

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

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

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

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

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

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

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

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

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

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

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

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than

Congresswoman Sanchez's election to the Congress; and

Whereas, the U.S. taxpayers have spent more than \$500,000 on an investigation which has not provided any credible evidence to overturn this election.

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

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

The SPEAKER pro tempore. Without objection, the Chair's previous citation of the disposition of this matter under rule IX will be entered into the RECORD at this point.

There was no objection.

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

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

Pending that designation, the form of the resolution noticed by the gentleman from Texas [Ms. EDDIE BERNICE JOHNSON] will appear in the RECORD at this point.

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

□ 2115

VACATING REQUEST TO LIST MEMBER AS COSPONSOR OF H.R. 2676

The SPEAKER pro tempore (Mr. MCCOLLUM). The Chair would like to make the following announcement. The unanimous-consent request earlier today by the gentleman from Georgia [Mr. LINDER] adding the gentleman from Ohio [Mr. TRAFICANT] as an original cosponsor of H.R. 2676 was not entertained by the Chair in that form under the precedent recorded on page 666 of the House Rules and Manual.

Since that time, the Chair has been informed that H.R. 2676 has been reported by committee. Without objection, the proceedings surrounding that request are vacated, but the request of the gentleman from Georgia [Mr. LINDER] that the record reflect the intent of the original sponsor, the gentleman from Texas [Mr. ARCHER], to list the gentleman from Ohio [Mr. TRAFICANT] as an original cosponsor will appear at this point in the RECORD.

There was no objection.

CHARTER SCHOOLS AMENDMENTS ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 288 and rule XXIII, the Chair declares the House in the Committee of the Whole House on

the State of the Union for the consideration of the bill, H.R. 2616.

□ 2116

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, with Mr. SNOWBARGER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from Florida [Mr. DEUTSCH] each will control 30 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I yield myself 3 minutes.

Just to start this discussion, Mr. Chairman, and the gentleman from California [Mr. RIGGS] will be carrying on here shortly, but I am a strong believer in the charter schools. I was not a supporter of the voucher bill that we just voted on, but I am a total believer that if we are going to deal with experimentation and change in our schools, this is the way to do it.

I have been in every single school in my State. This is Delaware we are talking about. It is 182 schools. I have not been in one of the charter schools, but I have been in our three charter schools which have started.

I think the best way to describe why we should increase this funding authorization from \$15 million to \$100 million and give them some additional latitude with respect to what they are doing is to say what is happening in these schools. The proof is certainly in the pudding when we see it here.

I have been to the charter school at Wilmington, which was sponsored by a consortium of six employers in Delaware and focuses on math and science. It offers the most rigorous academic program in the State, pays teachers based on merit, and emphasizes values and character development.

I have seen and heard of the Positive Outcome School in Dover, which targets children who are at risk of failure in school and who have learning difficulties and emotional problems. Ninety percent of students have attention deficit disorder, and 33 percent are learning-disabled. Positive Outcomes has a 1 to 10 teacher-student ratio.

Yesterday I went to the East Side Charter School in Wilmington, Delaware. It is run by the Wilmington Housing Authority. Every child in that school is a minority child. Nearly 30 percent of the school's students do reside in public housing. It is a K-through-3 school. It offers an 11-month academic year, a 1-to-15 teacher/student ratio, two full-day kindergarten

classes, a strong curriculum in the basic academics. It goes through teacher conflict. It essentially is doing the kinds of things we talk about doing perhaps to give our public schools a better opportunity. This is a great opportunity for those young people in that school.

This is a great opportunity for the Congress of the United States to step forward and to do something which will help those students who can go to charter schools, but will also help us see how we can do better in our public schools. That is really what this is all about. It is a relatively simple bill. It is a piece of legislation which I think we should support universally. The President supports it. The National Education Association actually sponsors some charter schools.

We would encourage the creation of charter schools by directing funds to those States that allow an increase in the number of schools. We would encourage autonomy over budget and expenditures of charter schools. We reduce the Federal setaside from 10 percent to 5 percent. These are the very kinds of things that we need to do in America if we are truly going to make our public education system better.

I look upon this as a great help for the public education system, as well as a great outcome for those students who can avail themselves of the opportunity to attend the charter schools which are in existence now. We are going to double our charter schools in Delaware next year. I hope with this legislation we can do more across the country.

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

The CHAIRMAN. The time originally granted to the gentleman from Florida [Mr. DEUTSCH] will now be controlled by the gentleman from California [Mr. MARTINEZ].

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

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

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

Mr. MARTINEZ. Mr. Chairman, I wish I could be as optimistic and enthusiastic as the last speaker was about charter schools.

As many Members know, I am cautious about charter schools. I am supportive of the concept of charter schools and their possible impacts on the larger public school system as a whole. The chairman of the subcommittee on which I am the ranking member, my friend and colleague, the gentleman from California [Mr. RIGGS], has held a number of hearings on charter schools to examine their place as an educational reform tool.

Obviously, since all of us, both Republicans and Democrats, say we are concerned about the educational opportunities of our children, we believe that charter schools are certainly an

idea worth exploring, and in this instance probably an idea worthy of Federal support.

Throughout the hearings that we held on charter schools, we heard several serious problems, though, regarding the admission and provision of services to children with disabilities. In addition, controversy continues to swirl around the governing structure of charter schools in many States. Even here in D.C. there is a charter school that is in trouble, and the local school board is talking about taking away their charter. That is Marcus Garvey.

So I believe it is fair to say that because of their rather short existence, the oldest only being about 6 years old, there is still a lot to learn about their impact and their effectiveness in assuring educational success for our children.

Like I said earlier, while I have a positive outlook on the impact of charter schools on our educational system, I am concerned about the direction that this bill would take the Federal Government in the area of charter schools. I believe the bill raises a number of serious policy questions, and during later debate I intend to offer several amendments which I believe would fix these deficiencies.

This bill would establish, in my mind, a set of criteria which a State's charter statute would have to meet in order to ensure that the State is not at a disadvantage for funding. We here in Congress should not be in the practice of establishing funding priorities on how we believe individual State charters should be written, if we feel that flexibility is a success for them.

My colleagues who have heard me speak over the years know that I have always been concerned about unneeded interference by the Federal Government in the legislative affairs of the States and local governments. I have said repeatedly, it is local school boards who govern the school districts. Charter schools are defined by State statutes in the legislation they pass, so I do not believe it is the place of Congress through a micromanagement system to stipulate how that charter statute should be constructed.

I am also concerned about the changes in the period allowed for grants from 3 years to 5 years, and additional 2-year extension grants. I believe this change would force the Federal Government to begin supporting operating costs, rather than staying within the realm of start-up costs. Why should we extend the amount of time which a charter school would continue to receive start-up funds? Do we have charter schools taking 5 years to complete their start-up activities? I do not think so. I see little, if any, justification for that provision.

My last major concern lies in the rewrite of the national activities section of the statute. This bill would require the Secretary to make as his primary activity, with funds appropriated under the statute, the generation of private capital for charter schools.

I strongly believe that the emphasis of the Department's activities should be towards evaluation, technical assistance, and outreach, not to act as a Wall Street banker for charter schools. However, I do want to commend the gentleman from Indiana [Mr. ROEMER] for his extremely hard work in fashioning the bill that not only reflects his priorities, but Democratic priorities as well. The hard work of both the gentleman from Indiana [Mr. ROEMER] and his staff on this bill is a tribute to his dedication to the charter school concept.

In total, I do want to stress that I am not against the concept of charter schools. In fact, like many of my colleagues, I see the value in using charter schools as one of the many educational reform tools in our public education system. I just do not believe that the policy direction which this bill would take the Federal support of charter schools is in the best interests of charter schools or the children that they serve. I am hopeful that through the amendment process, that we can rectify the deficiencies that I have outlined.

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

The CHAIRMAN. The time originally controlled by the gentleman from Delaware [Mr. CASTLE] will be controlled by the gentleman from California [Mr. RIGGS].

The Chair recognizes the gentleman from California [Mr. RIGGS].

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

Mr. Chairman, I intend to come down to the well momentarily, but while I stand here at this podium, I want to thank my good friend and vice chairman of the subcommittee for claiming the time and for his eloquent statement in support of charter schools.

Mr. Chairman, first of all, let me tell Members that I am pleased that I can rise in support of what I hope becomes, based on the final vote, a very strong bipartisan bill expanding public school choice for parents. I emphasize that at the outset, because I just want my colleagues to know that on the last vote we had, just about an hour or so ago, the idea of allowing State and local school districts around the country to use one particular category or source of Federal taxpayer funding for education to provide scholarships for low-income parents unfortunately was defeated in this Chamber by pretty much a party line vote. In fact, I have the numbers here. Eighty-two percent of House Republicans supported the HELP Scholarships bill, and 93 percent of House Democrats voted against it.

The other thing I want to say, so I can get any note of partisan rancor here out of the way at the outset of the debate, I also want to take exception to comments that were made recently by the President. I have here in my hand an AP wire story from October 24 that begins by quoting the President as saying, "President Clinton suggested

today," October 24, "that Congressional Republicans want the government to do next to nothing in education."

It is unfortunate the President would say those words, because, of course, what we have on the floor now is a bipartisan bill that would, as I said earlier, greatly expand public school choice for parents, and which would fully fund the President's proposal for \$100 million in Federal taxpayer funding for the start-up or creation of more charter schools in America during the Federal fiscal year 1998.

So, Mr. President, you were ill-informed or certainly misspoken when you claimed that we are doing next to nothing in education, because here is a bill where we fully intend to team up with a number of House Democrats, Members of the President's own party, to advance legislation that he have requested.

And I will daresay, as I said earlier this evening during the debate on the HELP Scholarships bill, that at the end of the day, either later tonight or later this week when we reach final passage on this bill, a majority, an overwhelming majority, of House Republicans are going to support the Charter Schools Amendments Act of 1997. I daresay a majority, I hope it is not a large majority, but a majority of House Democrats will vote against that legislation. So be clear, Mr. President and the American people, who is trying to do something for parents and for children in education.

Now, it is clear to me that with respect to education, we are seeing a phenomenon across the land in this country today. It is one of those that we could sort of put under the heading of when the people lead, the leaders will follow. I am referring to the growing and widespread public demand on the part of education consumers, parents, and guardians for more competition and more choice in education.

I would like to cite for my colleagues and introduce for the RECORD an article that appeared on October 1 in the Washington Post, not exactly a conservative newspaper, entitled "Popularity Grows for Alternatives to Public Schools, Some Districts," referring to local school districts around the country, "Some Districts Reacting to Threat of Competition."

The article began by saying, "In a movement flustering schools across the Nation, more parents than ever are choosing alternatives to public education for their children, including public charter schools, religious schools, and home schooling, so much that what once seemed a fad to many educators is instead starting to resemble a revolution."

□ 2130

The article closed by quoting Robert Chase, who is the president of the National Education Association Teachers Union. I am not sure, Mr. Chase says, I am not sure if any of us really know

yet where these trends are leading us, but it had better make us take a hard look at what we are doing in public education.

So I hope we are very clear that there is a growing competition and response to parents' concerns and that that growing competition is forcing the public school system to react. We are going to try to give that whole movement a little bit more impetus with the legislation before us on the House floor this evening.

I am very glad that I have been able to work closely with the gentleman from Indiana [Mr. ROEMER] on this legislation. Just on a personal note, he and his staff have been wonderful to work with. I think we really have forged a bill that strengthens existing law and which will enjoy wide bipartisan support in the House.

I think it is also important and fair to note that a majority of the Democrats on the full House Committee on Education and the Workforce supported this bill, 10 Democrats, thanks largely to the leadership of the gentleman from Indiana [Mr. ROEMER] and the respect in which he is held by his colleagues, 10 Democrats, 10 out of 18, so a majority voted for the bill in committee.

I believe, I hope I am correct in saying this, that the President has endorsed, if not this specific bill, legislation very similar in concept to our bill. And the Department of Education has issued a statement of qualified support for the legislation.

One reason for the growing bipartisan support for charter schools in Congress is the popularity of charter schools outside Washington, D.C., a popularity that has been soaring over just the last few years and that has led to Members, individual Members of Congress, hearing from parents, their constituents, about the demand, or maybe the desire is the better way to put it, for more and expanded public school choice.

This all began in 1991, in Minnesota, which became the first State in the Union to authorize charter schools. Now today, just 6 short years later, we have 29 States with charter school laws, along with the District of Columbia and Puerto Rico, and some 700 charter schools serving 170,000 children across the country. And there are more starting every day and several hundred more, I am told, on the drawing boards in these 29 States, the District of Columbia, and Puerto Rico.

So I think charter schools have arrived. They are now, I think, viewed as an integral component to reform and improvement of the public schools and our public education system. And the reports that we have heard and the testimony that we gathered during the committee process indicated that administrators who are running these charter schools are delighted to be freed up from stifling regulations. Teachers are, indeed, this is probably the most important aspect of independ-

ent charter schools, teachers are free to innovate, and students who attend charter schools are eager to learn, and their parents seem to be thrilled by the results.

We heard, during the committee process, from Dr. Yvonne Chan, who is a lifelong professional educator for the Los Angeles Unified School District and a charter school developer in the San Fernando Valley area of Los Angeles, about the three B's, which represented her frustrations with traditional public schools, what she called busing, bureaucracy, and but; the fact that her schools too often had to bus neighborhood children outside that neighborhood to go to another public school. Now, by starting her own charter school, she is able to bring those kids back into the neighborhood where they live to attend school there.

Bureaucracy, and I think we all know the concerns about bureaucracy, and charter schools are quintessentially an experiment, but they are a movement in decentralizing and deregulating local public schools, giving them autonomy from the bureaucracy.

And Dr. Chan talked about the "but" problem, the "but" syndrome. Every time she had a good idea to propose up through the ranks, she got back the answer, that is a good idea but we cannot implement it for the following reasons. She was a very important witness to us, as we seek to expand charter schools and public school choice through the use of Federal taxpayer dollars.

Congress, the Federal Government, has been involved in the creation of charter schools since 1994, when Congress first authorized national charter schools as part of the Elementary and Secondary Education Act and established an earmarked Federal funding stream to assist charter schools with start-up costs.

We heard from a number of charter school developers around the country what business entrepreneurs have known for years, and that is, in trying to start up a charter school, it often takes longer and costs more than they originally anticipated. So there is clearly an important role where the Federal Government and Federal taxpayers can support the charter schools movement.

This bill responds to concerns expressed by students, parents, teachers, and charter school operators or developers in our five hearings on charter schools, and it responds to the findings of various public and private studies, including the Department of Education's own first year report of their 4-year study on charter schools.

The highlights of the bill, very quickly, are these.

One, it meets the President's funding level, his budget request to Congress for charter schools, by increasing the authorization, the current authorization, from \$51 million in Federal taxpayer funding for charter schools to \$100 million. So that is roughly a doubling or 100 percent increase in Federal

taxpayer financial support for charter schools.

Two, it drives 95 percent of that money, the money for Federal charter schools, to the State and local levels to establish charter schools. It only leaves the Department with 5 percent to continue to conduct their study and other evaluation and national activities.

Three, it purposely directs the new money, the increase, the difference between 51 million and 100 million, to those States that provide a high degree of physical autonomy to charter schools and that allow for increases in the number of charter schools and that provide for strong academic accountability. We want to know, bottom line here, that charter schools are leading to an improvement in pupil performance and that charter schools are meeting or exceeding the academic performance goals set out in their charters.

Four, it ensures that charter schools can compete with traditional public schools on an equal footing for Federal categorical education aid. That is under the very simple premise that the money should follow the child and that charter schools should not be placed at some sort of competitive disadvantage in obtaining their fair and equitable share of per pupil funding under both Federal, State, and local funding sources.

Five, it directs the Secretary to assist charter schools in accessing private capital. That is particularly important to help charter schools deal with those up-front development costs, particularly capital expenses that they incur in trying to lease or renovate buildings and in trying to provide a housing or physical premise necessary to conduct a charter school.

Six, it extends the life of the Federal start-up grant from 3 years to 5 years in an effort to give charter schools a little bit more time to become financially stable and solvent, and that is again important because we heard from charter school operators in our hearings and in the written testimony, again, that many times while they were producing impressive academic results at the 3-year mark, they were still struggling to make ends meet financially.

This bill improves upon the existing Federal charter school law by sending more money directly to charter schools and by providing a maximum amount of flexibility for charter schools in that critical start-up phase. This legislation is the springboard necessary to meet the goal of having 3,000 charter schools in America in operation by the year 2000, a goal, a bipartisan goal, frequently cited by the President.

Again, in closing, I want to especially thank my good friend, the gentleman from Indiana [Mr. ROEMER], for his hard work on this issue and for the diligent work that his staffer, Gina Mahoney, has done in helping us to craft the legislation. He has, indeed, as

his comments earlier tonight would suggest, been a very strong advocate for public education reform through charter schools, and this legislation would not be on the floor this evening without his very strong and active input and involvement.

I will close by citing these two charts. Clearly, support for charter schools is not only growing, as I mentioned earlier, but it really almost transcends the normal demographics and political party breakdown, as this chart indicates. There is strong support among all different groups, regardless of racial or ethnic backgrounds and regardless of political party affiliation, for creating more charter schools.

And lastly, since I referred to them, his comments earlier tonight in the context of our HELP scholarships bill, I do want to, out of fairness to the President, point out that he has been a leader on this issue. These are his comments from that same Presidential debate, the first Presidential debate in Connecticut last year with Senator Dole. He said there, I support school choice; I have advocated expansion of public school choice alternatives and the creation of 3,000 new schools that we are going to help the States finance.

And as I pointed out tonight, the Riggs-Roemer or the Roemer-Riggs or, as the minority leader suggested earlier, the Roemer bill would help us move much closer to that goal of 3,000 new schools.

And the President went on to say, I am all for students having more choices; we worked hard to expand public school choice; in my balanced budget bill, there are funds for 3,000 new schools created by teachers and parents, sometimes by business people, called charter schools that have no rules.

So I think we are on to something good here, and for those of us who truly believe that we ought to give parents more alternatives, that we ought to listen to the people demanding more choice and more competition, more freedom in the public education system, I think we have an opportunity to tell them, we hear you and we are going to respond to your concerns by the swift bipartisan passage of H.R. 2616, the Riggs-Roemer Charter Schools Amendments Act of 1997.

Mr. MARTINEZ. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER], who is coauthor of the bill.

Mr. RIGGS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] is recognized for 4 minutes.

Mr. ROEMER. Mr. Chairman, I would like to begin by saying that in this past session of Congress we have shown the American people that we wanted to work together in a bipartisan way to balance the budget, that we wanted to work together in a bipartisan way to

provide modest tax relief for hard-working Americans, and now it is time to move on to education and work in a bipartisan way to help fix, restore, resurrect, and reform our public education system.

I want to thank for much of that bipartisan support the gentleman from California [Mr. RIGGS], my friend, and his fine staffer, Denzel McGuire, for her hard work, his entire personal staff and committee staff for their hard work. We have worked hours and hours, days and months on this legislation. The gentleman from California [Mr. RIGGS] has shown not only a very adept sense at understanding the legislation but a real common sense in listening to the people across this country that are very, very much in favor of charter schools.

I very much look forward to a strong bipartisan support here on the House floor, moving it to the Senate and then getting it signed by the President.

By the way, the President of the United States, President Clinton, not only talked about charter schools, which are public school choice, he has been a strong advocate of this program and wants to move from 700 charter schools that we currently have to over 3,000 charter schools. I thank the President and the Department of Education for their strong support.

Now, what are charter schools? Charter schools, for those listening out in Indiana and across America, are public school choice. Parents and students should be able to send their children to the best school in their environment. Whether it is an inner city or a rural community, let us insist on every public school being the best it can possibly be and that every child has the choice to go to that best public school. Let us make sure we save every one of these children and demand excellence from every one of our schools.

Charter schools are less regulated. Charter schools have less bureaucracy. Charter schools have more ability to be innovative and try new, bold ideas with the curriculum, doing partnerships with the business community, having longer school days and school years. Charter schools are cradles of invention and innovation, and we should very strongly support them today or next time we vote on this charter school legislation. I hope it is tomorrow or Thursday, whenever we get to this bill.

□ 2145

Public school choice is the way we should try to move in this country. What are the initial studies saying about school choice? The National School Board Association has noted that there are so-called secondary ripple effects with these charter schools, 700 of them already out there, that are now creating evidence that traditional schools are working harder to please local families so they will not abandon them for charter schools.

Charter schools are creating the competition to force other public schools

to be the excellent schools that we need. The Chicago model for reforming and saving our public school system is using charter schools to be innovative. I think this is a very strong idea to help restore and save public education in this country, where education now is critically important. In the next century, it is going to determine even more so winners from losers.

So, again, I want to commend the gentleman from California [Mr. RIGGS] for his hard work. I strongly encourage my colleagues on the Republican and the Democratic side to support this charter school bill.

Mr. RIGGS. Mr. Chairman, may I clarify how much time is remaining on both sides?

The CHAIRMAN. The gentleman from California [Mr. RIGGS] has 10 minutes remaining. The other gentleman from California [Mr. MARTINEZ] has 22½ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 2¼ minutes to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Chairman, I thank my colleague the gentleman from California [Mr. MARTINEZ] for yielding me the time.

Mr. Chairman, I rise to express some reservations that I have about this legislation. But first of all, I would like to thank my colleague, I would like to thank members of the committee, especially the gentleman from Indiana [Mr. ROEMER], the gentleman from Pennsylvania [Mr. GOODLING], chairman of the committee, the gentleman from California [Mr. RIGGS], chairman of the subcommittee, for the excellent work in bringing this bill before us today.

I agree with the sponsors of this bill that we must give States the flexibility to help foster the kind of innovation that charter schools provide while maintaining high levels of accountability. Parents, teachers, and administrators throughout the Nation have indicated again and again that they want the flexibility to try different approaches of educating their children, and we should support their efforts. Public charter schools expand the choices for parents, students, and typically they incorporate a great deal of input from our local communities.

There is a bipartisan agreement that charter schools have been effective in many cases, and the best way to continue this progress is to provide the additional start-up support for new charter schools.

The primary role of the Federal Government is to provide the support by sending money back to the States for the planning and the implementation of these new schools. However, that role is not to dictate to the States how they should run their charter school programs.

Mr. Chairman, I intend to offer an amendment to this legislation that would maintain existing language regarding State laws required to receive support from the Federal program.

Charter schools, by design, are experiments in systemic reform. I am sure that the provisions in this bill were designed to increase the number of charter schools nationwide. We have heard that many times tonight. However, this legislation puts Congress in the role of deciding how State legislators should write their laws.

This bill does provide support for that innovation by extending the authorized amount for the program. But, at the same time, those States that already have enabling legislation, this bill says they must write new statutes or lose their funding. We should stick to providing funds that help establish new charter schools.

I urge my colleagues to support the amendment that I will introduce tomorrow and resist imposing new standards on these States.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I thank the gentleman from California [Mr. MARTINEZ], the ranking member, for yielding me the time.

I also want to thank the gentleman from California [Mr. RIGGS], chairman of the subcommittee, who has done a good job in putting together a generally very good bill here. I think it is one area in education that we can finally say that people have tried to work together without rancor and bitterness to try to come together with an idea of how we might really buttress our public schools.

When we voted a little over an hour ago on vouchers, I think there was a clear division, a clear disagreement as to whether or not that was a step outside of support for public schools into an area that many of us did not want to go and do not think is going to strengthen our public school system.

I have said it here on the floor before, and I think it bears repeating, that we have a clear philosophy in this country that we are, in fact, in favor of public schools. We understand that those people that are fortunate enough to be able to send their children to private schools should have the ability to do so, and that has historically been the case.

But there are over 50 million children in this country that do not have that kind of benefit, do not have the family with that kind of income. Nor is there any likelihood that we are going to ever create 50 million vouchers to give everybody the chance. But we can provide better public schools for all 50-million-plus of those children. We are willing to step forward on the charter schools to experiment, to let local States and communities experiment within the public school system and find the direction that they are comfortable with.

I think that we have done that in the appropriations bill, where we talked about the comprehensive schools, we talked about people and communities coming together with the school to de-

fine a mission, to decide just how they are going to measure the progress under that mission, to bring the whole community in to work on that, whether it is colleges nearby, business communities, the parents of course, employees at the school, the administration, to develop this system and to move forward. And always, we want higher standards.

But in all of those scenarios, we also expect we are going to have to provide the resources to make the public schools successful. The chairman of the subcommittee and I had a discussion the other day. We talked about a certain charter school, where it had left the public school building, set up across town, and thought they were doing great because they gave each student a computer and each student a computer at home. That will always work if you do it, even if the public school had not moved.

We want to say that there are parts of this bill we need to improve, one being the priority section, so that Massachusetts and other States can benefit from legislation as well. And providing we do that, an amendment will be offered for that, we should be able to work forward to improve our public schools.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. KIND].

Mr. KIND. Mr. Chairman, I thank my friend the gentleman from California [Mr. MARTINEZ] on the Committee on Education and the Workforce for yielding me the time.

As a member of the Committee on Education and the Workforce, Mr. Chairman, I rise in strong support tonight for this legislation. I, too, would like to commend my colleagues and friends on the Committee on Education and the Workforce, the gentleman from Indiana [Mr. ROEMER] and the gentleman from California [Mr. RIGGS], for the hard work that they put in in drafting this legislation that is a good bipartisan piece of legislation, legislation that is really geared to helping the public school system in this country to improve themselves and give parents greater choice, teachers greater flexibility in how they are going to teach our children.

I urge my colleagues tonight to get behind and support this charter school legislation. I am a supporter of school choice, Mr. Chairman. I believe that the parents should be allowed to send their children, whether it is the public school or private schools of their choice. I oppose, however, the voucher plan that we earlier voted down in this Chamber. I think it is a drain on the public school resources, limited resources that are available.

My State of Wisconsin earlier this year struck down a private voucher plan in that State as an unconstitutional infringement upon the separation of church and State. The public schools are America's commitment and promise, really, to provide a quality

education to every child in this country. They are the great equalizers in our society.

Charter schools are merely public schools that are created by teachers, parents, and other members of the community as innovative means to educate students and to stimulate creativity in the public school system.

Wisconsin passed its charter school bill back in 1993. We have 15 currently in existence. There is a lot of demand for increasing that number in recent years. This legislation will provide the seed money to allow States such as Wisconsin, with the positive feedback and results that we are seeing in the charter school system, get that type of seed money in order to improve the public education system.

I believe it is time to provide the support to parents and teachers, school districts and communities throughout the country to think creatively with bold innovative ideas and the flexibility necessary to meet the challenges we face in preparing all our children to the challenges of America. I urge passage of this legislation.

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. KIND] for his comments.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. PAUL].

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

Mr. PAUL. Mr. Chairman, I thank the gentleman from California [Mr. RIGGS] for yielding me the time.

Mr. Chairman, I rise in opposition to this legislation. I was in support of the scholarship programs that we just voted down. But this bill introduces the notion of a brand new Federal program. I have not seen the problem to be lack of Government intervention at the Federal level, nor lack of funds.

I believe very sincerely that our public school system faces too much regulation from the Federal level, we do not need a new program. In this bill we will have mandates from the Federal Government on the States. There is also recommendations in here that the curriculum be evaluated. To me, this introduces a notion that we are so much opposed to testing, because it is the eventual evaluation and setting of standards that I think is so dangerous to the public school system.

This bill has \$100 million in it. I can see why some who believe in big government believe in expanding the role of government in education, would support this. I strongly oppose it.

Mr. Chairman, I appreciate the opportunity to express my opposition to H.R. 2616, a bill amending titles VI and X of the Elementary and Secondary Education Act of 1965 to expand the use of charter schools. Despite the understandable enthusiasm many members of Congress feel toward charter schools, Congress should reject this bill as it represents an unconstitutional federal infringement upon the authority of states, local communities, and individual citizens to control education. The tenth amendment reserves to the states and

the people "all powers not delegated to the United States by the Constitution," and thus forbids the federal government from any interference in education be it by mandating a national curriculum or providing incentives to states and localities to form charter schools. The drafters of the constitution made no exception for education in the tenth amendment.

H.R. 2616 encourages states to alter their education laws and policies for the purpose of increasing the number of charter schools to at least 3,000 by the year 2000. In order to achieve this congressionally set goal, the Secretary of Education is instructed to give prioritized funding to states which allow charter schools a "high degree of autonomy" over their respective budgets and expenditures; have at least one chartering authority which allows for an increase in the number of charter schools each year; and provides for periodic review and evaluation by the authorized public chartering agency of each charter school. Thus, the federal government will use monies seized from the American people to "persuade" the states to create more charter schools with federal specifications. Of course, if the federal government reduced its oppressive level of taxation, the American people would have more resources to devote to education and states would feel less compelled to obey Congressional mandates in order to finance education.

A federal policy of encouraging charter schools represents an exercise in legislative hubris incompatible with ending "the era of big government." The charter school model may not be appropriate for every state in the nation. Whether or not a charter school is appropriate for a local community is a decision best made by the people in that respective community. Yet, this bill makes it national policy to encourage the formation of charter schools throughout the nation because Congress has determined charter schools are desirable. However, a centralized body such as Congress is institutionally incapable of knowing what reforms work best for every school district in this large and diverse nation. Therefore, rather than expanding federal programs, Congress should defund the federal education bureaucracy and return control over education to those best suited to design effective education programs—local communities and individual citizens.

Proponents of this bill claim that it expands the educational options available to the nation's children. However, increasing federal involvement in education actually decreases the ability of parents to control their child's education. As a greater percentage of the nation's educational resources are devoted to fulfilling the wishes of Congress, fewer resources will be devoted to fulfilling the wishes of America's parents. This is because some people who would otherwise operate a religious-based school, for example, will instead open charter schools in order to receive federal funds. Since charter schools cannot offer religious instruction, those parents who would send their children to that school if it provided a parochial education are denied the ability to educate their children in accordance with their preferences.

Mr. Chairman, further evidence of how this bill would actually limit educational options can be found in the language making "evaluations" of charter schools one of the stated purposes of the federal charter school program.

National evaluation is a process whereby federal bureaucrats determine which are the best education practices, leading to a federally-approved set of "best practices" for charter schools. Over time, charter schools will face pressure, perhaps applied by future Congresses, to adopt those practices favored by the federal government. Language in this bill giving the Secretary of Education the power to make grants based on how well charter schools meet the academic performance requirements guarantees an increasing level of uniformity among the nation's charter schools. This may extend as far as federal control, or at least "oversight," of the curriculum offered by charter schools!

Defenders of this bill may point out that the statute specifies the review and evaluation of charter schools to determine how well the charter school meets or exceeds state performance standards. However, it is unlikely that any state seeking federal funds would set standards different from those favored by the federal educators. Furthermore, states applying for federal funds for charter schools must describe to the Secretary the goals of charter schools and the means by which charter schools will be evaluated by the state, as well as the curriculum and instructional practices to be used by the states charter schools, thus giving the Secretary another means by which to impose a uniform federal model of charter schools.

This bill further centralizes education by ratifying the increase of federal expenditures for charter schools to one-hundred million dollars contained in this year's budget and "such sums as necessary for each of the four succeeding fiscal years." An authorization of "such sums as necessary" gives appropriators carte blanche to increase appropriations every year. Since federal education programs are funded by taking money from hardworking American taxpayers, increasing federal expenditures on charter schools, or any other education program favored by Congress, leaves America's parents with fewer resources to educate their children in the way they deem fit.

Mr. Chairman, if educational choice is to be the priority, Congress should support large educational tax credits for parents, such as those contained in the Family Education Freedom Act (H.R. 1816). Insofar as "he who pays the piper calls the tune," expanding federal education programs and federal education expenditures will inevitably lead to increased federal control. Conversely, education tax credits will restore parental control over education. Moreover, the tax credit approach is much more consistent with this Congress' stated goal of decentralizing education authority.

In conclusion, this bill, while dressed up in the rhetoric of "fostering educational innovation and increased parental empowerment," is really yet another unconstitutional infringement upon the rights of states, localities, and, especially, parents to control education.

Charter schools may be a valuable educational reform. However, it is neither the constitutional nor practical role of Congress to encourage states to adopt a particular reform. Therefore, Mr. Chairman, I urge my colleagues to reject this proposal and instead, work to eliminate all federal educational programs which interfere with education and, instead, return authority over education to the rightful owner—the American people.

The CHAIRMAN. The Chair would advise that the gentleman from California [Mr. RIGGS] has 9 minutes remaining and the gentleman from California [Mr. MARTINEZ] has 16¼ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, when this debate started, the gentleman from Delaware [Mr. CASTLE] was the first speaker, and the words that came out of his mouth were words that I could have spoken myself and, in a sense, I will speak myself at this moment. That is that I am, I believe, as strong a supporter of charter schools as anyone in this Chamber. And at the same time, I also voted against the ill-advised voucher proposal that we just defeated.

I commend my Republican colleagues, who, without their support, we would not have been able to defeat that proposal. One of the concepts of why I support charter schools is that it really does work. It creates competition within the public school system. I see it work on a very practical basis in the State of Florida in my own district, the 20th District in Broward County, FL.

I serve on the board of a charter school. I do not know how many other Members in this Chamber have that distinction in their sort of noncongressional lives. But it is a very proud part of my public service that I was part of a creation of a charter school, and it is a school that is working and that is benefitting about 40 children in my district. It is doing some good things. And within the public school system, it is creating competition. And competition works.

But I think if we look at the specifics of this legislation, it goes too far. It expands charter schools more than I think is appropriate, not just in Florida, not just in Broward County, but throughout the entire country. There are a number of specifics that have been pointed out that I think are important in terms of some of the problems that this legislation creates. One is changing from 3 to 5 years the grant proposal. If we want charter schools not to have that fiery entrepreneurship and independence that has worked, that has been practical, that is the way to do it.

Again, I think it is worth mentioning, in Florida and in south Florida, charter schools have been bipartisan. I am on the board of a charter school. The gentleman from Florida [Mr. HASTINGS] is. And former President Bush's son, Jeb Bush, actually started the first charter school in the State of Florida.

In closing, I would remind my Republican colleagues that one size really does not fit all, that the Federal Government sometimes does not do best. I urge the defeat of this proposal as presently drafted.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I rise in support of H.R. 2616, although not a perfect bill, the Charter School Amendment Act of 1997, the bill that we will have the opportunity to vote on very soon.

This innovative school choice program strengthens our public school system. At least that is the design of it. Charter schools are public schools established under State laws that are created by teachers, parents, and other members of the community to stimulate reform within the public school system.

Contrary to popular belief, charter schools do not exclusively serve suburban school districts. In fact, some of the most successful charter schools are in urban areas. Additionally, some of the schools only serve students with disabilities or also low-income students.

H.R. 2616 amends the current law. It extends it from 3 to 5 years, although there is question about that. The extension provides opportunity to actually see that these programs are implemented.

□ 2200

There are some 28 States, the District of Columbia and Puerto Rico that enjoy the great opportunity to implement charter schools. My State happens to be one. In fact, my State now has chartered more charter schools than most of the States.

In my district, charter schools are working. Not all of them are successful, but many of them are. Therefore, I would encourage other Members to give this legislation a chance, to support these schools, and to find innovation within the opportunity of public schools.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Chairman, I would like to speak in support of the charter schools legislation and cite two important facts about what is happening in my home, the State of Florida. The first is that there are a significant number of at-risk children, children with learning disabilities whose parents have advocated for the creation of these schools.

The second point which I find particularly interesting is a lot of these schools are finding a way to succeed with a minimum amount of administration. In Florida that means not having assistant principals, not having guidance counselors, just the principal and the teachers. As a result of those savings from reduced administration, we have an average class size of about 17 students per teacher in many of these charter schools.

Why is that so terribly important? Let me share with Members a story. There was a team of sociologists a few years ago sent into a major inner-city

school system to study what had happened to the kids who had been through that school system. After a lot of study, they found a group of kids who had succeeded wildly. These kids had gone on to college while many of their peers had never finished high school, were succeeding professionally, and had healthy emotional lives. They traced it all back to one teacher.

They found this teacher. She had retired from the school system. They went to her, they said, "Ma'am, what did you do to these students? Why did they succeed?" She said, "Mister, I knew each of the kids in my class. I had a small class. I knew each of them had something good in them. I helped them find that. I knew what it was. I loved those kids. I helped those kids succeed."

That is simply one powerful example of what happens when we have smaller class sizes, when our teachers can give students the attention they need, gifted students, average students, kids at risk. This is simply one of the first important lessons that charter schools are going to teach us, important lessons that we can replicate for the entire public school system to help all our kids in public schools succeed because of the innovation that we are going to be encouraging in charter schools.

Charter schools is a long overdue reform this Congress needs to encourage. We need to encourage reform. We need to encourage innovation. We need to let the local school districts run with the ball. We need to encourage parents to be activists. This bill helps do that.

Mr. MARTINEZ. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I do not rise to speak for or against charter schools. As a matter of fact, I tend to think that I could be supportive of charter schools. However, for many years now, I have been involved in trying to stop the rip-off of our Pell grants and Stafford loans by private postsecondary schools. I have worked with some people on the opposite side of the aisle.

Well, lo and behold I have discovered in the Los Angeles area some wise crook has found a way to rip off this charter school. Let me tell Members what they have done. An organization that is organized as a nonprofit charter school has a relationship with the Victorville School District out in the desert near San Bernardino. They have come into the inner cities from Victorville, this Cato Institute, which has the relationship with Victorville, and it has gone to the already private schools in Los Angeles where my grandson is enrolled in one of these private schools, and have worked out an arrangement with the owners of the school to allow these children to be signed up to the Victorville School District by way of the Cato Institute. Of course, the dollars that are derived from the Victorville School District

are being shared through the Cato Institute with the private schools. My grandson and the other children remain in the private schools, their parents are paying tuition fee for them every month, so now what we have is we have government funds going through the charter school to help support private students.

We cannot have that. I do not know how this has happened. She has checked with the State of California. They said nothing that they know of envisioned this kind of thing happening, but it is what I worry about, when we allow the proliferation of any kind of school, whether it is charter schools or what have you, I worry about the crooks being able to come in and take advantage.

In this case, there is no reason why the government should be paying for my grandson whose mother is paying for him in private school. But this institute is getting the money from the Victorville School District, and sharing it per pupil with this private school, and promising that they will support them with resource materials, a sophisticated library access and maybe even computers. This is wrong, it is not right, and this is not what I think you intended for the charter schools.

I have talked with the gentleman from California [Mr. RIGGS] about it. I want to fix it.

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

Ms. WATERS. I yield to the gentleman from California.

Mr. RIGGS. I appreciate the gentleman yielding to me.

She is correct. She was kind enough to approach me with her concerns. We have promised on this side to look into them, but I forgot to ask the gentleman, I guess, a pretty basic question; that is, does she know if this particular charter school in Victorville, California receives any Federal taxpayer funding?

Ms. WATERS. I do not know.

Mr. RIGGS. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mrs. ROUKEMA].

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

Mrs. ROUKEMA. Mr. Chairman, it is purely coincidental that I stand here following the statement of the gentleman from California [Ms. WATERS], because the gentleman and I have worked together on the questions of scam technical schools and the default levels.

I can pledge absolutely to the gentleman from California that we will work together on this, but I do not think that that issue alone should defeat this question of charter schools, because I think the gentleman from California [Mr. RIGGS] has asked the correct question. We do not know whether that is under California law solely or whether it has to do with the Federal connection.

In any case, I believe as I read this legislation and whatever mutually acceptable amendments or language the gentleman and I could put in here to clarify it would deal with that question. But I think this accountability requirement, as I see this as one of the strongest parts of this legislation, is that it has quite explicit accountability standards both from the Federal level to the State level and down to the local autonomous group. I think it is a wonderful, creative, innovative way to bring parents, highly-trained professionals and the local communities to bettering children's education while at the same time maintaining accountability for standards.

But there is a question about how these charters are being handled in the State of California, or New Jersey, for that matter. To my knowledge, we have not had that problem in New Jersey, and we have been rather innovative ourselves.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mrs. ROUKEMA. I yield to the gentleman from California.

Ms. WATERS. Mr. Chairman, my intent is not to defeat the legislation. My intent is to surface this problem that I have run into in California. Even if they are not receiving Federal assistance, I do not know if they are or not, you can perhaps not have this loophole in your legislation that would allow this kind of pass-through.

Mrs. ROUKEMA. That is very important, and I commit to that. It is just coincidental that my prepared remarks were going to focus on the accountability question with respect to educational standards. But certainly we have to be accountable as to how these charters are delivered or are presented.

Mr. Chairman, I rise in support of the Charter Schools Amendments Act of 1997. This legislation is a significant creative innovation to encourage States to look for new and creative ways to improve our country's schools.

Charter schools are an intelligent way to give local authority maximum innovative techniques using the strengths of parental involvement with the highest degree of professionalism and accountability.

This legislation will give priority of charter school funds to States that allow charter schools a high degree of autonomy over their budget and expenditures, allow for an increase in the number of charter schools from one year to the next, and include a periodic review.

I am pleased that this legislation has placed a strong emphasis on accountability. The legislation gives priority to States that include a law that provides for periodic review by the authorized public chartering agency. This review is to determine whether the school is meeting or exceeding the academic performance requirements and goals for charter schools as set under the State law and the school's charter.

We need this accountability in our school systems to hold someone responsible for improving the education that our nation's youth receive. To renew its charter, the school must be meeting its goals!

Charter schools are a good step for the future. They are schools with regulatory flexibility, where they are released from a variety of regulation so the schools can have flexibility in their development, and can experiment with new ideas. Charter schools are able to test a variety of educational approaches as they commit to attaining specific educational results and standards.

Charter schools have used this opening to excel in academic performance, parental satisfaction and involvement and teacher satisfaction. This past year, New Jersey granted 17 schools charters, including one in my district in Sussex County, New Jersey for 7th and 8th graders, which, as it continues to grow, will use the creativity and energy of the community with an emphasis on integrating available technologies, to find a way to meet the demands and challenges of today's society.

I would also like to note that this legislation reaffirms current law by specifically requiring that charter schools comply with Part B of the Individuals with Disabilities Education Act. The legislation also includes assurances that charter schools may not discriminate against children with disabilities.

This education legislation emphasizes accountability and originality. It is good legislation, and it encourages programs that will create innovation in our school system. Now is the time for such action.

Mr. RIGGS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOEKSTRA], the chairman of the Subcommittee on Oversight and Investigations who has spearheaded our Education at the Crossroads project around the country.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Let us take a look at what H.R. 2616 does. What the bill does is it increases funding for charter schools, reduces the amount of money that stays in Washington, directs the Secretary and the States to ensure that charter schools receive their fair share of other Federal funding dollars.

As we have gone around the country, one of the things that we have experienced when we have taken a look at charter schools is that charter schools seem in too many cases not to be getting their fair share of Federal dollars, so we are addressing that issue, and it also then amends title VI so that in this program, money that is used for professional development, computers and technology, curriculum development and magnet schools, that there is now one more use that is allowed. If a local school district or a State wants to use the money, they can use it for charter schools.

Why is this so important? As we have gone around the country, we have visited around 13 States, 15 different field hearings. Charter schools is an experiment that many of the States are working on to improve education for our children. In every State it is slightly different. What this says is we want to encourage this development at the State level. We want to support this innovation.

We have seen charter schools in California, we have seen them in Arizona,

we saw them in Delaware, we have seen them in Michigan, we have seen different types and experimentation of similar types of programs in Wisconsin and Ohio. There is a lot of innovation going on, and this really is a fundamental role where the Federal Government maybe does have a legitimate place in being involved in saying, this is a research effort, we need to fund this research effort, we need to learn from this process, and we then need to share this learning and understanding with the other States and become kind of a clearinghouse so that other people can see and learn from what we are finding around the country.

As I have said, we have gone around the country. We have seen so many exciting things in education. We have seen in some of the toughest school districts in some of the toughest parts of the country, we have seen real improvement, because States have empowered people at the local level to do what they feel needs to be done at the local level.

Charter schools along with some of these other experiments is something that the Federal Government should be supporting, something that we should be encouraging, and something that we should be learning from and then disseminating the information around the country so that other local school districts and States can learn from it and put together the most effective education package for that local community and for that State.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California [Mr. MARTINEZ] for yielding me this time. I would just like to say in regard to the people watching C-SPAN at this time of night that there is no more important issue that we could be working on in this Congress as education. Education firmly on the part of the American people is the single most important issue.

Why are charter schools the most important issue that we are working on at 10:15 tonight? Because people want public school choice. They want every single school in America improved so they are proud to send their child to that school, and that child gets a solid education for the workplace or to go to college in their life later on down the road. That there is accountability in charter schools.

There are great performing schools in America today, and there are some schools that are not doing as good as they should be. In charter schools, we are giving the schools the ability to shut down poorly performing schools.

□ 2215

Third, they are about innovation, they are about bold ideas, they are about new curriculum, longer school days and longer school years. There are options, charter school right here in Washington, DC, that are serving 100

percent of their students that are eligible for free and reduced lunches, it is 100 percent minority, and they are graduating their students at a 20 percent higher rate than the DC public school system.

This has been a lot of hard work in putting this bill together, and I would just like to conclude by again thanking the gentleman from California [Mr. RIGGS] for the bipartisan support, thanking my staff member, Gina Mahoney, who has put in countless hours and has shown just real commitment to the legislation and an understanding of the legislation. She has sought out experts from across America to work and gain common sense on this legislation from California to New York.

Mr. Chairman, I encourage my colleagues to support this good bipartisan education bill for the United States of America.

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

Let me indicate to my colleague from California that I believe I have the right to close debate and intend to close debate.

Mr. Chairman, I yield 30 seconds to the gentleman from Delaware [Mr. CASTLE] my good friend, the vice chairman of the subcommittee.

Mr. CASTLE. Mr. Chairman, let me just first say that support for charter schools which truly are innovative and truly can change education in America is extremely rewarding and well placed, and I would also like to say that I agree with the gentleman from Indiana [Mr. ROEMER] with respect to bipartisanship on education matters and for children in general. When is the last time we saw a 6-year-old who thought he was a Republican or a Democrat? We need to help those kids in every way we can.

Finally, I would like to thank the gentleman from Indiana [Mr. ROEMER] and the gentleman from California [Mr. RIGGS] for their exceptional work on this, and Mr. RIGGS in particular for the extraordinary work that he has done on this committee to try to advance the causes of education.

We need more of this in the Congress of the United States. I think this has been an exemplary piece of legislation, the way it has been managed and handled, and for that reason I hope we can all support it and pass it when the time comes.

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

Mr. Chairman, just briefly before I yield back the balance of my time, I will say that several of the speakers have spoken about some of the concerns they have about the bill, and there will be amendments offered, it is an open rule, and I am glad for that. We will get a chance to debate some of those amendments. Hopefully, some of those amendments will be accepted so that we can really get truly a bipartisan, more than just a few on this side,

but as many people as possible, because the basic concept is very good, and I would hope that it would be amended to a point where I could support it.

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

Mr. RIGGS. Mr. Chairman, I yield myself my remaining time simply to point out that I think that the gentleman from Indiana [Mr. ROEMER] mentioned a charter school here in the District of Columbia. As we mentioned before, they are really sprouting up everywhere around the country. If my colleagues have not had an opportunity to go visit a charter school, ideally, obviously, one in the district, but, if not, another one nearby or in an adjacent community, I strongly encourage my colleagues to do so because they are hotbeds of learning. It is incredible. One cannot be in a charter school for more than a few minutes without sensing the excitement about learning; it is contagious.

I also noticed that a couple weeks ago, I believe it was USA Today, or not USA Today, Parade magazine, as part of the Sunday supplement, as my colleagues know, in the Sunday newspaper, they have a reporter who has a fifth-grade, has a teaching credential and has experience as a fifth-grade classroom teacher, and they sent her on an unusual assignment. She went on an assignment around the country working as a substitute in local school districts in five or six different communities across the country and then wrote about her experiences in Parade magazine, and she cited a charter school in Boston by the name of The Renaissance School as the best individual school that she had visited in the course of this assignment.

Why did she say that? Because she said at this school parents, teachers, and students are truly excited about learning. She talked about the fact that they have longer school hours there than traditional public schools. The children, through the charter school, each receive a computer, and the charter school goes beyond that and helps every family acquire and install a computer in the household at this particular school. And she cited it again in terms of the curriculum, the structure, the discipline, as the single best fifth-grade classroom and the single best classroom that she had visited around the entire country, and I will later, when I get a copy of the actual article, introduce that for the RECORD. But to me, that pretty much says it all about charter schools.

So, colleagues, here is an opportunity to do something on a positive bipartisan basis to expand choice for parents, to increase Federal taxpayer funding for public school choice by helping in the startup and creation of more charter schools around the country.

This legislation is truly commendable, it deserves support, and therefore I urge my colleagues that once we complete the amendment process, whenever that might be, later tonight or

later this week, to support the bipartisan Riggs-Roemer Community Design Charter Schools Amendments Act of 1997.

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

Mr. PACKARD. Mr. Speaker, parents across the nation want greater control of their children's education and greater accountability from their children's schools. Parents must be able to send their children to safe, quality schools that reinforce the lessons of responsibility and respect that they try so hard to teach at home.

Charter schools are innovative public schools that, once freed from burdensome regulations, have made great strides in improving and reforming public education. Today, we consider H.R. 2616, the Charter Schools Amendments Act. This measure will direct much-needed new money to states that provide character schools with a high degree of fiscal autonomy, allow increases in the number of charter schools from year to year and ensure academic accountability. In addition, this bill ensures that 95 percent of federal charter schools' money goes to the state and local levels.

Mr. Speaker, some will argue that charter schools would skim the best students from public schools. However, when you consider that 55 percent of U.S. charter school students in 1995-1996 were poor, 63 percent were minority-group members, 19 percent had limited English proficiency, and almost one in five had disabilities, I'd say their arguments have very little merit.

According to the Department of Education, the most significant problem faced by charter schools in 1997 was a lack of start-up funds. H.R. 2616 increases charter schools funding from \$51 million in FY97 to \$100 million in FY98 and expands the list of activities the newly authorized money can be used for to include start-up funds.

Mr. Speaker, I am committed to ensuring that every child has the same opportunities to thrive and succeed. The Charter Schools Amendments Act will give more children a chance at future success and a shot at the American Dream. It's the least they deserve and I will work to provide our children with a top-quality education. I encourage all of my colleagues to support H.R. 2616, the Charter Schools Amendments Act.

Ms. DELAURO. Mr. Speaker, I rise today in support of the Charter Schools Amendments, and I urge my colleagues to vote in favor of this bill.

This bill represents the strategy we should be taking—investing in our public school system to strengthen the schools that 90 percent of American children attend. Charter schools are an innovative means to change our public schools for the better, without siphoning off funds to private or parochial schools.

The two charter schools in my home town of New Haven—Common Ground High School and the Village Academy—have proven to be highly effective in improving student performance. They give parents a real opportunity for school choice. The schools are held to high standards and in fact are reviewed periodically to ensure that students are meeting their goals. This type of accountability is exactly what we need to improve our students' performance.

Unfortunately, Republicans don't always follow the policy of investing in public schools.

Time and time again they have voted to take money out of our public schools and put it into private and parochial schools. I am particularly disappointed that this bill will be combined with the Gingrich voucher experiment—virtually guaranteeing a veto by a President who has promised to protect America's public schools.

Vouchers are not the way to strengthen our public school system. Innovative programs like charter schools will allow us to continue our investment in America's public schools without deserting our children.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charter Schools Amendments Act of 1997".

SEC 2. INNOVATIVE CHARTER SCHOOLS.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) in section 6201(a)—
(A) in paragraph (1)(C), by striking "and" after the semicolon;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) support for planning, designing, and initial implementation of charter schools as described in part C of title X; and"; and

(2) in section 6301(b)—
(A) in paragraph (7), by striking "and" after the semicolon;

(B) by redesignating paragraph (8) as paragraph (9); and

(C) by inserting after paragraph (7) the following:

"(8) planning, designing, and initial implementation of charter schools as described in part C of title X; and";

SEC. 3. CHARTER SCHOOLS.

Part C of title X of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"PART C—PUBLIC CHARTER SCHOOLS

"SEC. 10301. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State content standards and challenging State student performance standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students;

"(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools and to transform existing public schools;

"(3) charter schools are a mechanism for testing a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambi-

tious educational results for educationally disadvantaged students consistent with challenging State content standards and challenging State student performance standards for all students;

"(4) charter schools, as such schools have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains;

"(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, which can have a significant effect on student achievement;

"(6) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform; and

"(7) there is a strong documented need for cash-flow assistance to charter schools that are starting up, because State and local operating revenue streams are not immediately available.

"(b) PURPOSES.—The purposes of this part are—

"(1) to provide financial assistance for the planning, design, initial implementation of charter schools;

"(2) to facilitate the ability of States and localities to increase the number of charter schools in the Nation to not less than 3,000 by the year 2000; and

"(3) to evaluate the effects of charter schools, including the effects on students, student achievement, staff, and parents.

"SEC. 10302. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 10303 to enable such agencies to conduct a charter school grant program in accordance with this part.

"(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 10303, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 10303.

"(c) PROGRAM PERIODS.—

"(1) GRANTS TO STATES.—

"(A) BASIC GRANTS.—Grants awarded to State educational agencies under this part for planning, design, or initial implementation of charter schools, shall be awarded for a period of not more than 5 years.

"(B) EXTENSION.—Any eligible applicant that has received a grant or subgrant under this part prior to October 1, 1997, shall be eligible to receive an additional grant for a period not to exceed 2 years in accordance with this section.

"(2) GRANTS TO ELIGIBLE APPLICANTS.—

"(A) BASIC GRANTS.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this part shall be awarded for planning, design, or initial implementation of charter schools, for a period not to exceed more than 5 years, of which the eligible applicant may use—

"(i) not more than 30 months for planning and program design; and

"(ii) not more than 4 years for the initial implementation of a charter school.

"(B) EXTENSION.—Any eligible applicant that has received a grant or subgrant under this part prior to October 1, 1997, shall be eligible to receive an additional grant for a period not to exceed 2 years in accordance with this section.

"(d) LIMITATION.—Except as otherwise provided under subsection (c), the Secretary shall not award more than one grant and State educational agencies shall not award more than one subgrant under this part to support a particular charter school.

"(e) PRIORITY AND REQUIREMENTS.—

"(1) PRIORITY.—

“(A) FISCAL YEARS 1998, 1999, AND 2000.—In awarding grants under this part for any of the fiscal years 1998, 1999, and 2000 from funds appropriated under section 10310 that are in excess of \$51,000,000 for the fiscal year, the Secretary shall give priority to State educational agencies in accordance with subparagraph (C).

“(B) SUCCEEDING FISCAL YEARS.—In awarding grants under this part for fiscal year 2001 or any succeeding fiscal year from any funds appropriated under section 10310, the Secretary shall consider the number of charter schools in each State and shall give priority to State educational agencies in accordance with subparagraph (C).

“(C) PRIORITY ORDER.—In awarding grants under subparagraphs (A) and (B), the Secretary shall, in the order listed, give priority to a State that—

“(i) meets all requirements of paragraph (2);

“(ii) meets 2 requirements of paragraph (2); and

“(iii) meets 1 requirement of paragraph (2).

“(2) REQUIREMENTS.—The requirements referred to in paragraph (1)(C) are as follows:

“(A) The State law regarding charter schools ensures that each charter school has a high degree of autonomy over its budgets and expenditures.

“(B) The State law regarding charter schools provides that not less than 1 chartering authority in the State allows for an increase in the number of charter schools from 1 year to the next year; and

“(C) The State law regarding charter schools provides for periodic review and evaluation by the authorized public chartering agency of each charter school to determine whether the school is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

“SEC. 10303. APPLICATIONS.

“(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant from the Secretary under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

“(b) CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION.—Each application submitted pursuant to subsection (a) shall—

“(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program;

“(2) describe how the State educational agency will inform each charter school of available Federal programs and funds that each such school is eligible to receive and ensure that each such school receives its appropriate share of Federal education funds allocated by formula; and

“(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

“(A) a description of the educational program to be implemented by the proposed charter school, including—

“(i) how the program will enable all students to meet challenging State student performance standards;

“(ii) the grade levels or ages of children to be served; and

“(iii) the curriculum and instructional practices to be used;

“(B) a description of how the charter school will be managed;

“(C) a description of—

“(i) the objectives of the charter school; and

“(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

“(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

“(E) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

“(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

“(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

“(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

“(I) a description of how students in the community will be—

“(i) informed about the charter school; and

“(ii) given an equal opportunity to attend the charter school;

“(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

“(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part;

“(L) such other information and assurances as the Secretary and the State educational agency may require; and

“(4) describe how the State educational agency will disseminate best or promising practices of charter schools in such State to each local educational agency in the State.

“(c) CONTENTS OF ELIGIBLE APPLICANT APPLICATION.—Each eligible applicant desiring a grant pursuant to section 10302 shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

“(d) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (c) shall contain—

“(1) the information and assurances described in subparagraphs (A) through (L) of subsection (b)(3), except that for purposes of this subsection subparagraphs (J), (K), and (L) of such subsection shall be applied by striking ‘and the State educational agency’ each place such term appears; and

“(2) assurances that the State educational agency—

“(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and

“(B) will assist each subgrantee in the State in receiving a waiver under section 10304(e).

“SEC. 10304. ADMINISTRATION.

“(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this part on the basis of the quality of the applications submitted under section 10303(b), after taking into consideration such factors as—

“(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

“(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

“(3) the ambitiousness of the objectives for the State charter school grant program;

“(4) the quality of the strategy for assessing achievement of those objectives;

“(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students; and

“(6) the number of charter schools created under this part in the State.

“(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this part on the basis of the quality of the applications submitted under section 10303(c), after taking into consideration such factors as—

(1) the quality of the proposed curriculum and instructional practices;

“(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

“(3) the extent of community support for the application;

“(4) the ambitiousness of the objectives for the charter school;

“(5) the quality of the strategy for assessing achievement of those objectives; and

“(6) the likelihood that the charter school will meet those objectives and improve educational results for students.

“(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for assistance under this part.

“(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this part, shall award subgrants under this part in a manner that, to the extent possible, ensures that such grants and subgrants—

“(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

“(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

“(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 10309(1), if—

“(1) the waiver is requested in an approved application under this part; and

“(2) the Secretary determines that granting such a waiver will promote the purpose of this part.

“(f) USE OF FUNDS.—

“(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part.

“(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school in accordance with this part.

“(3) ALLOWABLE ACTIVITIES FOR BASIC GRANTS.—An eligible applicant receiving a basic grant or subgrant under section 10302(c)(2) may use the grant or subgrant funds only for—

“(A) post-award planning and design of the educational program, which may include—

“(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

“(ii) professional development of teachers and other staff who will work in the charter school; and

“(B) initial implementation of the charter school, which may include—

“(i) informing the community about the school;

“(ii) acquiring necessary equipment and educational materials and supplies;

“(iii) acquiring or developing curriculum materials; and

“(iv) other initial operational costs that cannot be met from State or local sources.

“(4) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part.

“SEC. 10305. NATIONAL ACTIVITIES.

“The Secretary shall reserve for each fiscal year the lesser of 5 percent of the amount appropriated to carry out this part for the fiscal year or \$5,000,000, to carry out, giving highest priority to carrying paragraph (2), the following:

“(1) To provide charter schools, either directly or through the State educational agency, with information regarding available education funds that such school is eligible to receive, and assistance in applying for Federal education funds which are allocated by formula, including filing deadlines and submission of applications; and

“(2) To provide, through 1 or more contracts using a competitive bidding process—

“(A) charter schools with assistance in accessing private capital;

“(B) pilot projects in a variety of States to better understand and improve access to private capital by charter schools; and

“(C) collection on a nationwide basis, of information regarding successful programs that access private capital for charter schools and disseminate any such relevant information and model descriptions to all charter schools.

“(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related evaluations or studies.

“(4)(A) To provide information to applicants for assistance under this part;

“(B) assistance to applicants for assistance under this part with the preparation of applications under section 10303;

“(C) assistance in the planning and startup of charter schools;

“(D) ongoing training and technical assistance to existing charter schools; and

“(E) for the dissemination of best practices in charter schools to other public schools.

“SEC. 10306. PART A, TITLE I ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

“For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, or of any other Federal educational assistance funds, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of this part as are necessary to ensure that every charter school receives the Federal funding for which it is eligible in the calendar year in which it first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that school are not fully and completely determined until that school actually opens. These measures shall similarly ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which it is eligible during the calendar year of such expansion.

“SEC. 10307. RECORDS TRANSFER.

“State and local educational agencies, to the extent practicable, shall ensure that a student’s records and if applicable a student’s individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(11)), are transferred to the charter school upon transfer of a student to a charter school in accordance with applicable State law.

“SEC. 10308. PAPERWORK REDUCTION.

“To the extent practicable, the Secretary and each authorized public chartering agency, shall ensure that implementation of this part results in a minimum of paperwork for any eligible applicant or charter school.

“SEC. 10309. DEFINITIONS.

“As used in this part:

“(1) The term ‘charter school’ means a public school that—

“(A) in accordance with a specific State charter school statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

“(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

“(C) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;

“(D) provides a program of elementary or secondary education, or both;

“(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

“(F) does not charge tuition;

“(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

“(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

“(I) agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

“(J) meets all applicable Federal, State, and local health and safety requirements;

“(K) operates in accordance with State law; and

“(L) has a written performance contract with the authorized public chartering agency in the State.

“(2) The term ‘developer’ means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

“(3) The term ‘eligible applicant’ means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this part.

“(4) The term ‘authorized public chartering agency’ means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

“SEC. 10310. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated \$100,000,000 for fiscal year 1998 and such sums as may be necessary for each of the four succeeding fiscal years.”

The CHAIRMAN. Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 105-357 if offered by the gentleman from Pennsylvania [Mr. GOODLING] or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as

an original bill for the purpose of further amendment.

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

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, pursuant to the rule which the Chair just recited, I offer an amendment printed in the report.

The CHAIRMAN. Is this the Goodling amendment?

Mr. RIGGS. Yes, Mr. Chairman.

The CHAIRMAN. Is the gentleman from California the designee of the gentleman from Pennsylvania [Mr. GOODLING]?

Mr. RIGGS. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RIGGS:

Page 12, strike lines 15 through 18, and insert the following:

“(4) describe how the State educational agency will use administrative funds provided under section 10304(f)(4) to disseminate best or promising practices of charter schools in such State to each local educational agency in the State, except that such dissemination shall result, to the extent practicable, in a minimum of paperwork for a State educational agency, eligible applicant, or charter school.”

Page 18, line 7, insert “out” after “carrying”.

Beginning on page 19, strike line 17 and all that follows through page 20, line 9, and insert the following:

“SEC. 10306. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

“For purposes of the allocation to schools by the States or their agencies of funds under Part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of this part as are necessary to ensure that every charter school receives the Federal funding for which it is eligible not later than 5 months after first opening, notwithstanding the fact that the identity and characteristics of the students enrolling in that school are not fully and completely determined until that school actually opens. These measures shall similarly ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which it is eligible not later than 5 months of such expansion.”

The CHAIRMAN. Pursuant to House Resolution 288, the gentleman from California [Mr. RIGGS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. RIGGS].

MODIFICATION TO AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, before proceeding, I ask unanimous consent to modify the amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. RIGGS:

Page 5, line 23, strike "eligible applicant" and insert "State educational agency".

Page 12, strike lines 15 through 18, and insert the following:

"(4) describe how the State educational agency will use administrative funds provided under section 10304(f)(4) to disseminate best or promising practices of charter schools in such State to each local educational agency in the State, except that such dissemination shall result, to the extent practicable, in a minimum of paperwork for a State educational agency, eligible applicant, or charter school."

Page 18, line 7, insert "out" after "carrying".

Beginning on page 19, strike line 17 and all that follows through page 20, line 9, and insert the following:

"SEC. 10306. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

"For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of this part as are necessary to ensure that every charter school receives the Federal funding for which it is eligible not later than 5 months after first opening, notwithstanding the fact that the identity and characteristics of the students enrolling in that school are not fully and completely determined until that school actually opens. These measures shall similarly ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which it is eligible not later than 5 months after such expansion."

Mr. RIGGS (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. RIGGS] that the amendment be modified?

Mr. MARTINEZ. Reserving the right to object, Mr. Chairman, could the gentleman from California explain the modification?

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

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

Mr. RIGGS. Mr. Chairman, I believe the modification is very technical in nature, but if the gentleman wants a more detailed explanation, we will have to, I guess, hear the Clerk explain it.

Mr. MARTINEZ. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. RIGGS].

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

Mr. Chairman, before I proceed with my 5 minutes, let me see if I can just alert the gentleman from Tennessee [Mr. FORD] that if he happens to be present, I would yield to him, and while we are perhaps looking for him, let me just explain very quickly to my good friend that my manager's package of amendments contains one technical amendment, two clarifying amendments.

The first clarifying amendment refines the language of an amendment that was accepted at the full committee markup. The amendment accepted in committee requires State education agencies to disseminate best or most promising practices of charter schools to local education agencies in that State, and the amendment also stipulates that the SEA, the State Education Agencies, can only use Federal charter school money to disseminate best or most promising practices from the 5 percent that they are permitted to retain for administrative purposes.

Further, my amendment requires that the dissemination of best or, again, most promising practices shall result in a minimum of paperwork for SEA and charter schools. The last thing we are trying to do is cause them more red tape or paperwork, and the amendment clarifies the language in the reported bill that directs the Secretary to take measures to ensure that charter schools receive the Federal funds for which they are eligible in their first year of operation.

In response to concerns expressed by some committee members, the amendment changes the time by which a charter school should receive their Federal money from, I quote now, within the calendar year to, again, quote, within 5 months in which the school first opens.

Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, given the rather fractious debate we have had this evening with regard to how we educate our kids in this Nation, I think we would all do well to return to a basic principle, a principle best articulated by Thomas Jefferson when he wrote that every child must be encouraged to get as much education as she has the ability to take. We want this not only for her sake, but for the Nation's sake.

Mr. Chairman, Jefferson did not use the words, "a few," or "several," or even "many." He used the word "every," every child, Mr. Chairman.

Charter schools, and I must applaud the leadership of the gentleman from Indiana [Mr. ROEMER] and his hard work in certainly reaching across the

aisle to attract bipartisan support. Charter schools provide these opportunities. They are public schools, Mr. Chairman, schools accountable to public authorities but with the kind of local level autonomy that spurs innovation and excellence. Charter schools are part of a common sense solution to some of the problems facing and confronting parents and teachers and communities in America. They are not a panacea for all that ails our school system, for they will not solve our \$112 billion infrastructure problem, the technology gap, or the resolve, the standards issue, but they do represent a very important step toward improvement.

At the same time, Mr. Chairman, we cannot allow our zeal for change to overtake our common sense. Charter schools and vouchers ought not to be part of the same conversation. Public choice encouraged by charters is one thing; vouchers, Mr. Chairman, are entirely another.

I recognize that some of my colleagues, particularly those on the other side of the aisle, however well intentioned, have been operating under the misapprehension that competition from small-scale vouchers will actually force public schools to improve. But unless every one of our Nation's nearly 50 million public school students is given a voucher, it hardly seems likely that public schools will be forced to improve.

In addition, Mr. Chairman, it seems a much more practical way, charter schools, to improve education for the majority of our Nation's students. That is exactly what charter schools do, which is why I support H.R. 2616 but did not support H.R. 2746, and I am proud to say neither did this House.

Again, let Mr. Jefferson's words be our guide. Let us oppose measures that do not educate the majority of our kids, taking out a few. Let us support the gentleman from Indiana [Mr. ROEMER] and the gentleman from California's [Mr. RIGGS] charter schools amendment.

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

Mr. Chairman, I understand that the amendment is simply technical in nature, and as a result, we have no objections on this side.

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

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

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California [Mr. RIGGS].

The amendment, as modified, was agreed to.

□ 2230

Mr. RIGGS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. HANSEN] having assumed the chair, Mr.

SNOWBARGER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2616), to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to clause 5 of rule 1, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained, except that without objection, the yeas and nays will be taken on H.R. 1839 after proceeding de novo on H.R. 1604.

Votes will be taken in the following order: H.R. 2265, de novo;

House Joint Resolution 91 de novo;

House Joint Resolution 92, de novo;

H.R. 1702 de novo;

H.R. 1836 de novo;

H.R. 2675 de novo;

H.R. 404 de novo;

H.R. 434 de novo;

Senate 588 de novo;

Senate 589 de novo;

Senate 591 de novo;

Senate 587 de novo;

H.R. 1856 de novo;

H.R. 1604 de novo;

H.R. 1839, yeas and nays; and

H.R. 948, yeas and nays.

There was no objection.

The SPEAKER pro tempore. The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NO ELECTRONIC THEFT (NET) ACT

The SPEAKER pro tempore (Mr. HANSEN). The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2265, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE], that the House suspend the rules and pass the bill, H.R. 2265, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

APALACHICOLA-CHATAHOOCHEE- FLINT RIVER BASIN COMPACT

The SPEAKER pro tempore. The pending business is on the question de novo of suspending the rules and passing the joint resolution, H.J. Res. 91, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS], that the House suspend the rules and pass the joint resolution, H.J. Res. 91, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

ALABAMA-COOSA-TALLAPOOSA RIVER BASIN COMPACT

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the joint resolution, H.J. Res. 92, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, H.J. Res. 92, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, H.J. Res. 92, as amended, was passed.

A motion to reconsider was laid on the table.

COMMERCIAL SPACE ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1702, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROHRBACHER] that the House suspend the rules and pass the bill, H.R. 1702, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES HEALTH CARE PROTECTION ACT OF 1977

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1836, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 1836, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL EMPLOYMENT LIFE INSURANCE IMPROVEMENT ACT

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2675, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 2675, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO AUTHORIZE TRANSFER TO STATE AND LOCAL GOVERNMENTS OF CER- TAIN SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR PUBLIC SAFETY PURPOSES

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 404, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 404, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property needed for use for a law enforcement or fire and rescue purpose."

A motion to reconsider was laid on the table.

CARSON AND SANTA FE NATIONAL FORESTS LAND CONVEYANCES

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 434, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 434, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EAGLES NEST WILDERNESS EXPANSION

The SPEAKER pro tempore. The pending business is the question de