trapped in failing schools. This was part of the President's original plan and, while far from the only part, it is a very important part.

The amendment would restore all the private school choice provisions that were struck in the bill in committee, except for the demonstration program. Specifically, the amendment would restore private school choice as an option for disadvantaged students who have attended failing schools for at least 3 years. It would restore private school choice as a local use of funds under title IV of the Innovative Education Grants for Disadvantaged Students. It restores private school choice for students who are stuck in unsafe schools and where there are no other public schools to which they could transfer. And, it restores private school choice for students who have been victims of crime on school premises and where there are no other public schools to which they could transfer.

Mr. Chairman, I think it is common knowledge that we already have school choice in this country, except for poor children. Suburban parents, including many members of this body, are more likely to have the financial means to send their children to private schools, but low-income parents cannot afford this option. While we would continue to deny parents with children in failing schools the opportunity that Members of Congress enjoy, I just do not know.

We are told that providing poor children a way out of failing schools will siphon away money from the public school system. Quite frankly, I do not think this argument holds water.

Mr. Chairman, a couple of years ago, Matthew Miller, writing for the Atlantic Monthly, asked Bob Chase, who is the president of the National Education Association, if the NEA would support vouchers in exchange for tripling per-pupil spending for inner city kids, and guess what? Jay said, ''no.''

This is not about money, even assuming, which we should not, that spending more money automatically increases student achievement. This is about an education bureaucracy that is resistant to change and mired in habit. This about powerful lobbies that refuse to accept any change in the status quo.

Where it has been tried, school choice works. Harvard University's Jay Green found that Florida students' test scores have improved across the board since the implementation of Florida's A-Plus program, similar to the plan that we would see in this amendment. And a September 1999 report conducted by the Indiana Center for Evaluation found that participants in Cleveland's scholarship program scored up to 5 percentile points higher than their public school counterparts in language and science assessments.

Disadvantaged students have the most to gain from school choice. Consider the characteristics from those who benefit from Milwaukee's Parental School Choice plan: Fifty-four percent receive Aid to Families with Dependent Children money, they come from families with an average income of $11,600; 76 percent come from single-parent homes, and more than 96 percent are from ethnic minorities.

Mr. Chairman, this is a good amendment. These are good provisions. They will help parents and they will help children stuck in failing schools.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SCHAFFER) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

NO CHILD LEFT BEHIND ACT OF 2001

The Committee resumed its sitting.

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

Mr. Chairman, vouchers are a hotly debated topic throughout our Nation. The Michigan and California members of this House are very aware of this debate, having just had major ballot initiatives on private school vouchers recently defeated in their respective States.

In my home State of Michigan, in fact, our private school voucher proposition was opposed by over two-thirds of the Michigan voters, with a similar vote in California. The people of those two States, which are quite a cross-section of America, have spoken very clearly on this issue.

In committee, all private school voucher provisions were removed from the bill with bipartisan support. I believe that the passage of this amendment does jeopardize the many months of bipartisan work that have gone into producing this legislation. I would hope that the House would preserve the bipartisan support for this legislation and reject this amendment.

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

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

Mr. Chairman, I rise in strong support of the Armey-Boehner-DeLay amendment because school choice is about one thing. It is about educational opportunity for all Americans, regardless of their race or socioeconomic status. The parents of children trapped in our most dangerous and failing schools are having to challenge a status quo that opposes those opportunities to them.

This debate, Mr. Chairman, between the status quo and the needs of largely minority students is not new. Decades ago, the defenders of the status quo stood in the schoolhouse door and said to some, you may not come in. Now, the defenders of the status quo stand in the schoolhouse door and say to the grandchildren of many of those same Americans, you may not come out.

I strongly rise in support of the Armey-Boehner-DeLay amendment in so much as it is part and parcel of restoring the dream of boundless educational opportunity for all Americans.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Chairman, I rise in strong opposition to this amendment. I do so because the very heart and soul of this bill includes not only public school choice in the first year of a failing school where students taking their tests in April and finding that they are failing that test in the summertime are then afforded immediate public school choice that September.

We are expanding in this bill public school choice, charter schools, magnet schools, and then further on in the process, even opening up public school choice more than that for schools that go into the school improvement category.

So we have full public school choice. We are looking with new vision and new boldness to open up more options and empower our parents to make more choices within the public school system.

But this bill is also about accountability. We are saying for the first time in 30 years that schools must be accountable, that failure is no longer an option, whether it be for inner city school kids or suburban kids, and we are requiring them to take tests, and we are saying, we will invest more money to remediate the kids if they fail a test, but we want to know where they are with these tests. We are going to strengthen accountability.

This amendment has no accountability in it. We take the money with the voucher from the public school to a private school, and then there is no accountability there. No test, no trail, no nothing. As a student, as somebody who went to Catholic schools, I am not sure that we want those Catholic schools having to be accountable to the government for curriculum, for testing, for other things.

So on accountability, this amendment fails. I think in terms of public school choice, we are opening that up, I think this amendment fails.

Finally, this amendment would allow us the per-pupil expenditure under title I. That would be the whopping figure of about $639 for a voucher. Now, we defeated $1,500 in committee. This would be less than half that and would really not even get you in the classroom, let alone the front door of the school.

Mr. Chairman, I urge bipartisan defeat of this amendment.

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

just a moment's comment to the previous speaker.

The amendment does, in fact, have accountability tests in several of the crucial academic areas. But, the gentleman is right, we do not ask the Catholic schools to be accountable to the government, we ask them to be accountable to the parents, the parents that love their child enough to find out how the school is doing by my child, care enough about the child to move the child, and certainly are more interested in that child's well-being than anybody in this government throughout the remainder of that child's life. That school will be accountable to that parent, and the gentleman can comment on that.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Texas for yielding, and I thank him for bringing forward this amendment.

I think the debate and the discussion that I just heard really does crystallize the exact debate as to where we need to hold and what accountability really is.

The President's plan originally talked about flexibility, it talked about accountability, and the accountability was to the Federal Government. What this amendment says is that there is another accountability. It is the accountability of schools, teachers, to parents. To claim that there is not accountability there, this amendment is absolutely false.

□ 1215

This is empowering parents and will force schools to be accountable not to a bureaucrat in Washington, not to a bureaucrat in the Department of Education, and not to a bureaucratic test that is mandated out of Washington.

We know a lot about this Department of Education. If we talk about accountability, we are talking about holding schools in Holland, Michigan, in my district, accountable, when at the same time Congress continues to back away from holding the Department of Education accountable for their $40 billion that they cannot get a clean audit on, and were not willing to allow parents to make the decisions about their kids.

Let us recognize through this process that by empowering parents we are moving accountability to exactly where it should be. We are moving it away from the Department of Education, we are moving it away from Washington, we are moving it away from our State capitals, we are moving it around the kitchen table, where parents can make the decision as to what school and what school environment most effectively meets the needs of their children.

I encourage my colleagues to support this amendment.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to this amendment. I agree, and it has been a priority of mine, to improve American schools; and it should be our top priority. I truly believe in the title of this bill, which is to leave no child behind. This amendment goes in absolutely the opposite direction.

Mr. Chairman, the bill before us, as has been noted, does improve our Nation's schools without vouchers. It includes several additional options for students in schools that fail to improve, including public school choice, access to after-school supplemental tutoring services.

In addition, the schools that fail to improve will be subject to consequences. That may include turning the school into a charter school or a takeover by the State. These provisions ensure that no child will be left behind in a failing school, and that scarce educational resources will be used effectively and efficiently to improve schools, and I want to stress this, for all students, not a small, select few.

If this amendment passes, our ability to help public schools improve will be significantly hindered. It will be taking money away from the system; and even worse, the vast majority of the students will be left behind in failing public schools.

How can we in good conscience select a few people from the failing schools to receive vouchers and leave the rest of the children behind? While, I am not a lawyer; aside from the unfairness of this, I would also say that if this amendment were ever to pass and this were in the bill, I am very confident that there would be court cases denying this because of discrimination and the limitations on the voucher system. This would then ultimately become an ''entitlement.''

The bottom line is that vouchers will reduce financial support for the vast majority to support only a select few and will definitely open up significant legal obstacles. I say, leave no child behind.

Mr. ARMEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho (Mr. OTTER).

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

Mr. OTTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Armey-Boehner-DeLay amendment to H.R. 1, the No Child Left Behind Act of 2001.

But before I speak about this amendment, I want to commend President Bush for keeping another of his promises by making education reform a top priority in his administration.

I also want to thank the gentleman from Ohio (Chairman BOEHNER) for his hard work on House Resolution 1 in keeping education a priority in this 107th Congress. In addition, I want to thank those members of the Committee on Education and the Workforce for their hard work.

Many of the provisions of H.R. 1 are good, particularly those that would increase flexibility for the State and local school districts, the families, the parents; reduce the Federal bureaucracy; encourage and improve teacher quality; and ensure that the basic math, science, and literacy tests are adequately funded.

H.R. 1 would also allow parents the option of transferring their children out of public schools that refuse to improve failing performances and to other public schools within the same district, a measure I support.

However, decisions as important as educating our youth should not be restricted only to public schools. Lower-income American families concerned about the quality and safety of their children in public schools should not be left behind. Just as many families who can afford it, they should be allowed to send their children to schools of their choice, whether it be public, private, or religious.

National opinion polls show that the vast majority of Americans support private school choice. The Armey-Boehner-DeLay amendment would do just that, if a school fails to make adequate yearly progress for 3 years in a row.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I oppose this amendment because it provides a disingenuous solution to an indisputable problem.

It is indisputable that there are many children attending subpar schools throughout this country, but I want Members to think about the solution this amendment proposes. It says that children who go to a school where most of the kids fail a test year after year after year can eventually leave that school and take a bit of money with them and then attend a private school where the same testing will not be imposed.

Now, this amendment says there will be comparable tests, but not the same one. See, it is okay to justify people leaving a public school with public money to go to a private school because they could not perform on a standardized test, but then the amendment says that we will not give that same standardized test once the child gets to the private school. It only has to be comparable.

This amendment is an invitation to school fraud, not school choice. It will create a marketplace of fly-by-night institutions posing as legitimate schools simply to sop up this new Federal voucher that will be out there. It will degrade the well-earned reputation of legitimate private schools sponsored by religious and other organizations around the country.

The real solution is what is in the underlying bill: evaluate schools, find

out what they are doing wrong, improve what they are doing wrong, and ultimately, replace the managers who will not make the changes that will make the schools better.

I urge opposition to this amendment.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

My daughter is about to turn 1 year old. It reminds me how fleeting childhood is, how brief is that moment in a child's life to have the opportunity to get the education that a child needs to have the opportunity to live a good life and to have all the opportunities to build a better life that we take for granted.

Mr. Chairman, this amendment today really is not for our kids. It is not for affluent children growing up in affluent homes. They have choice. They can move to the school district of their choice; and if they do not like that, they can afford to pay their property taxes and pay a tuition for the private school of their choice.

This amendment is for the majority of kids, our constituents who grow up in families where they do not have the luxury that that wealth provides. They have the fewest opportunities. They have the most disadvantages.

All this amendment says is if those children are stuck in a school that is chronically failing, if they are languishing in a school for 3 years that is not teaching them, then those parents ought to be free to move that child to a school that will work.

It is amazing to me that opponents of this amendment can say that a poor child with few opportunities who is stuck and languishing in a school that is not teaching him will force him to stay in that school. That is what the opponents are saying. I just do not know how we can do that, with good conscience.

I know there are powerful special interests that have personal stakes in maintaining the monopoly that they currently have. They do not want any kind of competition to upset what they have going. But frankly, the special interests are not the children's interests.

I just have to ask my colleagues not to block the schoolhouse door from the kids who do not have access to the educational opportunities that they deserve.

I want to thank the gentleman from Texas (Mr. ARMEY) for offering this amendment, and I urge all my colleagues to think about all those kids that are in schools that are failing. There are great public schools, but we know there are a lot of schools that are not working. There are a lot of kids that are not getting the education they need and deserve. This amendment would help the kids who need that help the most. I would like to urge my colleagues to vote for this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for his courtesy in yielding time to me, Mr. Chairman.

There has been a lot of talk on the floor about access; but unlike public schools, which serve all children, private schools are not obligated to accept any student. Students that are the most vulnerable and the more difficult and expensive to educate are left out.

In fact, the Department of Education report shows that if required to accept special needs students, 85 percent of the private schools said they would not even participate in a voucher program. It is wrong to divert critical funding from our public schools, especially when all children will not have equal access.

Now, in the areas, the cities that have had voucher programs like Milwaukee and Cleveland, the effectiveness has been inconclusive, at best, in terms of the results for the student achievement. However, what these cities have shown is that vouchers have led to greater class and race segregation in the classrooms, they are draining significant financial resources from public schools, and are primarily serving students already in the private school system.

This committee has labored to provide more accountability and more public school choice. It is a dramatic step backward to adopt voucher amendments. I strongly urge the House to reject them both.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent that each side have the debate time extended by 5 minutes.

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

There was no objection.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Armey school choice amendment. I will tell the Members why. As Members of Congress, we already have private school choice, that is, if our children are trapped in a failing public school, we have the resources to get them out.

Why is it that the D.C. public schools are not good enough for the children of Al Gore and Bill Clinton, but somehow they are good enough for the low-income African American kids trapped in these failing schools? It defies common sense and logic.

This is not a complex issue at all. The opponents of school choice say it will bankrupt the public schools. The supporters of school choice say no, it will cause public schools to improve. Who is right there?

All I can tell the Members is that in Florida in 1998, we passed almost the identical law under Governor Jeb Bush. What happened as a result? We went from 78 F-rated schools to only four F-rated schools. One of the schools in my district, Orlo Vista, went from 30 percent of the kids passing the standardized test to 79 percent of the kids passing. Another school district, Dixon Elementary, went from 28 percent of the kids passing to 94 percent in 1 year. It improved public schools by competition.

I urge my colleagues to vote yes on the Armey school choice amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

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

Mr. CLAY. Mr. Chairman, I rise in opposition to the amendment being offered by the gentleman from Texas (Mr. ARMEY). At a time when public schools are struggling to rebuild antiquated and crumbling school facilities and deal with a record enrollment of over 52 million students, we should not be considering proposals that divert scarce taxpayer dollars from our public school systems to subsidize private and religious schools.

While school vouchers may benefit a small minority of children who have the option of attending a private or parochial school, school vouchers will ultimately condemn the vast majority of our children to an inferior education as a result of the shift in tax dollars from public education to private.

This voucher proposal provides a select few a way out of the public school system while abandoning the vast majority of our children to underfunded and overcrowded schools. The hardest hit will be low-income, inner-city children who are already suffering from a lack of quality educational opportunity.

Rather than defunding public schools, we need to be reinvesting in public schools. Our children's future success in the Information Age will depend on their ability to receive a quality education, and school vouchers are a nonanswer to that challenge.

□ 1230

School vouchers are an attack against public education and an attack against our children. I strongly urge all of my colleagues to vote against this amendment.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Chairman, I thank the gentleman from Texas (Mr. ARMEY) for yielding me the time.

Mr. Chairman, I rise today in strong support of the Armey amendment, which restores all private school choice provisions back into H.R. 1. We are about to start testing our schools to gauge their success at educating our children. But what is the impetus for them to change if parents cannot take their children to better schools?

Many of America's children are stuck in failing schools and are being deprived of a better future because they

have nowhere else to go. This amendment provides the means for parents to rescue their children from failing schools and send them to institutions that will successfully equip them for the future.

School choice is the heart of this educational reform, and it is successful as Milwaukee's school choice program has proven. Yet opponents of school choice are kowtowing to teacher unions and thus sacrificing the future of our children on the altar of politics.

Support the Armey amendment and rescue our children from failing schools that are depriving them of successful lives.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the Committee on Education and the Workforce.

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

Ms. WOOLSEY. Mr. Chairman, a sound public school system is the backbone of our Nation, and it is the way to prepare all children for the high-skill, high-wage jobs that will ensure America's leadership in the world marketplace and will prevent at the same time dependency on welfare here at home.

Public education is the backbone of our country. It is why we are a great Nation. Public education is available to all. It does not discriminate, and it must be strengthened, not weakened.

Why is it that voucher supporters go on and on about our poor-performing public schools and do not have a plan to make all schools the best in the world? Instead, they support vouchers that take precious education dollars out of our public school system and give them to private and religious schools.

I have no quarrel with private schools, but we cannot forget that private schools are allowed to self-select their student body, while public schools educate all students.

Mr. Chairman, I am proud to speak up for public education in America. Sure, it is not perfect. Democratic amendments would have helped in this bill, amendments that were not made in order. These amendments would have improved the public school system by reducing class size and repairing old school buildings.

This amendment does not improve public education. It should be defeated. If it passes, then H.R. 1 must be defeated.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, this amendment is the only provision that would offer hope to low-income children trapped in failing schools.

The underlying bill will provide, in my opinion, only marginal improvement, if any, to public education.

Public schools are a monopoly, and they face little to no consequences for failure.

If I brought a bill to this floor proposing we put restaurants and supermarkets in the control of the government, nobody would support it, because everybody knows quality would go down.

We have a serious quality problem in the public education system in many of our poor neighborhoods and inner cities, and we are going to just throw a little bit more money at it; a little bit of competition would go much, much further to help the problem.

We have seen what happened in Florida with Governor Jeb Bush's A+ program. We need to have it throughout our own whole country. It is the best hope for poor families trapped in failing school systems. It is not a little more testing, a little more money.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Chairman, I stand in strong opposition to this voucher educational amendment. We have the responsibility to educate every one of our children. We have the responsibility to make sure that all of our children have access to education and not to deny children.

This does not guarantee that a child will have access to private schools. What it will do, it will simply drain our resources from those schools most in need of help, while providing minimum benefits to students.

It will raid the system, bleeding and hemorrhaging, when we should be funding education at the highest level. I say we have that responsibility to make sure that every child receive that education. We owe it to our children.

This voucher system will not guarantee that. There are different standards that are being proposed. Standards that are being proposed to the public schools that are asking us to give a test; at the private schools, they will not be held.

When we talk about accountability, there will be accountability in our public schools. When we talk about accountability in our private schools, there will not be accountability.

When we say that the parents have accountability, parents have the same accountability to be involved in our public schools, to make sure that our public schools are the best schools in the systems. We have that responsibility.

Mr. Chairman, I urge everyone to vote against the voucher system because we want to make sure that every child has access and ability to go to school and learn and be all they want, and it can only happen by providing assistance, helping our schools become a lot better.

Let us help our public schools. Let us improve our public schools. Let us get involved with public schools. Let us make them the best. Let us make sure that everybody has the same quality of life to enjoy, to be all they want to be, and we can only do that by affording that every child has access to our schools.

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

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

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from Texas (Mr. ARMEY), the majority leader, for yielding me this time.

Mr. Chairman, I stand in support of this amendment. I have no doubt that every Member of this body, Mr. Chairman, wants to improve education for every child in America. I know people have devoted their lives to try to achieve that goal, and there is no doubt that there are many great educators, teachers, principals across the country who want nothing but the best for our kids.

Just a couple of days ago I was on PS 3 on Staten Island, a great school, great kids, you can see the enthusiasm, not only in themselves and their eyes, but the teachers who want the best for those kids. But that is not the issue. The issue is not those kids. The issue is not getting access to good schools, because that is what we want and we guarantee.

The issue that you have to ask yourself or present to yourself is, if your child is going to a failing school day after day, year after year, and I want to change that and someone tells you you cannot, that your pride and joy, your child, is forced to endure, this offers hope.

This tells those low-income families out there that they have a choice; that they now have an opportunity; that they now will have freedom; and that they can now get a better education where they are not getting it now.

The bottom line here, Mr. Chairman, to those families who have little or no hope and are forced to endure, the families who are working, the parents who have two and three jobs just to pay a mortgage or the rent or to pay the car bill, they have no choice; all we are saying is give those families some hope. Give them that opportunity to send that child to a better school.

I do not know what is so radical about that. What is so bad about that? What is so un-American about that? If anything, Mr. Chairman, I think what indeed is American is to provide freedom to those who do not have it right now.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. RIVERS), a member of the Committee on Education and the Workforce.

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

Ms. RIVERS. Mr. Chairman, as a former school board member, I rise in opposition to this amendment and to the contention that a voucher program will improve public schools.

Two hundred or 300 years ago in this country, we had a practice, a medical practice called bleeding. And the way it worked was when someone got sick, we would put leeches on the body and let blood be taken out. If they did not get better, we added more leeches and more leeches and took out more and more blood. Not surprisingly, not many patients got better.

Now, this procedure was done with all the best of intentions, but a lot of patients died, and finally the procedure was abandoned. What finally helped patients move forward was new technologies and new treatments.

We devoted effort and resources that ultimately produced pharmaceutical breakthroughs. We developed a knowledge of preventive behavior, things like better nutrition and healthier lifestyles.

Mr. Chairman, instead of bleeding the public school patient dry and condemning it to never getting better, we should do with education as we did in medicine and devote our resources to new technologies, new intervention models and preventive programs like Head Start, title I and teacher instruction. After all, we want our patient to live.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I rise in support of the amendment, and I find it interesting that those who claim to support the children and have an interest in the children are standing up here today in support of a system, they are standing up here in support of a system called the public school system. Unfortunately, it is a very inconsistent system.

My goal, and I think the goal of those who support this amendment, is to support the children, to give the children the best opportunity to have the tools that they have been given by God to be developed as much as they can be.

If their parents believed that they can be developed better in a different school, other than the one that they live in, then they should have that opportunity. This is America. This is the country where parents and families should have the ultimate decision and opportunity to decide how best to use their resources and to succeed.

We spend a lot of money on our public schools; and, unfortunately, the one that seems to be failing the most are the ones on which we spend the most dollars. We would actually save the taxpayers' money and save the children if we would direct a small portion of that money towards a school choice voucher.

Mr. Chairman, I rise in support of this amendment. I support the children, and I believe my colleagues who support this amendment do as well.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK), a member of the Committee on Education and the Workforce.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to this amendment. The whole purpose of our debate on this bill, H.R. 1, is to reform and improve the public school system.

We have spent a lot of time in the last few minutes talking about the failing schools and how by a voucher system we are going to improve the failing schools because we will essentially give parents the choice to get out.

What is wrong with the whole system is that once we identify the failing schools, we do not provide enough resources.

I argue that the tests that we are going to now require of these schools is simply going to target the schools that are failing with more bad news and insufficient resources to help them build back up and to becoming adequate school systems. The whole purpose of the Congress ought not to be in a punitive stance to try to punish these schools. Listen, this is tax dollars we are talking about, Federal tax dollars, that are going into our targeted schools that need help.

Why should the taxpayers of America be sitting here saying that the Congress ought to be giving away their tax dollars to private schools? That is the issue. If we have public tax dollars to improve our school systems, it ought to be designed to pour money into the failing schools, give them qualified teachers, give them the resources they need, buy them the textbooks, improve the school structure, so it is a friendly environment for the students, give them the technology that they need, provide them with the total resources of support.

That is what we need in order to reform our system, not to send these dollars out to private schools where there will be absolutely no accountability.

□ 1245

I oppose this amendment because it is a cop-out. It is a surrender. We ought to be saying we are committed, as the President has said, no child will be left behind in the public school system. Keep them there. Improve these failing schools. Add the resources so that every child can have real opportunity in America.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, I am happy to help dispel this myth that school choice is going to destroy our public schools.

The evidence shows that existing schools, the programs that participate in them, whether they are vouchers, charter schools or tax credits, have had a significant and positive impact on both the public schools and the children that they assist.

Time and again, from Wisconsin to Florida, schools and cities with choice have larger improvements on their standardized test scores than similar schools that do not face competition. While choice gives parents the ability to choose where their children go to school, it also gives failing schools the incentive to improve.

This is a win-win situation for all children, but especially poor children who do not have the means to switch to better schools as some parents do today.

I believe that school choice has, at its heart, just one simple idea, and that is quality education for everyone. As the gentlewoman from Hawaii (Mrs. MINK), the speaker before me, just said, no child should be left behind. It is a concept that I will continue to work for as a public official, as a parent, and as a grandparent.

Mr. Chairman, I urge my colleagues to support this worthwhile amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from California has 6 minutes remaining. The gentleman from Texas (Mr. ARMEY) has 5½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I would like to note first that this amendment represents blazing guns of an ambush of what was supposed to have been a bipartisan compromise. This is a partisan ambush, this amendment.

We agreed several years ago that a good alternative to public schools, if one wanted to test them out and try to make them more accountable or more innovative, was charter schools. Charter schools was supposed to be the alternative, and not vouchers.

Vouchers are a waste. Vouchers are fraud really. It misleads parents in the most frustrating situations. Nobody wants vouchers except frustrated parents in inner-city communities who want to have a better education for their children, and they have been sold this bill of goods. They have been swindled into thinking that vouchers are the answer.

Most of them think that vouchers are going to pay the full tuition. They are not told that vouchers will only pay a small part of it. I think at most vouchers, under this system, will be able to contribute maximum of $1,500 in some situations, in most situations less. Tuition is far greater than that. The parents do not know.

There was a woman who came before the committee who testified from New York. She thought she would get $8,000 per child through the voucher system because New York estimates it costs $8,000 per child in the public school system. She will not get anything near $8,000 if her child is in this voucher system. It is a fraud. It is a swindle. Frustrated parents are being victimized by high-pressure publicity about vouchers.

The best way to go is charter schools. That is the noble compromise. Charter

schools. But they do not want to go that way because charter schools need money for building and construction. They need the money for capitalization. They need the same kind of effort that we need for public schools. They need resources.

This is a shortcut to get away from providing adequate resources for public education. We want to make everybody accountable except the States, the cities, and the Federal Government to provide resources. This is not the answer. Resources are the answer. We should be honest with parents and tell them that.

Mr. ARMEY. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I am grateful to the majority leader for yielding, but even more so for bringing this amendment to us.

As everyone here knows, this portion of the President's plan was taken out of the bill by the Committee on Education and the Workforce. What the majority leader is proposing to do here is restore what really is the heart and core of the President's Leave No Child Behind proposal.

In fact, if one looks closely at the way the President had proposed even the testing provisions, those testing provisions are predicated on this particular provision that is here before us now. Because real accountability is a matter, not of government taking tests and telling us what the answers are, but it is a matter of empowering the parents who love their children more than anybody here in this city, and by empowering those parents to place their child, when armed with the data derived from testing, into a school that earns their confidence and offers more promise and more hope for their child. That is what we should be about.

Mr. Chairman, just the latest reports crossed our desk within the last few days. Now, there are some who I suppose would not want to read them for the data that is contained. These are reports about voucher programs that exist in a variety of cities in New York and Dayton and D.C.

Here is what the latest report says: ''After 2 years, African American students who used a voucher to enroll in a private school scores 6.3 percentage points higher than African American students who remained in public schools.'' That is in New York.

If one goes to Charlotte, here are the results in Charlotte: ''After 1 year, the results show that students who used a scholarship to attend a private school scored 5.9 percentile points higher on the math section of the ITBS than comparable students who remained in public schools. Choice students scored 6.5 percentile points higher than their public school counterparts in reading after 1 year.''

In the District of Columbia, the results are also the same. The report says that the results ''represented a net positive swing of 17 percentile points from 1 year to the next. An additional year of private schooling, in other words, is estimated to produce a staggering gain of about 0.9 standard deviation.''

Remarkable gains in academic achievement from students who attend private schools with the help of vouchers, much the way the author of this amendment envisions.

Then there is the other report that crossed our desk. I imagine most Members did not want to read this. This is the one from the Program on Education Policy and Governance at Harvard University. This report suggests that the most obvious explanation for these findings is that an accountability system with vouchers as the sanction for repeated failure really motivates schools to improve. That is, the prospect of competition and education reveals competitive effects that are normally observed in the marketplace. Free market schooling is a good idea, and it should be applied to those who suffer from the worst effects of failing schools.

This is the core provision of the President's bill. Failure to restore it really leaves little for us to support.

The CHAIRMAN. The Chair advises Members that the gentleman from California (Mr. GEORGE MILLER), the ranking member, has the right to close on this debate.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

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

Mr. WU. Mr. Chairman, I want all my colleagues to hear and understand that, make no mistake about it, this is a make-or-break amendment. It is a make-or-break amendment as to whether all children in America will get access to a quality education or not. It is a make-or-break amendment as to whether we are going to have a truly bipartisan bill or whether this is going to be straight down party lines and the same old partisan thing.

I urge strong opposition to this amendment for two very important reasons: it is bad policy, and it is so deceptive that it borders on the fraudulent. It is bad policy because this amendment would propose to strip-mine public resources away from public schools and give them to private institutions. I think that is wrong.

It is deceptive because, right out here on the House steps, I was asked by someone, Why will you not support vouchers? I want to take a voucher and go to a private school. I asked that person, Well, are you in poverty? Because if you are not, then you are not going to be eligible for this program.

I want my colleagues to know something else. Under the program as authorized, one would get $1,500. Under the program that is probably appropriate, one is going to get $500 or $600. That will pay for perhaps 10 percent of a parochial education. It would probably pay for less than 5 percent of a fully loaded private education in my hometown.

It is very, very deceptive to think that this measure will create any real choices for the people that we are talking about today. It is deceptive. It is wrong.

I urge all my colleagues to maintain the best bipartisan bill we can and oppose this amendment today.

Mr. ARMEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we are a great Nation. We should be so proud of ourselves. We have taken so seriously as a Nation, as a government, as State governments, local governments, local school boards, principals, superintendents, teachers, and parents our sacred trust. The most important thing we do in our culture is teach our children.

It is so important to us, we spend hundreds of billions of dollars providing for our children's education. We spend hundreds of millions of man hours, legislating, dictating, describing, proscribing, mandating, determining what these little ones will get in the classroom, organizing our unions, administering our schools, electing our school boards, writing our regulations to make sure that we know that they will get exactly what we think is best for their children.

It works out pretty good for most of us. There is a couple of ugly spots here, 6,000 chronically failed schools registered with the Department of Education right now, 6,000 schools that never seem to get it right, 6,000 schools worth of children where all of our attention, all our billions, all our mandating and proscribing, legislating and posturing is not doing them much good. But they are there. We try not to notice that part.

See, Mr. Chairman, there is an awful lot of school choice going on in America. Talk to any relocation office in any business in America, and they will tell us, when they decide between Dallas, Texas and Chicago, Illinois, the schools available for their employees is one of their first and most important considerations. It makes a difference where we create the jobs, how good the schools are, and we move on that basis.

Talk to any realtor, and they will tell us one of the first things mom and dad ask about when they look about moving in a neighborhood is what are the schools like here, what are the schools like there. They never choose to buy the house, when they are free to choose, where the schools are bad. They always buy them where the schools are good.

Good for you, mom and dad. We love our babies. When we can, we do choose the better school. Talk to an awful lot of people that have got the ways and means, and they take their children out of that public school. They may put them in private school. Lord, have mercy, they put them in religious schools. Holy mackerel. Can one imagine a government that will tolerate people putting their children where

they are teaching the Bible? But they do it if they can afford it because it is important to them, and they love their babies, and they want it done right, and that is what they believe.

Sometimes they get so frustrated with the alternatives, they teach their children at home. They do it. They are free to choose. We applaud them. Well, we have got some people here that just do not seem to have that good job, the college education that allows them to teach their own children, the opportunity for a better chance to move. They are stuck, and they are stuck in those schools that are registered with the Department of Education right now, as they have been for 10 years, as schools that are chronic failures.

What we have said with this amendment, for the most distressed children in those most distressed schools, take your title I money which is allocated for distressed students, and let the parents find the better place. We walked away from these children in every regard. We never fix those schools. They are always there.

This bill says, Mom, after your baby has been there for 3 years, you have a chance to do what the rich folks do. Move your child.

Where is the heart? We give a lot of respect to ourselves. We brag about our good intentions. We give a great deal of deference to the unions. We pay a lot of regard to the school board, and we respect and love the teachers. But in the end, there is not a school in America that is about any one of them. The school is not about the kid. The school is about nothing.

□ 1300

I tell my colleagues that there is no mother in America that should be made to say to her baby, look, I know that school will never get it right, you have been there for 3 years and it is not getting any better, but you have got to go back. To say to your child, I know you had an act of violence committed against you in that school, I know you are frightened, but you have got to go back.

I would not say that. There is nobody in this Chamber that would say that to their child. But here we are saying, if we vote against this amendment, we are telling that heartbroken mother that has to look at our baby and say, honey, go back and make the best of it, because that is all I am able to do, that we have nothing to offer her.

Now, I know that mother, I have talked to that mother. I have seen that mother when she has looked at her baby and said, honey, there is nothing I can do, I just cannot find it. And I have seen that mother when she has gotten just a little tiny scholarship, one that did not pay it all but one that said to her, if I get a second job, I can make up the difference and I can put my baby in a better school.

And I have seen that mother look at her baby with the love that mothers have for their children, and I have seen her say, honey, we have just gone from despair to hope because somebody is willing to share.

I do not ask much from this Chamber. I am not asking for a great deal. I am just saying for that most concerned mother, that most distressed child, stuck in the most failed school, chronically, for 3 years, and feels frightened, scared, neglected and abused, that today has no hope whatsoever, give them that chance to choose as we have chosen, to take their baby from harm's way and put their baby in front of a ray of hope with loving teachers.

And if those teachers be nuns, that is fine with me. Because the nuns know something that most of the public schools should learn, and that is, that if you love a child, you can discipline a child; and if you love and discipline a child, you can teach a child; and you can grow from a baby, boy, a man, who will be happy and successful in their own life and a blessing in the lives of others.

This amendment is about that dream. If there is a mother in this Chamber who does not hold that dream for their baby first, then let that mother vote ''no'' on this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from California has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, America does something that no other country in the world does: It makes a commitment to a child born in this Nation that we will provide them a public education. A free education. We have been doing it throughout most of the history of this country, and we have done a remarkable job. Not a perfect job, not a job that is acceptable to all of us, but we have done a remarkable job. No other country in history has attempted to do what we do here, to take children from any background, to take children of any status and say we commit to them that we are going to provide them an education.

What has been the result of that basic foundation of American society? The basic foundation of American society. The result is the greatest economy in the history of the world; more patents, more inventions than any country in the world, the freest country in the world, the greatest democracy in the world, a public discourse, and more tolerance than any other country in the world. That is not to suggest the landscape in America is perfect; that it does not have its problems; that we do not have our pockets of trouble. We do. We do.

But to come along now and to suggest that we are going to start draining the resources from the public school education system in this country so that we can hold out to somebody the idea that they are going to go and take that $500, and they are going to get a private school education is simply to mislead those individuals. It is simply to mislead those individuals. The harm it does is in draining the resources that are necessary.

We recognize in this legislation, the President of the United States recognizes in this legislation, Democrats recognize in this legislation, and Republicans recognize in this legislation that there are schools that are failing. We make a commitment to fix the failing schools; not run away from them, not leave children behind in those schools, but to fix those schools. That is our obligation. That is the bedrock of this Nation. That is what distinguishes us in so many ways. We should not give up on that now and turn tail and run.

In this bill we provide the resources so that we can fix those schools. That is what this President has said he wanted to do. This Congress took him at his word. Those resources were put into this legislation. And now we are going to find out, because governors are on notice and school boards are on notice and parents are on notice.

We should not give up on a system that has done something that no other country in the world has done, and has given us what America enjoys and benefits from today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ARMEY).

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

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. ARMEY) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 107–69.

AMENDMENT NO. 16 OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer amendment No. 16.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. ARMEY:

After part C of title IV of the Elementary and Secondary Education Act of 1965, as amended by section 421 of the bill, add the following:

PART D—EDUCATIONAL OPPORTUNITY FUND

SEC. 431. EDUCATIONAL OPPORTUNITY FUND.

Title IV is amended by adding at the end the following:

"PART D—EDUCATIONAL OPPORTUNITY FUND

"SEC. 4411. PURPOSE.

''The purpose of this part is to determine the effectiveness of school choice in improving the academic achievement of disadvantaged students and the overall quality of public schools and local educational agencies.

"SEC. 4412. PROGRAM AUTHORIZED.

''The Secretary is authorized to make competitive awards to eligible entities to carry out and evaluate, through contracts or grants, not more than 5 research projects that demonstrate how school choice options increase the academic achievement of students, schools, and local educational agencies.

"SEC. 4413. ELIGIBLE ENTITIES.

''For purposes of this part an eligible entity is—

''(1) a State educational agency;

''(2) a county agency;

''(3) a municipal agency;

''(4) a local educational agency;

''(5) a nonprofit corporation; or

''(6) a consortia thereof.

"SEC. 4414. APPLICATIONS.

''Each eligible entity desiring an award under this part shall submit an application to the Secretary that shall include—

''(1) a description of the proposed research project, including a designation from which local educational agency or agencies eligible students will be selected to participate in a choice program;

''(2) a description of the annual costs of the project;

''(3) a description of the research design that the eligible entity will employ in carrying out the project;

''(4) a description of the project evaluation that will be conducted by an independent third party entity, including—

''(A) the name and qualifications of the independent entity that will conduct the evaluation; and

''(B) a description of how the evaluation will measure the academic achievement of students participating in the program, parental satisfaction and the effect of the project on the schools and agencies designated in paragraph (1);

''(5) a description of how the eligible entity will ensure the participation of students selected for the control group;

''(6) a description of the assessment that the eligible entity will use to assess annually the progress of participants in the research project in grades 3 through 8 in mathematics and reading and how it is comparable to assessments used by the agency or agencies described under paragraph (1);

''(7) an assurance that the eligible entity will assess all students that are participating in the program or in the control group at the beginning of the project;

''(8) an assurance that the eligible entity will report annually to the Secretary on the impact of the project on student achievement, including a discussion of the meaning and an attestation of validity of the achievement data;

''(9) an assurance that, if the number of students applying to participate in the project is greater than the number of students the project can serve, participants will be selected by lottery;

''(10) a description of how the amount that will be provided directly to students for tuition, fees, transportation, or supplemental services will be determined;

''(11) an assurance that schools participating under this part will abide by the nondiscrimination requirements set forth in section 4419;

''(12) an assurance that eligible students receiving assistance under this part will not be defined by reference to religion and that grants will be allocated on the basis of neutral, secular criteria that neither favor nor disfavor religion, and will be made available to children attending secular and nonsecular institutions on a nondiscriminatory basis; and

''(13) an assurance that no private school will be required to participate in the project without its consent.

"SEC. 4415. PRIORITIES.

''In awarding grants under this program, the Secretary shall give priority to applications that—

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

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

''(3) are of sufficient size to have a significant impact on the public and private schools of the community that the project serves;

''(4) propose using rigorous methodologies and third party evaluators with experience in evaluating school choice proposals; and

''(5) propose serving students of varying age and grade levels.

"SEC. 4416. USE OF FUNDS.

''(a) IN GENERAL.—A grantee may reserve up to 10 percent of its award for research and evaluation activities, of which not more than 2 percent may be used for administrative purposes.

''(b) GRANTS TO STUDENTS.—A grantee shall use at least 90 percent of its award to provide grants to eligible students, who shall use the grants to—

''(1) pay the eligible educational expenses, including tuition, fees, and transportation expenses required to attend the school of their choice, but in no event more than $5,000 per student; or

''(2) purchase supplemental educational services.

''(c) ASSISTANCE.—All grants provided to students under this part shall be considered assistance to students rather than to schools.

"SEC. 4417. ELIGIBLE STUDENTS.

''For purposes of the activities funded under this part, an eligible student is defined as a student who—

''(1) is eligible for a free or reduced-price lunch subsidy under the National School Lunch program; and

''(2) attended a public elementary or secondary school or was not yet of school age in the year preceding participation in this program.

"SEC. 4418. REPORTING REQUIREMENTS.

''(a) IN GENERAL.—Each grantee receiving an award under this program shall, beginning with the second year of the project, report annually to the Secretary regarding—

''(1) the activities carried out during the preceding 12 months with program funds; and

''(2) the results of the assessments given to students participating in the program and students selected for the control group.

''(b) PERFORMANCE REPORTS.—In addition, each grantee shall, in the third year of the research project, report annually to the Secretary regarding—

''(1) the academic performance of students participating in the project; and

''(2) parental satisfaction; and

''(3) changes in the overall performance and quality of public and private elementary and secondary schools affected by the project, as well as other indicators such as teacher quality, innovative reforms, or special programs.

''(c) REPORT TO CONGRESS.—The Secretary shall submit to the appropriate congressional committees an annual report on the findings of the reports submitted under subsections (a) and (b), and include the comments of the independent review panel in accordance with section 4420(c)(2).

"SEC. 4419. NONDISCRIMINATION.

''(a) IN GENERAL.—A private school participating in the scholarship program under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

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

''(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a private school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the private school.

''(2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a private school from offering, 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 service related to a legal abortion.

''(c) CHILDREN WITH DISABILITIES.—Nothing in this part shall be construed to alter or modify the provisions of the Individuals with Disabilities Education Act or the Rehabilitation Act of 1973.

''(d) RULE OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this part shall be construed to prevent any eligible institution which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the private school is established or maintained.

''(2) SECTARIAN PURPOSES.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a private school to remove religious art, icons, scripture, or other symbols.

"SEC. 4420. INDEPENDENT REVIEW PANEL.

''(a) ESTABLISHMENT.—The Secretary shall establish an independent review panel to advise the Secretary on technical and methodological issues and in overseeing the activities funded under this part.

''(b) MEMBERSHIP.—The Secretary shall appoint members of the independent review panel from among qualified individuals who are—

''(A) specialists in school choice research, as well as experts in statistics, evaluation, research, and assessment; and

''(B) other individuals with technical expertise who will contribute to the overall rigor and quality of the evaluations.

''(c) POWERS.—The independent review panel shall consult with and advise the Secretary—

''(1) to ensure that the evaluations funded under this part adhere to the highest possible standards of quality with respect to research design and statistical analysis; and

''(2) to evaluate and comment on the degree to which annual reports submitted in accordance with section 4418 meet the requirements under paragraph (1) with such

comments included with the report submitted to the appropriate Congressional committees.

"SEC. 4421. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Texas (Mr. ARMEY) and the gentleman from California (Mr. GEORGE MILLER) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARMEY).

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

Let me just say, Mr. Chairman, that we will have the votes on both these amendments later. I fully expect and hope with all my heart that this Chamber will have the heart to pass amendment No. 15. But should this Chamber simply not rise to that occasion, if we should find a lack of love in this body with respect to that amendment, I would offer this amendment.

This amendment solves the concerns we have about the money and introduces $50 million worth of new money to set up five demonstration programs where school systems can voluntarily decide would they like to try a choice program, a scholarship program, and families within those school districts can voluntarily decide would they like to participate. The amendment allows a chance to study the success of children who have this opportunity, to see if they do better when their parents exercise that influence over their educational life.

We have had a lot of debate. I have heard an awful lot of opinion. There are a great many people that oppose the opportunities of freedom and choice in public education, who think my arguments are full of hot air; and there are a lot of arguments I heard against my great ideas that I think are hogwash. But in an academic setting, the logical thing to do is put it to the test. Let us have five small demonstration projects, $50 million worth of new money, and an opportunity to see the one question that we need to see: Does it work for the children? Because in the end, Mr. Chairman, it does not matter, except that it works for the children.

Again, I will say if education in America is not for the children, education in America is lost. Do we dare, do we dare test an idea on behalf of children in America, an idea that says, little one, we dare to respect your parents?

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

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Chairman, I rise in strong opposition to the previous amendment and to this small $50 million project. Vouchers are simply bad business. It is bad policy for our Nation's schools.

It is ironic that the sponsors of this legislation are fighting for voucher provisions while the title of the bill is Leave No Child Behind. If we take dollars continually out of the public school system, we are going to leave many, many children behind.

My objection to the voucher plans are multilayered and logical. First, there is an important question of accountability for the public expenditure of public money.

Secondly, the dollar amount that the President requests would average about only $1,500 per student to spend on alternative education. This is far from enough money. We would be better off fixing the schools that are failing so that all of the students would benefit, not just a handful here and a handful there.

Third, the results from current voucher plans are mixed. I heard the other side talk about how great they were and everybody were winners. For example, a State-sponsored independent review of Cleveland's voucher program found there was no significant advancement made between the students who used the vouchers and students who did not. So this panacea that we are talking about may not be what we hear on this other side.

Lastly, a serious question of the constitutionality of using public money for religious schools surfaces in this debate, Mr. Chairman. We would be much better off using this time to discuss proven, effective ways to educate our children, like the Harriet Tubman School in Newark that I know about, and the Ann Street School in Newark that are public schools that are working so that we can lower class size, improve teaching quality, and have more Federal resources for improving the physical structure of our schools. We want to have school modernization.

As a former teacher, I strongly oppose vouchers.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI), a cosponsor of the amendment.

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

Mr. LIPINSKI. Mr. Chairman, I thank the majority leader for yielding me this time, and I rise today in strong support of the Armey-DeLay-Watts-Lipinski amendment to H.R. 1. This amendment creates a school choice demonstration research program that would research how effective school choice is in improving the academic performance of low-income disadvantaged students.

I first became interested in school choice in 1979, when, as chairman of the Chicago City Council's Education Committee, African American Aldermen brought this issue to my attention. They told me that the only true way to reform the poorly performing schools was to provide for school choice.

The heightened national popularity for school choice has led more and more school districts and more and more State legislatures to consider various parental choice proposals. This amendment would allow five educational agencies to voluntarily participate in school choice research programs. I stress that the amendment builds upon the success of current school choice programs, not by taking funds away from public schools, but by authorizing new funds.

This amendment will allow some students to move from failing schools to safe and academically sound schools. I do sincerely believe that the competition that choice will provide will motivate the public school system to do a better job across the board for the well-being of all students.

Vote for this amendment and my colleagues will be able to bear witness to disadvantaged students succeeding because of school choice.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

(Mrs. DAVIS of California asked and was given permission to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Chairman, I rise in opposition to the voucher proposal that has just been addressed, and also to the pilot proposals that are with us right now.

We have to ask ourselves why would we have a pilot program? And when we have pilot programs, we do want to demonstrate that there is merit to them. And we often want to demonstrate that there is merit in going beyond a particular community or a particular charismatic leader who puts together a program.

□ 1315

Mr. Chairman, I would suggest to my colleagues that if we are really trying to bring the pilot to scale that is being proposed here today, we have to look at the communities and the communities in which they will realistically be brought to scale.

If I can offer San Diego for a moment, we surveyed the number of private school slots available in San Diego, and we surprisingly found a realistically good number: 1,666 slots. Out of that, 1,300 were religious schools. The rest were identified as nonreligious, but we are looking at a unified school district of 132,000 students. Yes, it sounds innocent to have a pilot program; but would we ever be able to bring that up to scale? You can probably demonstrate that it has merit. I do not question that. You can do that in select areas.

Mr. Chairman, we are trying to go beyond that. We are trying to truly leave no child behind. Bringing a pilot program to scale in communities that really do not have the resources is unrealistic; and I believe it is unfair to the population that we are trying to reach.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent that the debate on this amendment be extended by 5 minutes on each side.

Mr. CHAIRMAN. Without objection, each side will control 5 additional minutes.

There was no objection.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in strong, strong, strong support of the Armey-DeLay-Watts-Lipinski amendment to H.R. 1. Given the importance of education to our Nation's future prosperity and security, I think it is vital, absolutely vital, to try new, competitive approaches to improving the education of all schools, but particularly public education in this country. If we want to be sure we are leaving no children behind, we must at the very least research the effectiveness of school choice programs.

We need to study whether they improve the academic performance of low-income disadvantaged students; or whether they do not. In my judgment, instituting a national school choice pilot program is a modest but important step. This program in no way reduces our current commitment to public education. I believe it enhances it.

For years Congress has debated the benefit of school voucher programs, yet there is insufficient evidence on the cost-benefit of these programs. Today we have an opportunity to establish five demonstration programs that allow us to measure the performance of students who receive these choice scholarships.

Why would anyone oppose an opportunity to scientifically measure choice benefit programs? Why would we oppose it? Measure it. We may be right; we may be wrong. Measure it. We need this amendment to pass in order to have this opportunity.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong opposition to the amendments on vouchers. I speak as a representative of South Texas, a representative who has served on local school boards, on the Texas State Board of Education, and now here in the Committee on Education and the Workforce.

I want to talk about the myths and facts about school vouchers. School vouchers are going to hurt the vast majority of kids who get left behind in the public schools. I am talking about students in special population programs that include bilingual education students, limited English proficiency students. I am talking about migrant students who need special programs. I am talking about the challenged and disabled students and the gifted and talented students not given challenging programs and trained teachers in their field, teachers who are not teaching in their major of study.

There are many myths about vouchers, and in the area that I come from in South Texas, $1,500 does not pay a year of private school attendance in the private schools that I have in South Texas.

Many of these schools charge tuition fees far more than the $1,500 average that is being offered. The American public has consistently opposed voucher proposals. Not one single statewide voucher proposal has passed. One does not need to be a nuclear scientist to figure this out. Every poll in the past 30 years has shown that the public is opposed to vouchers.

When President Bush came in, he listened to hundreds of leaders in education throughout the country; and he learned very quickly that vouchers were not the answer to raise the level of education attainment.

Mr. Chairman, I urge my colleagues that we all get together and oppose the two amendments regarding vouchers.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. WATTS), a sponsor of the amendment.

Mr. WATTS of Oklahoma. Mr. Chairman, 4 years ago I stood here on the floor of the House and voted for an amendment that would have given opportunity scholarships to parents whose kids were in failing schools. Regrettably, that did not pass.

I do not know how many boys and girls since then have been failed by poor schools. I do not know how many dropouts would be graduating today with a good education had those scholarships been there to help them.

Today we have an opportunity to offer parents a choice and students a chance. This amendment sets up five demonstration programs with parental choice which would help kids get out of violent and failing schools which have a monopoly on many of our children. Children in failing schools deserve better than the status quo.

Mr. Chairman, I remind my colleagues that their constituents support parental choice. Once more, African Americans overwhelmingly support parental choice, three out of four in some polls. So, too, should my colleagues on both sides of the aisle support the modest proposal to allow parents to choose what school works best for their children.

Frederick Douglass said, ''Some people know the importance of education because they have it.'' He said, ''I know the importance of education because I did not have it.''

Let us not force some kids to come to that sad reality. Let us pass this amendment.

Mr. Chairman, I urge my colleagues to vote for this amendment, give parents a choice and give students a chance.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. Chairman, I heard the gentleman on the other side of the aisle refer to this money as new money. Well, this is not new money. This is money that is not being appropriated for the modernization of our schools, it is not being appropriated for smaller classrooms so there can be better discipline and the children can get more personal attention. It is not being appropriated for more teacher recruitment or mentoring or professional development so that all of the things that we know really would improve the education of our children in public schools could be done. Those are the things that work.

That is what my colleagues tell us vouchers will do, is get those kinds of circumstances, yet they are unwilling to make the commitment in our public schools to see that happen. They would rather privatize education.

Mr. Chairman, we have had privatized education before. It was pre-Horace Mann. What we got as a result was some very exclusive people that could afford an education and many who could not. One of my colleagues on the other side said the only hope for America is this voucher program passing.

Mr. Chairman, I do not think that is close to correct. What hope is in this country is a free public education for all Americans, whatever their social and economic background. That is where we ought to be focusing our attention. False hope is a solution that gives out too little money to pay for tuition, that selects only a few and gives them that too little money, that does not guarantee them a place in any particular school, that does not have them go to a school that has standards to which they are held. Just because at Yale the President is preaching mediocrity in education is a virtue does not mean we have to fulfill that promise here.

In 10 different voucher petitions across this country, the concept did not just get beat, it got hammered. When the American public understands that these voucher proposals do not pay for full tuition, do not guarantee them a school where they want to go, and does not fulfill the promise, they vote against it.

If we want hope for our children, let us make sure that all of our public schools have all of the resources they need to do the things that we know work: Modernize the buildings that they are in; give them smaller classrooms; give them good teachers with good recruitment and good professional development programs.

Mr. Chairman, I urge my colleagues to reject this voucher proposal.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Chairman, I have to ask my colleagues: What do we have to fear? This is a program of $50 million of new money, and the money will

not come from any public schools, that says let us pick out five cities in America and let us give them a chance to try private school choice. And then let us study the issue. Let us study what happens in those five cities, and let us learn from it. That is all it is. It is very simple.

The bill that we have before us aims to improve public education. I think it is a bold plan. I think it will in fact improve public education. What do we have to fear in allowing five cities an opportunity to try private school choice to empower parents?

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

Mr. BOEHNER. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. What do we have to lose by actually modernizing our schools? But my colleagues were not willing to do that. What do we have to lose by having more classrooms?

Mr. BOEHNER. Mr. Chairman, reclaiming my time, the point is the bill we have before us will improve public schools. And we have got all types of innovations that will help public schools, but we should not fear this.

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

Mr. BOEHNER. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. I am still waiting to hear the answer. What does the gentleman fear about modernizing the public schools that exist? What does the gentleman fear about making smaller classrooms in the public schools that exist?

Mr. BOEHNER. Mr. Chairman, reclaiming my time, all of that will in fact happen under the bill that we have before us; but I do not think that we have anything to fear with an amendment like this.

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

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I can answer the question what do we have to lose. Primarily what we have to lose is this country's basic commitment to the little red schoolhouse. That is what America was built on. As communities organized, they formulated the public community school. It opened the doors of opportunity.

And as the slaves were freed, and even before so, they knew that education was a key element to their success, and they moved themselves to the little red schoolhouses and other schoolhouses that were promoted by local governments. As immigrants came, they were able to improve their status in life as we opened the doors of education.

Mr. Chairman, what this legislation does, and what the Cox amendment does that wants to cut $3.5 billion, it takes away our serious commitment to education.

I believe in public schools and private schools. You can get a good education in private schools; but you can get a very good education in public schools. What we should be focusing on now is smaller class sizes, increased teacher salaries, and recognizing that every one of our children can learn.

Mr. Chairman, why not an amendment to increase parental involvement? Do not give up on your public schools. Get involved in the State boards of education and your local boards. Get involved in the local PTAs, but if you begin to dismantle the public school system, what we are built on, what the European greatness is built on, what the South American greatness is built on, we do not see them abandoning their public schools, then we begin to undermine and misrepresent to the American public that we can siphon off $2 and $3 and get a good education.

Mr. Chairman, I am offended by the advertisements that are on television that show that single parents can open the doors of opportunity for their children with a voucher worth about $10.

What we need to do is invest in our public schools: Build beautiful, brilliant public schools; recruit excellent teachers; have smaller class sizes, and again to analyze.

If we look at existing voucher programs, we can study all we want. The Milwaukee program exists. We do not need any pilot programs to know whether vouchers work. We need an actual commitment to closing the digital divide, of enhancing the teaching and the intellect of our young people, of putting them all in the same boat. When they are all in the same boat, that boat rises together.

Mr. Chairman, I am disappointed that we spend our time doing this. I know the intentions are good, but I believe our commitment to America's greatness is a commitment to America's public schools.

Mr. Chairman, I rise in strong opposition to public school vouchers because they are not the solution to fixing public schools. Vouchers divert scarce funds away from public schools—which 90% of all students in this country attend. Siphoning off limited public school funds from low-performing schools leaves the children in those schools with even fewer resources. Further, vouchers benefit those students already attending private schools. Almost no private schools have tuition rates lower than the amounts provided by vouchers.

Vouchers will only be an experiment, not something that we know will improve the education of our children. We need to understand what makes a school successful, and not simply assume that market forces of performance bonuses and penalties will make the necessary difference in our schools.

Those who look at what makes a good school, whether it is public or private, have noticed that they have a lot in common. A successful school has high academic standards and a challenging curriculum for all children; a safe and orderly environment; qualified teachers; and parent involvement.

If we want to improve our nation's schools, we should provide resources to reduce classroom size, facilitate academic training for teachers, create mental health clinics, and boost parent involvement in their child's education.

There is a long tradition in the United States that supports the notion of a free public education for all of our nation's children. By instituting school vouchers we would be placing a price tag on the cost of education for those in our society who are least able to afford the penalty.

I am a vocal advocate on the behalf of our nation's children, because they are also our nation's future. As leaders of this great nation must keep our focus on what is best for our children—by rejecting the idea of public vouchers.

School vouchers are not a fix for what is wrong with our nation's education system. School vouchers to some may seem like a relatively benign way to increase the options that poor parents have for educating their children. In fact, vouchers pose s serious threat to values that are vital to the health of American democracy. These programs subvert the constitutional principle of separation of church and state and threaten to undermine our system of public education.

The Houston Independent School District (HISD) is the largest public school system in Texas and the seventh largest in the United States. Our schools are dedicated to giving every student the best possible education through an intensive core curriculum and specialized, challenging instructional and career programs. HISD is working hard to become Houstonians' K–12 school system of choice, constantly improving and refinishing instruction and management to make them as effective, productive, and economical as possible.

As long as there exist a disparity in funding among school districts within states, and a disparity of education funding K–12 among the states there will continue to be disparities in the education of disadvantaged youth especially taking into consideration the socioeconomic limitations of these communities to augment the educational experience of their children. This must and should be acknowledged by the education reform legislation that we pass and send to the President's desk. We know the realities of education in the United States are that many children are left behind, not at the discretion of the teacher, school district, parent or child, but under the pressures presented by a lack of adequate funding and teacher training.

The fact that this bill is actually increasing the budget expenditure for education should not make us forget that the budgets for education in the past were woefully underfunded. This pattern of underfunding education has existed not only in the budget for education, but in the smaller specific appropriations measures designed to address reduced and free lunch, support the education of individuals with disabilities, and compensation for teachers.

I would like to encourage my colleagues to reject school vouchers for our nation's children and vote against any vouchers being added to this bill.

□ 1330

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I thank the gentleman from Texas (Mr. ARMEY) for yielding me this time.

Mr. Chairman, not too long ago a gentleman was testifying in front of a committee here in this Congress, a gentleman by the name of Al Shanker, late president of the AFT, American Federation of Teachers. When asked by the committee why the AFT was not doing more to help children, why was it not doing more to bring about reform, he said something that was very candid and was almost incredible. He said, when children start paying union dues, I will start representing the interests of children.

Now, everybody got upset about that. A lot of people attacked him. I said right on, because of course he was being very honest. That is exactly what the AFT and the NEA care about. They are unions.

Now, would it not be nice to have this debate framed on the basis of our true feelings about this issue and why we are going to vote one way or the other on vouchers, on school choice? Is it because we really have the interest of kids at heart, or is it because we know the system, the NEA, the AFT, the PTA, the NASB and all the other organizations I have listed there on that chart, we know they are opposed to vouchers but in our hearts do we not believe, every single one of us in here, in our hearts do we not believe that giving those kids an opportunity, a key to the lock that may be on the door to stop them from getting a good quality education, is where we should be? That is what we should be casting a vote on here, not the system.

Mr. Chairman, I have right here, this is title XX of the U.S. Code, 3,200 pages of school law that Federal Government has passed, and we are going to add another 1,000 pages to it pretty soon.

We are going to probably pass another part of this adding another 1,000 pages. All of it to do what? To tell schools how to be good schools, how to provide quality education; 4,000 pages of rules. This does not count the regulations. We could not even fill this room with all the regulations written about it when we could do one thing instead to actually provide true accountability, and that is to pass this one amendment. It could take the place of all the rest of this because we put accountability into the right hands, into the hands of parents. They will make the decision about what is the good school, not us.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I would like to thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I rise in opposition of the two vouchers proposals that are before us today. In our committee on the Committee on Education and the Workforce, we, I thought, came to an agreement where we were not going to put forward these kinds of projects. Obviously, this is not what is occurring before us today, and I am saddened because the people that I represent in my district, the 31st Congressional District, most of whom are low-income, bilingual, Asian and Latino students, are crying out right now for education as a priority.

No deja ningun estudiante detras (do not leave any student behind), and that means those children I represent in my district. Those children want better schools. They want smaller class size. They want parental involvement. Those initiatives are not before us in this education proposal, and I have to say that in my first year or first few months here as a Member of the committee I thought that perhaps there could be an agreement on a bipartisan level here, and I thought that we would be able to realize that reality here on the floor.

I see what is happening that somehow Members on the other side have become captive to another voice, and that voice is saying ''deja estos ninos, dejalos.'' That means ''leave these kids behind.'' And I am saying that the American public, the American public, those voters that I represent, do not want to be left behind. They want to see a better tomorrow. They want to see more funding for our schools that are crippled right now, that do not have adequate teachers, that do not have enough textbooks, that do not have maybe one single computer in their classroom.

In my district, L.A. Unified, where maybe 30 students are there in the fourth grade learning English but do not have the luxury of taking home a book because there are not enough supplies and materials to do that, private schools is not the answer. There are not enough private or parochial schools in my district to facilitate the room. We cannot even find land that is not contaminated to build a school, and my colleagues probably have heard about that debacle in Los Angeles, the Belmont Learning Center. We need to expand educational opportunities for all. That is the American dream for my constituents. That is the American dream para todos los ninos (for all children).

Mr. ARMEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, the opponents of this choice amendment vehemently oppose five demonstration projects, and instead they want a lot of new Federal programs and money for careful education reform. There is just one little flaw in that approach, and that flaw is that we have been passing new Federal education programs for careful education reform over the last 35 years.

We have been tinkering with the public education system over the last 35 years. We have been increasing money at the Federal and State and local level over the last 35 years, and student achievement has been declining over those same last 35 years.

There are some other constants in those 35 years. American public education remains an enormous monopoly. It used to be the second biggest monopoly on earth after the Soviet state. Now it is the biggest monopoly.

What is another constant? That parents, poor parents, have no choice about where to send their kids to school.

Mr. Chairman, after 35 years of failure, why do we not simply try something fundamentally new, in a careful, pilot-demonstration-project sort of way?

The gentlewoman from Texas (Ms. JACKSON-LEE) asked for an amendment for increased parental involvement. This is it. What better way to get increased parental involvement than, once and for all, to empower parents over the system, the education bureaucracy? This is empowering parents.

So let us try something new and try to turn that declining student achievement around.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, this is a very special day in the House of Representatives when those who support this amendment are overwhelmed with compassion for the parents of low-income children. That is not the case when we bring a tax bill to the floor and they refuse to make their tax credit refundable so low-income families can have it. That is not the case on a normal day on this floor, when no legislation to provide health insurance to the 44 million uninsured people of America is brought to this floor.

That compassion is sorely lacking when there has been a commitment by the majority not to move a bill to raise the minimum wage of many of those parents that we are talking about today. This is a very special day when compassion for those families seems to come to the forefront. A year-long, a life-long commitment to that compassion would defeat this amendment and pass legislation that would provide health care and housing and jobs and real opportunity for those families we hear about from the proponents of the amendment. Defeat this amendment for real compassion.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I think that the important point here is that we are trying to find ways to improve public school

systems. I sat for 2 years with the gentleman from Michigan talking about dollars to the classroom.

They are right, we have to get the dollars to the classroom. Let us remember that the Federal dollars are only about 7 or 8 percent of the total budget. Ninety-two percent comes from the local district.

We ought to have confidence in the local school districts to provide the education that these youngsters need.

Why do we want to spend this limited amount of Federal dollars that we are trying to allocate to these poor districts and spend it out in the private sector, into private schools? If the private entities want to participate in the education of our poor, disadvantaged children, they can do it now. They can take State dollars. They can go in and take local dollars. There is no prohibition. They are free to do it, and they are welcome to do it. They can experiment all they want to. They can set up demonstration projects, but for heaven's sakes do not take the limited Federal dollars that we are trying to allocate for these poor districts.

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

Mr. Chairman, here I am again. There is a great song by Johnny Cash and Ray Charles, a song titled, ''I am Like a Crazy Old Soldier Fighting a War on My Own.'' I feel that way sometimes on this question of scholarships for children.

I fight this fight, it seems, every year. Sometimes we win. Sometimes we lose. A couple of years ago, we got it through the House, we got it through the Senate, got it to the President. Bless his little old heart, he could not find it in his heart to sign that legislation. It would have given an opportunity to some youngsters here in D.C.

I keep asking myself, why do I keep fighting this fight? It is not about children in my district. Certainly it is not my children in my family. It is mostly about children I will probably never see, but it is about some youngsters I have seen working with the Washington Scholarship Fund. I, for several years now, have kept 15 or so little ones on scholarship, managed to get folks to chip in and watch them, watch the brightness in their mamas' eyes when they see the hope, the chance to get a little guy out.

I remember one little fellow, Kenny. He came to us. Darryl Green brought him over and introduced him. Poor little guy was scared half to death, over weight, unhappy, shy. We got him a scholarship. He got out of the school where he was frightened. He got into another school. The nuns were a little tough on him I heard, but they loved him and he learned.

I saw him about a year later. He was the life of the party. He was a happy boy. I saw school choice work in that child's life.

I also saw it work when he got a scholarship from the best private high school in Washington, D.C., a high school that people from his neighborhood rarely get a chance to attend. Probably got a lot of congressional children there, but they do not have very many people from Kenny's neighborhood. I have seen his mama watch her boy have something she never thought she had in her life, a chance.

We saw Ted Forstmann and John Walton try the same idea all over America, and we saw the families line up, the parents line up. I saw the disappointment in one mama's eyes in Chicago and right here in D.C., when the money that Forceman and Walton brought to town was not enough and there just was one scholarship short for her child.

We saw the sadness and, bless his heart, I saw Ted Forstmann reach into his own wallet and bring out enough money so that baby could have a scholarship, too. We saw it work in those lives.

We saw it work when Virginia Gilder tried it in Albany, New York. We saw it work in California. We saw it work in Milwaukee. Wherever we have seen children with a chance, we have seen it work in the lives of the children. But it is more than that. We have seen the schools improve, as one superintendent said, when they had a choice program, privately funded.

His exact words were, we have to get better or we will lose our children. It is a wake-up call for some of those 6,000 schools up there that are always on the Education Department's list of failed schools. It is a chance.

Now, since none of these programs I am talking about were sponsored by the government, we are free to ignore them, pretend they are not there. Do not look at the evidence. Do not accept the facts. They are something special. We do not need to pay regard to that evidence. We can keep our opinions pure and free from any adulteration from facts and keep our allegiances strong to those who fear freedom and choice and prefer control and mandating.

Yes, my heart is in this. It is not an idea with me. It is about children, children that capture the heart, children whose faces shine because they got a chance, and mothers with hope. And I am tired. I am tired of the baloney. I am tired of the hogwash. I am tired about the masquerade. I am tired of the fear.

Hope is a wonderful thing. I have seen it work in the lives of babies and children. I have seen it work to the improvement of schools.

Fear is a horrible thing. I am hoping this time it will be different. I am hoping this time when we take that card out of our pocket and we face an amendment on this one very small effort, shucks, this government even in the Education Department itself will waste $50 million before the sun sets on this day. We know that. One small effort, where we would find it impossible to ignore the facts of the matter. That is what the fear is about.

□ 1345

The fear is that if we really have a government program where we really give it a legitimate test and it is run through the Department of Education, we will not be able to ignore the fact that it works in the schools and it works for the children. That is a mighty frightening thing, to be afraid of the truth, should it come out. Of course, if one is afraid of freedom, one should fear the truth.

So I ask my colleagues, all of them: we have a chance today to vote on this. Take this card out of your pocket and look at that card. For once, just once in our lives in a congressional career, put the special interests aside, put the idealogical high-boundness aside, but the institutional considerations aside. Just once, just give me a vote for the kids, just once. Let us put the kids ahead of all the rest of us. That is what this is about. It is only about the children. Bless their little hearts. They try so hard and we can be so damnably callous.

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

Mr. GEORGE MILLER of California. Mr. Chairman, for purposes of closing the debate, I yield the balance of my time to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I am glad to follow my colleague from Texas, because we could not be any more different, I guess.

I have two children that went to public schools and they did very well. They did not come to D.C., but they went to schools in my own district in urban Houston.

This is a good bipartisan bill. It raises the authorization levels to amounts that we hope to be able to match, and I hope that next year we will do it and this year, with the appropriations.

Vouchers go the opposite way of the intent of this bill. It takes money away from public schools. Public education is not a monopoly. We as parents already have that choice. The statement I heard that there has been a monopoly for 35 years and the failure of the public school system is outrageous. Who do we think has been running this country for the last 35 years? The 95 percent of the people who went to public schools in this country. The product of our public schools are the ones who run it.

This amendment is a slap in the face of thousands of educators and parents who believe in public schools every day and work hard. I have been to every public school in my district and I will take my colleagues to the depths of the inner city in Houston and show them quality education in the public schools.

There is another country western song my colleague may remember. The teachers and the parents and everyone who works hard every day to make our public schools work, they may want to say, ''take this job and shove it.''

Mr. BLUMENAUER. Mr. Chairman, since coming to Congress my goal has been to ensure that the federal government is a better partner in building more livable communities. Access to quality public education is a key component of a community that is safe, healthy and economically secure.

The public knows and has demonstrated at the ballot box and public opinion surveys that not only the federal government must make investment in our public schools its top priority, but providing private school vouchers undercutting precious resources for our public schools is not the way to improve education.

Unlike public schools, which serve all children, private schools are not obligated to accept any student. Students who are most vulnerable and are often more difficult and expensive to educate are left out. In fact, a Department of Education report showed that if required to accept special needs students, 85% of private schools said they would not participate in a voucher program. When all students do not have equal access to education, it is work to divert critical funding from our public schools.

In the two cities that have voucher programs, Milwaukee and Cleveland, their effectiveness has been inconclusive. Milwaukee's program, after 10 years, has shown little or no improvement in student achievement relative to comparable public school students. However, what these cities have shown is that vouchers have led to greater class and race segregation in classrooms, they are draining significant financial resources from public schools, and are primarily serving students already in the private school system. In Milwaukee, two-thirds of voucher recipients were already in private schools or just beginning kindergarten, in Cleveland, three-fourths of recipients were already enrolled in private schools or just beginning kindergarten.

The Committee has labored to provide more accountability and more public school choice in this legislation. Reject the amendments for vouchers—they are a step in the wrong direction on both counts.

Mr. BROWN of South Carolina. Mr. Chairman, the foundation upon which every American child's future is based begins with a quality education. This amendment provides a vehicle to ensure this ideal becomes a reality. Every child deserves a good education, not just those whose parents can afford to send them to a different school.

In the past, the solution to America's education problem has been to simply throw money at it. While the federal government has spent billions of dollars on education, there are still countless children trapped in failing school systems. This amendment acknowledges that money alone does not provide for a quality education, but instead requires strengthening the framework of America's schools; in other words, fundamental reform.

To achieve this vision for reform, it is essential to close the achievement gap and provide disadvantaged students with the same opportunities as other children. In recent years, society has increasingly forgotten those children who have not been afforded the basic needs with which to fulfill their dreams. It is unacceptable that in the twenty-first century nearly 70 percent of inner city and rural fourth-graders cannot read at a basic level. Illiteracy has far-reaching consequences that affect social development and opportunities for successful employment.

Many lawmakers, including myself, want to involve parents more on education. Why shouldn't parents have the right to send their children to the school of their choice? Students need opportunity and parents need options. This amendment is the first step in giving parents choice and students hope. Unfortunately, many of my colleagues are against this type of parental choice. Let me address three of their concerns.

First, parental choice opponents say this option would take federal funds away from the public schools that most need the money. Let me be clear—the last thing we want to do is take money away from public schools that need to improve. This amendment does not take money away from public schools; instead, the amendment includes an additional authorization of $50 million to fund the demonstration projects and the related research. $50 million is a small price to pay for the opportunity to test the effectiveness of this type of parental choice.

Second, parental choice opponents say we don't know if private school choice contributes to improved education, either for those who go to the private school or for those left in the public school. Let's change that; let's increase our level of knowledge. Let's do a demonstration that will provide the research data we need to make this determination. If there is any possibility that this type of parental choice will improve education, then can we afford not to try?

Intuitively, of some disadvantaged students transfer from a failing public school to a private school, and the failing public school still receives the same funding, the result is increased per student funding and smaller class sizes in the public school. Therefore, school choice should contribute to improvements in education, not only for students who transfer to a private school, but also for the students remaining in the public school. Let's test this theory to make sure it really happens. This amendment provides the accountability, measuring, and research we can rely on to make future parental choice program decisions.

Finally, parental choice opponents claim that the majority of the American people are against private school choice. Even if that is true, don't we have the obligation to provide a voluntary demonstration project for those who support private school choice; those who don't have any other choices? This amendment provides for up to five demonstration projects. The projects are completely voluntary. Therefore, we may have five demonstration projects going, on a first come, first served basis. On the other hand, if no one wants the private school choice option, we will have zero demonstration projects going. Let's not base our entire policy on what opponents say the majority believes, if we have another option. This amendment provides that option.

The political reality is that H.R. 1 will not pass if complete private school choice is included in the bill. However, the other part of the political reality is that H.R. 1 may not pass if some type of private school choice is not included. This amendment is our last chance to include private school choice to make final passage of H.R. 1 more likely. We need education reform. We need to pass an elementary and secondary reauthorization bill. We need H.R. 1. I urge my colleagues to vote for this amendment; it might make the difference between education success and education failure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ARMEY).

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

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. ARMEY) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 17 printed in House Report 107–69.

AMENDMENT NO. 17 OFFERED BY MR. AKIN

Mr. AKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. AKIN:

In section 104 of the bill, at the end of section 1111(b)(4) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 104), add the following:

''(L) be tests of objective knowledge, based on measurable, verifiable, and widely accepted professional testing and assessment standards, and shall not assess the personal opinions, attitudes, or beliefs of the student being assessed.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the purpose of this amendment is to deal with this question of accountability. We have talked about it. Of course the reason that testing is in the bill is because we care about accountability. I do think there is a problem and that is that there is no way to have accountability without objective test questions. So our amendment simply requires that the test questions be objective, that they be based on measurable and verifiable data.

In other words, if we had five educated people take a look at a particular test question and they read it over, what they would say is that the answer is clearly A and it is not B, C, or D. So that is the purpose of this amendment, is simply to say, if we want accountability, we need objective questions.

Now, there are some questions that appear in tests sometimes, one might

think that they are all objective, but some are not. Here is an example. Do you think that this is a good story, or how interesting did you think the story was? Those are subjective questions and we are saying that those are not a good basis for trying to do accountability. They are not objective. These questions did actually appear on some various tests from different States.

Our amendment goes also to a second point, and that is that the amendment prohibits the assessing of personal opinions, attitudes or beliefs. I do not believe there is anybody who thinks it is reasonable for us to be testing a kid and measuring them up or down based on what their religious persuasion is or their political persuasion or things that are personal attitudes or beliefs, and so we do prohibit that type of question.

The amendment also allows for a full range of testing strategies.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. GEORGE MILLER of California. Mr. Chairman, I would like to ask the gentleman whether or not his amendment would prohibit essay tests.

Mr. AKIN. Mr. Chairman, it is not my intent to prohibit essay, short answer or any other types of questions on the test.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for that response.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume. We have no opposition to this amendment with the gentleman's explanation that he just gave that there is no intent here to prohibit essay or short responses on test questions, and we support the amendment.

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

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time. I welcome the fact that we are able to find some agreement amidst what could be contentious, because when we discuss the issue of education reform in any district with someone of any political party, the one thing that keeps coming up is the notion of accountability. Yesterday, this House went on record saying that we would have sufficient measurements of accountability.

What the gentleman from Missouri, my friend, does with this amendment is reaffirm the objective criteria which should be the watchword for this.

The Federal Government should not micromanage nor try to evaluate feelings, perceptions, opinions. What we seek to do here is use objective criteria to maintain that sense with this House on the record with this amendment, and I welcome this unanimity, if you will, with reference to the amendment, and I commend the gentleman from Missouri for bringing the amendment to our attention. I urge its passage.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER), a member of the committee.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California (Mr. MILLER) for yielding me the time.

I want to take us back to yesterday's key vote on maintaining the testing provisions in this bill that really are the guts, the soul of this bill, in terms of accountability, in terms of trying to fairly and objectively measure these children's performances, find out the weaknesses, and then remediate those weaknesses.

We had a strong bipartisan vote yesterday to maintain these tests. But I think many of us, as the author of this amendment must have, many of us have reservations about these tests. I want to continue to say as we go forward that one, these tests need to be diagnostic in nature. They should not be high stakes tests, they should not drive teachers to necessarily always teach to a test; they need to be motivated and aligned with standards so that we find and remediate problems that children have and try to help them solve those problems so that they can be promoted to the next grade level. Diagnostic is key in all of this, and I hope we work on this in conference.

The second concern for me will be the appropriation level. This authorization is good, it is healthy, and we are going to have a vote later on on the Cox amendment, and we are going to see in this body how many members, when they talk about their concern for the poor, their concern for title I students, their compassion, their compassionate conservatism, we are going to really see if they want to spend this money on new ideas to remediate children, or if really they would rather spend the money on repealing the estate tax for the wealthiest people. We want to reform the estate tax, but there are a lot of people that would repeal it for everybody. So that will be a key amendment, and that will be a key as to how we allocate our resources around here in the future.

So again, to conclude, diagnostic tests that help children and do not result in high-stakes teaching to tests, and sufficient appropriations to match this authorization level opposition to the Cox amendment later on that would cut $2 billion out of this authorization level.

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, this is an important amendment and one that I am encouraged will be adopted, because it does make absolutely clear and moves us in the direction of insisting upon testing that is objective in nature, that which relies on, or is oriented toward academic skills and proficiency on core academic subjects. It underscores the reality that I think we all need to be aware of, and that is that testing does have a direct impact on curriculum ultimately, and if we are capable of narrowing the content of testing to those skills that are the subjective components of classroom learning, it makes it more likely that curriculum will not be simply built only according to the tests.

But ultimately, this testing data needs to be useful to someone. It needs to be useful either to the government, which is what H.R. 1 that is before us suggests, or it will be useful to parents, and which the amendments that will be voted on a little later and perhaps maybe in another time from now, we will be able to get closer to the President's vision and his Leave No Child Behind plan that parents will have the ability to use this important testing data to choose a school that that is in the best interest of their child.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume just to say that we have no opposition to this, but I would like just for a second to follow up on what the gentleman from Indiana (Mr. ROEMER) said, because I think as we try to determine the role, the proper role, if you will, for testing, I think that the gentleman from Indiana made some very good points. We ought not to be, and I think that the concern of people who voted against testing in many instances, in talking to them, was that we were trying to use tests for things that they were not properly designed for.

The States are controlling this, but I think they clearly have to start thinking about, does this test accurately give us a picture that allows us to make some assessments, or is that an improper use of that exam, and what vehicles could we use to do the diagnostic work that the gentleman talked about so that we could then concentrate the resources on a child that is struggling with math or with reading and get that child up to speed.

□ 1400

The test does not necessarily tell us that, so we would hope that in this consideration of the proper role of testing that the States would think that through, because obviously, as we see around the country, there are many communities, many parents, many educators who are very, very concerned about the valid use of testing.

I certainly believe that is a key component of the accountability provisions of this law, and I think this amendment helps us in that regard.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank my colleague for yielding.

I congratulate the gentleman from Missouri (Mr. AKIN) for his amendment, and thank him for his willingness to work with Members on both sides of the aisle to bring about an amendment that gets us to truly objective tests, that provides safeguards to make all of us as policymakers more comfortable with the steps we are taking in this bill.

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I thank the gentleman from Missouri for his amendment, because if we truly want to measure objective improvements, then testing must be done on an objective basis.

Is it not common sense to require test questions which measure what a student knows, rather than how he feels? Requiring a student to share personal opinions, attitudes, and beliefs does little to measure how he is doing and what he has learned in school.

Most troubling is that subjective test questions lack a verifiable right answer. Who determines what the correct answer is?

Here is an example: After reading a paragraph on a test, how would one answer this question: ''Do you think this is a good story? You have three choices. A is yes, B is no, and C is I don't know.'' Would we get the right answer?

This question actually took place on a test, and it tells us nothing about the student's knowledge or understanding of the subject.

I urge my colleagues to support this amendment and require testing to cover only objective knowledge.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report 107–69.

AMENDMENT NO. 18 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. STEARNS:

In section 1116(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill, insert after paragraph (5) the following and redesignate any subsequent provisions accordingly:

''(6) ADDITIONAL NOTIFICATION.—Not less than once each year, each State educational agency shall provide the Secretary with the name of each school identified for school improvement under this subsection.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for opposition to the amendment.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. STEARNS).

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

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

Mr. STEARNS. Mr. Chairman, the amendment that I am offering to H.R. 1 would require that the State educational agencies make known in the form of a report to the Department of Education those schools that States identify as not making adequate progress in educating our children.

The Department of Education would then be required to send a report to Congress with this same information. This information would be a valuable resource, both to the Department of Education in carrying out its responsibilities, and, of course, to Congress in determining the level of funding needed.

A school enters an improvement status when it fails to meet those State targets for improving student performance. These targets, of course, vary from State to State. Once identified for improvement, schools, with support from their districts, are given assistance and resources to improve student achievement.

The number of title I schools across the country identified as needing improvement may be over 8,000. I say they may be, because we do not actually know which schools the States have identified as failing our children. Numbers alone do not tell us how long individual schools have been in improvement status.

Under current law, the Department of Education is prevented from gathering this valuable information, which greatly hampers them in determining the needs of a low-performing school so they can better support State and local reform efforts.

Instead of this creating more work for the local educational agency, this amendment, Mr. Chairman, actually relieves them of the burdensome task of having to respond to individual requests from the many programs that use this information. In effect, it streamlines the efforts of all who are involved in the effort to provide the best education to our children.

Specific information on those schools identified is important so that we can assess which schools are not meeting State improvement goals. The information will also provide a baseline for determining the number of schools that improve.

Mr. Chairman, $23 billion is a large amount of money, so it is imperative that in this body we are responsible and fully aware as to how this money improves our local schools and, of course, if it exceeds our expectations.

The President's plan involves great accountability. This amendment is only an extension of that principle. This amendment is insistent upon requiring that all schools be held accountable by name. Individual schools will no longer hide behind an anonymous number. If we are sincere in wanting to ''leave no child behind,'' we must first know those children who are at risk.

This is by no means an effort by the Federal Government to garner greater control of the local schools. Rather, Mr. Chairman, it is about facilitating access to very important information.

So this is a simple idea and a very simple amendment. It shines the light of day on those schools in greatest need. My amendment lifts the veil on those schools that are found to be failing and enables the Department of Education and, yes, the United States Congress, to address those needs.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have examined the amendment. We have no opposition to it.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Chairman, on that I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

It is now in order to consider amendment No. 19 printed in House Report 107–69.

AMENDMENT NO. 19 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. TRAFICANT:

In the matter proposed to be inserted as part E of title VIII of the Elementary and Secondary Education Act of 1965 by section 801 of the bill, insert after section 8520 the following:

''SEC. 8521. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE; USE OF AMERICAN-MADE STEEL.

''(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

''(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance

under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

''(c) USE OF AMERICAN-MADE STEEL.—A school system receiving financial assistance under this Act for construction shall use American-made steel for such construction and shall comply with the requirements of the Buy American Act.''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed will each control 5 minutes.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition not otherwise taken.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I have been offering buy-American amendments in this Congress for a number of years. I believe this is a good bill; and I want to commend my colleague and friend, the gentleman from Ohio (Mr. BOEHNER), and one of the fine leaders on our side of the aisle, the gentleman from California (Mr. GEORGE MILLER), for a good bill.

Certainly there can be some improvements. However, there are some concerns that I have and some recommendations that I want to make. I want to make this to the Republican leadership, even though I know there are other complicating issues that would surround the issue of construction.

I believe the gentleman from Michigan (Mr. KILDEE) and the gentleman from New York (Mr. OWENS) are exactly right. We in Congress have built a number of prisons, and I do not demean the Congress for such action. But, Mr. Chairman, we have put but little money into construction of school facilities.

I do not believe we have to put a ton of money into it, Mr. Chairman. It could be a 20 percent participatory matching thing if local money and State money is available. But I think in conference or in some mechanism, the Republican leadership should look at that issue.

What the Traficant amendment says is that, number one, on any funds expended under this bill, it is the sense of Congress that when making purchases, they shall buy and we should buy American-made products. But it also says that a notice shall be given of same by the Secretary when awards are made.

There is one last provision. It deals with the hope and what I think is the righteousness of placing some construction money in with attachments, even if it is just 10 percent, 15 percent, for those hard-pressed communities that cannot afford to build new schools, where they have trailers outside, Mr. Chairman.

It says when they make such construction, if they receive money under this bill, they shall use American-made steel in such construction.

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

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

Mr. Chairman, the author of the amendment, the gentleman from Ohio (Mr. TRAFICANT), has a very good amendment. We certainly do not have any problem with it. Certainly I support the buy-American amendments that the gentleman from Ohio has offered over the years.

To the extent some money in this bill could be used for school construction, I certainly do not have any problem with the gentleman's amendment and will accept it.

Mr. Chairman, on an unrelated issue I yield 3 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, it was my intention later today to offer an amendment to allow for a Straight A's pilot program to give States additional flexibility to demonstrate how they could achieve better student performance by replacing Federal programs with innovative programs at the State or local level.

However, I will not be offering the DeMint Straight A's amendment today. Yesterday, I met with the President and the Vice President, and we agreed that the State and local flexibility provision will remain a top priority for the final bill, but that this important idea would be best served if I withdraw the amendment at this time or did not offer it.

I want to thank the President for his assurance that he will use all the resources available to him to make sure that Straight A flexibility for States and local school districts is a part of the final education reform bill.

I also shared with the President that without the Straight A's language, I would be unable to support the current bill on the floor today. While I am reluctant to not vote for the bill, I feel I must, given the absence of key education reform provisions on flexibility and choice.

It is my hope and expectation that this important Straight A's flexibility provision will be included in the House-Senate conference bill. Mr. Chairman, Straight A's is a good education reform policy, and the pilot program is worthy of inclusion in the final education package.

The DeMint Straight A's amendment would have allowed seven States and 25 local school districts the option of entering into a performance agreement with the Secretary of Education. Under approved, results-oriented contracts, State and local school districts would be able to combine funds from a few or all of the eligible Federal formula grant programs that they administer at the State level and would be free from most of the administrative costs of those individual programs.

In exchange for this flexibility, participating States and local schools would have to meet their performance objectives for improving student academic achievement.

Mr. Chairman, this House has already passed an even less restrictive version of Straight A's last year, so most of us have already confirmed that we believe the flexibility provided in Straight A's is exactly what America needs.

I know we all want the same outcome: excellent schools all across the country which provide all children access to a solid education. In order for that to happen, we cannot continue the status quo. We need to declare failure as unacceptable, challenge the status quo, and provide the mechanisms necessary for positive change to occur.

This amendment would not have required any State or school district to participate. It would be a pilot program to give a few States and local school districts around the country the opportunity to break the mold, to be innovative in their approach to education.

Under Federal law, all they run into is red tape. This would give them the open door to truly meet the needs of their students and work to close the achievement gap in the manner that best suits their State and local districts.

The bottom line is that States and local schools must show that their students are learning, not that the bureaucrats are checking the right boxes to continue Federal funds. The freedom would be refreshing.

□ 1415

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER), my distinguished friend.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding me the time.

We on our side of the aisle, Mr. Chairman, support the sense of the Congress amendment to both buy American steel and also conform to the Buy American Act.

We wish we would have had the opportunity to have a school construction amendment on the floor so that this amendment would even mean more.

Mr. Chairman, with regard to the colloquy that just took place with the gentleman from South Carolina (Mr. DEMINT), I want to continue to say that I strongly support this bipartisan bill.

However, with the inroads towards removing some flexibility at the local level and delivering dollars directly to the classroom yesterday with the Tiberi amendment, I am glad that we will not go any further on the DeMint amendment and that this conference, I hope, will not go any further.

I think if we continue to go through a Straight A's sloganeering, bumper sticker approach that we will lose bipartisan support for this bill left and right and that the tight middle that

has held this bipartisan agreement together could erode very quickly.

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

Mr. Chairman, I would just like to close with these comments. I have served with the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, now for a number of terms. The gentleman is one of the more distinguished Members from the State of Ohio.

I say to the gentleman from Ohio, I am making an appeal to the gentleman. I do not care if it is 10 percent, 15 percent, I think it is not just good for America, it is good for Democrats, it is good for Republicans, it is good for all of our schools to have at some point in conference some money put in for construction.

I know there are other issues concerned with it, but we need to handle those issues, even if it is just a 10 percent commitment. But when the local tax people, the local residents are raising taxes to build schools and some of them are impoverished, like in my community, and when the States are willing to help, we should be a participant in that process.

There should be no trailers outside of schools that are dangerous to our children.

Mr. Chairman, with the fine job the gentleman from Ohio (Mr. BOEHNER) has done, I am going to support the bill; and I commend the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER).

I am asking the gentleman from Ohio (Mr. BOEHNER) to give that consideration.

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

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

Mr. Chairman, I congratulate the gentleman from Ohio (Mr. TRAFICANT) on his amendment. No one in America wants their child to go to a bad school. We know the difficulties of building new school buildings across the country are very different.

In our home State of Ohio, the State government was never involved in the building of school buildings until recently. As the gentleman knows, in Ohio, the State government now has a pool of funds to help needy districts build the school buildings they need.

I and many of our colleagues have believed for some time that allowing school construction to remain the purview of local school districts and States is the appropriate role for them and not the appropriate role for us.

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

Mr. BOEHNER. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, the only thing I would like to say is to qualify for that money, my impoverished city, the major city, Youngstown, already hard-strapped, did go ahead and raise $134 million. They destroyed every other option they had. Certainly, some participatory construction money from the Federal Government would not hurt us. After all, we are building prisons in those same cities.

Mr. Chairman, I am asking the gentleman and his leadership just to consider that. It may not need to be a big percentage, but I think in good faith there should be some participatory involvement by the Federal Government in the construction of safe schools.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

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:

Amendment No. 15 offered by the gentleman from Texas (Mr. ARMEY);

Amendment No. 16 offered by the gentleman from Texas (Mr. ARMEY);

Amendment No. 10 offered by the gentleman from Michigan (Mr. HOEKSTRA);

Amendment No. 13 offered by the gentleman from Georgia (Mr. NORWOOD);

Amendment No. 18 offered by the gentleman from Florida (Mr. STEARNS); and

Amendment No. 19 offered by the gentleman from Ohio (Mr. TRAFICANT).

The Chair will reduce to 5 minutes the time for any electronic vote after the second vote in this series.

AMENDMENT NO. 15 OFFERED BY MR. ARMEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. ARMEY) 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 155, noes 273, not voting 5, as follows:

[Roll No. 135]

AYES—155

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Everett
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Myrick
Nethercutt
Northup
Norwood
Nussle
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Portman
Putnam
Radanovich
Riley
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Young (AK)

NOES—273

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Graves
Green (TX)
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)

Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Sherman
Shimkus
Shows
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Walden
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wilson
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—5

Cubin
John
Moakley
Tanner
Visclosky

□ 1442

Messrs. SAXTON, DEFAZIO, FARR of California, ISSA and Mrs. NAPOLITANO changed their vote from ''aye'' to ''no''.

Mr. NETHERCUTT changed his vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MR. ARMEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. Armey) on which further proceedings were postponed and on which the ayes prevailed by a 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 186, noes 241, not voting 6, as follows:

[Roll No. 136]

AYES—186

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bilirakis
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ferguson
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Reynolds
Riley
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—241

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Frost
Gekas
Gephardt
Gilman
Gonzalez
Gordon
Graves
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (MI)
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Shuster
Skeen
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Cubin
Hutchinson
Kennedy (RI)
Moakley
Tanner
Visclosky

□ 1500

Mr. LEWIS of California changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time during which a vote by electronic device will be taken on each further amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 10 OFFERED BY MR. HOEKSTRA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 236, not voting 5, as follows:

[Roll No. 137]

AYES—191

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—236

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shaw
Sherman
Shows
Simmons
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Woolsey
Wu
Wynn

NOT VOTING—5

Cubin
Hutchinson
Kennedy (RI)
Moakley
Visclosky

□ 1510

Mr. GOSS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. NORWOOD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 181, not voting 5, as follows:

[Roll No. 138]

AYES—246

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Flake
Fletcher
Foley
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Holt
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McInnis
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Shadegg
Shaw
Shays
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—181

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Dreier
Engel
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilman
Gonzalez
Gutierrez

Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sessions
Sherman
Slaughter
Solis
Souder
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—5

Cubin
Hutchinson
Moakley
Sherwood
Visclosky

□ 1519

Mr. SMITH of Washington changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore (Mr. BONILLA). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 67, not voting 4, as follows:

[Roll No. 139]

AYES—361

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—67

Bachus
Bereuter
Bilirakis
Blumenauer
Blunt
Boehlert
Bonilla
Bryant
Cannon
Coble
Collins
Conyers
Cooksey
Cox
Culberson
Davis, Jo Ann
Davis, Tom
Duncan
Everett
Flake
Fossella
Frank
Gilchrest
Gillmor
Goode
Graham
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hostettler
Jenkins
Johnson, Sam
Jones (NC)
Kerns
King (NY)
Kolbe
Largent
Manzullo
Mica
Moran (KS)
Myrick
Nethercutt
Paul
Pence
Petri
Pickering
Putnam
Ramstad
Rogers (MI)
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shuster
Stump
Tancredo
Thornberry
Tiahrt
Toomey
Walden
Walsh
Wamp
Waters
Watts (OK)
Whitfield

NOT VOTING—4

Cubin
Hutchinson
Moakley
Visclosky

□ 1529

Messrs. CANNON, DUNCAN, HAYWORTH, JENKINS and COX changed their vote from ''aye'' to ''no.''

Messrs. FORD, BROWN of Ohio and KENNEDY of Minnesota changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 9, not voting 8, as follows:

[Roll No. 140]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan

Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—9

Armey
Barton
Crane
Dreier
Flake
Kolbe
Paul
Shadegg
Stark

NOT VOTING—8

Baker
Cubin
Gilman
Hutchinson
John
Kennedy (RI)
Moakley
Visclosky

□ 1537

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GILMAN. Mr. Chairman, earlier today, I was unavoidably delayed during the vote on the Traficant Amendment to H.R. 1. Accordingly, I was unable to vote on rollcall No. 140. If I had been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Chairman, on rollcall Nos. 136, 137, and 140, I was at a subcommittee on Appropriations hearing. Had I been present, I would have voted "nay" on 137, "nay" on 136, and "yea" on 140.

The CHAIRMAN pro tempore (Mr. BONILLA). It is now in order to consider amendment No. 20 printed in House Report 107–69.

AMENDMENT NO. 20 OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. BRADY of Texas:

Strike part D of title II of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 203 of the bill, and insert the following:

"PART D—TEACHER LIABILITY PROTECTION

"SEC. 2301. SHORT TITLE.

"This part may be cited as the 'Paul Coverdell Teacher Liability Protection Act of 2001'.

"SEC. 2302. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

"(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

"(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

"(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

"(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

"(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

"(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

"(b) PURPOSE.—The purpose of this part is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

"SEC. 2303. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

"(a) PREEMPTION.—This part preempts the laws of any State to the extent that such laws are inconsistent with this part, except that this part shall not preempt any State law that provides additional protection from liability relating to teachers.

"(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This part shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

"(1) citing the authority of this subsection;

"(2) declaring the election of such State that this part shall not apply, as of a date certain, to such civil action in the State; and

"(3) containing no other provisions.

"SEC. 2304. LIMITATION ON LIABILITY FOR TEACHERS.

"(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

"(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

"(2) the actions of the teacher were carried out in conformity with local, State, and Federal laws, rules and regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

"(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

"(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

"(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft,