

Manzullo	Portman	Smith (TX)	Wexler	Wise	Wynn
McCollum	Pryce (OH)	Smith, Linda	Weygand	Woolsey	Yates
McCrery	Quinn	Snowbarger			
McDade	Radanovich	Solomon			
McHugh	Ramstad	Souder	Bateman	Hall (TX)	Meek (FL)
McInnis	Redmond	Spence	Dixon	Jefferson	Sandlin
McIntosh	Regula	Stearns	Gonzalez	Kennelly	Smith (OR)
McKeon	Riggs	Stump			
Metcalf	Riley	Sununu			
Mica	Rogan	Talent			
Miller (FL)	Rogers	Tauzin			
Moran (KS)	Rohrabacher	Taylor (NC)			
Myrick	Ros-Lehtinen	Thomas			
Nethercutt	Roukema	Thornberry			
Neumann	Royce	Thune			
Ney	Ryun	Tiahrt			
Northup	Salmon	Trafficant			
Norwood	Sanford	Upton			
Nussle	Saxton	Walsh			
Oxley	Scarborough	Wamp			
Packard	Schaefer, Dan	Watkins			
Pappas	Schaffer, Bob	Watts (OK)			
Parker	Sensenbrenner	Weldon (FL)			
Paul	Sessions	Weldon (PA)			
Paxon	Shadegg	Weller			
Pease	Shaw	White			
Peterson (PA)	Shays	Whitfield			
Petri	Shimkus	Wicker			
Pickering	Shuster	Wolf			
Pitts	Skeen	Young (AK)			
Pombo	Smith (MI)	Young (FL)			
Porter	Smith (NJ)				

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Abercrombie	Gordon	Moran (VA)
Ackerman	Green	Morella
Allen	Gutierrez	Murtha
Andrews	Hall (OH)	Nadler
Baesler	Hamilton	Neal
Baldacci	Harman	Oberstar
Barcia	Hastings (FL)	Obey
Barrett (WI)	Hefner	Olver
Becerra	Hilliard	Ortiz
Bentzen	Hinchey	Owens
Berman	Hinojosa	Pallone
Berry	Holden	Pascrell
Bishop	Hooley	Pastor
Blagojevich	Hoyer	Payne
Blumenauer	Jackson (IL)	Pelosi
Bonior	Jackson-Lee	Peterson (MN)
Borski	(TX)	Pickett
Boswell	John	Pomeroy
Boucher	Johnson (WI)	Poshard
Boyd	Johnson, E. B.	Price (NC)
Brown (CA)	Kanjorski	Rahall
Brown (FL)	Kaptur	Rangel
Brown (OH)	Kennedy (MA)	Reyes
Capps	Kennedy (RI)	Rivers
Cardin	Kildee	Rodriguez
Carson	Kilpatrick	Roemer
Clay	Kind (WI)	Rothman
Clayton	Klecicka	Roybal-Allard
Clement	Klink	Rush
Clyburn	Kucinich	Sabo
Condit	LaFalce	Sanchez
Conyers	Lampson	Sanders
Costello	Lantos	Sawyer
Coyne	Lee	Schumer
Cramer	Levin	Scott
Cummings	Lewis (GA)	Serrano
Danner	Lipinski	Sherman
Davis (FL)	Lofgren	Sisisky
Davis (IL)	Lowe	Skaggs
DeFazio	Luther	Skelton
DeGette	Maloney (CT)	Slaughter
Delahunt	Maloney (NY)	Smith, Adam
DeLauro	Manton	Snyder
Deutsch	Markey	Spratt
Dicks	Martinez	Stabenow
Dingell	Mascara	Stark
Doggett	Matsui	Stenholm
Dooley	McCarthy (MO)	Stokes
Doyle	McCarthy (NY)	Strickland
Edwards	McDermott	Stupak
Engel	McGovern	Tanner
Eshoo	McHale	Tauscher
Etheridge	McIntyre	Taylor (MS)
Evans	McKinney	Thompson
Farr	McNulty	Thurman
Fattah	Meehan	Tierney
Fazio	Meeks (NY)	Torres
Filner	Menendez	Towns
Ford	Millender-	Turner
Frank (MA)	McDonald	Velazquez
Frost	Miller (CA)	Vento
Furse	Minge	Visclosky
Gejdenson	Mink	Waters
Gephardt	Moakley	Watt (NC)
Goode	Mollohan	Waxman

Smith (TX)	Wexler	Wise	Wynn
Smith, Linda	Weygand	Woolsey	Yates
Snowbarger			
Solomon			
Souder			
Spence			
Stearns			
Stump			
Sununu			
Talent			
Tauzin			
Taylor (NC)			
Thomas			
Thornberry			
Thune			
Tiahrt			
Trafficant			
Upton			
Walsh			
Wamp			
Watkins			
Watts (OK)			
Weldon (FL)			
Weldon (PA)			
Weller			
White			
Whitfield			
Wicker			
Wolf			
Young (AK)			
Young (FL)			

□ 1152

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the rule just adopted.

The SPEAKER pro tempore (Mr. HULSHOF). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIP ACT OF 1997

Mr. ARMEY. Mr. Speaker, pursuant to House Resolution 413, I call up the Senate bill (S. 1502) entitled the "District of Columbia Student Opportunity Scholarship Act of 1997", and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of S. 1502 is as follows:

S. 1502

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

SEC. 1. SHORT TITLE; FINDINGS; PRECEDENTS.

(a) SHORT TITLE.—This Act may be cited as the "District of Columbia Student Opportunity Scholarship Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Public education in the District of Columbia is in a crisis, as evidenced by the following:

(A) The District of Columbia schools have the lowest average of any school system in the Nation on the National Assessment of Education Progress.

(B) 72 percent of fourth graders in the District of Columbia tested below basic proficiency on the National Assessment of Education Progress in 1994.

(C) Since 1991, there has been a net decline in the reading skills of District of Columbia students as measured in scores on the standardized Comprehensive Test of Basic Skills.

(D) At least 40 percent of District of Columbia students drop out of or leave the school system before graduation.

(E) The National Education Goals Panel reported in 1996 that both students and teachers in District of Columbia schools are subjected to levels of violence that are twice the national average.

(F) Nearly two-thirds of District of Columbia teachers reported that violent student behavior is a serious impediment to teaching.

(G) Many of the District of Columbia's 152 schools are in a state of terrible disrepair,

including leaking roofs, bitterly cold classrooms, and numerous fire code violations.

(2) Significant improvements in the education of educationally deprived children in the District of Columbia can be accomplished by—

(A) increasing educational opportunities for the children by expanding the range of educational choices that best meet the needs of the children;

(B) fostering diversity and competition among school programs for the children;

(C) providing the families of the children more of the educational choices already available to affluent families; and

(D) enhancing the overall quality of education in the District of Columbia by increasing parental involvement in the direction of the education of the children.

(3) The 350 private schools in the District of Columbia and the surrounding area offer a more safe and stable learning environment than many of the public schools.

(4) Costs are often much lower in private schools than corresponding costs in public schools.

(5) Not all children are alike and therefore there is no one school or program that fits the needs of all children.

(6) The formation of sound values and moral character is crucial to helping young people escape from lives of poverty, family break-up, drug abuse, crime, and school failure.

(7) In addition to offering knowledge and skills, education should contribute positively to the formation of the internal norms and values which are vital to a child's success in life and to the well-being of society.

(8) Schools should help to provide young people with a sound moral foundation which is consistent with the values of their parents. To find such a school, parents need a full range of choice to determine where their children can best be educated.

(c) PRECEDENTS.—The United States Supreme Court has determined that programs giving parents choice and increased input in their children's education, including the choice of a religious education, do not violate the Constitution. The Supreme Court has held that as long as the beneficiary decides where education funds will be spent on such individual's behalf, public funds can be used for education in a religious institution because the public entity has neither advanced nor hindered a particular religion and therefore has not violated the establishment clause of the first amendment to the Constitution. Supreme Court precedents include—

(1) *Wisconsin v. Yoder*, 406 U.S. 205 (1972); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); and *Meyer v. Nebraska*, 262 U.S. 390 (1923) which held that parents have the primary role in and are the primary decision makers in all areas regarding the education and upbringing of their children;

(2) *Mueller v. Allen*, 463 U.S. 388 (1983) which declared a Minnesota tax deduction program that provided State income tax benefits for educational expenditures by parents, including tuition in religiously affiliated schools, does not violate the Constitution;

(3) *Witters v. Department of Services for the Blind*, 474 U.S. 481 (1986) in which the Supreme Court ruled unanimously that public funds for the vocational training of the blind could be used at a Bible college for ministry training; and

(4) *Zobrest v. Catalina Foothills School District*, 509 U.S. 1 (1993) which held that a deaf child could receive an interpreter, paid for by the public, in a private religiously affiliated school under the Individual with Disabilities Education Act (20 U.S.C. 1400 et

seq.). The case held that providing an interpreter in a religiously affiliated school did not violate the establishment clause of the first amendment of the Constitution.

## SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "Board" means the Board of Directors of the Corporation established under section 3(b)(1);

(2) the term "Corporation" means the District of Columbia Scholarship Corporation established under section 3(a);

(3) the term "eligible institution"—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 4(c)(1), means a public, private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 4(c)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through instruction described in section 4(c)(2);

(4) the term "parent" includes a legal guardian or other person standing in loco parentis; and

(5) the term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

## SEC. 3. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation", which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this Act, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this Act, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for

such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this Act shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this Act shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) \$7,000,000 for fiscal year 1998;

(ii) \$8,000,000 for fiscal year 1999; and

(iii) \$10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this Act for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this Act as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and Majority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this Act, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be the Chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Colum-

bia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this Act.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this Act, shall be provided a stipend. Such stipend shall be at the rate of \$150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of \$5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG-16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this Act.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 11(c).

(f) ADMINISTRATIVE RESPONSIBILITIES.—

(1) SCHOLARSHIP APPLICATION SCHEDULE AND PROCEDURES.—Not later than 30 days after the initial Board is appointed and the first Executive Director of the Corporation is hired under this Act, the Corporation shall implement a schedule and procedures for processing applications for, and awarding, student scholarships under this Act. The schedule and procedures shall include establishing a list of certified eligible institutions, distributing scholarship information to parents and the general public (including through a newspaper of general circulation), and establishing deadlines for steps in the scholarship application and award process.

(2) INSTITUTIONAL APPLICATIONS AND ELIGIBILITY.—

(A) IN GENERAL.—An eligible institution that desires to participate in the scholarship program under this Act shall file an application with the Corporation for certification for participation in the scholarship program under this Act that shall—

(i) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subparagraph (C);

(ii) contain an assurance that the eligible institution will comply with all applicable requirements of this Act;

(iii) contain an annual statement of the eligible institution's budget; and

(iv) describe the eligible institution's proposed program, including personnel qualifications and fees.

(B) CERTIFICATION.—

(i) IN GENERAL.—Except as provided in subparagraph (C), not later than 60 days after receipt of an application in accordance with subparagraph (A), the Corporation shall certify an eligible institution to participate in the scholarship program under this Act.

(ii) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subparagraph (D).

(C) NEW ELIGIBLE INSTITUTION.—

(i) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this Act for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(I) a list of the eligible institution's board of directors;

(II) letters of support from not less than 10 members of the community served by such eligible institution;

(III) a business plan;

(IV) an intended course of study;

(V) assurances that the eligible institution will begin operations with not less than 25 students;

(VI) assurances that the eligible institution will comply with all applicable requirements of this Act; and

(VII) a statement that satisfies the requirements of clauses (ii) and (iv) of subparagraph (A).

(ii) CERTIFICATION.—Not later than 60 days after the date of receipt of an application de-

scribed in clause (i), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this Act unless the Corporation determines that good cause exists to deny certification.

(iii) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under clause (i) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this Act unless the Corporation finds—

(I) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this Act and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(iv) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(D) REVOCATION OF ELIGIBILITY.—

(i) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this Act for a year succeeding the year for which the determination is made for—

(I) good cause, including a finding of a pattern of violation of program requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this Act and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(ii) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of the Corporation's decision to such eligible institution and require a pro rata refund of the proceeds of the scholarship funds received under this Act.

(3) PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

(A) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this Act shall—

(i) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this Act not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subparagraph (A), but neither the Corporation nor any governmental entity may impose requirements upon an eligible institution as a condition for participation in the scholarship program under this Act, other than requirements established under this Act.

#### SEC. 4. SCHOLARSHIPS AUTHORIZED.

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (c)(1) and enhanced achievement scholarships under subsection (c)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation first shall award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia public kindergarten, except that this subparagraph shall apply only for academic years 1997-1998, 1998-1999, and 1999-2000; or

(B) have received a scholarship from the Corporation for the academic year preceding the academic year for which the scholarship is awarded.

(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students who are described in subsection (a), not described in paragraph (1), and otherwise eligible for a scholarship under this Act.

(3) LOTTERY SELECTION.—The Corporation shall award scholarships to students under this subsection using a lottery selection process whenever the amount made available to carry out this Act for a fiscal year is insufficient to award a scholarship to each student who is eligible to receive a scholarship under this Act for the fiscal year.

(c) USE OF SCHOLARSHIP.—

(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees for, and transportation to attend, an eligible institution located within the geographic boundaries of the District of Columbia; Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; Fairfax City, Virginia; or Fairfax County, Virginia.

(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

(e) NOT SCHOOL AID.—A scholarship under this Act shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

#### SEC. 5. SCHOLARSHIP AWARDS.

(a) AWARDS.—From the funds made available under this Act, the Corporation shall award a scholarship to a student and make scholarship payments in accordance with section 6.

(b) NOTIFICATION.—Each eligible institution that receives the proceeds of a scholarship payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this Act is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this Act, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this Act is refused admission, of the reasons for such a refusal.

(c) TUITION SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) \$3,200 for fiscal year 1998, with such amount adjusted in proportion to changes in

the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) \$2,400 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may not exceed the lesser of—

(1) the costs of tuition and mandatory fees for, and transportation to attend, a program of instruction at an eligible institution; or

(2) \$500 for 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

#### SEC. 6. SCHOLARSHIP PAYMENTS.

(a) PAYMENTS.—The Corporation shall make scholarship payments to the parent of a student awarded a scholarship under this Act.

(b) DISTRIBUTION OF SCHOLARSHIP FUNDS.—Scholarship funds may be distributed by check, or another form of disbursement, issued by the Corporation and made payable directly to a parent of a student awarded a scholarship under this Act. The parent may use the scholarship funds only for payment of tuition, mandatory fees, and transportation costs as described in this Act.

(c) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—If a student receiving a scholarship under this Act withdraws or is expelled from an eligible institution after the proceeds of a scholarship is paid to the eligible institution, then the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any such proceeds received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

#### SEC. 7. CIVIL RIGHTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this Act shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this Act.

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

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

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

(3) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a)

shall be construed to prevent a parent from choosing, or an eligible institution from offering, a single-sex school, class, or activity.

(c) REVOCATION.—Notwithstanding section 3(f)(2)(D), if the Corporation determines that an eligible institution participating in the scholarship program under this Act is in violation of subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

#### SEC. 8. CHILDREN WITH DISABILITIES.

Nothing in this Act shall affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

#### SEC. 9. RULE OF CONSTRUCTION.

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

(b) SECTARIAN PURPOSES.—Nothing in this Act shall be construed to prohibit the use of funds made available under this Act for sectarian educational purposes, or to require an eligible institution to remove religious art, icons, scripture, or other symbols.

#### SEC. 10. REPORTING REQUIREMENTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this Act shall report to the Corporation not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

#### SEC. 11. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this Act, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the stu-

dents' academic achievement at the time of the award of their scholarships and the students' family income level;

(3) the satisfaction of parents of scholarship students with the scholarship program; and

(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), \$250,000, which shall remain available until expended.

#### SEC. 12. JUDICIAL REVIEW.

(a) JURISDICTION.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the constitutionality of the scholarship program under this Act and shall provide expedited review.

(2) STANDING.—The parent of any student eligible to receive a scholarship under this Act shall have standing in an action challenging the constitutionality of the scholarship program under this Act.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.

#### SEC. 13. APPROPRIATION OF INITIAL FEDERAL CONTRIBUTION TO FUND.

There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$7,000,000 for the District of Columbia Scholarship Fund.

#### SEC. 14. EFFECTIVE DATE.

This Act shall be effective for each of the fiscal years 1998 through 2002.

The SPEAKER pro tempore. Pursuant to House Resolution 413, the gentleman from Texas (Mr. ARMEY) and a Member opposed, the gentlewoman from the District of Columbia (Ms. NORTON), each will control 1 hour.

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

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

Mr. Speaker, S. 1502 represents a legislative effort that was first introduced in this body in 1995 by former Representative Steve Gunderson from Wisconsin. We have continued to introduce this bill and consider it off and on, most recently in this body as an amendment to the D.C. appropriations bill last year. The bill was passed in the other body at the close of last year's session and has been available to the House for consideration at the desk since that time.

Mr. Speaker, what this legislation does is provide \$7 million worth of additional funding to the Washington,

D.C. School District specifically for the assistance of low-income families in the District, that they might have greater ability within their own family to provide educational opportunities for their children.

In the first half of the bill, we make available for 2,000 Washington, D.C. families scholarships for up to \$3,200 available by random selection to low-income families in D.C. It is important that we emphasize that these scholarships are available only to lower income families of D.C., so that they may be able with those scholarships to exercise the same choice and discretion over the education of their children as is done regularly in this city by wealthy families.

D.C., as my colleagues know, is an interesting city in that while it has some outstanding schools, it has other schools that are in fact tragic failures for the children. All too often those children that are left in these difficult schools are the children of the very poorest citizens of the District. D.C. is a city where you have a contrast of affluence as over and against low-income families, where the higher income families all too often exercise the prerogatives made available to them by their higher incomes to take their children to nonpublic educational facilities and to move their children around. We think that that opportunity should not be an opportunity that exists only in the hands of wealthy people but should be made available to each child. We believe that each and every child is God's child and should have as much opportunity.

We have also had an opportunity by working with families through the efforts of the privately funded Washington Scholarship Fund and other efforts such as my own effort in Tools for Tomorrow to meet with the children and to meet with their parents. We see the frustration, we see the concern, we see the hope for these. Indeed, the Washington Scholarship Fund just a few months ago announced in D.C. without fanfare and without any marketing effort that there would be an additional 1,000 scholarships available to low-income families.

□ 1200

By word of mouth this information passed through the neighborhoods, and before long they had almost 8,000 applicants. Yesterday, the 1,000 scholarships were announced as they were selected randomly, and 1,000 of these almost 8,000 families had a great joy in their lives that is reported in the morning's paper. So that we ask initially in this bill to make that opportunity available to an additional 2,000 families.

Second part of this bill makes possible for an additional 2,000 families to use scholarship resources from this special fund of new money for the purposes of hiring tutors and mentors for their children and for the purposes of acquiring educational facilities for their children to supplement the al-

most frightening deficiencies that we all too often find in the schools.

This is a situation where the need is clearly demonstrated, the desire to do better is clearly demonstrated on the part of a large number of families. The children are there, and the children are anxiously awaiting the opportunity that we can make to them, and the educational slots in the over 80 schools are there and available to the children. Since this is new money added to the D.C. education budget, it is inconceivable to me that anybody could oppose the Congress of the United States with its unique jurisdictional relationship to this city making this opportunity available to these children.

In closing my remarks, let me say very emphatically, Madam Speaker, as emphatically as I may, this legislative effort, this \$7 million, these 2,000 scholarships, these 2,000 attendant scholarships are not about politics, they are not about my party, they are not about their party, they are certainly not about me, for I will never be hunting a vote in this city. They are about the children and, quite frankly, only about the children.

And I guess the question that I would put before this body in my opening remarks is, are we willing to put other things second to the children? Can we rise to the occasion of simply looking at the children, seeing their beautiful little faces, with their hope and their optimism, and say there is no consideration that we can weigh against that?

Nothing can be as great as the needs of these children and our commitment to them.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me begin by briefly explaining what S. 1502, the D.C. Voucher Bill before us this morning, would do. The bill would divert \$7 million from the Federal Treasury in fiscal year 1998 and \$45 million over 5 years and funnel these resources to religious and private schools. The bill not only diverts funds from the Treasury, where they might be available for public schools, S. 1502 also potentially diverts money from the District of Columbia. Under the bill, religious and private schools in Virginia and Maryland could receive students with tuition paid by D.C. vouchers.

S. 1502 also would create a new unheard of, unprecedented layer of bureaucracy. Instead of delegating the task of administering this voucher program to an existing institution or to a pro bono organization, an entirely new bureaucracy costing \$500,000 annually is required by the bill. A corporation, consisting entirely of political appointees not responsible to D.C. residents or even to the parents involved, would be responsible for administering the voucher program and disbursing the federal funds.

Despite the fact that these are local schools, almost none of these appoint-

ments would be made by a local official. Of the seven appointees, only one would be appointed by a D.C. official. The remaining six would be appointed by the President of the United States, but even he would have to make his appointments from lists submitted by the Speaker of the House and the Majority Leader of the Senate, none of whom have been elected by any parent or any resident in the District of Columbia.

Since these appointees are simply distributing vouchers, it is not clear why it is appropriate for the task to be done by political appointees at all.

Although home rule has been regularly violated ever since its inception in 1974, total Federal control over the mere administration of such a local program is without precedent and is completely at odds with principles of devolution espoused by the Republican majority.

Astonishingly, these appointees would each be paid up to \$5,000, although the vouchers they would be distributing range from only \$3,200 for tuition to \$500 for tutoring. At best, the bill would allow only 3 percent of D.C. public school students, 2,000 out of nearly 80,000, to apply for vouchers to attend religious and private schools. There is no requirement that these schools take these students and no requirement that these schools make any effort to retain these students or work to eliminate any problems they may have instead of expelling them, as is required of the public schools. Choice, therefore, would not rest with the parents but with the religious and private schools that will apply their own standards for admission and retention of each child.

The bill erodes antidiscrimination laws such as title VI, title IX and the Age Discrimination Act by providing that, despite the Federal subsidies to the schools, vouchers are not State aid for purposes of the bill. Although the bill contains an antidiscrimination provision, a person who suffers discrimination would be deprived of the Federal enforcement mechanism available to public school students and would be without any administrative mechanism to enforce her civil rights. Her only recourse would be to file a costly civil suit in Federal court, a remedy virtually unavailable to the low-income families to whom these vouchers are directed.

In addition, the bill expressly permits tax dollars to support sex discrimination by funding single sex programs. There are no safeguards in the bill to prevent a cottage industry of new and untested religious and private schools from competing for and receiving these federally funded vouchers. There is no provision for accountability for the funds to the Federal Government which grants them or accountability to anyone else.

The sponsors of S. 1502 identify the Cleveland voucher program as a model for their bill. That program is almost identical. It had 2,000 students, and the

amounts were roughly comparable, \$2,500 vouchers for tuition and \$260 tutoring vouchers per student. An evaluation commission by the State of Ohio found, and I am quoting, If the background and demographic factors, including previous achievement, are accounted for, there are no significant differences in third grade achievement between the scholarship students and their Cleveland school peers, end quote.

In no academic subject, reading, mathematics, social studies or science, did the voucher students do any better than their public school peers. Central to the Cleveland program was a feature that its framers hoped would save its constitutionality. As with the D.C. vouchers, the funds would go to the parent, not the religious school. However, in 1997, the Court of Appeals of Ohio, relying both on the State constitution and the Constitution of the United States, ruled that publicly funded vouchers were unconstitutional because they violate the first amendment requirement that State funds and actions not be entangled with the operations of religiously sponsored programs.

The Ohio court held, and I am quoting, Because the scholarship program provides direct and substantial nonneutral government aid to sectarian schools, we hold that it has the primary effect of advancing religion in violation of the establishment clause, end quote.

The only other court to rule on vouchers, the Wisconsin Court of Appeals, reached the same conclusion and went even further. That court noted that even though, quote, some parents of students participating in the program may have their children exempted from religious activities at sectarian schools, that does not alter the fact that money drawn from the State treasury would underwrite precisely those activities for other program students, end quote.

The Ohio court was unanimous, and the Wisconsin court decision was four to one, both striking down publicly funded vouchers like those before us on constitutional grounds.

These decisions protect religion as much as the government in order to assure that complete freedom from government regulation, oversight and accountability is always the case for religious institutions in our country. Moreover, ever since President Clinton has been in office, he has consistently opposed vouchers on the principle that public funds should go to public schools. Because this bill represents an attempt to gain a foothold in the federal budget and begin a drain of Federal resources to religious and private schools, S. 1502 will be vetoed. The statement of policy delivered this morning said, and I quote, If this bill were presented to the President, the President's senior advisers would recommend that the bill be vetoed, end quote.

Thus, the bill before us has little chance of becoming law, because vir-

tually identical bills have been found unconstitutional and because the President of the United States has promised a veto. Unfortunately, the D.C. students who applied were not told of these impediments and have had their hopes raised. This is at least the third attempt by the Republican majority to impose vouchers on the District of Columbia, a jurisdiction powerless to stop them because the District has no representation in the Senate and because the vote on the House floor that I won square and fair and that the federal courts said was entirely constitutional in the 103rd Congress was taken from me when the Republicans assumed the majority in the 104th Congress.

District residents, like their Congresswoman, have been very critical of their public schools, but our residents identify strongly with their public schools and are determined to strengthen them. In 1996, the Control Board took drastic action in ousting the elected school board and imposing an entirely new regime precisely for the purpose of forging a top-to-bottom reform of the public school system.

A new superintendent from Seattle, Washington, Arlene Ackerman, has just initiated a dramatic revitalization designed to rapidly raise student achievements. For example, D.C. students are to read 25 books or the equivalent next year. I challenge every Member of the House to see to it that every child in their districts reads even half that many books next year.

□ 1215

The Summer Stars program (Students and Teachers Achieving Results), will make D.C. one of the very first jurisdictions in the United States to eliminate social promotion by putting in its place a program not only to remediate as many as 20,000 children this summer, but also to catch others before failure sets in. To their credit, President Clinton and the Department of Education have funded half of the \$10 million required to fund this innovative program. Although this is just the kind of radical change Congress has been calling for, no congressional funds have been offered to fund any part of this effort. Suggestions that congressional support would greatly assist this program have fallen on deaf ears.

District of Columbia residents, like the residents who participated in all the 19 other statewide referenda, have rejected public subsidies for religious and private schools. The other jurisdictions are, Alaska, California, Colorado, Idaho, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New York, Oregon, Utah, and Washington State. In five States where two referenda were held, California, Maryland, Massachusetts, Oregon and Washington, voucher proponents lost worse on the second vote than they did on the first. In all, there have been 20 statewide referenda and 20 resounding defeats.

In the District of Columbia, public subsidies for private and religious schools lost by the largest margin, 9 to 1, and yet this Member, over her objection, is faced with this bill, this afternoon.

As many as 7,500 low-income families have applied for scholarships in the District. This response is entirely natural and predictable. There are few low-income, or, for that matter, middle-income families in cities or suburbs today who would not come forward if they saw full-page advertisements in the newspapers and TV commercials calling for people to come and get free scholarships to go to private or religious schools. Private schools, whether in city or suburb today, usually have a better reputation than corresponding public schools.

The District of Columbia schools are in very poor condition, and I challenge any Member of this body to have the knowledge of how poor, to have been more critical or to have tried harder to raise them. But these schools mirror the condition of virtually every big-city school system in the country, no better and no worse. In fact, the \$7,000 per pupil expenditure in the District is the second lowest in the region. In this region, for example, the city of Alexandria, I say to the gentleman from Virginia (Mr. MORAN), has a per pupil expenditure of \$9,000, while my schools have \$7,000.

As the District is showing, there are ways to rapidly accelerate reform of schools, but there are also ways to rescue children today while D.C. schools are being fixed. Just yesterday, two philanthropists contributed \$6 million in private funds for scholarships for District kids like those who have applied for these vouchers, which every Member in this body knows will not be available. I stand ready to work with the majority, not only on District school reform, as I did on the D.C. charter bill in 1996, and the Riggs-Roemer charter bill last year; I stand ready to work with the majority again, and I welcome their assistance in selecting any approach that must have their agreement as much as mine.

The reading teachers for the lowest performing schools and the Porter-Obey program that I attempted to offer as a substitute for this voucher bill is but one example. I will go further. I am prepared to help raise private funds for private school students. In short, I am prepared to work with my colleagues in a collegial and bipartisan approach to improve schools in my district. I ask them to remember and to respect that it may be your capital of the United States, but it is my district. In the spirit of devolution, of local control, and the deference routinely afforded other Members, I ask that in seeking to help the families I represent, you work through me and with me. You will find me a willing and amiable partner.

Madam Speaker, I reserve the balance of my time.

Mr. ARMEY. Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. MILLER), a distinguished educator.

Mr. MILLER of Florida. Madam Speaker, I rise today in strong support of the gentleman from Texas (Mr. ARMEY)'s bill to save the D.C. schoolchildren. D.C. schoolchildren deserve a chance to succeed. No one debates that simple fact. However, it takes courage to overcome the obstacles that stand in the way of so many children in the District.

Some argue that by just giving more money, we can solve the problems, but if money was the answer, the D.C. school system should be among America's best. The sad truth is that the D.C. schools are among America's worst.

The D.C. youngsters attend schools of despair where they are more likely to encounter drugs or violence than an opportunity to succeed. We have the power to change that, but it takes courage to vote with one's heart and not the politically easy vote. The cynics sitting there wringing their hands and promising to reform the system from within are not helping any children. All they are doing is helping the teachers' union continue the downward spiral of education in this Nation's capital.

Today, we must all show the courage to save the children by taking on the status quo. We must vote to save the kids. Support the bill.

Ms. NORTON. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Madam Speaker, I thank the gentlewoman from the District of Columbia for yielding me this time. I want to take a moment just to congratulate her for the extraordinary leadership she has been giving to all of us on this issue.

Madam Speaker, I know from experience that school voucher programs are expensive, they do not work, and as the Ohio Court of Appeals determined, they are unconstitutional. A State-supported voucher initiative in my district which the Republicans have heralded as a success has been little benefit to the low-income students it was intended to reach. In fact, a recently released independent audit and evaluation of the Cleveland school program brought to light several critical facts about the program that should be considered in this debate.

The audit found a flood of management flaws, including problems that ranged from the widespread and very costly use of taxis to transport kids to and from school, to the failure to verify financial eligibility, to inadequate measures to monitor student attendance.

The audit shows a 41 percent cost overrun in the Cleveland voucher program that has resulted in this school year's costs being pushed from \$7.1 million to \$10 million. The cause of this misspending of State tax dollars includes the fact that approximately 36

percent of the nearly 3,000 voucher students used taxis to get to their private schools, costing \$18 to \$15 a day and totaling nearly \$1.5 million. In addition, taxi companies charged the State even when students were absent if the parents did not notify the companies in advance.

Madam Speaker, I am a product of the Cleveland public schools. I walked 3 miles to school every day. That education I got in the Cleveland public school system enables me to be able to stand here in the well of the House of Representatives today. The results of the evaluation of the Cleveland voucher program show that this program has attracted better achieving students; I urge a no vote on this bill.

Mr. ARMEY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), an ace fighter pilot and dedicated public schoolteacher.

Mr. CUNNINGHAM. Madam Speaker, I would add my wife is a public school teacher as well with a doctorate degree.

Madam Speaker, I had a high regard for General Julius Becton who led D.C. in an almost impossible task, and have worked with Arlene Ackerman who is going to take his place. But I want to say, Bishop McKinney came, an African American from San Diego, that has a school of at-risk black children in the school system, at-risk children that over 90 percent of them go on to school, and they work with special vouchers in the program.

I live in Washington, D.C., and I have met some good teachers, and I have met where they work to have good schools. That is true in any city, and we can find bad schools in any city. But I want to tell my colleagues, per capita, the schools in D.C. are worse. Sixty years old, the average. They have not done a very good job of managing their own city. Roofs that they had to close down the systems, and I get sick and tired of saying we are going to take money away from public education when we could have saved 35 percent for school construction out of public education by waiving Davis-Bacon to repair and build schools, but would they do it? No, because the unions did not want it. Thirty-five percent saving of money, but they would not even do it. They would not even vote to have the NEA pay its fair share of taxes in D.C. so that that money would go to the school, because, quote, that was a union.

But I want to tell my colleagues, they are behind the power curve. I lived up by the train station. My car was broken into twice. Someone died and was shot right outside the driveway. Two ladies were mugged going into the area. A large portion of the students graduating from D.C. are functionally illiterate, and that is not what we want. We want to give them an opportunity.

Madam Speaker, the wealthy do have a choice. The President, the Vice Presi-

dent, and guess what, the delegate to D.C. have their children in private schools. Give the students that are trapped the same opportunity.

#### CONFERENCE REPORT ON H.R. 3579, 1998

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes.

#### CONFERENCE REPORT (H. REPT. 105-504)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3579) "making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:*

#### TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

##### CHAPTER 1

#### DEPARTMENT OF DEFENSE—MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

*For an additional amount for "Military Personnel, Army", \$184,000,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

##### MILITARY PERSONNEL, NAVY

*For an additional amount for "Military Personnel, Navy", \$22,300,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

##### MILITARY PERSONNEL, MARINE CORPS

*For an additional amount for "Military Personnel, Marine Corps", \$5,100,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

##### MILITARY PERSONNEL, AIR FORCE

*For an additional amount for "Military Personnel, Air Force", \$10,900,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

##### RESERVE PERSONNEL, NAVY

*For an additional amount for "Reserve Personnel, Navy", \$4,100,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

##### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

*For an additional amount for "Operation and Maintenance, Army", \$1,886,000: Provided, That*