Miller (FL)	Reyes	Snyder
Miller, Gary	Reynolds	Solis
Miller, George	Rivers	Souder
Mink	Rodriguez	Spratt
Mollohan	Roemer	Stark
Moore	Rogers (KY)	Stearns
Moran (VA)	Rogers (MI)	Stenholm
Morella	Rohrabacher	Stump
Nadler	Ros-Lehtinen	Sununu
Napolitano	Ross	Sweeney
Neal	Rothman	Tanner
Nethercutt	Roukema	Tauscher
Ney	Roybal-Allard	Tauzin
Northup	Royce	Taylor (NC)
Norwood	Rush	Terry
Nussle	Ryan (WI)	Thomas
Obey	Ryun (KS)	Thornberry
Olver	Sanchez	Thune
Ortiz	Sanders	Thurman
Osborne	Sandlin	Tiberi
Ose	Sawyer	Tierney
Otter	Saxton	Toomey
Owens	Scarborough	Towns
Pascrell	Schakowsky	Traficant
Pastor	Schiff	Turner
Paul	Schrock	Upton
Payne	Sensenbrenner	Velazquez
Pelosi	Serrano	Vitter
Pence	Sessions	Walden
Peterson (PA)	Shadegg	Walsh
Petri	Shaw	Watkins (OK)
Phelps	Shays	Watson (CA)
Pickering	Sherman	Watt (NC)
Pitts	Sherwood	Watts (OK)
Platts	Shimkus	Waxman
Pomeroy	Shows	Weiner
Portman	Shuster	Weldon (FL)
Price (NC)	Simmons	Weldon (PA)
Pryce (OH)	Simpson	Wexler
Putnam	Skeen	Whitfield
Quinn	Skelton	Wilson
Radanovich	Slaughter	Wolf
Rahall	Smith (MI)	Woolsey
Rangel	Smith (NJ)	Wynn
Regula	Smith (TX)	Young (FL)
Rehberg	Smith (WA)	

NAYS—47

Aderholt	Kennedy (MN)	Scott
Borski	Kucinich	Strickland
Brady (PA)	Larsen (WA)	Stupak
Capuano	LoBiondo	Taylor (MS)
Costello	McDermott	Thompson (CA)
DeFazio	McGovern	Thompson (MS)
English	McNulty	Tiahrt
Filner	Menendez	Udall (CO)
Fossella	Moran (KS)	Udall (NM)
Gutierrez	Oberstar	Visclosky
Gutknecht	Pallone	Wamp
Hefley	Peterson (MN)	Waters
Hilleary	Pombo	Weller
Hilliard	Ramstad	Wicker
Johnson, E. B.	Sabo	Wu
Jones (OH)	Schaffer	

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—13

Crane	Istook	Riley
Culberson	Maloney (CT)	Spence
Gibbons	Murtha	Young (AK)
Goss	Myrick	
Hutchinson	Oxley	

□ 1048

Mr. OBERSTAR changed his vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

Mr. BOEHNER. Mr. Speaker, pursuant to rule XXII, and by direction of the Committee on Education and the Workforce, I move to take from the Speaker's table the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Ohio (Mr. BOEHNER) is recognized for 1 hour.

Mr. BOEHNER. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. GEORGE MILLER), for him to control under this debate.

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

Mr. Speaker, the Federal Government has been involved in education policy since 1965. Thirty-six years later we are finally getting serious about demanding results for our Nation's children.

As the Chicago Tribune noted recently, ''Congress has spent the last four decades appropriating massive amounts of money to try to even out the educational experiences that disadvantaged children receive compared to their more fortunate peers. And in return for that long-term multi-billion dollar investment, we have gotten more disappointment. Most states show continuing gaps in achievement between poor and middle-class kids, and between white and minority students. Meanwhile, our students have fallen behind those of other countries.''

Washington finally seems ready to put an end to this era of lost opportunity, thanks to President Bush and reform-minded legislators on both sides of the political aisle.

The No Child Left Behind Act, H.R. 1, passed this House on May 23 by a vote of 384 to 45, and reflects each of the four pillars of President Bush's education reform plan: accountability and testing, flexibility and local control, funding for what works, and expanded parental options.

H.R. 1 embodies President Bush's vision for education in America. That vision says a number of important things.

It says that when States use Federal education dollars, they should be accountable for getting results.

It says that parents should be empowered with data about the schools their children are attending, the qualifications of the teachers teaching their children, and their children's academic progress.

It says Federal education resources should be focused on helping students who are in the most need of help. We should increase for what works and ensure Federal education dollars are targeted to where they will make the biggest impact for our neediest children.

It says that to meet the tough new accountability standards, teachers and local school officials should have greater flexibility to decide how to address their students' unique needs.

And it says the parents want to choose the best education possible for their children, regardless of income level and/or their ethnic background.

The bills passed by the House and Senate have much in common, but there are some important differences that must be resolved.

We differ from our colleagues in the Senate on the issue of targeting resources to our most disadvantaged students, a goal that I think the House version embraces. We do believe that Federal education resources should be targeted to helping the most disadvantaged of our students and helping them to learn to read, to learn English, and to learn math skills. Accordingly, we passed a bill that focuses funds toward our poorest students, streamlines bureaucracy and refocuses Federal education dollars towards students who need help the most.

The Senate bill, by contrast, actually expands the overall number of programs significantly. It creates many more new programs than does the House bill, and the overall number of programs is significantly higher. According to the Congressional Research Service, there are 55 currently funded elementary and secondary education programs, and the Senate bill would increase that number to 89.

Many new programs added by the Senate may have merit. But the more programs we create, the harder it becomes to target Federal resources to the very students that we are trying to help. The more programs we add, the more we force disadvantaged students to compete for available funds.

The fact of the matter is that these students already have enough to compete against. Life's circumstances are competition enough for most of them. They should not have to compete for the opportunity to learn to read, to learn English, or to learn to add and subtract and multiply.

There are other areas where we are going to need to address issues as well:

We must assist on real accountability. Parents should be empowered with data, and States should be required to demonstrate that they are using Federal resources to close the achievement gaps that exist between disadvantaged students and their peers.

We must give States and local school districts the flexibility they need to address their students' unique needs and meet the higher expectations that we are placing on them.

And we must ensure that there is an escape route for students trapped in dangerous, failing schools that just do not change. The House bill provides for immediate public and charter school choice to parents with children in failing public schools. We hope our Senate colleagues will join us in embracing this new option for parents.

We look forward to taking the final step in what has been a very long process this year. We are looking forward to sending to the President an education bill that reflects his principles and begins making an immediate impact for students in schools all across America.

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

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

Mr. Speaker, I rise in support of the motion to go to conference. We have a historic opportunity to come out of this conference with an education reform bill that will benefit America's children. In May we passed an overwhelmingly bipartisan bill to ensure that all schools are held accountable for producing real results for our children.

I want to particularly thank the members of our Committee on Education and Workforce, the gentleman from Ohio (Chairman BOEHNER), the gentleman from Michigan (Mr. KILDEE), the gentleman from Delaware (Mr. CASTLE), the gentlewoman from Hawaii (Mrs. MINK), the gentleman from California (Mr. MCKEON), the gentleman from Indiana (Mr. ROEMER), the gentleman from Georgia (Mr. ISAKSON), and the gentleman from New York (Mr. OWENS), for all of their hard work in the negotiating sessions, and all of the other Members of the committee for their willingness to stick with these very difficult reforms in this effort to make a difference for education for our low-income children.

H.R. 1 requires that schools not only lift up the performance of all students, white, African American, Hispanic, rich, poor, limited English, proficient and disabled; but it also requires that we close the achievement gap between these students and others.

We have had some serious discussions about accountability provisions in conference. The President and the Congress, the House and the Senate, Democrats and Republicans are all on record in support of closing the achievement gaps between rich and poor and between minority and majority students.

□ 1100

I am optimistic that we can set high standards that drive our public school systems toward that goal. Make no mistake about it: There will be, and there already is, a great deal of pressure from those who resist change, those who want to maintain the status quo, those who want to make sure that nothing ever changes in this system, but those are the same people that have given us the results that Americans find so repugnant. We need to change the system, we must bring about that change, and we must understand that that is the intent of the bill.

There are those that say they cannot get students proficient in 12 years. All I can say is, thank God they were not in the room with President Jefferson when he launched Lewis and Clark, because they would have never gotten across the Mississippi. And thank God they were not in the room with John Kennedy when he launched the program to put a man on the moon, because they would have never left the Beltway.

Their response to this bill is that they are going to dumb down tests, that they are to teach to the tests. That is the response of the American education system in this country? I hope not. I hope they recognize the challenge and the intent that Congress has put in this legislation, to substantially and dramatically change and improve and hold accountable the American education system to the children it teaches and to the parents that send them there.

We have ignored the educational inequities in our country for far too long. This legislation will go a long ways toward addressing these pressing problems. To do the job right, we must fight to match the powerful new reforms in this bill with significant new resources. The House and the Senate bill make this commitment in different ways, but let me say this: In the end, it will not be enough to up the authorizations and congratulate ourselves. The critical step will be making good on these promises by following through with them in real dollars in the appropriations process.

No one believes that we can really do public education reform on the cheap and get the results that all Americans are demanding. If we are to truly achieve real education reform, we will have to do our share in providing the necessary resources to fully fund special education, to support and train teachers, to turn around failing schools, and to repair and to modernize classrooms.

I also hope the conference will embrace a new bipartisan local flexibility, rather than letting States dictate local prerogatives through unaccountable block grants. Provisions in the Senate legislation would block grant much of the funding in this legislation, while sacrificing the accountability and the targeting of resources to the disadvantaged schools.

This legislation also gives us an opportunity to ensure that all teachers, in all classrooms, in front of all students, are fully qualified. Nothing is more shameful than having America's children shortchanged by uncertified teachers or unqualified teachers to teach the subject matter for which they have been hired. Study after study continues to show the impact that unqualified teachers have on the education of our children. The final conference report needs to reverse this troubling trend by investing additional funding in professional development, in teacher training, while ensuring that Federal funds are only used to pay fully qualified teachers.

Mr. Speaker, we can do this. This legislation does this. The question will be whether or not the conference committee can proceed toward these goals or whether or not the forces of the status quo will be sufficient to hold us back. I hope they will not be. I intend that they will not be. I know that the chairman agrees with that notion.

Mr. Speaker, this is about real reform, real accountability and real results and real resources. That is the goal of this legislation. That is, I believe, the goal of the conference committee, and I look forward to joining our Senate colleagues.

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

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Speaker, I thank the chairman for yielding me this time. I also rise in support of the motion to go to conference on H.R. 1, the No Child Left Behind Act of 2001.

I would like to start by expressing my thanks to both the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, and the gentleman from California (Mr. MILLER), the ranking member, for their hard work on this bipartisan legislation. If my colleagues heard their speeches here today, they realize what a sincere and deep-seated effort they have put in to making sure this legislation comes to fruition. We should all appreciate it.

With this motion to go to conference, we take the next step in our journey to fundamentally change the way children are educated in this country. Both the House and Senate bills embrace accountability with annual testing for all students in grades 3 through 8, create new options for parents of low-income students in failing schools, and provide unprecedented flexibility in the use of Federal dollars, placing more control into the hands of local school administrators and teachers. This pressure from above for high standards and competition from below to provide parents and students with information and options will help us rededicate our schools and ourselves to the joint principles of equality and excellence.

While the House and Senate bills differ somewhat on the best way to achieve these goals, we are united in our effort to ensure that no child, regardless of his or her challenges or abilities, is beyond the reach of our public school system. In that, we share President Bush's strong desire to complete action on this legislation; and while negotiations will be lively, I believe no issue will be insurmountable.

Some of these key differences include funding, program consolidation, and the appropriate degree of program and spending flexibility, both at the State and local levels. Specifically, while both bills dramatically increase spending to carry out the reforms and visions of the President's No Child Left Behind plan, the Senate version authorizes a full $8.8 billion more than the House. While we should not be adverse to increasing funding for programs that have been proven to work, we should not support additional increases if they are not tied to high standards and real accountability. To do so would defend and perpetuate the status quo.

Both bills also provide new flexibility. The House version consolidates similar programs, reducing the total number by a third. It also provides new freedom for school districts, 100 school districts nationwide, and allows all schools making adequate yearly

progress to transfer funds between programs to meet their most pressing needs.

The Senate bill, on the other hand, actually creates many new programs; and it focuses its efforts on creating new flexibilities for States. In negotiating these issues, we should keep our children and their achievement firmly in mind and resist efforts to add unproven programs or approaches simply to score political points.

Mr. Speaker, the House passed the education reform bill by a margin of 384 to 45, and the Senate passed its by a vote of 91 to 8. Without a doubt, the time for reform is upon us. Now let us move ahead and support the motion to go to conference.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me this time. I join my colleagues in supporting the motion to go to conference on H.R. 1.

Mr. Speaker, H.R. 1 represents the opportunity to demand results and report the achievement of all students. The substantially increased resources provided in both bills, coupled with emphasis on accountability, is a hopeful recipe for improving our educational system. In addition to the critical focus on accountability, the conference report on H.R. 1 will give us the chance to significantly expand resources and focus on extended learning opportunities for children after school.

The 21st Century Community Learning Centers Program, a priority initiative retained by both the House and the Senate bills, will collectively be able to invest in after school enrichment opportunities for their children.

While our eventual conference points will have many successes, a resolution of some issues are daunting and will take the hard work of all conferees to finalize, and we are committed to do that. Some of our more difficult issues include balancing competing versions of flexibility at the State and local level, creating a usable and realistic definition of adequate yearly progress that does not mask failure, and ensuring that our most disadvantaged receive the targeted resources they need. While these issues will be fervently discussed, I believe we can produce a strong bipartisan conference.

Mr. Speaker, we have kept bipartisanship through this whole process so far, and I think we are committed to keeping that bipartisanship within the conference.

Mr. BOEHNER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MCKEON), who chairs the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of this motion to go to conference on H.R. 1.

In January, when the President presented his No Child Left Behind education reform proposal, he said, ''Bipartisan education reform will be the cornerstone of my administration.'' He called on Congress to work together across party lines to craft legislation; and as a member of the House drafting team, I am proud of the work we have done so far under the leadership of the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MILLER) in getting us to this point. The gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, and the gentleman from California (Mr. MILLER), the ranking member, and all of the Members of the House are to be commended for their commitment to bipartisanship but, more importantly, for their commitment to our Nation's children.

The bill we are sending to conference is a good bill and reflects most of the President's proposals. This bill was a long time in coming. We started the reauthorization of the Elementary and Secondary Education Act in the last Congress under the previous administration. After 2 years of debate and several pieces of legislation, we were unable to put a package together. So today we will send H.R. 1 to conference to continue the process of instituting historic changes to our schools and new opportunities for our Nation's children.

Throughout the legislation, H.R. 1 maintains the four pillars of President Bush's education reform plan: accountability, flexibility and local control, research-based reform, and expanded parental options. Specifically, as chairman of the Subcommittee on 21st Century Competitiveness, I would like to talk about two issues which fall under my jurisdiction: teacher training and education technology.

First, the teacher title builds upon legislation that I, along with the gentleman from California (Mr. MILLER), the ranking member, authored in the last Congress, the Teacher Empowerment Act. It is based upon three principles: teacher excellence, smaller classes, and local choices. Mr. Speaker, H.R. 1 does this by consolidating and streamlining the Eisenhower Professional Development Program and the Class Size Reduction Program into a single program to provide States and local schools additional flexibility in the use of these funds in exchange for increased accountability and demonstrated student achievement. This will provide a major boost to schools in their efforts to establish and support a high quality teaching force.

Second, in regards to technology, the House bill consolidates a number of technology programs into a single performance-based grant program. According to the General Accounting Office, there are 35 Federal programs spread across eight Federal agencies that may be used as a source of support for telecommunications and information technology in schools and libraries. By eliminating duplicative programs under the Elementary and Secondary Act, the bill is a good first step to ensure that schools will not have to submit multiple grant applications that waste precious dollars on administrative expenses.

Additionally, under H.R. 1, technology funds will go to those areas where help is needed the most. According to the Department of Education's most recent study, schools in the highest poverty areas are still far less likely to have computers connected to the Internet in every classroom.

This targeting of funds is a departure from the current practices under the two major ESEA technology grant programs. A recent GAO study reported that of 20 current grants under the Technology Innovation Challenge grant program, none had been reported as being awarded to grantees with greater than 51 percent poverty. The Enhancing Education Through Technology initiative will ensure more funds get to the schools that are most in need of obtaining and using education technology.

Mr. Speaker, in closing, I would like to encourage all of the Members of the House to support this motion so that we can take the final step in this process and send the President an education bill that reflects his principles and begin making an immediate impact for students and schools and turn the promise of not leaving one child behind into reality.

Mr. GEORGE MILLER of California. Mr. Speaker, 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. Speaker, I thank the gentleman from California for yielding me this time.

For years, the policy of this country has been that when we find schools that are filled with students who are underachieving, we do not do anything about it. Year after year, wasted generation after wasted generation, we just keep sending more money and doing the same old failed thing.

This bill promises to change that. How do we change it? We build schools where every child is in school well nourished, in a safe, clean classroom, being taught by a qualified, enthused teacher in front of a class that is a manageable size, with access to the right technology, with programs for significant parental involvement, for prekindergarten, for after school, for all of the things that we know work.

But we also know this: All of those things that work cost money.

□ 1115

The bill that I was proud to support that we are sending to this conference has a significant increase in the Federal investment in education. But that is only a target as it now stands. One of the goals of our conferees should be to work with the other body and make sure that that promise of greater investment in struggling schools becomes a reality.

It is not just about investment, it is about prekindergarten. It is about teacher training, smaller classes, safer schools, school breakfasts, parental involvement programs, and all the things that make a school work right.

We have laid the foundation to get that done. I hope that in the weeks and months ahead, the conferees will finish the job and bring back to this House a product that honors the promise of real change where it is most needed in American education.

Mr. BOEHNER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. ISAKSON), the vice-chairman of the Subcommittee on 21st Century Competitiveness.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

I want to acknowledge three people.

First would be the gentleman from Ohio (Mr. BOEHNER), the chairman, whose inspired leadership really allowed this bill to come to the floor in a bipartisan way, and the guidance he has given.

Second, I thank the gentleman from California (Mr. GEORGE MILLER), who has unalterably opposed the status quo and on this bill has very eloquently stood for the accountability to the American public for education needs of the American people.

Last but not least, I thank the President of the United States, who really believes that we should leave no child behind.

Mr. Speaker, Robert Browning was once asked, the great philosopher and writer, what his definition of education was and what it meant to a human being. His answer was very simple: education makes a people easy to lead, difficult to drive; easy to govern and impossible to enslave.

Mr. Speaker, the poor and most disadvantaged children in America's public schools are in fact enslaved today by ignorance. Title I was intended, at its beginning 33 years ago and subsequently with an investment of $125 billion, to break those shackles of ignorance and to break the slavery that, in fact, exists when people leave school or drop out without the equipment that they need.

President Bush, this committee, and, in the end, this conference will I am sure ensure that the three cornerstones that are essential to the education of a child become the measurable reality of American public education of our most disadvantaged students:

First, reading. This bill puts $600 million more into reading annually, and focuses on K through 2 in the Early Reading First initiative. It increases the resources to teachers, and it gives children in those most formative years of education the opportunity to learn to read and to comprehend.

Second, that comprehension, that ability, will be monitored and assessed annually from grades three through eight, so by the time that child reaches the ninth grade, where most of them drop out, instead of dropping out they will be dropping in on a high school education.

Lastly and most importantly, it gives flexibility to local school systems. In the school systems in California or Georgia, Indiana or Wisconsin, our students are different: different in ethnicity, different in race, different in economics. School systems deserve the right and the flexibility to choose what is best so as they educate children and are measured on their progress, they are able to make the determination that they believe is best, not what a bureaucrat or a politician in Washington thinks is best.

There are differences between the House and Senate. There are differences in the amount of money, and there is a little difference in the amount of flexibility. I believe we will work those differences out.

We have seen that no amount of money, even $125 billion over 33 years, has changed or lessened the achievement gap. Hopefully now the amount of money we ultimately invest, with accountability on public education and resources for our most poor and disadvantaged students, will not only close the achievement gap, but enlighten and enrich every child in the United States of America so that truly no one ever again in this country leaves a public school enslaved by lack of experience and a lack of education.

I look forward to the conference. I look forward to the House position. I look forward to maintaining the accountability in the reading levels of all our children.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend, the gentleman from California, for yielding time to me.

Mr. Speaker, I, too, rise in support of the motion to go to conference on H.R. 1.

I want to commend the leadership first of all on the committee, the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for working hard and trying to produce a good bipartisan product which we could report out of the Committee on Education and the Workforce and bring to the House floor and receive overwhelming bipartisan support.

I think this is a good bill. It is not a perfect bill. It calls for greater consolidation of a lot of Federal programs with increased flexibility back to local school districts on how best to utilize those resources that will be provided to them.

It calls for greater investment in professional development programs of our teachers, given a 2.2 million teacher retirement over the next 10 years, as well as an investment in the leadership of our school districts, with principals and superintendents.

It also calls for money to better integrate the use of technology in classroom curriculum, so our students graduating are going to be prepared to compete in the 21st century new economy.

It is a bill that calls for reform with results. It also holds school districts responsible with accountability, mandatory testing programs, so we can measure the students' progress.

I am hoping that in conference, attention will be paid to providing enough resources for the remediation of students who are being measured and who are falling behind at their skills level, so we can bring them back up to the rest of their classmates so they, too, can succeed.

There were some features of this bill I think that we missed the call on. I think it is time for this Congress to take action to provide some matching grant money back to local school districts to put in place pre-K schooling opportunities. Researchers at the University of Wisconsin just did the most long-term, 15-year comprehensive study of the pre-K program in the Chicago public school district and found that those students who are participating are less likely to commit juvenile offenses, more likely to stay in school, and perform better on tests than their classmates, and are more likely to graduate and go on to post-secondary education.

I also think that this Congress is not living up to our promise to fully fund special education opportunities for students with special needs. The promise was made 25 years ago that we would fund 40 percent of the expense of special education costs. Today we are slightly less than 15 percent.

If there is one piece of work that this Congress can do this year that will alleviate the pressures and the financial burdens that school districts throughout the country feel, it is to live up to our promise to fully fund special education. I hope that, too, is a source of conversation with the conferees.

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

Mr. Speaker, I appreciate the concern from the gentleman from Wisconsin over the issue of IDEA funding. I think most of our colleagues understand that the Individuals With Disabilities Act in education is not part of the Elementary and Secondary Education Act.

In fact, this Congress over the last 5 years has increased funding for IDEA some 50 percent over the last 5 years. I have no doubt there will be another increase again this year.

But that program is up for reauthorization next year. I would ask my colleagues to allow us to go through the reauthorization process on IDEA next year and debate any additional resources that might be devoted to that in the context of the reauthorization of that bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I also thank the gentleman from California (Mr. GEORGE MILLER) and the chairman, the gentleman from Ohio (Mr. BOEHNER), for their work in producing a bipartisan bill that really should make a difference in our schools.

Mr. Speaker, as we come to conference with the other body, there are some things that I think are in consideration here; and we must make sure they come out in the final version.

First of all, I want to make sure that some of the discussions that we have had in committee about authorized use of funds comes out. The gentlewoman from Illinois (Mrs. BIGGERT) and I in committee were able to see that of the money that is spent, that local schools have the option of spending it on training teachers, providing the professional development on math and science teaching in particular, which can be as much as 20 percent of the funding under title II. I hope that that will be preserved in conference.

I also hope that we can preserve the agreement that we had in committee that under the President's reading initiative in title I, an accepted use of funds is for books. If we are going to have a literacy program, it does make sense that books would be covered as an authorized use of funds. Similarly, in title IV, I would hope that we can see that instruments, musical instruments, are included as appropriate use of funds in music programs.

Overall, I hope we would see that we pay special attention to the professional development for math and science teachers. Furthermore, something that is coming from the other body that I hope will be preserved in conference is legislation, a part of the bill, that will ensure that parents have a right to know at least 72 hours in advance of the use of pesticides, dangerous chemicals, in their schools, in their children's schools.

Of course, as others before me have said, I hope out of conference we will come with a real dedication to give more than words to education for children with disabilities under the IDEA program.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to also compliment the bipartisan leadership in bringing this bill to this particular point, and in recognizing that it has traveled many miles. One particular mile left to go is as it pertains to special education.

I disagree with my colleague who says that this has to be put off for a year before we substantially will be able to go through a reauthorization period. I do not question the reauthorization time frame, but I do recognize that back at home, where we did increase funding, we started out at a very low level. So a 50 percent increase, while it sounds great and large, really in terms of property taxpayers and children and families with special needs and special education, really it has only gotten up a smaller percentage of where we made a commitment to the communities and school districts throughout this country when the Federal Government 25 years ago said we would cover 40 percent of the cost.

All we have done is shifted those costs onto the property taxpayers, because we have regulations that say they have to comply. So we have a substantially unfunded Federal mandate that needs to be corrected. We need to do it now, because we are not going to have the budget surplus, if we have a surplus at all, to be able to deal with this; and it is better to act now when there are so many others that are trying to attempt to get at that particular budget in the resources that are being made available. Then the real impact of special education is going to be borne by local property taxpayers.

In our State alone, the Federal Government should be contributing $100 million a year to cover 40 percent of the cost. They are only contributing $32 million a year, and $68 million more is being contributed on the backs of property taxpayers, the most regressive tax of all taxes.

If we want to provide property tax relief, tax relief, and we want to fund unfunded mandates, which are the pillars of the congressional leadership over the years, especially in the House, then we should fully fund special education.

I ask my colleagues to support the Harkin-Hagel amendment in the conference, which would provide for full funding over 6 years for this critical program. I would prefer it in a shorter period of time, but I think that is the bare minimum that we will accept.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, I rise in support of the motion to go to conference. I, too, want to join in the chorus of accolades for our chairman, the gentleman from Ohio (Mr. BOEHNER), and for my ranking member, the gentleman from California (Mr. GEORGE MILLER), and for their talent and eloquence in getting a bill together with 384 votes to take us to conference.

The challenges ahead are indeed large and looming. John Adams, who wrote the Constitution for the State of Massachusetts, wrote in clause 2 a very unique section guaranteeing the right of education to every single citizen in the State of Massachusetts.

At no time is that right to a good education more important than today in America, and at no time is that right more threatened to the poorest in America than right here today.

What we do in conference is extremely important. With this bill, while we can all pat ourselves on the back and say we have accomplished a lot up to this point, there is a lot more work to do, particularly on the resources. As a fiscally conservative Democrat often coming to the floor saying money is not the answer to every problem, if we are going to test children and do it with diagnostic tests that we can turn around in real time remediation to help these children do better, we need the resources.

We also need a NAEP test. We need a NAEP test that can compare with the local government, the local schools and the State schools, when they devise their State tests, so we can then assess how good that test is in comparison to other tests.

□ 1130

We need to accede to the Senate language on the NAEP test. And on adequate yearly progress, we must hold students accountable. Whether 70 percent of students are passing in a school and 30 percent failing, we need to be able to find out what 30 percent are failing.

In conclusion, I would just say that we have the model for bipartisanship here today with this bill, but we do not yet have the model for bold school reform that works. That will be determined in this conference when we work out NAEP, resources, and other important issues, like adequate yearly progress.

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

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

Ms. WOOLSEY. Mr. Speaker, I stand in support of H.R. 1, and I compliment the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER). Good job. This was not easy to do.

But I want to talk about something we left out in the House that we cannot wait another year to cover, and that is fully funding special education and IDEA. I would ask that the conference committee include the Senate provisions regarding funding IDEA.

When I meet with parents in my district who have children with special needs, I hear how frantic they are about getting the services their children need in their schools. They think the schools are giving them the runaround. While, when I talk to the school administrators and the educators, they tell me they are worried sick about not having enough money to fully meet the needs of special education programs. And parents of students without special needs are fearful that their children will not receive enough resources so that they can get the education that they need.

This cannot continue. We need not wait another year. We must fully fund IDEA, because we are pitting one important education program against another. Students against students, parents against parents, and parents

against schools. It is time for Congress to honor the commitment made to parents and educators over 26 years ago.

We can do that by adopting the Senate provision in the Leave No Child Behind Act and fully fund IDEA over 10 years. It is the right thing to do, and I urge my colleagues and the conferees to stand behind funding IDEA as we committed over 25 years ago.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), and while a new Member of Congress, the gentleman spent a career in the field of education.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding me this time; and I thank him for his work, as others have, and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for his work, as well as other members of the committee, who did an outstanding job of working together.

I certainly support H.R. 1 as it goes to conference. I think there were some graphic reasons for the reform. It is my understanding that the Federal Government has spent $80 billion on education over the last 10 years; yet we saw absolutely no improvement in dropout rates, no improvement in test scores, less performance in general, and roughly 60 percent of our fourth graders are not able to read at an adequate level. So I think H.R. 1 really represents significant improvement in educational policy. It does provide better measurement of students, more accountability for schools, and certainly greater local control.

However, I would like to also underscore the idea that the best educational policy alone is not going to be the whole answer. And the reason I say this is that we can have the best teachers, the best curriculum, the best buildings, facilities; and still, if there is a high percentage of dysfunctional students from dysfunctional situations, we will have a very difficult time educating them because, number one, they will not get to school; and, number two, if they do get to school, they are not going to be in a very good frame of mind to learn anything.

So one of the components of H.R. 1 that I have been very interested in, which has not been talked about a whole lot, is the mentoring component. This is something that is very important to the President. Mentoring reduces absenteeism from school by over 50 percent, decreases drug abuse by more than 50 percent, teenage pregnancy by 30, 40 percent, violence, and gang-related activities by a significant margin as well. So mentoring does work, and it is an important part of the educational component.

So as we go to conference here on this bill, I hope that this will be preserved. I especially hope that the conferees will maintain the flexibility and the local control that we have written into the bill, particularly in regard to training the mentor.

So again I would like to compliment those who have drafted and crafted this bill, and I want to wish them well as they go to conference.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentlewoman for yielding me this time; and I want to thank the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking minority member, the gentleman from California (Mr. GEORGE MILLER). I give credit to both sides of the aisle on working really hard to get this bill through. Both sides gave up a lot, but we came out with an excellent bill; and I appreciate all the work everybody did on it.

When we talk about flexibility, when we talk about teacher preparation, when we talk about mentoring programs for our children, these are all going to be wonderful things for the future of education; but again I have to add my voice to those talking about IDEA. I know reauthorization is coming up, and I am looking forward to working with my chairman on reauthorization of IDEA next year.

As someone who grew up with learning disabilities, and as someone who has a child with learning disabilities, I know how important it is. I go into schools every single Monday and see that our schools, unfortunately, have to take funds away from important programs because the Government mandated these children be mainstreamed in our schools, yet have not followed through with the promised 40 percent to help them do this. We will fight to make sure that the monies are there.

It is not fair to our school systems, as it is today, to be paying out these monies when we made these mandatory deals with the schools to educate these children. I am looking forward to seeing what the conferees come out with. I know it will be a good bill. The House and the Senate bills are a little different, but in the end I think the people of America and the children of America are going to be proud of the work done here in Congress.

Decisions should be made on the local level, and I do believe in that; but the flexibility is probably going to be the most important thing. So I again thank the gentleman from California (Mr. GEORGE MILLER) and am looking forward to working with him again.

Ms. WOOLSEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, I want to appeal to the conferees to please hold the course and not water down this bill any further.

There is an education state of emergency in many American communities. There is an education state of emergency in the African American community in inner cities and in other inner-city minority communities and in rural poor communities. We need all the help we can get as fast as we can get it.

The reading scores show there is a state of emergency, the SAT scores show it, the dropout statistics show it; but also there are other indicators that we ought to take a look at. The number of uncertified teachers are clustered and concentrated in these state of emergency communities. The number of unsafe, unhealthy buildings are concentrated in these communities. The lack of science laboratories and lack of physics teachers and chemistry teachers, they are all concentrated in these communities. Libraries with the oldest books are in these communities.

So we need to maintain the focus and the concentration of this bill and not let the bill that came from the other body water it down and make flexible the funding so that it does not have the same concentration as the President's bill.

The President is to be congratulated for focusing on where the greatest need is. The bill does do that. The focus on title I as a major component to be expanded in the authorization, the move towards an increase of title I funding to $17.2 billion in 5 years, that is very important. That authorization must be maintained.

We must unite with the other body to get higher authorizations in some other areas, and we must understand that the conference committee holding to these authorization levels is the first step in a larger strategy to guarantee that the appropriations will equal the authorizations.

We have a need for education reform everywhere in the country. I know that everybody is concerned about the fact that our children scored lower than youngsters in other nations, the best; but that need for concern should be understood in terms of there is a need for emergency-targeted funds that go straight to the areas of greatest need. In other words, what I am saying is let us make certain that we do what we have to do and can do at the Federal level so that we will hold accountable the States and hold accountable the local education agencies to deal with the state of emergency and guarantee that the opportunities to learn create safe schools, guarantee certified trained teachers, guarantee science laboratories, science equipment, guarantee science and math teachers.

We must take the first step, and also we must act in a way which guarantees that the appropriation will match the authorization in this Congress.

Mr. BOEHNER. Mr. Speaker, I yield myself 1 minute.

Let me rise, Mr. Speaker, and congratulate my friend, the gentleman from New York (Mr. OWENS), and tell him that I could not agree with him more.

As we go to conference with the Senate on this bill, our eyes need to be focused on the major goals. And one of the major goals that I think many of

us share is to make sure that the resources that are going to be dedicated to this bill, whatever that amount may be, go to the most needy students in our society.

On the House bill we reduced the number of programs that we were going to fund under the Elementary and Secondary Education Act in order to try to better target these resources to those children, especially minority children in inner city schools and in rural areas who are underserved and need our help. But if we look at the Senate bill, where they expanded the number of programs, a lot of well-intentioned, well-meaning programs, good ideas; but what it does is it tends then to take our eyes off of getting the resources where they, in fact, are most needed.

Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. GRAHAM), a member of our committee.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, if anyone had asked me during the month preceding the last election if the House could have come together in this fashion to pass 384 to 45 a major reform initiative on education, I would not have taken the bet. Those were tough, dark times for the country. It was the longest election in history. Yet here we stand several months later talking about something long overdue.

The magic of this event to me is that the gentleman from California (Mr. GEORGE MILLER) and the chairman, the gentleman from Ohio (Mr. BOEHNER), have brought a committee that has been divisive at times together, along with the President, after many meetings at the White House, to take a new look at education.

There are so many debates going on in education right now about how best to fix the problem. Some people say we need more money. More money is in this bill, a lot more money. Some of us believe just throwing money at the problem alone will not work, and our voices were heard.

But the money is going to be spent in a new fashion. We are going to hold people accountable. Before we hold them accountable, we are going to provide them with the resources and the latitude and the flexibility to fix the problem, and we are going to monitor what happens. We are going to look at those children who have been left behind traditionally; and they are going to report to us, the school districts are that receive Federal money, as to how each group is doing. We are going to have a monitoring process for the first time in a long time, and we will actually find out where our money is going and if it is working.

For those school districts who have been helped and who have been monitored and they continue to fail, we are going to do something new. We are just not going to continue to throw money, giving it to the same group of people, expecting different results. I remember one thing that President Clinton said. He said insanity is doing the same thing and expecting different results. We are going to make sure the money is monitored; we are going to give people flexibility, the resources necessary to improve education; and if after 3 years things are not getting better we are going to take a new look at how to make them better.

We are going to allow parents to choose other public schools to go to. Charter schools. We are going to give parents some choices. This bill requires curriculum reporting. It will empower those parents who care. It will try to get people more involved in the education process.

□ 1145

There is some significant differences between the House and Senate bill, but I predict now that these differences will be quickly resolved and this Congress will go on record as being the first Congress in maybe 35 or 40 years to do something bold in the area of education.

The Federal level provides about 7 or 8 percent of education funding. No longer will that money be given blindly. We will expect results for our contribution, and we will try to create an atmosphere where school districts who want to experiment and try new things can do so with the Federal money.

All in all, if you asked me in October preceding the last election if this could have ever come about I would say no. If you asked me in December, I would say heck no. But here we are. It is a testament to the good hearts of the people on this committee and the leaders on this committee, along with the President.

We are about to do something new, long overdue; and the beneficiaries will not be politicians. It will be parents and children.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in strong support of this measure. As a former teacher, I am proud to support this bill because it really starts to address the issue of leaving no child behind and closing that achievement gap. However, there is a piece that I would hope the conference committee would address and that is the funding for IDEA or Individuals With Disabilities Act.

Unfortunately, year in and year out Federal appropriations fall far short of the Federal government's commitment to help meet the needs and the cost of educating students with disabilities. The lack of funding places considerable strain on entire school budgets as schools are forced to choose between raising local taxes or cutting other critical programs in order to provide Federally mandated special education services.

To its credit, the Senate has recognized that students with disabilities and their families deserve more than an empty promise.

By passing the Hagel-Harkin IDEA full funding amendment with strong bipartisan support, the Senate has taken an important step toward meeting the Federal government's commitment.

Mr. Speaker, it will be a great day in this country when every child receives a first-rate education. I ask the conferees, I beg the conferees to address this issue of full funding for special education.

I thank both the Chair and the ranking member for the terrific job they have done on this bipartisan bill to help every child. If they would just please address full funding for special education, I think we would go a long way in making sure that every child is educated.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, it is a privilege for me to speak today on the floor on a bill that I helped craft in the Committee on Education and the Workforce, a committee that worked real hard a couple months ago, with bipartisan support, to pass on a bill to the floor and on to the Senate. A bill that puts President Bush's principles and education together with accountability and testing and flexibility and more local control and targeted funding and expanded parental options. A bill that consolidates programs. A bill that empowers parents with more information. A bill that included an amendment that the gentleman from Delaware (Mr. CASTLE) and I crafted, a superflex amendment that provides for a hundred school districts to have more local control to consolidate Federal programs.

Yes, this bill differs from the Senate, but those differences can be resolved, and we can put together a bill that the President can sign that benefits America's schoolchildren.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I am also here to support the motion to go to conference on the education bill. However, I have to tell you that today I am saddened because I am reading today in the Los Angeles Times that one of my feeder schools in East Los Angeles, Garfield High School, which was known for the movie ''Stand And Deliver,'' where Latino students able to excell and rise to the occasion, is now found to be failing. It is one of the schools that is failing in my district.

I would ask the conferees as they begin their discussions on education to remember those low income students, the new face of California and the country. Those students are in need of support because they come from different backgrounds or speak different languages, that we not forget those children.

We also need to do as much as we can to help provide prevention funding for

dropouts. Because in the Latino community right now we are finding the average number of students that come into the system are leaving at a 50 percent rate. That is disgusting. We need to do more to make sure that our students stay in school, that we have better equipped and credentialed teachers in our school.

In my district alone we have an overabundance of teachers who do not have credentials. They do not have credentials because we do not have the funding and support to help provide them that incentive to go on and get those credentials.

I would ask the conferees to take a look at what it is we need to do to help provide so that no child is left behind, so that no parent or student feels that this public education systems leaves them woefully behind in this society.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, it is about time we did what this amendment or this instruction does.

I was in the State legislature in 1972 when we passed the Education for All Act in the State of Washington. Along came the Feds about four years later and said we are going to have education for all in this whole country, and we will give you 100 percent of the rules and regulation, and we will give you 5 percent of the money. They have been doing that to States like Washington since 1972.

This is 28 years of an unfunded mandate. It is about time for the guys who want to talk about unfunded mandates to get up here and put the money on the bar. I know, I was there. I saw what was done in the State legislature, and then I come up here. Now my colleagues are saying we want to wait until next year. We are going to be waiting until next year to the year 2050. Mr. Speaker, this ought to pass.

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

Mr. Speaker, I thank all of the members of the committee on both sides of the aisle and thank all of the professional staff of the committee, which is the entire staff, who have spent an incredible amount of time working through all of the difficult matters that are of concern and controversy and where there were differences of opinion and helped the membership arrive at this bipartisan legislation.

Mr. Speaker, I look forward to going to conference under the leadership of the gentleman from Ohio (Mr. BOEHNER), the chairman, and believe that we can bring back to the House a bill that will continue to have bipartisan support that again will dramatically change the outcomes and the results in this education system, in the title I system, and that will dramatically improve our opportunities to have qualified teachers, accountability and have the resources necessary to carry out the educational mandates that are contained in this legislation.

Mr. Speaker, I thank my colleagues for all who joined in this discussion.

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

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

Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER), the ranking member on the Committee on Education and the Workforce, who has worked closely with myself and members on both sides of the aisle; and I have to say, as I said when we closed debate on the bill when it came through the House, I could not have had a more perfect gentleman and a more perfect partner to work with as we went through this process.

Mr. Speaker, I also thank our drafting team on both sides of the aisle, the gentleman from California (Mr. MCKEON), the gentleman from Delaware (Mr. CASTLE), the gentleman from Georgia (Mr. ISAKSON), the gentleman from Colorado (Mr. SCHAFFER), the gentleman from Indiana (Mr. ROEMER), and the gentlewoman from Hawaii (Mrs. MINK) who spent hours and hours trying to bridge the differences, always, though, with a view and a vision toward how do we help the neediest children in our society have a shot at a good education like our children get.

I think we achieved that when this House bill came through here. Is it the bill I would have written by myself? No. Is it the bill that the gentleman from California (Mr. GEORGE MILLER) would have written by himself? No. But it is a bill both parties worked together on, and we have built a solid piece of legislation that will change the way that we educate low income and minority students in our country.

My commitment to the gentleman from California (Mr. GEORGE MILLER) and my commitment to my colleagues on both sides of the aisle is that when we bring the conference report back to this House that we will in fact have a fundamental change in giving schools more flexibility, holding schools more accountable for real results and additional resources to help meet those new standards that we hope to put in place.

Mr. Speaker, when we brought our bill to the floor back in May, I asked all of my colleagues whether they would be able to stand up on that day and have the courage, the courage to vote with us and the courage to do the right thing even though not everyone was in full agreement. I think the House exercised its prerogative and did show the courage by a strong vote of 384–43 in support of our bill.

Mr. Speaker, as we go to conference, I feel confident that members on both sides of the aisle will continue to work together and to bring back to this House a bill that we can be proud of, a bill that the President can be proud of, and the most important goal, to make sure that we bring a bill back that helps the neediest of our society get the education they are going to need if they are going to have an opportunity at securing the American dream that every child deserves. And every parent of every child in America wants their child to have that opportunity.

Ms. KILPATRICK. Mr. Speaker, I rise today to express my support for the tabling of Mr. BALDACCI's motion to instruct the Conferees who will consider the Elementary and Secondary Education Authorization Act. This motion would direct the managers to accept an amendment that would give the Individuals with Disabilities Education Act Title I status, even though this amendment was not included in the bill passed by the House.

First, let me state that as a former school teacher, I am in full support of providing as much funding as is needed to insure that all of our children in this country receive a quality education that meets their intellectual and physical needs. I do not know of anyone in this House who is not in support of providing our children with what they need to grow and learn in an appropriate environment. This includes providing funds to assist students who are in need of special assistance due to a physical or mental disability. How could anyone not be in support of assisting these children? However, it does not make for "good" education policy if we single out just one program and instruct the Conferees to give it Title I status by making it an entitlement.

The ESEA bill is overflowing with good and valuable programs, all of which deserve to receive the funds that were authorized for them, if not more. Therefore, I cannot support singling out just one program for entitlement status. I would hope that not only would we fully fund the programs under the Individuals with Disabilities Education Act, but also the class size reduction programs, the Safe and Drug Free Schools and Communities Act, and the Homeless Education Assistance Improvement Act, as well as all of the other beneficial programs within ESEA. A program should not have to have entitlement status in order to receive full funding.

I trust in the ability of my colleagues who will serve as conferees on this bill to see the importance of the Individuals with Disabilities Education Act. The programs included in this Act will provide children who have a disability with a quality education that factors in their special needs, and is of no cost to the parents. The conferees do not need to be instructed to give Title I status to a program in order to fully fund it. If this was the case, I would be standing here before you arguing that entitlement status should be given to all of the programs included in the ESEA.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 5, not voting 4, as follows:

[Roll No. 237]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
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
Crane
Crenshaw
Crowley
Cubin
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
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
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
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
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
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
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
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Goode
Hostettler
Sabo
Scarborough
Tiahrt

NOT VOTING—4

Gibbons
Myrick
Riley
Spence

□ 1223

Mr. COX changed his vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. BALDACCI

Mr. BALDACCI. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. BALDACCI of Maine moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to agree to provisions to fully fund part B of the Individuals with Disabilities Education Act for the purpose of providing every child with a disability a free appropriate public education to the extent that the provision of such full funding will not result in an on-budget surplus that is less than the surplus in the Federal Hospital Insurance Trust Fund.

MOTION TO TABLE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Speaker, I move to lay the motion to instruct conferees on the table.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion to table offered by the gentleman from Ohio (Mr. BOEHNER).

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

RECORDED VOTE

Mr. FRANK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 296, noes 126, not voting 11, as follows:

[Roll No. 238]

AYES—296

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Berkley
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (IL)
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Farr
Fattah
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kerns
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
Matsui
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Scarborough
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak

Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—126

Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berman
Bilirakis
Blumenauer
Bonior
Borski
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Clayton
Conyers
Coyne
Crowley
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Doggett
Doyle
Engel
Etheridge
Evans
Ferguson
Filner
Ford
Frank
Gephardt
Gonzalez
Green (TX)
Greenwood
Hall (OH)
Harman
Hill
Hilliard
Hinojosa
Hoeffel
Hoekstra
Holt
Honda
Hooley
Inslee
Israel
Jackson-Lee (TX)
Jones (OH)
Kelly
Kennedy (MN)
Kildee
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Millender-McDonald
Miller, George
Mink
Moore
Moran (KS)
Nadler
Owens
Payne
Platts
Rahall
Ramstad
Rehberg
Rivers
Roemer
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Shows
Skelton
Slaughter
Snyder
Solis
Stark
Sununu
Tauscher
Taylor (MS)
Thompson (CA)
Thune
Thurman
Tierney
Udall (NM)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Brady (PA)
Davis, Jo Ann
Gibbons
Goode
Hinchey
Myrick
Oxley
Pitts
Riley
Spence
Walsh

□ 1246

Ms. MCCARTHY of Missouri and Messrs. SUNUNU, DELAHUNT, KIRK, REHBERG, INSLEE, and FORD changed their vote from ''aye'' to ''no.''

Mr. SWEENEY, Mrs. NAPOLITANO, and Messrs. UPTON, SCOTT, SPRATT, TIAHRT, TOWNS and BARTLETT of Maryland changed their vote from ''no'' to ''aye.''

So the motion to table the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, on rollcall No. 236, on approving the Journal, and rollcall No. 238 on the motion to table the motion to instruct conferees, I was unavoidably detained while chairing a committee hearing to receive Chairman Greenspan's semi-annual testimony on the economy. Had I been present, I would have voted ''yes'' on both motions.

(Mr. BALDACCI asked and was given permisson to speak out of order for 1 minute.)

FUNDING FOR IDEA

Mr. BALDACCI. Mr. Speaker, this issue is a very important issue to almost every Member of this Chamber, if not every Member of this Chamber, regardless of party. This issue of special education funding is something that we have worked at bipartisanly and in special orders and after hours, and between myself and the gentleman from New Hampshire (Mr. BASS) and many other Members on the other side of the aisle, and it is something we all care deeply about.

Twenty-six years ago, we promised to fund 40 percent of the special education costs in our country, and we are now at 14 percent. We will never have an opportunity, I believe, to be able to address this issue, given the uncertain economics and budgetary constraints that have been placed before us and that will be before us in the future.

We have no better time to address this issue. This was an instruction to the conferees to go about fully funding special education costs. This is an issue which costs all of our States, regardless of party and location, billions of dollars in property tax payments by local citizens. This is something that would have benefited, if it was fully funded, not just the disabled but the nondisabled.

I was disappointed that we did not have the opportunity for a free and open discussion, but as most of the Members know, this issue is not going to go away. We will be bringing this issue back before us. We will be doing it in a bipartisan fashion, because we all know how important these issues are to local communities.

In our State alone, we are looking at trying to make up the difference of between $100 million of special education costs and the $32 million that is being provided, and that is $68 million in a small State like Maine, of a population of 1.2 million that are facing increased property taxes and burdens that they have to bear. We recognize sometimes there is competition for those dollars at the local level, and that places a lot of those disabled families at a disadvantage.

Mr. Speaker, I appreciate the courtesies that have been afforded, and look forward to working with the Members on both sides of the aisle and in the Congress on this very important issue.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. BOEHNER, Mr. PETRI, Mrs. ROUKEMA, Messrs. MCKEON, CASTLE, GRAHAM, HILLEARY, ISAKSON, GEORGE MILLER of California, KILDEE, and OWENS, Mrs. MINK of Hawaii, Mr. ANDREWS, and Mr. ROEMER.

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2500.

□ 1252

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. Hastings of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, July 17, 2001, the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) had been disposed of and the bill was open for amendment from page 39, line 18, through page 39, line 24.

Pursuant to the order of the House of that day, no further amendments to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and amendments printed in the CONGRESSIONAL RECORD on that day or before, each of which may be offered only by the Member who caused it to be printed or his designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments for the purposes of debate, and shall not be subject to a demand for a division of the question.

The Clerk will read.

The Clerk read as follows:

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer