

It is a shameful circumstance and one that needs addressing. We need to get on to the business of this House.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 3584

Mr. FROST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 3584.

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

There was no objection.

PROVIDING FOR CONSIDERATION  
OF S. 1502, DISTRICT OF COLUMBIA  
STUDENT OPPORTUNITY  
SCHOLARSHIP ACT OF 1997

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 413 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 413

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 1502) entitled the "District of Columbia Student Opportunity Scholarship Act of 1997". The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate on the bill equally divided and controlled by the Majority Leader or his designee and a Member opposed to the bill; and (2) one motion to commit.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST) pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a closed rule for S. 1502 which provides for 2 hours of debate equally divided between the majority leader or his designee and an opponent of the bill. The rule also provides for one motion to commit.

Mr. Speaker, let us make no mistake about it. The intent of this bill is to provide a better education for the children of Washington, D.C. The bill allows the most needy families of this city to choose what school is best for their child, and it provides them the resources to do it. In short, the bill empowers the families of Washington, D.C., who now have no choice but to send their child to an often inadequate local school.

At the same time, though, this bill will help the children who remain in the District's public school system. It provides Federal funding to help local public school students pay for private tutors. In addition, as some students

begin to choose scholarships, spending per pupil in District public schools may go up, while class sizes go down.

Our intent is not to drain Federal funds from public schools. Instead, we are striving to help out accountability back into the public school system. A parent who notices that a neighbor's child has blossomed under the scholarship program will have the same opportunity for their child.

The scholarship funds in this bill are in addition to the more than \$568 million that Congress provides every year to the District of Columbia public schools, a school system that spends more money per pupil than almost any other school system in the country, approximately \$10,000 per pupil.

Mr. Speaker, the D.C. Student Scholarship Act helps the children of this city. I strongly support this legislation because I firmly believe that it enables parents to send their children to a more structured, more disciplined environment. It is their choice. At the same time, the bill allows the local public schools to focus on the children who remain and allows each school to spend more money for each child.

I urge my colleagues to support this rule and the underlying legislation.

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

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

Mr. Speaker, the Republican leadership just does not get it. We do not get better public schools by shifting public money to private and parochial schools; and that is, in the end, what the Republican leadership wants to do. They just want to start this grand social experiment in the District of Columbia and use the bill before us to do it.

Mr. Speaker, no one denies that there is a need for vast improvement in the schools of the District. But providing vouchers for 2,000 students just will not get it done.

And, Mr. Speaker, to make matters worse, this rule shuts out any debate on this matter. This closed rule prohibits the delegate from the District of Columbia (Ms. NORTON) from offering an amendment to a bill that ostensibly affects only her constituents.

This rule is unconscionable and deserves to be defeated.

Mr. Speaker, the Republican leadership will use words and phrases like school choice, accountability, object lesson to promote school vouchers. The Republican leadership will say that, first and foremost, school vouchers are about the children. Mr. Speaker, if that is, in fact, the case, why have not we seen legislation to provide schools districts with the funds they need to hire more teachers so that we can reduce class size and more readily promote structure and discipline in the classrooms across this country?

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

CIRCUMVENTION OF COMMITTEE ON THE  
JUDICIARY'S JURISDICTION

Mr. CONYERS. Mr. Speaker, I have sent the Speaker, the gentleman from Georgia (Mr. NEWT GINGRICH) a letter that I want to put in the RECORD which deals with the fact that he has asked for a special committee to review any reports submitted by the independent counsel, Kenneth Starr. In my view, I say to him any such circumvention of the Committee on the Judiciary's historic duty would set a poor precedent and clearly indicate an intent to politicize this matter, rather than give it any sober and objective scrutiny.

Coming several months before the midterm elections, I believe the American public would also see the abandonment of regular order as signaling a partisan witch-hunt. This is especially important in light of the bias that you, you being the gentleman from Georgia (Mr. GINGRICH), have demonstrated in your recent public comments.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, April 29, 1998.

Hon. NEWT GINGRICH,  
Speaker, U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: During the course of the past several months, news reports have repeatedly quoted you and your office as contemplating the circumvention of the House Judiciary Committee and the formation of a special committee to review any report submitted by Independent Counsel Kenneth Starr pursuant to 28 U.S.C. 595(c).

In my view, any such circumvention of the Judiciary Committee's historic jurisdiction would set a poor precedent and clearly indicate an intent to intensely politicize this matter rather than give it any sober and objective scrutiny. Coming several months before the midterm elections, I believe the American public would also see the abandonment of regular order as signaling a partisan witch hunt. This is especially important in light of the clear bias you have demonstrated in your recent public comments concluding the existence of illegal conduct prior to your even reading or considering the report to the House.

In fact, if one looks closely at this matter, it is hard to see how one could contemplate any other venue than the House Judiciary Committee, which clearly has both the expertise and experience to handle any such report.

The Independent Counsel Statute itself (the Ethics in Government Act, 28 U.S.C. 591, *et seq.*) is the legislative product of the House Judiciary Committee. The Committee continues to be engaged in oversight of the Act, has conducted hearings on the Act, and shortly will be responsible for reauthorization of the Act.

Discussion of any underlying criminal statutes that may be contained in the report are under the jurisdiction of the Committee, and again, are subject to continuing scrutiny.

The House Judiciary Committee is the one Committee with the experience of handling grand jury materials, the secrecy of which both federal law and House precedents require.

As you know, I have repeatedly questioned Kenneth Starr both because of the tactics he employs and due to the numerous conflicts of interest that have beset his investigation from the start. If this matter is to be transferred to the House, it would be most unfortunate to taint any process from the outset

with partisanship or political gamesmanship. Such a process would be widely viewed as a kangaroo court which illegitimately forms conclusions prior to hearing facts, and whose sole objective is the politicization of allegations to influence the fall Congressional elections.

Thank you for your attention to this matter.

Sincerely,

JOHN CONYERS, Jr.,  
*Ranking Democrat.*

□ 1030

Mr. FROST. Mr. Speaker, if it is about the well-being of children, why have we not seen legislation that promotes the best possible public education we can provide in this rich and affluent Nation of ours?

Mr. Speaker, I can only guess that the Republican leadership believes that Democratic opposition to school vouchers is a good campaign issue. But I will state unequivocally that the education of the children of this country is not something that should be used to serve a political agenda. Public education is the cornerstone of this great country of ours, and I stand second to no one in my support and commitment to public education.

The congressional Republican leadership can politicize the education of the boys and girls of this country all they want, but Democrats, as well as a good many Republicans, know that public education is good for our children and good for our country. This does not mean, Mr. Speaker, that there are not problems that all of us from the Congress to our Governors, school boards and every parent needs to face squarely, but this proposal does not address any of the problems we find in our public schools.

In fact, the National Alliance of Black School Educators has said that this proposal constitutes an abandonment of the real issues that affect quality teaching and learning in the worst of our public schools. If the District of Columbia represents some of the worst of our public schools, then how can this Congress turn its back on its children?

I would suggest that instead of using the \$7 million for a school voucher program, that it would be far better to use half of that money, as the gentlewoman from the District of Columbia (Ms. NORTON) proposes, for reading tutors for the 73 poorest-performing schools in the city.

I am not standing here as an apologist for the administration of the school system in this city, but I am standing here as someone who is committed, as are my constituents, to strong and effective public education. I fear that this proposal of the Republican leadership is just a first step in the dismantling of public education.

Mr. Speaker, this closed rule is unfair to the people of the District of Columbia because their elected Representative of this body has been precluded from offering an alternative to legislation which affects only them, and this bill is unfair to public edu-

cation throughout this country. I urge the defeat of the rule and the defeat of the bill.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Staten Island, New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I urge the adoption of this rule and also the underlying legislation. Let me just point out why.

While we are all in favor of improving education, let us just look to the status and the state of the Washington, D.C. school system. In a report in the Washington Post, they claim that the system is a well-financed failure. Despite spending \$9,000 per student, more than half of the tenth-graders test below basic in reading, and fully 89 percent of the tenth-graders test below basic in math.

Mr. Speaker, there is the old fairy tale about Peter Pan leading the children into Never Never Land, and I would submit that that is exactly, unfortunately, what has been happening in the Washington, D.C. school system. We have been leading these children into Never Never Land, never having them to become productive members of society.

When we think what it would be like back in our hometown, whether it is Staten Island or anywhere across America, to have 89 percent of the tenth-graders test below average in math and to some extent reading, I think we would call for a rapid change. To me, it is not a fairy tale, it has become a Shakespearean tragedy, it is a rotten weed, and we must root it out.

I think that is what we are talking about here, because when we think about the system, two words come to mind, and that is, what we hear today, awful, to describe the system, and opportunity, to describe how we can help these children escape the abyss, the trap that they will be in for the rest of their lives.

Let us put a face on it. Beginning in September, there will be a 5-year-old boy or girl who will begin kindergarten. That 5-year-old will soon become a 7-year-old, a 10-year-old, a 12-year-old, and that person, that little boy or girl, will not have the same opportunity or hope that we should provide. We talk about, well, we know what is best.

There was recently a private scholarship fund funded by a man named Ted Forstmann, a good American who saw that common sense would prevail; that if parents were given a choice to send their children to a different school, a better school, they would do so. And indeed, 1,000 scholarships were made available to the parents of the city school system; 7,500 applied. If that does not tell us that there are parents out there who care about their children, who care about sending their children to quality schools, I do not know what does.

Well, perhaps this will. In New York City, there are similar types of scholarships we have tried with raising private funds. Again, in the last couple of years, 1,300 children have received scholarships; more than 22,000 parents have applied to bring their kids and put them into schools that will provide them with the best education possible.

We talk about the entrenched bureaucrats and the special interests who put themselves first. Let us put the children and families first of this country when it comes to education. Let us provide them with the hope and opportunity they rightfully deserve and expect.

There was a famous battle at the beginning of World War I where the French general said, "They shall not pass," as referred to the German troops. Well, they did. But in the meantime during that battle we lost over a million lives, and I suggest strongly that if we allow the status quo and the defenders of the status quo to win this argument, we will see them not pass, that being the children, but we will lose too many lives in the meantime.

Let me just close, Mr. Speaker, with one last thing. Again, we have argued that for years, we even heard the acknowledgment by those who oppose this rule and oppose this legislation that there are problems. Well, I would say strongly that everybody else, the special interests, the bureaucrats, those who like the status quo, have had their chance. I say, give the people and the children of the Washington, D.C. school system a chance for once. Put them first.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this closed rule and this misguided bill. As we move into the 21st century, Congress must work to ensure the success, not just of individual students, but of all of our young people.

My mother worked in a sweatshop earning 2 cents for each collar she stitched onto a shirt. She never dreamed that one day her child would be a member of the United States Congress. But education is a great equalizer in this Nation. It affords the child of a garment worker the same opportunities as the children of university professors and business leaders.

Our public school system needs help, but siphoning Federal money, public money from our public schools will not solve the problems. We must improve public schools for all of our children, not to provide an out for a select few which will further degrade the educational quality for those who remain. We need to reduce class size. We need to create an environment where children will learn, put computers in the classroom, enacting high standards to make sure that our kids are learning, and create that environment, as I have said. And when we reduce that class

size, when we put more reading teachers in the classroom, we give our kids a greater opportunity.

But that is not what the Republican leadership in this House is talking about. They have no interest in improving public education in this country. Instead, they would take money from the public schools, give it to private schools. They would provide vouchers for just 2,000 students in the District of Columbia, 3 percent of the kids who go to school here. This is an experiment which they want to carry across the country.

Vouchers have been voted down in State referendums, declared unconstitutional by our State courts, even declared a failure in towns where the experiment has been tried. In Cleveland, test scores for students who moved to private schools with vouchers did not improve. Even more disturbing, an audit found that the biggest beneficiaries in the Cleveland area to this experiment were the taxi drivers, because they were taking these children to schools, private schools, by taxi.

Vouchers will not solve the problems in our public schools, they will just create new ones. If our goal is truly to improve public education in this country, vouchers just do not make the grade. Let us abandon this experiment, an experiment on our children. We do not need any more experiments on our children in this country. We need to make sure that they get the finest education. Let us improve our public schools. Let us cut down the class size. Let us make more reading teachers available. Let us make sure they are wired up to computers and the Internet. That is where the future of our children lie, not in the voucher experiment on the kids of this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HULSHOF). Again, the Chair must remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the Rules of the House.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BOB SCHAFER).

Mr. BOB SCHAFER of Colorado. Mr. Speaker, the Constitution gives the Congress the direct authority to play a managerial role in only one school district in the entire country, and that is the District of Columbia. Only the District of Columbia is designated by the Constitution again as a place where this Congress has direct authority to deal with the matters at the classroom level of public education.

Now, that authority has been decentralized quite a bit. It has been decentralized to a large unionized government and bureaucracy that is failing children and stranding them, denying them any kind of hope or opportunity for achieving the American dream and getting ahead through academic progress and academic proficiency.

Mr. Speaker, I find it remarkable that anyone would come here and try to defend the comparative record of the District of Columbia public school system when compared with the rest of the country. If we are willing to do that on an intellectually honest level, one will find very clearly and directly that the children in the District of Columbia schools are at a decided disadvantage over children throughout the rest of the country.

Now, the left wing of the Democrat party, as established and enshrined here in the District of Columbia, is one that remarkably favors bureaucracy and institutions rather than children. This debate here today and the rule before us is about whether we are going to get serious about putting children first, putting children ahead of bureaucrats, making sure that the comfort of children and engaging in economic competitiveness and prosperity is more important than the economic comfort of the bureaucrats who run the worst school system in the entire country.

I would suggest the following, Mr. Speaker, that our goal and objective here in Washington with respect to the District of Columbia ought to be to treat parents like real customers, to treat teachers like real professionals, to, in fact, liberate the education system here in the District of Columbia, to focus on the freedom to teach and the liberty to learn. That is what we are offering through this scholarship program, to empower parents to make the educational decisions for their children, not the bureaucrats who have left them behind for so long.

Mr. FROST. Mr. Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding. Let me begin by making a point that I hope everyone who comes to the floor understands.

The Member who just spoke indicated a prerogative he thinks he has in the District of Columbia that he does not have in anyone else's district. May I say to him that he has no prerogative to manage anybody who is not accountable to him at the ballot box, and neither he nor any Member of this House manages anything in the District of Columbia; and under the Constitution of the United States, no Member should ever claim to manage any people who cannot vote for him. The gentleman has no prerogatives, and I will accept none, nor will I accept pejorative language with respect to our schools. Let me just start this debate with that understanding to Members who want to come to the floor that way.

The District of Columbia public schools are poor, very, very poor. But they are no better and they are no worse than every big-city school system in the United States of America. So if my colleagues want to help the youngsters of the District of Columbia, help them. But they are tired of hear-

ing Members of this body, who have not compared my school system to theirs or any others, describe it as the worst in the United States, and I will not have it on this floor today.

I oppose this rule, and I oppose it because the real needs of the children in my district are too serious to engage in a political exercise. I recognize that that is not the intent of every Member who favors vouchers, but whether intended or not, that is exactly what we will engage in this morning.

The reason that I call this a political exercise is that the voucher bill before us is exactly like the vouchers that have already been declared unconstitutional in two States; two courts, one in Ohio, another in Wisconsin, in the only court tests of publicly funded vouchers have held them unconstitutional as recently as last year.

□ 1045

President Clinton will veto this bill because it will drain funds from the public schools to parochial and private schools. I have his statement of administration policy before me as I speak. Let me quote from it.

S. 1502 would create a program of federally funded vouchers that would divert critical resources, that should be devoted to our public education priorities, to private schools with little or no public accountability for how funds are used. Moreover, the bill is apparently designed to ensure that receipt of these vouchers, unlike other Federal funds, would not require schools to comply with Federal civil rights laws that protect students from discrimination on the basis of race, color, national origin, sex, or disability.

Mr. Speaker, I sought to convert the interest of Members in the school system of the District into legislation which could be signed. To that end, because of the almost certain constitutional demise of this bill coupled with the assured presidential veto, I went to the Committee on Rules yesterday feeling that we had an obligation to come forward with a substitute all could support if we seriously meant to help these kids.

My substitute would have directed the \$7 million into objectively approved reforms in the D.C. public schools, chosen because they would have the greatest impact on the largest number of students. Specifically, I asked for \$3.5 million to be given to the D.C. Control Board to be passed on for reading tutors in the District's 73 lowest performing schools. I then asked that the other half be provided to the Secretary of Education to fund proven reforms that fit the District's 70 lowest performing schools.

I drew that section of my substitute from the Porter-Obey bill that we passed last year on school reform demonstration projects. Beyond the quality controls now being implemented by the District's impressive new superintendent, Arlene Ackerman, the Porter-Obey program requires approval by the Department of Education, and thus I thought that that kind of substitute

would guarantee precisely the kind of controls and the kind of outcomes, and the substitute met all the issues that I believe Republicans and Democrats say mean most to them; the emphasis on devolution for Republicans that has been thrown over to the side, as if the people of the District of Columbia were wards of this body, or colonists before the Declaration of Independence. Mr. Speaker, I am here this morning to warn every Member that this Member will not be treated as if she represents colonials.

The substitute would also, of course, not only have satisfied devolution concerns but the concerns of Democrats to reach the majority of the kids in the D.C. public schools.

Now, the substitute was not made in order, nor was an amendment by the gentleman from Virginia (Mr. SCOTT) made in order that would apply the civil rights enforcement mechanism to these vouchers.

What the majority has done is to create a fiction, saying that public funds in these 100 percent Federal funded vouchers are not State aid for purposes of civil rights enforcement. Thus, if there has been a violation of civil rights under these vouchers, the only recourse would be to file a suit in Federal court, which of course, would be impossible for the low-income residents to whom these vouchers are directed.

Mr. Speaker, I ask Members to oppose this rule, whether Democrats or Republicans. I ask them to respect the people of the District of Columbia who have voted in a percentage of 89 percent against vouchers.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me this time.

Mr. Speaker, first of all let me say to the gentlewoman from the District of Columbia (Ms. NORTON) that this is not and should not be seen as a Washington, D.C. bashing bill. The delegate from Washington, D.C. is very passionate in representing her area and does a great job.

I served on the Committee on Appropriations Subcommittee on the District of Columbia. We worked with the Control Board, we worked with Marion Barry, we worked with a lot of people in the years I was on that committee and tried to be as sensitive as possible. And I believe that the gentlewoman would agree that there were lots and lots of rhetorical charges about what the big bad Republicans were going to do, and yet in the final analysis, much of what she pushed for was actually put into law on all aspects of the District.

So I think it is very important to say that we have worked on a bipartisan basis and on a slow basis in terms of any reform effect in Washington, D.C. because, as one of the appropriators said, it is a free vote for us to the de-

gree that nobody is going to answer to the people in Washington, D.C. except for the delegate. But I think rather than abusing that, the Republican Congress has taken all kinds of extra steps so, though, that we can be fair and so forth. This is not and is not designed to bash Washington, D.C. schools.

However, let me say this. As the son of an educator, as the brother of an educator, as the brother-in-law of an educator, I come from a family of educators. And I believe one thing that I have learned around the family dinner table is that education should be dynamic. We should focus not on the system always, not on the teachers always, not on the structure, certainly not on the politics, but we should focus on the classroom, the child and the teacher, and that relationship.

As we focus on it, we should ask, will this legislation or will this matter help that child out there achieve a better education so that he or she can go on to compete with children from Miami to New York to San Francisco to Stockholm to Tokyo? And I believe that if we ask those questions and put the children first, we can see that this is a reasonable approach.

Mr. Speaker, this is not a hard ball approach. This is a choice. Think about it on a small business basis. If we said one particular type of small business would have the monopoly, there would be no more pet stores except for the ones that were in existence. There would be no more barber shops except for the ones in existence. There would be no more restaurants except for the ones that are in existence. People would say, "What are you doing? That is going to kill the quality of the product," and I would agree with them.

Why is education so special that we are afraid to put in that same element that drives the American economy of small businesses? Why is education above a little competition? I believe education is sacred enough that competition will enhance it. I think it is very important.

Last night I had the occasion to go to a dinner for Gulfstream Aerospace, which Ted Forstmann is the Chairman of the Board, and they were receiving the Collier Award for Excellence in Aviation, and he talked about competition and he talked about being an American and, yes, the subject of the D.C. Scholarship Fund came up, which he is the author of.

Mr. Speaker, I have and I will submit for the record testimony of one woman, and I am going to quote directly a Mrs. Jones, because she competed as one of the 8,000 people who wanted the 1,000 scholarships and she did not make it and she was crying. And then Mr. Forstmann called her later on and said instead of giving out a thousand scholarships, he was going to give out 1001 scholarships. Here is what she said: "And when they tell me that I won, I was screaming and yelling and acting like a fool. You do not know how I prayed for that scholarship."

That is what this is about. It is about this woman and her child.

The question of constitutionality has come up. Let me say this, and I will submit this for the RECORD, Mr. Speaker, but the scholarship program fully satisfies the constitutional requirements under the first amendment. The Supreme Court has held that assistance such as the scholarships provided in this bill is permissible if, one, the choice where to use the assistance is made by the parents of the students, not the government; number two, the program does not create a financial incentive to choose private schools; and, number three, it does not involve the government in the schools' affairs. This, like the GI Bill, Pell Grants, and Federal day care assistance is a choice of funds where the choice is made by the recipients and not by the government.

I will also submit a letter to the gentleman from Texas (Mr. ARMEY) Majority Leader, from Clint Bolick, the vice president of the Institute for Justice, where he cites five different cases, and I will submit this for the RECORD, Mr. Speaker:

Myth: The voucher program violates the separation of church and state and is unconstitutional

#### FACT

The scholarship program fully satisfies the constitutional requirements under the First Amendment. The Supreme Court has held that assistance such as the scholarship provided for in the bill is permissible if: (1) the choice where to use assistance is made by the parents of students, not the government; (2) the program does not create a financial incentive to choose private schools; and (3) it does not involve the government in the school's affairs.

The D.C. scholarship program fulfills these criteria. Like the G.I. Bill, Pell Grants and federal day care assistance, the choice of where the funds are expended is made not by the government but by the scholarship recipients. Because the amount of the scholarship is equal to or less than the cost of tuition, the program does not create a financial incentive to choose private schools. Scholarships are also made available under this legislation to pay costs of supplemental services for public school students, who already receive a free education. Moreover, the program involves only those regulations necessary to ensure that reasonable educational objectives are met, and does not create entanglement between the government and religious schools. The scholarship program does not impermissibly establish religion, but instead serves to expand educational opportunities for children who desperately need them.

INSTITUTE FOR JUSTICE,  
October 3, 1997.

Hon. RICHARD K. ARMEY,  
U.S. House of Representatives, Cannon House  
Office Building, Washington, DC.

Re constitutionality of District of Columbia  
Student Opportunity Scholarship Act  
of 1997.

DEAR MR. ARMEY: Thanks and congratulations to you and your colleagues for sponsoring legislation that would create unprecedented educational opportunities for economically disadvantaged children in the District of Columbia. Having defended parental

choice programs in Milwaukee and Cleveland, I can attest to their enormous contribution toward the goal of equal educational opportunities.

Critics of parental choice have raised the red herring of constitutionality. They contend that the moment a dollar of public funds passes the threshold of a religious school, it violates the constitutional prohibition against religious establishment—a position repeatedly rejected by the U.S. Supreme Court. Of course, such reasoning also would invalidate the G.I. Bill, Pell Grants, daycare vouchers, and the Individuals with Disabilities Education Act, all of which allow the use of public funds in religious schools. It is true that state courts have divided over the constitutionality of parental choice, usually ruling on state rather than federal constitutional grounds. The Cleveland program, which was upheld by the state trial court but struck down by the court of appeals on First Amendment grounds, has been allowed to continue—including religious schools—by the Ohio Supreme Court pending review.

For our purposes, only the First Amendment is relevant. In an unbroken line of cases since 1983, the U.S. Supreme Court has held that programs that allow the use of public funds in religious schools or religiously-sponsored activities are permissible so long as (1) the decision where to use the funds is made not by the government, but by parents or students; and (2) religious schools are only one among a range of options, and no financial incentive is created to choose private schools.

The following U.S. Supreme Court decisions have developed these principles:

*Mueller v. Allen* (1983): The Court upheld a state income tax deduction for educational expenses, even though the vast majority (roughly 96 percent) of the deductions were used for religious school expenses. The Court noted that the deduction was available for expenses incurred either in public or private schools, and that public funds are transmitted to religious schools "only as a result of numerous choices of individual parents of school-age children." The independent choices of third parties render the aid "indirect," as opposed to direct subsidies of religious schools.

*Witters v. Washington Department of Services for the Blind* (1986): The Court unanimously upheld the use of college benefits by a blind student to study for the ministry at a divinity school. The state transmitted funds directly to the school at the student's direction. Again, the Court found that "[a]ny aid provided by Washington's program that ultimately flows to religious institutions does so only as the result of the genuinely independent and private choices of aid recipients," and that the program "creates no financial incentive for students to undertake sectarian education."

*Zobrest v. Catalina Foothills School District* (1993): The Court upheld the use of a publicly funded interpreter by a deaf student in a Catholic high school. The interpreter translated religious as well as secular lessons. "By according the parents freedom to select a school of their choice," the Court reasoned, "the statute ensures that a government-paid interpreter will be present in a sectarian school only as a result of the private decision of individual parents."

*Rosenberger v. Rector and Visitors of University of Virginia* (1995): The Court approved the direct funding of a religious student publication because other non-religious activities were funded as well. "A central lesson of our decisions," the Court declared, "is that a significant factor in upholding governmental programs in the face of Establishment Clause attack is their neutrality toward religion."

*Agostini v. Felton* (1997): The Court overturned previous adverse Supreme Court precedents and allowed the use of public schoolteachers to provide remedial instruction inside religious schools. Again, the decision relied heavily on the program's neutrality between religious and secular schools.

The District of Columbia scholarship bill was carefully drafted to meet the applicable constitutional standards. Just like Pell Grants and other current federal programs, it places funds at the disposal of beneficiaries, who may use them in public, private, or religious schools. The program does not create an incentive to choose religious schools; in fact, all except the poorest families receiving scholarships will have to contribute to tuition if they choose private schools. Unquestionably, the primary effect of the scholarship program is not to establish religion, but to expand educational opportunities to children who desperately need them.

I hope these comments are helpful to you and your colleagues as you proceed toward passage of this program. It is an essential part of the effort to empower parents and improve public education in our nation's capital.

Very sincerely,

CLINT BOLICK,  
Vice President and  
Director of Litigation.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I would just like the record to show that the quotation just cited did not apply to vouchers but to tax schemes, not vouchers to parents. But the decisions from which I quoted, where vouchers were found unconstitutional, applied directly to vouchers of precisely the kind at issue here.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

Mr. Speaker, I believe it was Socrates that said the living are to the dead as the educated are to the uneducated. In our society today, an education is a person's future and their future extends from cradle to grave, and we all will be learning our entire lifetime in this next millennium.

I have to agree with the gentlewoman from the District of Columbia (Ms. NORTON) when she said that D.C. has some of the finest schools in the country, and D.C. has, just as every other school system in our country has, some schools that are in dire need of help.

I have visited D.C. schools and met with Vera White, a principal at Jefferson Junior High School. She knows every single name of every single student and knows where they live and keeps them after school for homework. They have a space lab in the basement. They have honor roll students and people clamoring to get into that public school. It is a great school.

They have the charter school, the Options charter school in D.C. that may

be the best charter school that I have been in in the country.

But we also have problem schools in D.C., and in Chicago, and in L.A., and in New York, and in Indiana. And we can get up on the floor and point fingers and say we have got a better solution than our opponents, just as we did with the budget and we said it was President Reagan's fault or it was the Democratic Congress' fault.

Mr. Speaker, it is time for us to work together on the issue that the American people are the most keenly interested in and come up with bipartisan solutions to solve this Nation's problems.

Mr. Speaker, this bill does not do it. It does not give our party anything but a motion to recommit. I strongly urge our side and the Republican side to vote for the motion to recommit to be offered by the gentlewoman from the District of Columbia, for full, whole school reform and for more reading tutors in our schools.

My problem with the vouchers is twofold. We have heard the Republicans accuse the Democrats, and sometimes rightly so, of trying to redistribute wealth in our country through the tax system. That is exactly what this bill does. It takes \$7 million that is going to go to the public education system and diverts it to private schools.

If we want to raise \$50 million like they are doing in San Antonio, Texas in the private sector, that is great. I support those programs, but do not redistribute money from public schools that is intended to go to public schools and have it go to private schools.

Secondly, when we have said we want to work in a bipartisan way to fix the IRS, we do not say we are going to fix it for 2,000 people and leave the rest of the people on their own. That is what the voucher program does today. This bill says we have got a problem with 78,000 schoolchildren and we are going to fix it for 2,000 of those 78,000.

The Democratic Party, or I guess I am speaking for myself from Indiana, we are not happy with the status quo. That is why we passed charter school reform. That is why later today in the higher ed bill I have included an amendment in the bill that is for alternative teacher certification, so that new teachers can come through the system that have military experience, that have experience in the private sector.

I am for closing down poorly performing schools, reconstituting schools.

□ 1100

I am for new ideas in our schools, but the voucher program is not big enough to help our Nation's schools. It is experimental only on D.C. school children and 2,000 of them.

I encourage my Republican colleagues, let us work together, as we did on balancing the budget, on education. Let us work together on what the American people think is the key issue

out there, providing good quality, affordable education to children in D.C., Indiana, and California.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. NEUMANN).

Mr. NEUMANN. Mr. Speaker, I would like to make a couple of very specific points here. What this is really all about, what we are talking about today is allowing poor and moderate income families to make the same and have the same choices in where they send their kids to school as middle and upper income families.

My friend, the gentleman from Indiana, who I agree with on so many different things, on the other side of the aisle, I do agree with him that this idea of fixing it for 2,000 is not the right solution.

I think what we should be doing here today is taking the education dollars that are already being spent and empowering parents all across America to be making the decision for where they send their kids to school.

I would like to make a second point, because we have heard a lot about how this is transferring public education dollars to private schools and somehow this is a new idea in America. That is just plain not right.

We have a system for higher education in America today called a Pell Grant system. Pell Grants are college scholarships that are literally given to students that go to teacher and pastor training schools, all sorts of different religious schools all across the United States of America.

These Pell Grants are not given with strings attached that the government is telling these teacher and pastor training schools for religious institutions across America what or how to teach; they simply give them the Pell Grant. Those are Federal tax dollars that are already being handled in this manner. This is not even a new idea that we are talking about here today. It already goes on all across America.

I think the number one social problem facing America today is education. The fact that our kids rate somewhere in the twenties in the world is just plain unacceptable. We need to as a Congress, we need to as a Nation retarget our ideas that our kids become, again, the best educated kids in the entire world.

To do that, one idea is more Washington involvement, more Washington tax dollars, and more strings from here; and that is wrong. It does not work. The right idea to solve the education problems facing America today is to empower our parents to once again be actively involved in the decisions on what our kids are taught, where it is taught and how it is taught.

The way we empower our parents to be able to make those decisions, in wealthy families they can make those decisions already, but in poor and moderate income families the way to do this is to empower and have this sort of voucher system.

Mr. Speaker, I want to take 30 seconds to point out that if we are successful at empowering our parents to be actively involved in the choice of where their kids go to school, what they are taught and how it is taught, there is a very interesting side benefit. Studies show, of 12,000 teenagers that were looked at, if parents were more involved in these teenagers' lives, the immediate impact is less crime, fewer drugs are used, fewer teen pregnancies, and teen smoking goes down immediately.

As we are solving the problem of education by allowing our parents to be more involved in what their kids are learning, where it is taught and how it is taught, we expect side benefits in other areas that will benefit this Nation greatly.

Mr. FROST. Mr. Speaker, I would inquire the time remaining on each side.

The SPEAKER pro tempore (Mr. HULSHOF). The gentleman from Texas (Mr. FROST) has 11½ minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 14 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

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

Mr. Speaker, I rise to very strongly oppose this rule and also this very misguided bill. My colleagues on the Republican side come up and they tell us this is a noble experiment. Folks, this is not an experiment. This is a plan masquerading as a policy.

The gentleman who preceded me made a very cogent point. This bill only helps 2,000 students in the District of Columbia. That leaves 75,000 students in the District of Columbia who get no help whatsoever. This bill only appropriates money for one year, so at the end of this year it is very uncertain as to whether this noble experiment will even be able to continue. More importantly, this so-called noble experiment has been rejected already by 20 States. In fact, three States in public referenda rejected this idea twice.

This is a very poorly thought out idea. Here is why: We did a study and looked at some of the private schools in the District of Columbia. What we found out was that approximately 90 percent of the private schools in the District of Columbia charged tuition far in excess of what is being provided.

So this notion that there is going to be this great choice for families is really a mistake. It is really a fraud. They are not going to have the choice to go to the Sidwell Friends or the St. Albans and the great private schools.

Let us be candid. Sure, if we gave someone the money to go to the best private school in America, would they get a good education? Yes. The fact of the matter is the Republicans cannot do that and are not planning to do it. It is not practical. The money does not exist.

What they are basically doing is patronizing the citizens of the District of

Columbia by saying we know what is best for them, and we are going to take money away from their school system and put it into this experiment. But no, no, it is not their money; it is new money.

Look, here is the reality. The District of Columbia needs money for discipline programs, for reading tutors, for aftercare programs. If we want to fundamentally improve education in the District of Columbia or if we want to fundamentally improve education in America, what we need to do is invest in public schools. If there is new money, do not experiment, put it into the school system where it can really be used.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. TALENT).

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

Mr. Speaker, I want to begin my comments here today by quoting something Lyndon Johnson said, but before that, the Bible said it. He said: "Let us reason together." That is what I hope we can do in this debate.

I do not want to bash the District of Columbia schools. I think we owe these kids and their parents who care so much about this debate the truth. I think we should be candid. I think we should reason, then, about the truth.

The truth of the matter is that the District of Columbia schools are not safe, and the kids are not learning, and everybody knows it. The longer they stay in the District of Columbia schools, the less they learn. The longer high school students stay in the D.C. schools, the more their test scores drop below the national average. Thirty-three percent of the third graders in the D.C. public schools score below basic levels in reading and math, and 80 percent of the fourth graders score below basic levels in reading and math.

For kids who come from these neighborhoods and have as few options as these kids have, if they are not learning how to read, it means they are ending up in gangs or on drugs or many of them dead. That is what it means to these kids. Those are facts that annihilate all these other facts and the rest of this debate. Let us tell the truth about the situation these kids are in. If we cannot give them anything else, let us give them the truth.

The second point, Mr. Speaker, this bill will help at least these kids. Do not show disrespect to their parents, who are lining up by the thousands for these scholarships, by saying it is not going to help them. They know it is going to help them. It is exactly what any of us would do. That is the reason they wanted the scholarships. So we know the schools are failing. We know we can help these kids.

Then the other argument, which I respect because we have got to do something about the public schools, is what about the other kids? What about the rest of the public schools? This is not the way to help them.

Mr. Speaker, this may be the only way to help them. This kind of choice program is operating in other schools, and that is what they are telling us. This is what the former superintendent of Milwaukee public schools says:

So what I am arguing is that we have got to support the changes that will make the difference for kids both inside and outside the existing system. But it is the existence of an option outside that will help you fight, make the improvements inside, because no matter what people say rhetoric-wise, I can tell you, you can stand up and talk all you want about what needs to be done, but if people know this is the only game in town, there is absolutely nothing you can do other than run your mouth off about what needs to happen. It is not going to happen for the majority of kids.

This is exactly the kind of leverage that will support the reformers and give them the opportunity to change a system that is bogged down in bureaucracy and entrenched interest. The District of Columbia schools have three times as many administrators per teachers as other city schools around the country.

What else can we do if we do not do this? I will just close by saying this: We appointed a general as the czar of the District of Columbia public schools, and he tried for a year, and he quit.

This is a program that addresses a need we all know exists. It will help the kids who get these scholarships, and it is going to help the kids who remain. Let us do something for these kids. Let us reason together about this process, and then send this bill to the President.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition of this so-called District of Columbia Opportunity Scholarship Act.

This piece of legislation would put our educational system at risk. Supporters of this bill argue a chance for a better education; however, 93 percent of the students in our Nation's Capital will not benefit from this \$45 million bill.

There is no evidence that vouchers are an effective way to improve education. In fact, it leaves those students who cannot benefit from this voucher system worse off.

Every child in the District of Columbia and across the Nation deserves our assistance for a quality education. I urge my colleagues to listen to the people of our Nation's Capital who want to build their community and not dismantle a public education system of which many of us have been beneficiaries. Make no mistake about it. The Republicans want to dismantle public education in this country and not work to strengthen it.

Mr. HASTINGS of Washington. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Washington (Mr.

HASTINGS) has 10½ minutes remaining. The gentleman from Texas (Mr. FROST) has 8¼ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2½ minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I very much respect the gentlewoman from the District of Columbia (Ms. NORTON), and I know how hard she works to face the problems that are in the District, which everybody acknowledges. So I do want to say that this bill is in no way an attack on the D.C. school system. This bill is a way to look for solutions to help and to solve some of the problems.

Most of the people will agree, and I think it has been well documented in the press, that there are a lot of problems in this school system. There are problems, yes, in school systems all over the country. It seems to be the number one issue that parents say they are concerned about, is the education of their children.

What we are looking at doing with this bill is providing some choice for those parents. This bill would give those parents in D.C. the same opportunity as parents in other communities across the country have.

Last fall when the private scholarship fund, the Washington Scholarship Fund was announced, this was only for 1,000 scholarships that would be paid for privately. There were 7,573 children who applied. That is one out of every six eligible children in the District applied.

I think that sends a very strong message that there are parents in the D.C. school system who would like and appreciate their child to have that choice. This does not take any money away from the school system. This is additional money, additional dollars that are going into this program.

Competition is what has driven America. Competition works with students. Students thrive on competition. Business thrives on competition. There is no reason our school system could not thrive on competition. It is very healthy in America, and it makes things run.

I would also like to just say for the record that my understanding is that the constitutional issue was a State constitutional issue in both of those cases. This is not something Federal.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, let me correct the gentlewoman from North Carolina on both of the decisions, both the Wisconsin and the Ohio decisions. The courts looked both to their State constitution and specifically, specifically grounded their decisions on the Constitution of the United States of America as well.

□ 1115

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in opposition to the rule and the bill. Quite frankly, the District of Columbia, in my judgment, is a city in trouble, with deep problems. We have individuals in trouble, families in trouble, and reduced population. Families are, in fact, moving out.

I think some of the initiatives that have been made to try to invest in the public schools in terms of reading and some of the other voluntary efforts are good but not nearly enough considering what we really have to accomplish.

This bill, frankly, indicts the D.C. public schools. The D.C. public schools are not the problem. They are the solution. The problem is in the broader community. And by taking dollars away and not facing up to this and suggesting we are going to abandon those schools, we are sending the wrong message.

One of the messages was to let a military general run it. Well, after a year he quit. It is a tough job. He could not handle any more of this task. I appreciate that. I understand it. I taught for about 10 years myself, and I do not know I want to go back into the St. Paul Minneapolis, schools today and try to teach much less administrate the whole district.

But the fact is, we have to invest in these kids. We have to invest in this community. The old paradigm of getting by that worked when I was in school or when I was teaching does not work.

Look at what is happening in Chicago. Seven in the morning till seven at night. We talk about kids entering school, and they actually go backwards. The fact is, if you try to plot those kids in some of these schools, we will find the population of students in September is practically 100 percent different in May. There is no continuity. How can anyone teach under those circumstance?

These are the types of problems we face as they come through the door. Does anyone in this Chamber or in this country seriously believe that the people that have devoted their lives to public education are somehow not interested in kids? That is fundamentally what these statements on the floor of Congress are saying.

We have public education for democracy to educate the people in this country, to bring them forward. But the type of students we are getting, the kids we are getting, have more problems, and we have to meet those needs.

It is a big investment. It may mean choosing between weapon systems and investment in people, but Congress has not been willing to do that. We are trying to buy off on the cheap with these vouchers. I think these kids are worth a decent investment not a gimmick which only offers cosmetic pseudo solutions.

There is perhaps no issue more important to the future of this country than education. As an educator, it has always been a priority of mine to ensure that our children are given the



chance to partake in a quality learning environment. While I understand that confidence in our public school system has eroded, the solutions proposed don't address the problem. A voucher program is not a reasonable or adequate solution to current challenges and problems in the public schools of D.C. and our nation.

All Americans have a stake in our public schools. Public schools were established to provide equality of the most basic and important opportunity—the opportunity to learn. However, voucher programs would make schools more inequitable than they already are and widen the gap between some privileged and the vast majority underprivileged students.

Proponents of the school voucher initiatives maintain that this system would bring healthy competition into the educational system. This is an unfair assumption, however, because public schools have greater limitations and restrictions than their private counterparts. For example, private schools are allowed to pick and choose and exclude students, while public schools must accept every student, regardless of past academic achievements. Also, it is unclear that physically and mentally disabled students would be considered in such plans. Currently, private schools are not required to include special services for these students.

Make no mistake, a voucher program redirects public funds from public schools to private schools. This shift leaves public schools—which far outnumber private schools—with less sufficient resources. Expanding educational choice for some students should not come at the expense of others. Rather than siphoning students away from public schools, and the abandonment of the D.C. public schools, we should be focusing our efforts on the important mission of improving such schools and the schooling within. This legislation provides a select few students with vouchers, while providing no answers for the 76,000 students left behind in the D.C. public schools.

Accept the implicit statement that Congress has given up on D.C. schools. The same money spent on vouchers could be better used for teacher training, smaller classes, expanded support systems and a host of other important improvements. Instead of this political solution, we ought to help all 78,000 children improve their skills with the same money that would provide just 2,000 children with private school educations. Vouchers anticipated under this act help only 3% of the children in D.C. schools.

The consideration of choice options will no doubt be influenced by many factors. However, let's keep in mind that children are our nation's most precious resource—all of our future. Rather than voting for a program that will only benefit a select number of students, we must ensure that all of our children are provided with the best possible opportunity to learn so that they are prepared for the challenges of the new millennium. Let's can the new B-2 bombers or the missile defense system and put students first. Let's invest to make every child in D.C. a winner.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the Dis-

trict of Columbia Student Opportunity Scholarship Act. If ever there was a national priority to do something about the state of education in this country, K through 12, it is now. That is why I rise in support of this initiative as well as supporting the initiative laid out by President Clinton.

I am a product of the public school systems. I went to a public college. I do not indict the public school system; in fact, I revere it. But there are problems.

And in the District of Columbia, where this is supposed to be the shining beacon of opportunity, of democracy, we have a serious problem. We are saying it is okay for children of people who work in the administration, whether it be the Democrat administration or the Republican administration before it, it is okay for the children of Members of Congress all to go to private schools, because we can do something about it, but let us trap in a failing public school those kids who come from families who do not have the means to escape a failing system.

Now, that is not an indictment of all public schools, but here in the District of Columbia, that shining beacon of democracy, we cannot get our hands around the problem. So we say to these parents, sorry, your kids must go to these failing schools, but I, as a Member of Congress, will send my kids to private schools. I, as a member of the Clinton administration, will send my kid to private schools.

Why do we not embrace, all of us, Republicans and Democrats alike, the vast initiatives that will put this Nation on record as making a priority over the next 25 years of improving the excellence of public schools across this country?

Let us go for voluntary testing standards. Let us go for 100,000 more teachers in the classroom to reduce the size. Let us put subject matter back in the Ed schools, not just method. Let us go for teacher training and do the kinds of things that will build success and assure that the United States of America remains number one in the global economy for our children and our grandchildren to come and that we do not rest on the laurels of success of the last 100 years and think that everything will be all right.

We have serious problems in our education system K through 12, and we have an obligation as a Nation to deal with those problems. Keep decision-making local, keep control in our States, but let us put the Federal Government on record as wanting to do something about deteriorating schools and overcrowded schools and crowded classrooms.

If we care about our children, we will put this initiative forward. We will pass this initiative to give some choice to kids who are trapped in a failing system.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

The preceding speaker may be speaking for Republican Members of Con-

gress, but my three children graduated from public schools, and I know many Members on my side of the aisle whose children attend public schools.

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

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

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to this bill.

Mr. Speaker, look at this little girl, one of nine children. Her father was a sugar cane cutter. Her mother sold food to the sugar cane workers in the sugar cane plantations to help make ends meet. This little girl would have never gone to college if we had turned our backs on public schools. This little girl would certainly never have become a Member of Congress if we had turned our backs on public schools.

My colleagues, do not be fooled. This bill is an abandonment of our Nation's commitment to public schools and public education. This bill tells that little girl and millions and millions of children like her that we are giving up hope on providing them with a quality education.

The Republican leadership wants to take \$45 million away from public education to provide 3 percent of D.C. schoolchildren with vouchers that they do not want and will not be able to use. That is so shameful. That is not the way that we strengthen public schools in our Nation. We strengthen public schools and public education by investing more resources, not taking it away from them.

What sense does that make? It makes sense if we want to kill public education. That is what the Republicans intend to do under this bill, kill public education. Vote "no" on this terrible bill.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

This is a terrible rule. This is a terrible bill. This is a closed rule. We have been denied the opportunity for the one representative from the District of Columbia to even be heard on this matter, to offer an amendment.

I urge this rule be rejected and this bill be rejected.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I have heard several statements made this morning and I want to make an effort, hopefully, to correct the record and set the record straight.

One of the things that I heard earlier in argument concerning this rule was that this legislation would only help so many students, about 2,000 students, and that this is an experiment for D.C. public schools. And the essence of the comments were that why just do it here in D.C.? If we are not going to do it elsewhere, then it is a bad experiment.



Well, I would like to note for the record that our former colleague, Floyd Flake, a Democrat from New York, and the gentleman from Missouri (Mr. JIM TALENT) and myself, all three of us offered a scholarship program about, I guess, last October. That was defeated. And that scholarship program would have been nationwide. We were proposing to do the same thing in all 50 States that we are proposing doing here in the District of Columbia this morning. And just for the record, about 90 percent of Republicans supported that and about 95 percent of Democrats voted against it.

But there are several other things that I would like to make note for the record. The question was asked, does the scholarship bill not drain D.C. public schools of the resources they desperately need?

And the answer to that is an emphatic no. The legislation would not take one dime away from D.C. public schools. It is over and above what money goes to D.C. public schools. The funding for this proposal would not come out of the district school budget. In fact, under the bill, per-student spending for public schools would increase, because the budget will remain the same, but there will be 2,000 fewer students in the public school system.

Another question is, is the amount of the scholarship not too small for the parents to afford to send their children to all but a handful of schools?

Well, there are 88 private schools inside the Washington Beltway that cost less than \$4,000 per student, including 60 that cost less than \$3,200. These schools include Catholic, Protestant, Muslim and private nonsectarian schools.

Another question that has been raised this morning is, will private schools not just cherry-pick the brightest students and leave the public schools with the students who need the most help?

Well, the scholarships do not go to the schools. They are awarded to parents. The parents decide where the children go. So the parents, if there is any cherry-picking, the parents will be the ones doing the cherry-picking. They will pick the best schools. The parents will. Not the teachers, not the school system, not the government, but the parents will determine where their children go to school.

There is another question under the bill, is will schools not be able to discriminate against children, African American children, or against any other group of children that the legislation does not protect?

Section 7 of this bill specifically prohibits discrimination. It reads, "An eligible institution participating in the scholarship program under this subtitle shall not engage in any practice that discriminates on the basis of race, color, national origin or sex."

It also specifically states in section 8 that nothing in the bill shall affect the rights of students or the obligations of

the District of Columbia public schools under the Individuals With Disabilities Act. Nothing in the bill waives any current Federal, State or local statute protecting civil rights. In fact, private and religious schools in the District today are already subject to D.C. civil rights laws, one of the most expansive in the country.

Mr. Speaker, I say to my colleagues, good public schools should not be threatened by this legislation. We talk about how money is going, that we are taking money from public schools and putting it into the private school system. We fail to overlook that the money from this program is over and above the D.C. public school funding.

And we talk about how we are taking money from public schools. Let me tell my colleagues, when I went to Congressman Flake's district and looked at his school system up there, and I have traveled around the country and looked at different private school programs and what they are doing and what the Catholics in New York are doing, and we talk about cherry-picking, there are private schools in America today where they take the lowest on the totem poll.

□ 1130

Say, give us the most challenging student that they have. We will take them. We will prepare school just for them. But we talk about cherry-picking, we talk about where the money is going and how we are taking money from public schools.

And I heard Floyd Flake. Floyd Flake reminded me of something very important that I think we all should note and all should remember. He said this. He said, we are talking about taking money from public schools. He said, our prison system is what is taking money from public schools, because rather than spending the money on our kids to read, write, and do the arithmetic, putting them in quality venues, we end up spending \$25,000 or \$30,000 a year because they cannot read, write, or do the arithmetic but put them in prison.

So I support my colleagues on the Democratic side and Republican side as well to say, let us support this rule. Let us support this legislation. This is good public policy.

Mr. GOSS. Madam Speaker, I rise in support of the rule. As this legislation is the result of a negotiated compromise and the work of both Houses, I do believe that a closed rule is appropriate.

No one can deny the children of our Capitol City are in trouble. Almost every measurable statistic proves that the D.C. school system is failing these children. One in particular, though, is staggering—85 percent of D.C. public school graduates who enter the University of District Columbia need remedial coursework before beginning their college studies! But our focus should be on children and families, not statistics. These families should not be forced to tolerate failure—they should be empowered with choice so that their kids can succeed.

Given the dismal state of the D.C. school system and the common sense approach this

legislation takes, it is difficult to understand why some of my colleagues are so opposed to this bill. S. 1502 is straight forward—it adds \$7 million of new money so that 2,000 kids can receive scholarships to attend the school of their choice and an equal number of students may receive tutorial assistance. That means more money per pupil, not less. This is not about taking away from public education, it is about returning accountability to public education!

Mr. Speaker, school choice is working in my district because it returns accountability to parents and families, rather than education bureaucrats. Low-income D.C. residents support scholarships by a 59 to 17 margin. The demand is there, the need has been proven beyond question and today we are acting. I commend Mr. ARMEY, Mr. LIPINSKI, and others for their bipartisan leadership on this issue.

Mr. HASTINGS of Washington. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HULSHOF). The question is on the resolution.

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

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 199, not voting 9, as follows:

[Roll No. 117]

YEAS—224

|              |               |               |
|--------------|---------------|---------------|
| Aderholt     | Cox           | Hansen        |
| Archer       | Crane         | Hastert       |
| Armey        | Crapo         | Hastings (WA) |
| Bachus       | Cubin         | Hayworth      |
| Baker        | Cunningham    | Hefley        |
| Ballenger    | Davis (VA)    | Herger        |
| Barr         | Deal          | Hill          |
| Barrett (NE) | DeLay         | Hilleary      |
| Bartlett     | Diaz-Balart   | Hobson        |
| Barton       | Dickey        | Hoekstra      |
| Bass         | Doolittle     | Horn          |
| Bereuter     | Dreier        | Hostettler    |
| Bilbray      | Duncan        | Houghton      |
| Bilirakis    | Dunn          | Hulshof       |
| Bliley       | Ehlers        | Hunter        |
| Blunt        | Ehrlich       | Hutchinson    |
| Boehlert     | Emerson       | Hyde          |
| Boehner      | English       | Inglis        |
| Bonilla      | Ensign        | Istook        |
| Bono         | Everett       | Jenkins       |
| Brady        | Ewing         | Johnson (CT)  |
| Bryant       | Fawell        | Johnson, Sam  |
| Bunning      | Foley         | Jones         |
| Burr         | Forbes        | Kasich        |
| Burton       | Fossella      | Kelly         |
| Buyer        | Fowler        | Kim           |
| Callahan     | Fox           | King (NY)     |
| Calvert      | Franks (NJ)   | Kingston      |
| Camp         | Frelinghuysen | Klug          |
| Campbell     | Galleghy      | Knollenberg   |
| Canady       | Ganske        | Kolbe         |
| Cannon       | Gekas         | LaHood        |
| Castle       | Gibbons       | Largent       |
| Chabot       | Gilchrest     | Latham        |
| Chambliss    | Gillmor       | LaTourette    |
| Chenoweth    | Gilman        | Lazio         |
| Christensen  | Goodlatte     | Leach         |
| Coble        | Goodling      | Lewis (CA)    |
| Coburn       | Goss          | Lewis (KY)    |
| Collins      | Graham        | Linder        |
| Combest      | Granger       | Livingston    |
| Cook         | Greenwood     | LoBiondo      |
| Cooksey      | Gutknecht     | Lucas         |

Manzullo  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McIntosh  
McKeon  
Metcalf  
Mica  
Miller (FL)  
Moran (KS)  
Myrick  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Oxley  
Packard  
Pappas  
Parker  
Paul  
Paxon  
Pease  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Pombo  
Porter

Portman  
Pryce (OH)  
Quinn  
Radanovich  
Ramstad  
Redmond  
Regula  
Riggs  
Riley  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roukema  
Royce  
Ryun  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaefer, Dan  
Schaffer, Bob  
Sensenbrenner  
Sessions  
Shadeegg  
Shaw  
Shays  
Shimkus  
Shuster  
Skeen  
Smith (MI)  
Smith (NJ)

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

Wexler  
Weygand  
  
Bateman  
Dixon  
Gonzalez

Wise  
Woolsey  
  
Hall (TX)  
Jefferson  
Kennelly

Wynn  
Yates  
  
Meek (FL)  
Sandlin  
Smith (OR)

## NOT VOTING—9

□ 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

## NAYS—199

Abercrombie  
Ackerman  
Allen  
Andrews  
Baesler  
Baldacci  
Barcia  
Barrett (WI)  
Becerra  
Bentsen  
Berman  
Berry  
Bishop  
Blagojevich  
Blumenauer  
Bonior  
Borski  
Boswell  
Boucher  
Boyd  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Capps  
Cardin  
Carson  
Clay  
Clayton  
Clement  
Clyburn  
Condit  
Conyers  
Costello  
Coyne  
Cramer  
Cummings  
Danner  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Dooley  
Doyle  
Edwards  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Fazio  
Filner  
Ford  
Frank (MA)  
Frost  
Furse  
Gejdenson  
Gephardt  
Goode

Gordon  
Green  
Gutierrez  
Hall (OH)  
Hamilton  
Harman  
Hastings (FL)  
Hefner  
Hilliard  
Hinchey  
Hinojosa  
Holden  
Hooley  
Hoyer  
Jackson (IL)  
Jackson-Lee  
(TX)  
John  
Johnson (WI)  
Johnson, E. B.  
Kanjorski  
Kaptur  
Kennedy (MA)  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind (WI)  
Klecicka  
Klink  
Kucinich  
LaFalce  
Lampson  
Lantos  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Luther  
Maloney (CT)  
Maloney (NY)  
Manton  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McDermott  
McGovern  
McHale  
McIntyre  
McKinney  
McNulty  
Meehan  
Meeks (NY)  
Menendez  
Millender  
McDonald  
Miller (CA)  
Minge  
Mink  
Moakley  
Mollohan

Moran (VA)  
Morella  
Murtha  
Nadler  
Neal  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pickett  
Pomeroy  
Poshard  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Roemer  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sawyer  
Schumer  
Scott  
Serrano  
Sherman  
Sisisky  
Skaggs  
Skeltan  
Slaughter  
Smith, Adam  
Snyder  
Spratt  
Stabenow  
Stark  
Stenholm  
Stokes  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson  
Thurman  
Tierney  
Torres  
Townsend  
Turner  
Velazquez  
Vento  
Visclosky  
Waters  
Watt (NC)  
Waxman