a religious-neutral basis, except that if the school has more participating eligible students seeking admission than it can accommodate, the school shall accept participating eligible students through a religious-neutral, random selection process, consistent with section 405(b)(1)(C).

(b) **REQUESTS FOR DATA AND INFORMATION.**—Each school participating in a program funded under this title shall comply with all requests for data and information regarding evaluations conducted under section 409(a).

(c) **RULES OF CONDUCT AND OTHER SCHOOL POLICIES.**—Subject to section 408, a participating school may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

SEC. 412. DEFINITIONS.

As used in this title:

(1) **ELEMENTARY SCHOOL.**—The term "elementary school" has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **ELIGIBLE ENTITY.**—The term "eligible entity" means any of the following:

(A) An educational entity of the District of Columbia Government.

(B) A nonprofit organization.

(C) A consortium of nonprofit organizations.

(3) **ELIGIBLE STUDENT.**—The term "eligible student" means a student who is a resident of the District of Columbia and who comes from a household whose income does not exceed 185 percent of the poverty line applicable to a family of the size involved.

(4) **PARENT.**—The term "parent" has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) **POVERTY LINE.**—The term "poverty line" has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) **SECONDARY SCHOOL.**—The term "secondary school" has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

SEC. 413. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title \$10,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.

The CHAIRMAN. Pursuant to the order of the House of Friday, July 25, 2003, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I am offering this amendment with the gentleman from New Jersey (Chairman FRELINGHUYSEN) and the gentleman from Ohio (Chairman BOEHNER). This creates an historic opportunity for families and students of the District of Columbia. This amendment can make a huge difference in the lives of thousands of low-income children from nonperforming schools in the District. It represents a shot at a better education and, of course in turn, a better life.

The condition of the D.C. public schools, I think, is clearly documented. We have talked about this earlier today in the debate. It has concerned me since the first day I came to Congress as chairman of the District of Columbia Subcommittee. And while we have made strides in so many areas of the city since that time and some in education, the quality of educational opportunities should continue to worry all of us.

One thing is clear, I think both sides agree to this: Too many children in our Nation's capital are not getting the education that they need and that they deserve. Lower-income families concerned about the quality of safety of their children in the D.C. public schools should not have to resign themselves to sending their kids to underperforming schools where students are not adequately motivated to perform.

Over the past decade, Congress has spent considerable time and resources working with the District to reform its education system, but the ability of D.C. schools to meet key performance goals has long been plagued by financial mismanagement and a host of other problems, which means just throwing money at this problem alone is not going to solve it. Despite concerned efforts by local officials to improve the public school system, and there has been some progress, we are not getting the kind of progress in improving academic performance that ought to be available to these kids.

I have traditionally opposed Federal dollars going to private schools because I think Federal dollars ought to be targeted to the public schools. Of course, in this case, we give the dollars directly to the parents who make those choices. But for the District, which does not have a State government to rely on, as we take a look at other voucher programs around the country, cities work in concert with States. The District does not have a State. So I think we have an obligation here to answer the calls from the mayor, the chairman of the school board and the Washington Post and other advocates for D.C. children, and we have to ask this question: Would not more choices funded by new Federal dollars provide a needed alternative for low-income children attending low-performing schools?

Our committee heard testimony on this before we gave authorization authority. The mayor was asked, specifically, if he had this money for vouchers, if he could use it for something else, would he not rather use it for the public school system? He said no. He said we need this alternative as well.

It stands on its own and this is additional money that would not be available to the District of Columbia public schools were it not for this amendment. I have received calls from parents who are frustrated, angry, and distraught by their children's school situation. These parents have attended our

hearings. They have danced and wept when our committee approved school choice legislation. But I think it is time to do more than just sympathize. This is a moral imperative.

The school choice debate should not be about politics or interest groups. We should have an honest appraisal of the state of affairs in our public schools and about offering an alternative for students and parents, and what is being proposed is not a mandate. It is a choice. The goal of school choice for the city is addition, not subtraction. We all want the city's education system to improve, and I hope that this is a short-term effort to do something about it. The fact is the monopoly of the D.C. public school system is harming kids, not helping them. It is time to shake up that monopoly.

This amendment expands educational opportunity to city students in underperforming elementary and secondary schools, underperforming schools. Other schools, kids do not get the aid. The choice program would be established through a competitive process, administered by the Department of Education, to ensure that the public or private entity that administers the initiative would be dedicated and capable of carrying out a top-notch program.

And there are reporting requirements, many to be written later by the Department of Education, but the legislation here, I think, has criteria that it sets out that need to be met in terms of going on to college, performance levels, tests, and the like. It would provide scholarships of up to \$7,500 to eligible students to cover the cost of tuition fees and transportation expenses. It would be considered assistance to the students, not the schools. In order to assure accountability, an evaluation is conducted that would consider the impact in academic achievement attained by the program.

This legislation is a result of a lot of negotiation and consultation with city officials, elected city officials, with the administration and committees with key jurisdiction in Congress. For the first time ever, the mayor, the elected Democratic mayor of the District of Columbia, has come to the conclusion that "... if done effectively, this program would provide even more choices for primarily low-income families who currently do not have the same freedom of choice enjoyed by their affluent counterparts."

Enhancing educational quality in the city is a critical component of maintaining the positive momentum we have seen in recent years under the stewardship of Mayor Williams and the Council. It is our duty to provide resources so that the kids can have a brighter future. This is not a panacea, but it is a significant step in the right direction and, hopefully, one that will not be needed indefinitely.

I urge my colleagues to support this amendment. I say to my friends on the other side that we are going to disagree about this, but I think we want the

same thing for all these kids, eventually. We will be working together on a number of other issues, but it is my considered judgment, having given a lot of time and thought to this, that this is probably the best thing we can offer, and I urge my colleagues to support it.

Mr. FATTAH. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, just a factual question, on page 9, the language at the bottom where it refers to religiously affiliated schools, is my reading of this to say that this bill would allow for religiously oriented schools to utilize these scholarships that are being provided?

Mr. TOM DAVIS of Virginia. Yes, that is correct.

Mr. FATTAH. Mr. Chairman, is there some list of which religiously affiliated schools would be eligible?

Mr. TOM DAVIS of Virginia. Mr. Chairman, they have to be accredited. They have to meet D.C. standards, number one.

Mr. FATTAH. Mr. Chairman, that is my question. I would not understand that there are any accrediting procedures for religious schools now in the District. And if there are, I would be interested in knowing that.

Mr. TOM DAVIS of Virginia. Mr. Chairman, the U.S. Department of Education would carry the list, it is my understanding.

Mr. FATTAH. Mr. Chairman, so it is the gentleman's intention that there would be created, because there is none now, lists of what would be approved, accredited religious schools?

Mr. TOM DAVIS of Virginia. Mr. Chairman, that is correct. And regardless of how this comes out, I hope we would work with the gentleman.

Mr. FATTAH. Mr. Chairman, I am not trying to be argumentative.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I think the gentleman raised the point of what happened in Florida, and we do not want that to happen. I think that is very clear.

Mr. FATTAH. Well, as I would understand the facts at the moment, that is why I am asking, there is no accrediting process for religiously-affiliated schools K to 12 in the District today, and there is none that is created by your language?

Mr. TOM DAVIS of Virginia. Mr. Chairman, my understanding is that the Department of Education will carry the accredited list at this point, in terms of eligible schools. Not just any school willy-nilly is eligible.

Mr. FATTAH. So the gentleman understands that there is a list or that somewhere in this language it gives the Department authority to create such a list?

Mr. TOM DAVIS of Virginia. Correct. That is my understanding.

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Mr. TOM DAVIS of Virginia. That is my understanding.

Mr. FATTAH. Which one is it, the former or the latter?

Mr. TOM DAVIS of Virginia. The Secretary of Education is the one I think that would set that standard.

Mr. FATTAH. So are there certain religious affiliations that would be acceptable and others that would not?

Mr. TOM DAVIS of Virginia. To my understanding, it is not a discrimination based on that, but they would have to meet certain academic performance standards. This was drafted, of course, looking at the court cases in line to make sure this met the requirements.

Mr. Chairman, I am happy to answer the gentleman's question, but let me stop at this time and make sure we can get our advocates up, and maybe we can further this discussion if time permits.

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

Ms. NORTON. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentlewoman from the District of Columbia is recognized for 20 minutes.

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

Mr. Chairman, the gentleman from Virginia is not only a good personal friend, he is a good professional friend, and he has always been a good friend of the District. More often than not we are on this floor arguing on the same side, fighting for what the majority in the District wants, including the majority of the members of the council and the majority of the elected members of the school board. This happens to be an exception, but we are going to keep on working together because we are so close.

It is ironic, I must say to my good friend though, that he has got a legislative rider on here. He made two points of order today. He is regularly on the floor opposing Committee on Government Reform riders, but he has taken this bill to the Committee on Rules in order to allow himself to put a rider on this bill. This bill legislates on an appropriations bill.

But I really want to use my time not to rehash the arguments we have heard, but to make some corrections based on what I have heard.

My good friend from Virginia earlier said during the debate that the District spent more than Arlington and Fairfax, and some others have gotten up to say that we spend more than any other State. I keep hearing that. It keeps being said. It is false.

I want to read from an official schools document: "Despite differences in student needs, even with Federal funds included, the D.C. public schools spend less per pupil than Arlington or Alexandria, and not much more than Montgomery or Fairfax."

Remember, Montgomery and Fairfax spend a whole lot of money on children that are not at all disadvantaged, and huge numbers of mine are severely disadvantaged.

The gentlewoman from Pennsylvania said that our schools would actually be better off without these 2,000 children. Actually, we will lose \$25 million in combined Federal and local per-pupil funding because schools are funded on a per-pupil basis, and that is in addition to the \$40 million that the schools are already being cut this year.

It certainly is not true that we are saying to our children, and I would certainly never say it, Hey, wait until the schools are fixed. Indeed, we applaud the options that are available to our public schools; the largest number of charter schools in the country, the transformation schools, which have seen a breakthrough in test scores that no public or private school has ever done for our most needy children, our out-of-boundary possibilities for our children.

I applaud especially the work of the Washington Scholarship Fund. That is for now. The Washington Scholarship Fund, which with private money as I speak is doing exactly what this bill will do, but probably will not do it if this bill passes, because Federal money will replace their private money that they have been using, much to their credit, to send our children to local private schools.

We want our own choices. That is all we are asking. You take your choices, the ones you have in your districts. Leave us to our own choices. Do not accuse us of giving no choices to our children.

The most important thing I could say at this time, though, would be to correct the notion that the so-called three-sector approach, which developed only after there was great criticism of vouchers in the District of Columbia, somehow amounts to an equivalence of funding for the charter and public schools with vouchers.

Please hear me on this: this Davis bill has 5 years of authorization for vouchers. What happens for the public and charter schools is this year, on a one-time-only appropriation, we throw some money at the public schools in order to ease the way for vouchers.

I was able to get money for our charter schools, a great deal more than this last year, without having to pay a price in vouchers. Next year I guess we will have to come begging at the table because, unlike the voucher money, the gentleman from Virginia (Mr. TOM DAVIS) had the opportunity to add public schools in a bill I offered in committee that would have put us on the same footing, but we are not on the same footing. We have got 5 years of vouchers, one-time-only money for the public schools, in this appropriation. That is the most problematic money the Congress ever has to offer.

We have been demonizing the public schools of the District of Columbia. Be my guest. But if you expect that sending our children to private schools will correct their problems, then you need to look at the GAO study of 10 years of experience in all the schools that have

used vouchers. What they have found is there is no significant difference between the children using the vouchers in their performance on tests and the children who are in the public schools.

Thirty-seven States have turned down vouchers. If you vote for the Davis amendment, you are voting for a private school voucher and a voucher only. We do not think that that vote will pass silently into the night. We believe that a vote for vouchers anywhere in the country, especially in this economic climate, will be heard and felt throughout the country, and especially in your own districts.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the chairman of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, since I was first elected to Congress, I have supported school choice for this city, and now as Chairman of the Committee on Appropriations subcommittee on the District of Columbia, I am excited to be in a position to make this program a reality for the children and the parents of the District of Columbia, working with the gentleman from Virginia (Chairman TOM DAVIS) and the gentleman from Ohio (Chairman BOEHNER).

Mr. Chairman, I ask all Members to support the Davis-Frelinghuysen-Boehner amendment and the underlying bill.

Mr. Chairman, since I was first elected to Congress, I have supported school choice for this city. And now as Chairman of the DC Appropriations Committee, I am excited to be in a position to make this program a reality for the children and parents of the District of Columbia.

The President requested funding for a Choice Incentive Fund within the U.S. Department of Education, of which a portion of the funds would be used for school choice programs in the District. Thanks to Chairman REGULA, I was able to provide \$10 million to expand school choice in the District. I am further pleased to report that this proposal has the full support of Mayor Williams, Chairman of the Committee on Education, Libraries and Recreation, Kevin Chavous, and President of the School Board, Peggy Cooper-Cafritz.

Throughout the year, I have worked closely with my colleague and friend, Chairman TOM DAVIS, who chairs the Authorizing Committee that has jurisdiction on this issue, the Government Reform Committee and JOHN BOEHNER, Chairman of Committee on Education and the Workforce to advance this Presidential initiative.

We agreed to move the school choice initiative forward in our respective Committees. Chairman DAVIS has successfully moved the DC Parental Choice Incentive Act through his Committee. And in my bill, we have provided the actual funding.

Mr. Chairman, this amendment would unite these two initiatives together under one bill bringing us a step closer to making expanded

school choice a reality for those that so desperately want and need it.

While we are all supportive of the District Public School System, and we recognize the great progress of the city's charter schools and transformation schools, we believe that even more students can be helped by the additional option. And we are providing new dollars that add, not subtract, from either the DC public or charter schools funding sources.

What is important here is the quality and value of education for every child in this city. And the statistics from the Department of Education on District continue to show disturbing results in student performance on reading, writing, math and other core academics. The need for significant improvements is clear.

The bottom line is that these children will be helped by giving parents more choices for educating their children. Many parents are hopeful that we will act.

One of the arguments the opposing side will make is that this bill does not provide funding for the three-pronged approach the District wants. While that is true, it is not my intention that that be the case when we come out of conference with the Senate. Due to the fiscal constraints of this bill, we were only able to provide for DC Scholarships, but the Senate bill includes additional funding for both public and charter schools as well. I support the Mayor's approach and will work with Chairman YOUNG towards a conference allocation that is sufficient to address all three sectors of education in the city.

I hope members will join with me and support of the leadership of this great city.

Mr. TOM DAVIS of Virginia. I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I have good friends on both sides of the aisle and both sides of this position. What does me hurt is the partisanship, some of the partisanship, not from all Members, that I hear from Iraq to the White House politics to the rest of it on an issue.

If we disagree on this issue, that is fine. I personally truly believe that this gives some of our children an opportunity to get out of schools that are crime- and drug-ridden and are being left behind. Not many, if any, Members of Congress, either the House or the other body, have their children in D.C. public schools. Most are in private schools. And yet there are some that would deny poor children, poor families to have the same rights that Members of Congress and other people that are affluent have. I think that is wrong.

The other fallacy is that we are cutting public spending. We are not. Look where we have come from. When many of us dedicated ourselves to improving education, the roofs were so poor they were controlled by the fire department in D.C. Schools had to be delayed. We improved that. We put forth charter schools. We put forth a summer school where we had thousands of children volunteer to go to summer school in D.C., not because they had to, but because they did not want to be left behind. And there is another phase of that that we disagree on. But please do not say we are trying to damage edu-

cation, because we believe from the bottom of our hearts that this is helping children.

Take a look at the board of education. They had a board of education appointed by Marion Berry where one of the members was in charge of finance and never had an accounting course, never finished high school, but was put there because of a political appointment.

We changed all of that. We have a Mayor, we have a superintendent, we have an active, professional school board, and our schools are improving. Yes, we have got a long way to go, and we have got to work together on both sides of this issue; and I dedicate myself to working with the gentlewoman from the District of Columbia (Ms. NORTON) and the ranking member on that. But please do not say that we are trying to damage education. We disagree on the value of this particular amendment. I personally believe in many areas it will work.

Ms. NORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, I would just like to enter into a colloquy with the gentleman from Virginia (Mr. TOM DAVIS) and return to my question.

As I understand the language, and I read it, it says that any religiously affiliated school could get dollars under this program and it can be controlled and connected to a religious organization and it can promote its religious purpose; and then it goes on to say it could hire any number of people who follow their religious beliefs and that they deem necessary and that they can include religious references in its mission statement and other governing documents.

All I am trying to determine is whether or not that is completely wide open, or whether there is a list of some type that either already is approved or would be approved of which religiously affiliated entities could operate schools in the District.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, to my knowledge there is no exclusion of any religion, or inclusion. The Secretary of Education is the one that would be able to come forward with a list and make the determination. As the gentleman knows, there have been a number of court decisions along this line, and we feel this meets the mandate of the courts, and it has to meet a certain level.

Mr. FATTAH. Mr. Chairman, reclaiming my time, all of the lawsuits on this matter, or at least the vast majority, have been about the Federal prison system, in which the courts have been, I would say, very lenient in determining what is a religion, and all manner of groups with any number of, I think, what most of us would consider problematic beliefs have been de-

termined to be religions for purposes under the definition by the Federal courts. So would that be the same in terms of how this would operate?

Mr. TOM DAVIS of Virginia. Mr. Chairman, if the gentleman will yield further, we leave discretion with the Secretary of Education. Let me say there have been a number of title VII cases that do deal with education, and that would be the criteria that the Department would meet. But we did not try to micromanage the criteria. They also have to meet certain educational standards, and that would really be the controlling criteria, is meeting educational standards.

Mr. FATTAH. I read the list of the educational standards, all related to education, and I think the gentleman has done a good job on that. I am just concerned about this particular issue, and I guess so that the record can be clear, your position is that there is no restriction in the authorizing language as you have written it?

Mr. TOM DAVIS of Virginia. That is correct. We leave that to the Department of Education.

Mr. FATTAH. I want to enter into the RECORD a report from California, not the earlier report I referenced from Florida, of a school that was set up under the laws of California that received millions and millions of dollars to educate children, and it has now been determined that they were funded and founded and set up by a Pakistani terrorist organization.

I want to enter this into the RECORD, because I think what the concern is here is that if those who believe in witchcraft, those who have antisocial racial views, any number of people who claim to be a religion can set up a religiously affiliated school and benefit through the largesse of this \$10 million and pretend that they are educating children, segregate them, as I understand under the gentleman's authorizing language by sex or any other manner, hire only those who believe what they believe, discriminate against anyone else, and determine their own curriculum, that I have a concern about, even if we agree that this was the way to go, that this kind of loophole would be useful to us at this time in our Nation's capital.

[From ABC News I-Team]

BALADULLAH

Nov. 8.—The ABC7 News I-Team has learned that millions of your tax dollars are headed this year, to a group that is connected to an organization founded by a Pakistani terrorist. You are paying for a new system of charter schools, started by the members of an Islamic village in the Sierra foothills called "Baladullah." Dan Noyes has Part Two of this I-Team investigation.

The ABC7 News I-Team has learned that millions of your tax dollars are headed this year to a group that is connected to an organization founded by a Pakistani terrorist. You are paying for a new system of charter schools, started by the members of an Islamic village in the Sierra foothills called "Baladullah." Dan Noyes has Part Two of this I-Team investigation.

Some of these charter schools are here in the Bay Area. We want to be clear from the

start that this is not a story about the Muslim faith. It is about one group of people living just a few hours from the Bay Area, who have ties to a mysterious Pakistani sheik.

The U.S. State Department has listed Pakistani sheik Sayyid Mubarak Jilani as the founder of a terrorist group that has committed dozens of crimes across the country—firebombings, fraud, and assassinations. And in a recruitment tape, Jilani offers to train any American who will join his cause.

Sheik Jilani: "We shall be helping Muslims wherever they are oppressed, and we wish that you'd extend your cooperation with us in any manner suitable to the cause."

Jilani also established "Muslims of America" to help spread his version of Islam. Late last year, the group moved its headquarters to a village in the Sierra foothills called Baladullah—along with the mobile homes, the airstrip, and the U-Haul franchise.

Male Teacher: "We move the decimal point in the divisor. How many times to the right?"

The compound has a new charter school. It's a way for the state to provide an alternative form of education, paid for with your tax dollars.

Sharon Brooks, Assistant Administrator: "We're teaching our children because we want them to be doctors and lawyers and judges and architects. We don't want them to be ditch diggers."

Student: "The administrators would not discuss their connection to Muslims of America or Sheik Jilani. So, we asked their attorney about the charter school."

Doug Hurt: "It is one small site, it has 25-50 kids at any given time."

Dan: "Is that it?"

Dan: "How about the eleven other campuses for the charter?"

Doug Hurt: "What interest is that of yours?"

This year—under the name "Gateway Academy"—the village opened twelve charter schools up and down the state . . . including one in Oakland and in Sunnyvale. All the schools are chartered through the Fresno Unified School District, where officials had expected Gateway to run just a few schools in the area. All those satellite schools came as a surprise.

Jill Marmolejo, Fresno Unified: "They're running along doing their business and then informing us after the fact, so we told them in the future, before you open any satellites you have to get it approved through us."

Jill Marmolejo says it appears Gateway Academy has done nothing illegal by opening schools across the state, but it has put a tremendous strain on Fresno School District inspectors. They now have to travel hundreds of miles, to check up on the schools.

Jill Marmolejo: "We're not specialists in Oakland, we're not specialists in Pomona, so we're relying on them to do the right things."

And to do the right thing with millions of your tax dollars. Gateway Academy reports it has 1,200 students now, so they will receive more than \$5.5 million this year. And that's on top of more than a million they spent last year, setting up the charter schools.

Jonathan Bernstein: "We have serious concerns about this group."

Researchers at the Anti-Defamation League have been tracking Sheik Jilani for almost 20 years, and now, they are worried about Baladullah's charter schools. They have no evidence that your tax dollars are headed from a village in Tulare County . . . to the terrorist's base in Pakistan. But, in general, the ADL is concerned about where the charter school money is going.

Jonathan Bernstein: "We feel like these funds can land up in the hands of extremists."

The lawyer for Baladullah says the people here are not extremists. And, he denied any direct connection between the village and Jilani—or even the group the sheik founded, Muslims of America.

Doug Hurt: "In that they are Muslims and they live in America, I would say so, but are they formally connected, is there an entity, no, not as far as I'm aware."

But the president and treasurer of Muslims of America list their home address as Baladullah. And the secretary of Muslims of America—Khadajah Chafur—is also the president of the charter schools. That connection between the schools and Jilani's group troubles the principal at the branch in Sunnyvale.

Mazhar Jamil: "I am surprised. This is the first time I have heard anything like this."

Mazhar Jamil has run a school on this site for six years—he has just signed on with Baladullah's Gateway Academy. But now, he says he has to rethink that relationship . . . because of the ties between the schools, the village, and the sheik.

Mazhar Jamil: "We have no connection or desire to be affiliated with anything like that."

We want to emphasize that Muslims of America has not appeared on any terrorist watch list. Sheik Jilani has, along with his group al-Fuqra. Gateway Academy is the only charter school in the Fresno district that has more than one location, and most of them are outside the county.

As a result of our reports, Fresno Assemblyman Mike Briggs plans to introduce a new bill, so that a group can open charter schools "only" in the county where they live.

[From the Naples Daily News, July 18, 2003]

PRIVATE SCHOOL WITH TIES TO ALLEGED TERRORIST GETS STATE MONEY

TAMPA.—Senate Democrats urged Gov. Jeb Bush on Thursday to cut off payment to a school co-founded by a professor accused of being the North American leader of a worldwide terrorist organization.

The school received \$350,000 last year through a state program that pays private school tuition for some students.

A February grand jury indictment against Sami Al-Arian, the alleged leader of the Palestinian Islamic Jihad, and seven others says the school was used as a base of support for the organization.

The indictment said the purpose of the organization was "to assist its engagement in, and promotion of, violent attacks designed to thwart the Middle East Peace Process." It said the Palestinian Islamic Jihad is responsible for 100 murders in Israel and its territories.

Al-Arian, who is being held in jail without bail and denies any connections to terrorism, co-founded the school in 1992 and served as its director and chairman of its board.

The school's treasurer, Sameeh Hammoudeh, also was indicted and is being held in jail without bond. He and Al-Arian allegedly encouraged people who wanted to send money to Palestinians to write checks to their school, The Palm Beach Post reported in its Thursday editions.

Last year, the 300-student Islamic Academy of Florida received more than 50 percent of its revenue from the state program, Florida PRIDE, which uses corporate donations to pay for poor students to attend private schools.

"The disclosures that more than \$300,000 of this money went last year to a school suspected of terrorist ties raises the frightening specter that Florida's taxpayers may be unwittingly funding extremist organizations intent on the destruction of our nation and

its allies," Senate Democratic Leader Ron Klein and Senator Dave Aronberg wrote in their letter to Gov. Jeb Bush.

Denise Lasher, spokeswoman for Florida PRIDE, said officials conducted an independent audit of the school after the indictment was released and found no misuse of funds and no connection between the scholarship money and terrorist activity.

She said the school received more than \$300,000 in federal grants for computers and its free- and reduced-price school lunch program.

"It was unfortunate that there was someone at the school accused of doing something illegal, but that doesn't mean the school has done something illegal," she said Thursday.

But although Florida PRIDE found that all of its scholarship money was going to the school, Hammoudeh was paid for his services as school treasurer, and the indictment states that school supplies and equipment were used in the Jihad operation. It is unknown whether Al-Arian was being paid.

Corporations that donate to the program receive a dollar-for-dollar tax break. The program gave out nearly \$50 million in scholarships last year.

Since the program began, large corporations such as WCI Communities Inc., Gulf Power Co., Florida Power & Light and Verizon Wireless have donated to the program, but how much and to which program is not public information.

Critics of the corporate tax credit scholarship program are concerned that there is no government oversight of the schools that take the money. In their letter to Bush, Klein and Aronberg called for a review of the program and the schools.

Under the May 2001 law, the Florida Department of Education cannot dictate curriculum or monitor how students are progressing academically.

But Lasher insisted the schools teachers and students are top notch academically.

Senate President Jim King, R-Jacksonville, jokingly said in May that he could start a school for witches under the law and receive corporate tax credit scholarships.

"The intent of this program was to help poor kids. The intent was never to make opportunistic entrepreneurs wealthy," said King, who also ordered a study of the program.

Despite the accountability concerns, Bush remained a supporter, saying last week that it was a "proven success," based on the students receiving the scholarships.

Ahmed Bedier, spokesman for the Muslim advocacy group Council on American-Islamic Relations, said the Tampa school is well respected. He noted that the University of South Florida is also mentioned in the indictment.

But USF, where Al-Arian was a professor and Hammoudeh was an instructor, is not listed as one of the bases of support for the Palestinian Islamic Jihad.

Administrators at the Islamic Academy did not return phone calls Thursday.

□ 1300

Mr. TOM DAVIS of Virginia. Mr. Chairman, I understand the gentleman's concern. Every school has to meet the nondiscrimination provisions that are currently in the law as well, if that gives the gentleman some level of comfort.

Mr. FATTAH. Mr. Chairman, if the gentleman would yield for 10 seconds on that point. The gentleman says here in section 9, notwithstanding any other provision of the law, the school could employ, the participating school may employ anybody that they believe—

Mr. TOM DAVIS of Virginia. Mr. Chairman, if I could ask the gentleman to let me get through my speakers and then we can continue the colloquy.

Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, I rise today in support of the Davis amendment and, more importantly, for the children of America.

We have had school choice in this country as long as we have had schools, and it is called money. If you have enough money you can choose where your children go to school, the family can choose, and without it the choice is made for the child. Unfortunately, students stuck in substandard public schools receive inadequate education. The harsh reality is that the lower the level of an individual's education achievement, the lower their income earning potential will be.

Study after study in Wisconsin, Ohio, Florida, has shown that given the opportunity to attend better schools, even if only for a few years, children improve their math and reading scores. And in both public and nonpublic schools they both improve when you introduce competition. Increasing a student's educational choices means increasing that student's future job choices.

As a psychologist and a person who has spent 25 years working with children, I call upon this Congress to focus on the needs of children. The city is working to fix the problems and I commend the district's local leaders for advocating on behalf of children. However, comprehensive change does not happen overnight and children do not have time to wait. New school administrators, new school board members, new curriculum, more teacher training, takes time and these children do not have time to wait. Every day that goes by with a child stuck in an ineffective school is one day too many. Every day a D.C. parent has to send their children to a poor-performing school is another missed opportunity for those children to get a quality education, and the children do not have time to wait.

We have an obligation to these children to provide something that works, while at the same time helping public schools. We believe we would be derelict in our duties as Members of Congress if we continue to make children wait too long.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I want to thank and congratulate my friend from Virginia because I think this is one of the most important amendments we will debate this entire year. This is a tremendous opportunity for us to give a little bit of freedom to the people who clearly need it the most.

The fact is the Washington, D.C. public school system is not up to par. We

know that. The Washington, D.C. school system spends more money per student than almost any other school district in America. Test scores are routinely towards the lower end of the spectrum of test scores across America. We all know this. In fact, we, my colleagues, affluent people in this community, we know it and we act accordingly; because in disproportionate number, what we do is we send our kids to the private schools. Democrats, Republicans, Congressmen and Congresswomen, Senators, administration officials, we send our kids to the private schools. Why do we do that? Because they are better schools and because we can afford it and because we want to give our kids the best possible opportunity in life.

And how dare we deny that same opportunity to people who just do not have the same level of income that we have? How dare we deny these kids the one chance they are ever going to have in life to build the best, most solid educational foundation they can to create the opportunities that they deserve for their futures? I say we dare not deny them this opportunity. Give these kids in the D.C. school system, give them hope, give them a chance and do it by giving their parents a choice.

I urge my colleagues to support this amendment.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), one of the leaders on the original underlying bill.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me time.

There has been a discussion about who wants these vouchers. Is there anybody who wants them? I can tell you I just left a meeting in the Rayburn Building, just a few yards away, where there are a few dozen D.C. parents who want these vouchers, who are waiting, pleading, hoping that the vote is right today. One of them gave me this letter written by a little girl named Lapria Johnson. She is 8 years old. She was born as what they call a drug baby. Her mother took drugs while she was pregnant. Lapria was born and her grandmother was told that she would never read.

This is a letter that she just wrote: "My name is Lapria and I go to Holy Temple Christian Academy. The Washington Scholarship Fund is the only way I can read. I am 8 years old. I have a lot of problems I was born with. Public school said I could not read. I read and my math is great. My handwriting is not so good. But I have an A in reading and an A in math."

I can tell you that her handwriting is better than mine and she is one that will benefit from this. There are kids all over like Lapria that will benefit from this if we will simply let them. We need to let them.

WASHINGTON SCHOLARSHIP

My name is Lapria and I go to Holy Temple Christian Academy. W.S.F. is the only

way I can read. I am 8 years old I have a lot of problems I was born with. public school said I would not read. I read and my math is great my handwriting is not so good but I have A in reading and A in math

LAPRIA JOHNSON.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I rise in support of this amendment and of this legislation. I just want everyone to know the experience that I had sitting on the committee when the parents and the children were in the audience watching what we did, and to experience the eyes of those children begging us to give them this chance, and those mothers and grandmothers who were crying tears when they saw that they were going to have the opportunity to send their children to schools that would be effective.

It is imperative that we give these people an opportunity. They should have an opportunity to send their kids to a good school.

Ms. NORTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I simply want to close for my side with one word. Opposition to private school vouchers is one of the few bipartisan policy issues remaining in our country today. You will seldom find an issue where almost two-thirds of the American people are in agreement. And what they believe, according to all the data, is that money from the public Treasury should not be siphoned off to private schools. Diversion via the Davis amendment would begin that process for the first time in U.S. history. I ask my colleagues to think about the momentous nature of this vote and to vote against the Davis amendment.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the House Committee on Education and the Workforce and one of the authors of this amendment.

Mr. BOEHNER. Mr. Chairman, let me thank the lead sponsor on this amendment, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) who has worked closely with us to bring some hope to children who today do not have hope.

Eighty percent of the kids in America go to public schools, and we are doing everything we can to help those public schools improve, and we are all hopeful that they do improve. But we also know that the problems in the D.C. schools are severe. In spite of spending over \$10,000 per student, we have the worst schools in America. And what this amendment does is to say let us create a scholarship program for 2,000 of them.

This debate today really should not be about the teachers unions. There is

no diversion of public money here. This debate today is about one thing: the plight of poor kids who lost the lucky lottery of life in terms of who their parents were or what household they grew up in or what school that they got assigned to.

How can we continue to turn our heads and look the other way when we know that children's lives are being ruined because they are consistently put in a school that is not performing? I, for one, cannot look the other way anymore.

Let me tell a story that I think illustrates all of this as best I can illustrate it for all of you. I have been long involved with a group here in town called D.C. Parents for School Choice and the Washington Scholarship Fund. Every year the D.C. Parents for School Choice have a picnic somewhere up here on Capitol Hill, and hundreds and hundreds of mothers, grandmothers, great-grandmothers, come to this picnic with their child hoping that their child's name will be drawn out of a hat for a scholarship.

I cannot go to the picnic anymore. I cannot go. Because when I went to the picnic and I looked into the faces of these women with their children, looking for hope, the only hope they were ever going to have for that child was to get a scholarship to be able to go to a school where that kid would have a chance to succeed. These mothers, grandmothers and great-grandmothers, they were there and they knew that their child, if they did not get that scholarship, the chances for them to succeed were almost nil in these schools.

I sob, and I am doing everything I can not to sob here today. These kids need our help. This is criminal neglect on the part of public policy makers to continue to look the other way when we know that kids are in schools, that they cannot learn, and they are not learning.

I have been in hundreds of schools and so have all of my colleagues. We see these bright young faces in the first and second grade, eager to learn, and then you look around some of these buildings and they have no chance.

Without an education you have no chance at the American dream. These kids need our help. They deserve our help. And when I vote today I will be looking into the face of those mothers, grandmothers and great-grandmothers, and I am not going to disappoint them.

Mr. OSBORNE. Mr. Chairman, during the vote on Representative TOM DAVIS's amendment to the fiscal year 2004 D.C. Appropriations Bill, H.R. 2765, I mistakenly voted "aye." I intended to vote "no." At the time, I was involved in a conference call with constituents. I left the floor after voting on the Davis amendment to participate in the call believing that I had voted in opposition to the Davis amendment. I have heard from hundreds of my constituents who are opposed to voucher proposals. I fully intended to continue my position of opposing all school voucher proposals. I sincerely regret my error.

I did vote in favor of the Norton amendment to strike funding for this voucher proposal. My vote on the Norton amendment is a true indication of my position on this issue.

While I understand the strong feelings behind the prospect of providing voucher to children in the District of Columbia, I have had a longstanding and well-known position of opposing Federal funding for school vouchers. I would much rather see additional investments made in the D.C. public school system than to have funds used in private schools. The D.C. voucher proposal will provide options for a very small fraction of children in the District of Columbia public school system. But every child in the District of Columbia deserves a high-quality education, not just a few thousand. I strongly believe that a high quality education system will only be possible through additional investments to the public school system, rather than by using public funds for private schools.

Mr. GREEN of Texas. Mr. Chairman, I rise today in strong opposition to the Davis amendment to the D.C. Appropriations bill.

Our country has a rich tradition of providing a quality education to every child in America. I am a strong believer in America's public schools. My wife taught in them for more than a quarter century. Many of my family members and friends are public school teachers. My wife and I are both graduates of public schools, as are our children.

My children, Angie and Chris, both graduated from public schools, and went on to attend the University of Texas and Texas A&M, respectively. My daughter attended the University of Texas Medical Branch in Galveston and is now doing her residency in internal medicine there. These are all public schools. I am proud of the adults they have become, and know that they owe many of their successes to the fine educations they've received at these public schools.

So I am disheartened by attempts like this one which seek to dismantle America's public school program. I know that proponents of this measure will argue that students in failing schools deserve better—and I couldn't agree with them more. But vouchers are not the answer.

As many of my colleagues have pointed out, the average voucher covers only a small part of the costs of private school tuition. The vouchers provided in this legislation would not go far enough to help all students attend private schools. Only those with incomes sufficient to cover the remainder of the tuition would be able to truly have a choice. That leaves low-income students that much further behind.

Additionally, vouchers are unproven. The evidence is unclear as to whether students actually do better in private schools than in public schools with smaller class sizes. If we are really committed to providing every child with a top-notch education, we should implement proven reforms in all schools—qualified teachers, small class sizes, updated materials, and advanced technologies.

Ninety percent of America's kids go to public schools. If we're going to keep our promise to these kids, we need to make sure that all of them—not just the fortunate few who can actually afford private schools—receive a quality education.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

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

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with my good friend and the chairman of the subcommittee, the gentleman from New Jersey (Mr. FRELINGHUYSEN), the distinguished chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations, and with the support of the distinguished ranking member, the gentleman from Pennsylvania (Mr. FATTAH).

The colloquy deals with a surprising and very damaging change in Social Security annuities for district firefighters, police, Secret Service agents, Park Police and others.

Mr. Chairman, on October 1, 2002 the above District public service employees were notified for the first time of a reduction in their monthly retirement benefit payments by removing any credit received for military service performed after 1956 pursuant to D.C. Code 5-704(h). In other words, the firefighters and police who expected to have their military service count towards retirement are now being told that their benefits will be dramatically reduced or that they will have to pay back benefits received to account for the calculation.

It is unfortunate and sad to expect the protectors of our Capitol, who also served our country in the military, to be penalized for government's mistake in not notifying them of this administrative change.

Mr. Chairman, if Congress desires to continue to prohibit a military service credit for Social Security contributions, then we have two choices that would permit us to look at our firefighters and police officers with a straight face. We can either restore the military credit for those who were not notified of the change prior to October of 2002 or we can permit them to buy back the benefits they have received by having them submit adjusted payments that were due while in the military.

Mr. Chairman, the harm our public safety personnel will endure from these drastic annuity reductions or penalties will be severe. And I encourage Members to support a correction to the D.C. Code that permits them to manage this terrible mistake. I have committed to work with the distinguished chairman of the subcommittee and the ranking member, as well as the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. HOYER) to correct this mistake.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank my colleague from Pennsylvania, who has consistently stood a fervent representative of the national fire community, for bringing this issue to our attention. I understand the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. HOYER) are working with the gentleman from Pennsylvania (Mr. WELDON) on a stand-alone bill to address this matter and I support his efforts.

□ 1315

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:
At the end of the bill (before the short title), insert the following:

SEC. 136. Total Federal appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by \$4,660,000.

Mr. HEFLEY. Mr. Chairman, I rise today to offer an amendment to cut the level of funding in this appropriations bill by 1 percent which amounts to \$4.66 million. As most of my colleagues are aware, I have offered similar amendments on a number of the appropriation bills, in fact, on most of the appropriation bills.

I want to emphasize particularly today that this is not a reflection on the job that the chairman of committee or the ranking member or this committee has done. In fact, my colleagues have done a good job, I think, of actually allocating less this year than was done last year. So it is not a reflection of that. What it is is a reflection of my deep concern about the deficit that we continue to pile up.

I think it is important to state the affect these amendments that I have offered would have on the deficit if they would be accepted on all the spending bills. Just a tiny 1 percent cut to all of the spending bills, one cent out of each dollar, would reduce the projected deficit by almost 25 percent.

The practical reality of this amendment is that we would save \$100 billion if we had passed all of these as we go along. Of course, we have not. I think it is important to state that some of us are very concerned about this deficit and this is the way to do it.

We have to draw a line somewhere. The budget we have for the next year is too large. We can do something about the deficit right now. By voting for my amendment members would be stating that the American taxpayer should not have to pay higher taxes in the future because we could not control our spending today.

Our budget should be no different from the taxpayers' budgets at home.

When we have less money, we should spend less money. It is really that simple.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Federal portion of this bill, as the gentleman from Pennsylvania (Mr. FATTAH) and I already know, is 8.4 percent below last year's level which is about \$43 million. It has made it difficult for to us meet the city's priority.

Actually if we had not received the \$10 million from the gentleman from Ohio (Chairman REGULA), our allocation would have been 10.4 percent below last year's allocation level.

This amendment, well intended, would reduce the Federal funds to the District by another 1 percent or \$4.6 million. The District needs every dollar it can get for programs and priorities of the District. And I urge my colleagues to oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MANZULLO:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Mr. MANZULLO. Mr. Chairman, we can help our struggling manufacturing sector today by increasing the American content of the equipment purchased under this bill from 50 to 65 percent.

This modest increase will cause no real hardship for the District of Columbia. It will be greatly appreciated by our Nation's desperate manufacturers.

Today's Washington Post reported that the vast majority of the 2.7 mil-

lion jobs lost since 2001 are not coming back unless new jobs are created in novel and dynamic ways.

We need to be proactive on this bill and make it an engine for job growth by buying from our own producers and getting them hiring again.

The people are looking to Congress for action.

From the Washington Post September 3, 2003, it quoted, "In his Labor Day address (The President) signaled that the loss of 2.6 million manufacturing jobs during his administration had moved to the top of his list of domestic policy concerns."

Our domestic manufacturing base is being hollowed out right before our own eyes. In 1981 Rockford, Illinois, the largest city of the congressional district that I have the pleasure to represent, had an unemployment rate of 25 percent, the highest in the Nation. Today it is 11.3 percent. I do not want to see a recurrence of what happened in 1981. This summer, two more factories closed down, and we are in danger of seeing our industrial base irreparably harmed.

The Department of Labor employment report for August is out this morning. Manufacturing employment declined again for the 37th consecutive month. That is a record. In 30 days, our Nation lost 44,000 manufacturing jobs, and for the first time in our Nation's history, we have fewer than 10 percent of our jobs in the manufacturing sector of the labor force. That means fewer employees than at any time since 1961, when the U.S. population was 100 million or smaller.

Mr. Chairman, the purpose of this bill is simply to state that, if anything, taxpayers' dollars should be used to buy things that are made in America. The present law today says only 50 percent. This increases it to 65 percent. Why not save our manufacturing jobs with the taxpayers' dollars that are being paid in?

There are other forums where this issue may be raised. We have been advised by the Parliamentarian that this particular amendment is not proper to raise at this time.

Mr. Chairman, I ask unanimous consent to withdraw this amendment from consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any other Members wishing to offer amendments to the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS), amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON), amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY).

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 203, not voting 26, as follows:

[Roll No. 478]

AYES—205

Aderholt	Garrett (NJ)	Nunes
Akin	Gerlach	Nussle
Bachus	Gibbons	Osborne
Baker	Gilchrest	Ose
Barrett (SC)	Gillmor	Otter
Bartlett (MD)	Gingrey	Oxley
Barton (TX)	Goode	Pearce
Bass	Goodlatte	Pence
Beauprez	Goss	Peterson (PA)
Bereuter	Granger	Petri
Bilirakis	Green (WI)	Pitts
Bishop (UT)	Greenwood	Pombo
Blackburn	Gutknecht	Porter
Blunt	Hall	Portman
Boehner	Harris	Pryce (OH)
Bonilla	Hart	Putnam
Bonner	Hastings (WA)	Quinn
Bono	Hayes	Radanovich
Boozman	Hayworth	Regula
Bradley (NH)	Hefley	Rehberg
Brady (TX)	Hensarling	Renzi
Brown (SC)	Herger	Reynolds
Brown-Waite,	Hobson	Rogers (KY)
Ginny	Hoekstra	Rogers (MI)
Burgess	Hostettler	Rohrabacher
Burns	Houghton	Ros-Lehtinen
Burton (IN)	Hulshof	Royce
Buyer	Hunter	Ryan (WI)
Calvert	Hyde	Ryun (KS)
Camp	Isakson	Schrock
Cannon	Issa	Sensenbrenner
Cantor	Istook	Sessions
Capito	Jenkins	Shadegg
Carter	Johnson (CT)	Shaw
Castle	Johnson, Sam	Shays
Chabot	Jones (NC)	Sherwood
Chocola	Keller	Shimkus
Coble	Kelly	Shuster
Cole	Kennedy (MN)	Smith (MI)
Collins	King (IA)	Smith (NJ)
Cox	King (NY)	Smith (TX)
Crane	Kingston	Smith
Crenshaw	Kirk	Souders
Cubin	Kline	Stearns
Culberson	Knollenberg	Sweeney
Cunningham	Kolbe	Tancred
Davis, Jo Ann	Latham	Tauzin
Davis, Tom	LaTourette	Taylor (MS)
Deal (GA)	Lewis (CA)	Taylor (NC)
DeLay	Lewis (KY)	Terry
DeMint	Linder	Thomas
Diaz-Balart, L.	Lipinski	Thornberry
Diaz-Balart, M.	Lucas (OK)	Tiahrt
Doolittle	Manzullo	Tiberi
Dreier	McCotter	Toomey
Duncan	McCrery	Turner (OH)
Dunn	McInnis	Upton
Ehlers	McKeon	Vitter
Emerson	Mica	Walden (OR)
Everett	Miller (FL)	Walsh
Feeney	Miller (MI)	Wamp
Ferguson	Miller, Gary	Weldon (FL)
Flake	Moran (KS)	Weldon (PA)
Forbes	Murphy	Weller
Ford	Musgrave	Wicker
Fossella	Nethercutt	Wilson (NM)
Franks (AZ)	Neugebauer	Wilson (SC)
Frelinghuysen	Northup	Wolf
Galleghy	Norwood	Young (FL)

NOES—203

Abercrombie	Green (TX)	Neal (MA)
Alexander	Grijalva	Ney
Allen	Gutierrez	Oberstar
Andrews	Harman	Obey
Baca	Hastings (FL)	Olver
Baird	Hill	Ortiz
Baldwin	Hinche	Owens
Ballance	Hinojosa	Pallone
Becerra	Hoefel	Pascarell
Berkley	Holden	Pastor
Berman	Holt	Paul
Berry	Honda	Payne
Biggert	Hooley (OR)	Pelosi
Bishop (GA)	Hoyer	Peterson (MN)
Bishop (NY)	Inslee	Platts
Blumenauer	Israel	Pomeroy
Boehlert	Jackson (IL)	Price (NC)
Boswell	Jackson-Lee	Rahall
Boucher	(TX)	Ramstad
Boyd	Jefferson	Reyes
Brady (PA)	Johnson (IL)	Ross
Brown (OH)	Johnson, E. B.	Rothman
Brown, Corrine	Jones (OH)	Ruppersberger
Capps	Kanjorski	Rush
Capuano	Kaptur	Ryan (OH)
Cardin	Kennedy (RI)	Sabo
Cardoza	Kildee	Sanchez, Linda
Carson (IN)	Kilpatrick	T.
Carson (OK)	Kind	Sanchez, Loretta
Case	Kleccka	Sanders
Clay	Lampson	Sandlin
Clyburn	Langevin	Saxton
Conyers	Lantos	Schakowsky
Cooper	Larsen (WA)	Schiff
Costello	Larson (CT)	Scott (GA)
Cramer	Lee	Scott (VA)
Crowley	Levin	Serrano
Cummings	Lewis (GA)	Sherman
Davis (AL)	LoBiondo	Simpson
Davis (CA)	Lowey	Skelton
Davis (FL)	Lucas (KY)	Slaughter
Davis (IL)	Lynch	Smith (WA)
Davis (TN)	Majette	Snyder
DeFazio	Maloney	Solis
DeLaunt	Markey	Spratt
DeLauro	Marshall	Stark
Deutsch	Matheson	Stenholm
Dicks	Matsui	Strickland
Dingell	McCarthy (MO)	Stupak
Doggett	McCarthy (NY)	Tanner
Dooley (CA)	McCollum	Tauscher
Doyle	McDermott	Thompson (CA)
Edwards	McGovern	Thompson (MS)
Emanuel	McHugh	Tierney
Engel	McIntyre	Towns
English	McNulty	Turner (TX)
Eshoo	Meehan	Udall (CO)
Etheridge	Meek (FL)	Udall (NM)
Evans	Meeks (NY)	Van Hollen
Farr	Menendez	Velazquez
Fattah	Michaud	Visclosky
Filner	Millender-McDonald	Waters
Fletcher	Miller (NC)	Watson
Frost	Miller, George	Watt
Gephardt	Moore	Weiner
Gonzalez	Moran (VA)	Wexler
Gordon	Nadler	Wu
Graves	Napolitano	Wynn

NOT VOTING—26

Ackerman	LaHood	Rogers (AL)
Ballenger	Leach	Roybal-Allard
Burr	Lofgren	Simmons
DeGette	Mollohan	Sullivan
Foley	Murtha	Waxman
Frank (MA)	Myrick	Whitfield
Janklow	Pickering	Woolsey
John	Rangel	Young (AK)
Kucinich	Rodriguez	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). The Chair reminds the Members that there are 2 minutes remaining in this vote.

□ 1347

Mr. GREEN of Texas changed his vote from “aye” to “no.”

Messrs. RENZI, BILIRAKIS and GINGREY changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. SIMMONS. Mr. Chairman, on rollcall No. 478 I was inadvertently detained. Had I been present, I would have voted “no.”

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series of votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MS. NORTON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 203, not voting 28, as follows:

[Roll No. 479]

AYES—203

Abercrombie	Emanuel	Lucas (KY)
Alexander	Engel	Lynch
Allen	Eshoo	Majette
Andrews	Etheridge	Maloney
Baca	Evans	Markey
Baird	Farr	Marshall
Baldwin	Fattah	Matheson
Ballance	Filner	Matsui
Becerra	Frank (MA)	McCarthy (MO)
Bell	Frost	McCarthy (NY)
Berkley	Gephardt	McCollum
Berman	Gonzalez	McDermott
Berry	Gordon	McGovern
Biggert	Graves	McHugh
Bishop (GA)	Green (TX)	McIntyre
Bishop (NY)	Grijalva	McNulty
Blumenauer	Gutierrez	Meehan
Boehlert	Harman	Meek (FL)
Boswell	Hastings (FL)	Meeks (NY)
Boucher	Hill	Menendez
Boyd	Hinche	Michaud
Brady (PA)	Hinojosa	Millender-McDonald
Brown (OH)	Hoefel	Miller (NC)
Brown, Corrine	Holden	Miller, George
Capps	Holt	Moore
Capuano	Honda	Moran (VA)
Cardin	Hooley (OR)	Nadler
Cardoza	Hoyer	Napolitano
Carson (IN)	Inslee	Neal (MA)
Carson (OK)	Israel	Ney
Case	Jackson (IL)	Oberstar
Clay	Jackson-Lee	Obey
Clyburn	(TX)	Ortiz
Conyers	Jefferson	Olver
Cooper	Johnson (IL)	Ortiz
Costello	Johnson, E. B.	Osborne
Cramer	Jones (OH)	Owens
Crowley	Kanjorski	Pallone
Cummings	Kaptur	Pascarell
Davis (AL)	Kennedy (RI)	Pastor
Davis (CA)	Kildee	Paul
Davis (FL)	Kilpatrick	Payne
Davis (IL)	Kind	Pelosi
Davis (TN)	Kleccka	Peterson (MN)
DeFazio	Lampson	Platts
DeLaunt	Langevin	Pomeroy
DeLauro	Lantos	Price (NC)
Deutsch	Larsen (WA)	Rahall
Dicks	Larson (CT)	Ramstad
Dingell	Lee	Reyes
Doggett	Levin	Ross
Dooley (CA)	Lewis (GA)	Rothman
Doyle	LoBiondo	Ruppersberger
Edwards	Lowey	Rush

Ryan (OH)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons

NOES—203

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Beaureuter
Billirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly

NOT VOTING—28

Ackerman
Ballenger
Burr
Burton (IN)
DeGette
Diaz-Balart, L.
Ehlers
Foley
Janklow
John

Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney

Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wu
Wynn

Norwood
Nunes
Nussle
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN
The CHAIRMAN (during the vote).
The Chair advises Members there are 2 minutes remaining in this vote.

□ 1401

Mr. SIMPSON and Mr. ENGLISH changed their vote from “aye” to “no.”
So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 116, noes 284, not voting 34, as follows:

[Roll No. 480]

AYES—116

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Billirakis
Blackburn
Blunt
Bradley (NH)
Brady (TX)
Brown-Waite,
Ginny
Burgess
Camp
Cannon
Capuano
Carson (OK)
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Everett
Feeney
Flake
Forbes

NOES—284

Abercrombie
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley

Musgrave
Neugebauer
Norwood
Nunes
Otter
Oxley
Paul
Peterson (MN)
Peterson (PA)
Petri
Green (WI)
Gutknecht
Hall
Harris
Hayes
Hayworth
Hefley
Hensarling
Herger
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith (WA)
Stearns
Tancredo
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Upton
Vitter
Walden (OR)
Wamp
Wilson (SC)

Carson (IN)
Carter
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hastings (WA)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Israel
Issa
Istook
Jackson (IL)

Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klecza
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascarell
Pastor
Payne
Pearce

NOT VOTING—34

Kucinich
LaHood
Leach
Lofgren
McHugh
Mollohan
Murtha
Myrick
Pence
Pickering
Pomeroy
Quinn

Pelosi
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1410

Ms. JACKSON-LEE of Texas changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I am pleased to yield to my friend, the distinguished majority leader, for the purposes of inquiring about the schedule for next week and the remainder of the day, if there is any schedule for the remainder of the day.

So that Members who are gathered here will know, have we had the last vote of the day, Mr. Leader?

Mr. DELAY. I thank the gentleman from Maryland for yielding.

Yes, we have just had the last vote of the day.

□ 1415

The House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We expect to complete consideration of H.R. 2989, which is the Transportation, Treasury, and Independent Agencies Appropriations Act for fiscal year 2004. Any votes called on amendments on this bill will be rolled until after 6:30 p.m.

On Wednesday we will consider several measures under suspension of the rules. A final list of these bills will be sent to Members' offices by the end of the day. We will plan then to consider H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003, and hope to conclude with consideration of the conference report on H.R. 2115, the Vision 100, Century of Aviation Reauthorization Act.

Thursday, as you know, is September 11, and we are currently working on several measures to recognize the second anniversary of the 9/11 attacks. In addition to these measures, which we would expect to have broad bipartisan

support on, I would certainly expect to have a moment of silence on the floor of the House and a ceremony similar to the one held in the Rayburn Courtyard last year.

Finally, Mr. Speaker, I would like to note for all the Members, we do not plan to have votes next Friday, September 12.

I thank the gentleman for yielding.

Mr. HOYER. Mr. Speaker, I thank the leader for his information. I want him to know on this side of the aisle we are going to be joining the majority side of the aisle as we reflect upon the tragic loss of some of our fellow citizens and the tragic loss of all of us and our country on that September 11.

Mr. Leader, can you tell me what time on Tuesday Members need to be here to assure themselves that they will be able to offer the amendments on the Transportation-Treasury bill?

Mr. DELAY. If the gentleman will yield further, I would say at least by 2 p.m. on Tuesday, because for Members who are offering the amendments or who wish to be heard in the debate, we will begin consideration of the Treasury-Transportation bill at 2 p.m. in the afternoon.

Mr. HOYER. We had a number of questions, one of which I will ask now because it is in my mind.

Apparently, there is a delegation leaving for Doha Wednesday night. Can the gentleman reflect upon what might be on the schedule for Thursday that they might miss?

Mr. DELAY. If the gentleman will continue to yield, I have heard of delegations leaving on Wednesday night and understand that, and that is why we anticipate a very light load, if any, on Thursday. But I cannot definitively say there will not be votes on Thursday. I think with the two sides of the aisle working together, we can come to some accommodation to where we can properly celebrate, not celebrate, that is not the right word.

Mr. HOYER. Commemorate.

Mr. DELAY. Commemorate the events of 9/11, and still allow Members to go about their normal business.

Mr. HOYER. I thank the leader for that information.

Also, Mr. Leader, I know you did not anticipate this, but when do you expect to attempt to conclude with the D.C. appropriations bill? Will that be done next week?

Mr. DELAY. I would expect that the votes on final passage of the D.C. appropriations bill could very well be held the evening of Tuesday, after the rolled votes on the Transportation-Treasury bill.

Mr. HOYER. I thank the gentleman.

Mr. Leader, we have had a lot of concern and discussions about the child tax credit. It has been 85 days since the President urged us to pass it. Does the gentleman have any expectations that that might be on the agenda, either next week or in the near term?

I yield to the gentleman from Texas.

Mr. DELAY. I appreciate the gentleman yielding and his concern on this

issue, and I assure the gentleman that we would very much like to address his concern. But the truth is, we disagree so strongly on this issue, on how to address this issue. We on our side just do not believe that the tax credit should expire right after next year's election and certainly do not want to see it decrease in value over the next several years, so we have continued to insist to the other body in our negotiations that the child tax credit cover more families for a longer period of time with more relief. I just hope very soon that we can convince the conferees that this is the right approach to take.

Mr. HOYER. Mr. Speaker, reclaiming my time, I appreciate the gentleman's position. Of course, as the leader knows, the problem that we have on this side of the aisle with that position and your concern about having the tax credit expire shortly after the election next year, we have not given relief to the 200,000 service personnel who are covered and the 12 million children and 6.5 million families that would have been covered by the Senate amendment that was dropped in conference. So I understand your concern, and I share that concern. On this side of the aisle we do not want the tax credit to expire either.

Having said that, however, we would hope that the 6.5 million families and 12 million children and 200,000 Armed Forces personnel would not be held hostage to our concern about making sure that it does not expire in an untimely way.

Mr. DELAY. If the gentleman will yield further, I share the gentleman's concern; but I do not think that that 6.5 million families would want to see a tax increase right after the election, having enjoyed getting a tax credit and then seeing their taxes go up \$300 per child almost immediately. So I totally agree with the gentleman. But this bill, as the gentleman may recall, has very important provisions for the military in it.

I would just urge the gentleman to make his concerns known to those over in the other body that could move this bill within nanoseconds if they had real concerns for those 6.5 million families and the military families in this country.

Mr. HOYER. Reclaiming my time, respectfully the leader and I have a different perspective, as you know. We could move within a nanosecond to include those children today with unanimous consent. Frankly, as the leader well knows, we had a vote of 422 to 0 on much of the military tax relief in terms of moving expenses, capital gains expenses from selling homes and other expenses, the death benefit exclusion from taxes. So all of those items, there is agreement on my side, unanimously, as there was on your side. So the only issue is are we going to hold those two items hostage, the child tax credit and the military, for other items which are much more controversial, both within this body, Mr. Leader, as