GENERAL LEAVE

Mr. KIM. 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 H. Con. Res. 265.

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

There was no objection.

RESIGNATION FROM COMMITTEE ON EDUCATION AND WORKFORCE

The Speaker pro tempore laid before the House the following resignation from the Committee on Education and the Workforce:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 1998.

Speaker NEWT GINGRICH,
Republican Steering Committee, The Capitol, Washington, DC.

DEAR SPEAKER GINGRICH, This is to officially request a temporary leave of absence from the Education and Workforce Committee, effective immediately.

Because of my additional two Committee assignments and other pressing commitments, I have determined that this temporary change is necessary for the balance of the 105th Congress. Chairman Hoekstra and I have discussed this at length, and I understand one of our colleagues has expressed an interest in being appointed to the Education and Workforce Committee, with an assignment being made to the Oversight & Investigation Subcommittee.

I would ask that my seniority be preserved so that, should I chose to be reappointed to the Education and Workforce Committee at the beginning the 106th Congress it would be to my current position.

Thank you for consideration of this matter.

Sincerely,

JOE SCARBOROUGH.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2646, EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. ARCHER. Mr. Speaker, pursuant to clause 1 of rule XX, and by the direction of the Committee on Ways and Means, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. RANGEL. moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 2646, the Education Savings Act for Public and Private Schools, be instructed to agree to provisions relating to tax-favored financing for public school construction consistent, to the maximum extent possible within the scope of conference, with the approach taken in H.R. 3320, the Public School Modernization Act of 1998.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) will be recognized for 30 minutes, and the gentleman from Texas (Mr. ARCHER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

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

Mr. Speaker, nearly all Americans know that the most important issue facing us today is educating our young people to meet the challenges of tomorrow, especially as we move into the next century. It is going to be an era that, with all of the inventions and all of the wonders that we have accomplished in this century, will be absolutely nothing compared to what we have to face in the next century.

It is really so painful to see my Republican friends, instead of stepping up to the bar and asking, ''What can we do in a bipartisan way to make certain that our children are not used as ammunition in this great political fight that we have,'' so that at least we know, when the dust has settled, that we have a sound public school system that would train our kids and help our kids to be able to meet these challenges.

Instead of that, we have before us a bill that tells people, ''Save your money, enjoy tax-free benefits; and this is what we, as the majority party, have to offer you.''

Thank God we have people that can read in this country, that can see through the farce that is before us. If everything works the way the authors of the bills work, then in the period of a year, those who are fortunate enough to be able to send their kids to private school will have savings of $37. And because they want to make it abundantly clear that this is not restricted to the private sector, there should be savings of $7 a year for the kids in the public school.

How short our memory is when the millions of people who came to this country, so many without training, seeking a better way of life, looking for religious freedom, but better than that, wanting to make life better for their children, where we had a public school system that was there for them. Instead of reaching out, trying to destroy the system and substituting it with vouchers and tax loopholes, we should be saying that in this country of ours, every kid should be able to get a decent education.

It is absolutely disgraceful to think that we are just giving interest-free money when what we do have in the motion to instruct is an opportunity to vote for that motion to tell the conferees to come up with a bill that would modernize our schools and provide the funds that are there tax free for construction of decent public schools in this great country of ours.

What a shame it is that we have prisoners locked up in jails and locked up in penitentiaries that have better quarters than the kids have in our schools. I have visited schools throughout my district and throughout the country where kids cannot be in a classroom when it rains, where kids are in overcrowded situations. And these are the public schools.

They may not like them because the common man and the common woman have to send their kids there, but 90 percent of American youngsters go to these public schools. How can they be ignored? And what benefits can they get from this bill? We cannot take the money out of an individual savings account and rebuild a school or provide adequate space for the kids. It is a farce to do this, and it is even worse if we relate it to education.

So we have to be appreciative of two things: one, that our colleagues on the other side of the aisle are not serious, and that is good because it means that they do not want to do harm; one, they have allocated the money to pay for this bill with every bill they think the President is going to veto. And so, they are not serious, but it is a terrible, political thing to do.

And second, they know that the President is serious about the education of our children and will veto this farce so that the tax burden will not be on the American people.

So I ask my colleagues, please, when the appropriate time comes, let us instruct the conferees to come up with something decent, something that would improve our school system; and then we by agreement with our voters, Republicans and Democrats alike, will say that we have differences, but those differences are not so great that we are going to sacrifice the education of the American children.

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

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

Mr. Speaker, the education of our children is one of the most important issues that our Nation faces. Part of our educational system is outstanding; it is competitive with the world, if not better than the rest of the world. But there are other parts of our educational system that are falling behind.

Every day our moral and social fabric is strengthened when our children receive strong educations. As children learn and grow, we as a Nation are enriched.

Unfortunately, the state of education in America today is not as good in

some areas as it should be, and it is time to give our schools and our teachers and our children a helping hand. The House and the Senate have both passed strong measures to enhance the education of children. Now we must meet in conference, reconcile the differences between our bills, and send our plan to the President.

The House education plan is the best thing to happen to education in years. It is good for the public schools; it is good for private schools; it is good for parochial schools. And it is good for those parents who are more and more educating their children in their own homes. But most importantly, it is good for students everywhere; and that is good for America's future.

Our plan creates educational savings accounts that allow parents and children to deposit up to $2,500 a year into these vehicles for better learning. The money will grow tax-free, and it can be used for a variety of educational purposes. Parents can use it to pay for tutors, to buy books, supplies, and uniforms and can use it for tuition and special-needs services for the disabled.

Mr. Speaker, the time has come for us to put our children and our schools first. Although I know there are some who are under heavy pressure from special interests to oppose this bill.

□ 1045

Mr. President, do not veto this bill. Do not put the needs of the special interests ahead of the needs of our children and our schools. If you support Federal money through HOPE scholarships for public and private universities, why would you oppose Federal money for public and private secondary schools? If HOPE scholarships do not destroy public universities, why will educational savings accounts harm public high schools? The answer, Mr. President, is they will not.

Join me in putting our children and our schools first. Let us set partisanship aside. Let us do what is right for our children. There has been bipartisan support for this approach, both in the House and in the Senate.

Mr. Speaker, let me speak briefly to the motion to instruct. The gentleman from New York's heart is in the right place. He cares about children, too, and about education. But he wants a tenfold expansion of a program that was included in the Taxpayer Relief Act of 1997. That is impossible within the scope of this conference. The objectionable features to the gentleman from New York that are in this bill are actually not in his motion to instruct. His motion to instruct, if passed, would not change his opposition to the rest of the bill as he articulated in his comments.

But perhaps most importantly what he asks for in the motion to instruct is impossible within the scope of conference. It is not in either the House or the Senate bill. But his motion to instruct lives within the technical rules because he says do it within the scope of conference, knowing full well the scope of conference will not permit it to occur.

Very simply, this is an ill-conceived, ill-devised motion to instruct that will have no practical effect on the conference and should be voted down.

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

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume. I really enjoy working with the chairman of the Committee on Ways and Means. If he sincerely believes that the motion to instruct is outside the scope of the conference, I want to thank him for not raising a point of order. It saves me a little time in debating that and winning that issue on the floor.

I also would want to say that I really do hope that we all yield to special interests today, because our young people are very special. They deserve better than what is being offered to them in this bill. If there is anyone on the other side of the aisle that has enough imagination that they can tell this House how the public schools benefit under the bill, then I hope they research that issue and raise that question given the opportunity.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the bill we are about to send to conference is yet another attempt by the Republican leadership to drain precious dollars away from our public schools and put them into private schools. In fact, an analysis by the Treasury Department found that 70 percent of the benefits of the Private School Expense Act would go to families making $93,000 a year or more. The average middle-class family would find itself with a measly $10 benefit a year, not nearly enough to cover the costs of a private high school, which is typically about $4,500. We need to focus on improving the schools that serve 90 percent of America's children, the public schools.

We need to invest in technology and put computers in the classroom. We need to modernize and rewire all school buildings so that they can support the technology that is so essential for success in the 21st century. We need to invest in laboratories so that students have hands-on experience with science and have the chance to experiment and challenge themselves with new opportunities. We need to let public education do what it has always done in this great Nation of ours, be the great equalizer, allowing children in this country to succeed despite what their race, their creed, their gender or their economic status is.

We need to improve our public schools. Let us get to work on legislation that is going to help America's children, not just the token few. I urge my colleagues to vote yes on the Rangel motion to instruct.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to briefly respond to the gentlewoman who just spoke and the gentleman from New York, who clearly both object to the fundamental issues in this bill. The motion to instruct will not touch any of the issues that they oppose and I daresay would not bring about their vote for final passage, although I cannot presume to know how they would vote, but clearly does not go to any of the issues that were mentioned by the gentlewoman who just spoke.

But let me set one thing straight. This bill does not take any dollars away from public schools in this country. The gentlewoman misspoke about that. I think that she knows she misspoke. It does not drain dollars away from public schools. But what it does do is give parents an opportunity to save so that they can help to offset the costs of education for their children in elementary and secondary schools and to get some degree of tax incentive to do that. It is a very positive program that hurts no one and can only help.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding time. I have spent my entire life trying to make sure that every child has an equal opportunity for a quality education. But there has been nothing more frustrating than sitting here in the Congress of the United States to try to make that a reality. It is frustrating because over and over again year after year all I ever hear is if we have another program, if we have something else from the Federal level, if we do something more from the Federal level, things will improve. Well, they have not.

Now, this is the wrong approach. Why is it the wrong approach? For 20 years, sitting in the minority, I tried to get the former majority to please put your money where your mandate was in special education. If you put your money where your mandate is in special education, do you realize How many millions of dollars extra each year the Member from New York who spoke would get? Let me give my colleagues a good example of what he would get in his district. The York City School District is a district of 49,000 people. The mandate from the Federal level for special education costs that district $6 million. That is a little city, York City. This gentleman represents 600,000 who would be in that school district. My district, if they would get 40 percent of the excess cost that the majority of years ago promised they would get when they gave them a 100 percent mandate would get an additional $1 million, an additional $1 million to reduce class size, an additional $1 million to construct schools, to remodel schools. The gentleman from New York would get millions of dollars. All they have to do is help us put their money where their mandate was.

As I served in the minority, two-to-one minority, serving on the Committee on the Budget, the gentleman from Michigan (Mr. KILDEE) and I tried in a bipartisan fashion to do something about that. When I became chairman, you were sending them 6 percent of the 40 percent you promised them. In my third year as chairman, we are going to be up to about 11 percent. But that is a long, long way from the 40 percent that you promised. If you got that money to them, as I said before, they can do everything they need to do in remodeling schools and building schools, they can do everything they need, as a matter of fact, to deal with pupil-teacher ratio.

I tried to impress upon the President. If he wants to be known as an education President, and each one seems to want to be known as an education President, I am not quite sure why, but they do, all he has to do if he wants to win the hearts and the minds of all of the constituents in all of our districts is to help us get the funding for special ed that the local school district now has to pay. What did he do in his budget? He cut the appropriation for special education. We worked so hard in 3 years to get from 6 percent to 10 or 11 percent. But we have to get to 40 percent. Then I can look the gentleman from New York in the eye and say, ''Here is an extra 5, 6, $8 million each year your school district will get.'' If little York will get $1 million, his district has to get probably $10 million. I have not run his district yet. I have run many of them.

Let us approach it in the right manner. Let us get the mandate that we have sent from the Federal level, which is special ed; that is the only curriculum mandate. If anybody tells you we sent others, that is not true. But that one curriculum mandate is costing the local school district every opportunity to deal with pupil-teacher ratio, costing that local school district every opportunity to deal with crumbling buildings.

All we have to do, Mr. speaker, is put our money where the mandate was 24 years ago, and the local districts will take care of everything else. Let us not go in an opposite direction until we positively deal with that 40 percent of excess costs, because that local district cannot carry them. States are not helping them. We are not putting our money where our mandate was. And so what do they have to do? They have to take money from every other student, from every other project they want to do to fund the Federal Government mandate.

Please, let us once and for all have an all-out war to pay the 40 percent of excess costs. It was not done when you had a two-to-one majority, I am trying to do it with a slim majority, and that is not easy, but we need to work together to do it. We do not need any other new attempts to handle the problem. We just have to deal with the problem that we created from the Federal level, and then they will take care of everything on the local level.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman and honor and respect the dedication that he has given to the education of our American youth and promise in the future as in the past to try to work more closely with him in a bipartisan manner. I regret that he had so little to say about this legislation before us, but I can understand that, too.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

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

Mrs. LOWEY. Mr. Speaker, this is not about special ed or school construction. We should be doing both. Yes, education is a priority, should be a priority, and I would hope it could be a bipartisan priority. I rise to support this motion because, Mr. Speaker, schools are crumbling across this country. Classrooms are literally overflowing. Students are learning in hallways, but the leadership of this Congress just sits idly by. Yes, this is the public mandate. It should be a public mandate. We have a responsibility to rebuild our schools and make sure that every youngster has the opportunity to learn.

Last year nearly 120 Members of Congress showed their commitment to America's children by cosponsoring H.R. 1104, the Partnership to Rebuild America's Schools. This session we have a similar proposal led by the gentleman from New York (Mr. RANGEL), the dean of the New York delegation. It is called the Public School Modernization Act. Our program will make interest-free loans available to school districts across the country through the Tax Code. Under the bill, school districts will be able to issue special bonds at no interest to fund the construction or renovation of school buildings. The Federal Government will pay the interest on these bonds through a tax credit to bondholders.

Mr. Speaker, we simply cannot ignore the poor physical condition of our schools any longer. The GAO found that $112 billion is needed nationwide just to bring our schools into adequate condition. Rural, suburban, urban districts all face serious problems. It is common sense. Children cannot learn in severely overcrowded schools or when classroom walls are falling down around them.

□ 1100

In New York, where the gentleman from New York (Mr. RANGEL) and I come from, a survey in any office conducted found that 25 percent of New York City public schools hold classes in bathrooms, locker rooms, hallways, cafeterias, and storage areas. Almost half of our school buildings have roof, floors, and walls in need of repairs. A report by the New York City Commission on School Facilities revealed the following:

Nearly half of New York City schoolchildren are taught in severely overcrowded classrooms. Two hundred seventy schools need new roofs. Over half of the city's schools are over 55 years old. And approximately one-fourth still have coal-burning boilers.

Congress just passed with overwhelming support $218 billion to rebuild, maintain our Nation's highways, and I support this investment. But should we not also be investing in the future of our children?

The Republican leadership has time and time again refused to support efforts to rebuild our schools. I urge them to support this motion, and I invite them to come join us. The gentleman from New York (Mr. RANGEL) and I would be delighted to travel around to some of the schools. We brought Secretary Riley and our superintendent of schools, Rudy Crew, to see some of these schools. They tried to wire these buildings. They could not even wire them internally; they had to wire outside. And if we cannot provide this for our children, then what are we doing here?

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, simply to briefly respond to the gentlewoman. So many things are said on the floor of the House that just are not accurate, and that is unfortunate; probably well-intended, but spoken before adequate thought is given to the accuracy of what is said. Clearly the Republicans worked with the gentleman from New York (Mr. RANGEL) in the tax bill last year to put in a provision that he very strongly wanted to see put in. The Republicans have shown over and over again concern for our schools and quality education.

But the reality is that in this bill, neither the House bill nor the Senate bill has the proposal that has been supported on the floor today by the Democrats relative to an incentive to build more schools. It is not in either bill. It is not within the scope of conference; and yet the gentleman from New York's motion to instruct says that whatever we have to do must be within the scope of conference.

So clearly this motion is without any effectiveness in reality, but it has given them a basis to speak about something that they strongly believe in, and that is part of democracy. But we should not be given any illusion that there is any way that effectively this can be done in this bill.

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

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

Mr. Speaker, with all due respect, if this bill is going to be vetoed, then whatever we are saying is mute, and we can depend on the veto. By the same token, it is not unusual to waive points of order, and the conferees can do what they think is in the best interests of the Congress and the country, and to that extent I am willing to work with the gentleman and work out these differences of opinion.

Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY of Connecticut. Mr. Speaker, what the ranking member just said is the reason I rise in support of the motion to instruct. As this bill stands right now, it becomes an empty gesture because the President has already said he will veto it.

So, Mr. Speaker, if my colleagues really want to do something about the state of education in America today, they will vote for the motion to instruct.

The President has a very good reason why he is vetoing this bill: because it will spend virtually billions of dollars and end up not doing anything. The Joint Committee on Taxation tells us that if the provisions were converted to a tax credit for all taxpayers with children to qualify for educational expenses, the credit would be $15 per child.

Mr. Speaker, that is 15 hard-earned honest dollars, but we really know that that is not going to make much of a difference in the education of a child in today's world. The same money could be used to provide $7.2 billion in interest-free funds for school construction.

Mr. Speaker, I stand here today because my State of Connecticut desperately needs school construction money, so I urge my colleagues to support this motion to instruct and get on with doing what we have to do to make education better in these United States.

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from the State of North Carolina (Mr. ETHERIDGE), an outstanding educator who brings a great contribution in this area.

Mr. ETHERIDGE. Mr. Speaker, I thank the ranking member for allowing me this time.

Mr. Speaker, I rise in support of this motion to instruct. As a former State superintendent of my schools in North Carolina, I call on this House to reject the Coverdell voucher bill and instead invest the very precious resources that we have to help our States and communities build schools. At this very moment across America, 52 million children are attending classes. For too many of these children, their class is taking place in a trailer, in a closet, in an overstuffed or rundown classroom, and as we have already heard, yes, even in bathrooms.

Mr. Speaker, no student in America should be forced to attend classes in a substandard facility. No teacher should have to struggle to teach in these kind of facilities, nor in an unsafe and undisciplined environment. And no parent should be forced to condemn their children to these kind of facilities. And they should not have schools that are trailers.

We have heard talk about special interests. Special interest is about young people that are here in the galleries today. They cannot get on this floor and speak for themselves; we must do it, and it is time that we did something about it. Instead of doing something for a few, we ought to do it for many and all of our children.

For the past few weeks, I have toured schools all across my district. I met with parents, I met with children, I met with teachers and community leaders, and not a one of them have asked me where the money was coming from. They were just grateful to know there might be resources to make sure that they had quality schools for their children.

And I drafted legislation, with many of my colleagues joining, to make sure that growth States get an opportunity to have the quality facility that every child in America ought to have. And I am here to tell my colleagues that quality facilities will translate into quality education and make a difference for every child in America. We have an opportunity to do it, and the bill that I drafted will provide $436 million for the State of Florida, $840 million for the State of Texas, and $2.3 billion for the State of California.

I urge my colleagues to vote for this motion to instruct.

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

Mr. Speaker, once again, I mean, this is a broken record. The gentleman should be well aware that under the rules of the House, what he just said can never happen in this bill. It is not in the House bill, it is not in the Senate bill, it is not within the scope of conference and cannot comply with the motion to instruct. Nor is it offset, as required under the pay-go provisions of the Budget Act.

So the Members from the other side can keep speaking to this issue, and that is fine, they are entitled to speak. But the other Members of the House should be made aware that it all is going to come to naught; it cannot happen in this bill.

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

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

Mr. Speaker, we think it is very important that we point out that in this bill before the House, there is not one nickel there for the public school system, and in the motion to recommit is an opportunity to have tax-free bonds there to rebuild our schools.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I rise to say a few words in support of the motion to instruct, and in spite of what has been said by the sponsor of the bill in chief, I think that it is very appropriate for us to be talking about the need for funding for modernization of our schools and construction of new schools. I do not question the motivation of the sponsor of the bill, but the fact of the matter is that he is ignoring the primary need of education in our country.

More than 90 percent of our students attend the public schools. Two-thirds of schools across this country, and it is true in New York, two-thirds of the schools are in need of major repair or rehabilitation or rebuilding. In the district that I represent in New York, 60 percent of the schools are in such need.

Every day, children from kindergarten through the 12th grade are walking into schools where the paint is falling off the walls, the ceiling is falling in in some instances, lavatories are not working, chalkboards are so old that they cannot accept the chalk from the teacher. These schools are in bad need of rehabilitation.

Mr. Speaker, when a child walks into a school like that day after day, week after week, they begin to get the message, and the message is we do not care about them. And pretty soon they ask themselves, why should I care about them? That is why there are 1.7 million people in prison in this country; one of the reasons at least.

We need to pay attention to our schools. This country was built on the idea of free elementary and secondary education. We pioneered that idea. We were the first country in the world to invent that idea. We are falling far behind in educating our elementary and secondary schoolchildren, and one of the reasons is that our school buildings are falling apart.

Mr. Speaker, they cannot accept wiring for the Internet they are so old. Our kids cannot take advantage of new technology because the building that they are going to school in cannot accept the wiring for the Internet.

This is a scandal. The bill does nothing to deal with this problem; the motion to instruct does. We need to pay attention to our public schools.

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

Mr. RANGEL. Mr. Speaker, is the gentleman from Texas (Mr. ARCHER) certain nobody wants to speak on this on the other side this time?

Mr. Speaker, I yield 2 minutes to the gentleman from the sovereign State of Georgia (Mr. LEWIS), the deputy minority whip.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, the gentleman from New York (Mr. RANGEL) for yielding this time to me.

Mr. Speaker, so-called private savings accounts do nothing to improve our public schools. They are a way of using the Federal Tax Code to undermine public education. Private saving accounts drain resources from our public schools and hurt the vast majority of our students.

Our public schools need help. One out of every 3 schools need major repair and reconstruction; 90 percent of our students attend public schools; private savings accounts do nothing to help these students. Instead they deny the many and reward the privileged few.

Instead of draining our public schools of resources, we should be devoting our resources to improve public schools for every student.

In the words of Thomas Jefferson, education is the foundation of our democracy. Education is the great equalizer.

I urge all of my colleagues to vote yes on the motion to instruct offered by the gentleman from New York (Mr. RANGEL). Vote for school construction and modernization. Repair our crumbling school buildings. Support an education system in America that all of our Nation's children can use.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong support of the motion to instruct offered by the gentleman from New York (Mr. RANGEL).

Mr. Speaker, it is unconscionable that this body has agreed to spend $1.6 billion over 10 years to help children to attend private schools when thousands of our public schoolchildren are trying to learn in schools that are overcrowded and in desperate need of repair. We should be spending this money where it is truly needed, to repair and to rebuild our public schools.

The need for new schools is staggering. We currently have the highest number of students in the history of this country, and according to the Department of Education, enrollment will continue to grow at a considerable rate for the next 10 years.

□ 1115

In order to keep pace with this growth, we will need to build 6,000 new schools over the next 10 years just to maintain current class size.

Further, many of our existing schools are in desperate need of repair. According to a 1998 report by the American Society of Civil Engineers, United States schools are in worse shape than any other part of our Nation's infrastructure, including roads, bridges and mass transit.

Studies have produced strong evidence of the link between academic achievement and the condition of our schools. Leaky roofs, buildings in disrepair, and overcrowded classrooms are not merely annoyances or inconveniences; they are barriers to learning, and this is simply not acceptable.

As the new millennium approaches, it is more important than ever to ensure that our children have safe, modern physicians in which they can acquire the education necessary to compete in our high-tech economy. This vote is a small step to help our schools accomplish this goal. I urge my colleagues to vote in favor of the Rangel motion to instruct.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to again correct the gentlewoman as to the factual content of her statement. There is nothing in this bill that sends money to private schools in this country, and they can say it as often as they wish.

She said, we should not be sending Federal dollars to private schools. Nothing in this bill does that. This bill gives an incentive to parents to save for their children's education. That is all it does. If a parent elects to send their child to a public school, they can use this money for innumerable efforts to improve their child's chance to get a better education in a public school. For tutors, for extra books, for computer equipment, for special help for the special needs of a disabled child going to a public school.

That is what this bill does. So I regret that there is so much misinformation that has been put in the record today about what this bill does not do.

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

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

It is true that there is no direct benefit to the private school as a result of this, but it does take away from revenues as a result of the tax credit that can be used by parents who do send their children to private school. And while it is not much individually, collectively, with all of the people that gain the benefit that never asked for it, it runs into billions of dollars.

This money could be used for taxi cabs, for private cars, for baby-sitters, for relatives who come in, anything one wants to use it for. Talk about simplifying the Tax Code. This thing ought to be pulled up by its roots, because it allows for anybody with a little imagination that sends their kid to private school to deduct anything that they can think of without a disability for the kid. Books, any kind of books. There is not going to be any audit as to what was done.

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

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), for yielding me this time.

Let me just simply say, Mr. Speaker, that it is clear that this bill provides an opportunity for people who have this tax credit to use that money not only for private school, but for other matters also. But the fact remains, private schools will see the benefit of this money, and families that are already able to send their children to private schools will be able to use it for that.

As the gentleman says, the individual benefit is almost minuscule, $7 to $37. The fact is, the aggregate amount is going to be deferred for the use of public schools. As public officials, we have the responsibility to use tax money for the public benefit for the largest amount of people possible. Ninety percent of this Nation's children go to public schools. That is how we ought to use the money.

Time and again I hear people take the floor, deploring the conditions in some of our public schools, wishing that they were as good as the very good public schools that we do have out there. If we were to spend some of that money on the condition of those schools, the rehabilitation and the reconstruction of these schools, we would be moving in that direction.

Why are we talking about something else when we should be talking about making it possible for every child to go to school in an environment where they can learn? Some of the public schools have been neglected, and people here would not send their children, would not go to work in a building like that. The fact of the matter is, when I go out to the schools in my district, and I visit several every week, the mayors and the school committee people, the councilmen and the selectpeople say, can the Federal Government not do something to help us with the huge construction costs for the rehabilitation and reconstruction of our schools? The answer is yes, we can, if we have the will. Unfortunately, the majority does not have the will to do that.

Mr. ARCHER. Mr. Speaker, I am compelled again to yield myself such time as I may consume to respond to the gentleman's emotional statement to the House, and to say that there is a time and a place to debate this issue. This bill is not the time or the place.

This motion to instruct cannot be implemented within the rules of the scope of conference, and yet the motion to instruct, by its own terms, says that it must live within the rules of the scope of conference. So all of the emotion, all of the debate on this issue should be saved for another time when this issue is truly before the House of Representatives and would be appropriate at that time.

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

Mr. RANGEL. Mr. Speaker, how much time do we have remaining on this side?

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from New York (Mr. RANGEL), has 7 minutes remaining; the gentleman from Texas (Mr. ARCHER) has 14 minutes remaining.

Mr. RANGEL. Mr. Speaker, it is my understanding that there are not going to be any other speakers on the other side of the aisle, and I would like to close the debate, if there is not going to be another speaker. Is there?

Mr. ARCHER. Mr. Speaker, I would say to the gentleman, unless there are more nonfactual comments made from his side, there is no need for any further discussion on my side.

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

Mr. Speaker, it would seem to me that under the rules of the House that if we did receive overwhelming support for the motion to instruct, and since the gentleman and I have worked so closely together in the past, we could waive the points of order and adopt what is in the motion to instruct and get on with the people's business.

Mr. ARCHER. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Speaker, as I read the gentleman's motion to instruct, it says that whatever is accomplished must be accomplished within the scope of the conference, and I think the gentleman is aware that that cannot occur irrespective of how strongly we might wish to work together.

So a motion to instruct would be nonoperative, no matter what comity, and that is spelled C-O-M-I-T-Y, might exist between the gentleman and the chairman in the conference committee.

Mr. RANGEL. Well, Mr. Speaker, the chairman well knows that there was a time that both the gentleman and I thought that we could not accomplish things in conference that we were able to do. While it is true that we had to look at a potential veto that the President had in the last tax bill, nevertheless it motivated us to do things we never thought we would be able to accomplish, and I think the same situation exists here today.

Mr. ARCHER. Mr. Speaker, if the gentleman would yield further, I just would reiterate that the motion to instruct, by its own terms, would prevent us from being able to do what the gentleman would like.

I thank the gentleman for giving me an opportunity to have this exchange with him.

Mr. RANGEL. Mr. Speaker, I appreciate the feeling of the chairman, and I know the gentleman would want to improve the legislation if he felt that he could, and I think if we can see that the House would work its will, that we could do something.

Meanwhile, Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan (Mr. BONIOR), the minority whip, to close the debate on this very important bill, and especially to support the motion to instruct.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), my dear friend.

Let me just begin my remarks by suggesting to my friend from Texas (Mr. ARCHER), for whom I have a deep amount of respect and with whom I have enjoyed serving here for many, many years, that as a former member of the Committee on Rules, someone who is on sabbatical from the Committee on Rules, I can assure him, and he knows this already, and I can assure all those who are listening, that we can do almost anything we want in conference around here with the proper amount of will and desire.

Secondly, the other point I want to suggest here is that it is always time to talk about education in this body. There is no more important issue that we can engage in on the floor of this House than education and the future of our children who are our most precious resources.

As parents, we need to take responsibility for their education. We need to take the time to read to them, help them with their homework, to work with their teachers, to get involved in their schools and in their communities, and the overwhelming majority of these schools are public schools. In fact, nine out of ten children in America attend public schools, and it is the quality of these public schools today that will determine the strength and the prosperity of our Nation tomorrow. We cannot forget that. We can never forget that nine out of ten of our children go to the public schools.

That is why we on our side of the aisle believe we must renew and deepen, as often as we can, our commitment to public schools by reducing class size, by improving discipline, which is key, it is key to everything in life, but it is certainly key to education, and by investing in the technologies, the new classroom technologies that are opening up vistas and horizons for our students to prepare them for the challenges of this next century.

Now, Mr. Speaker, studies show that children learn better in smaller classes, and that their success in the classroom at an early age can have a direct impact on their economic success later in life. We have an obligation to offer them all the educational opportunities that we possibly can so that they can reach the potential and achieve their own dreams.

Now, reducing class size and modernizing our schools should be one of our top priorities. We all know what a terrible message we send our children if they go to a school where the plaster is falling in, the roof is leaking, where the toilets do not work in the lavatories, where there are not enough facilities to do the work that is necessary in the school, there are not enough supplies. We also understand that in this modern age that we are living in, this swift technology age that we are living in, it is important that we make the investments that we can in our future for the education of our children.

But quality instruction, safe classrooms, challenging course work and universal Internet access is not going to happen if we just wish it is going to happen. It is only going to happen if we make it a priority, our number one priority in this Congress, and send the message not only from this body, but to the local and State levels, that this is where we want our resources invested. It will take a determined commitment from all of us, parents, legislators, teachers, business community to make this happen. That is why I am happy to stand here late this morning with my dear friend from New York (Mr. RANGEL).

I am confident we can and will make it happen. Our children's education and America's economic future depend on our public schools, depend on our public schools. They put a premium, our public schools should put a premium on excellence.

So today we have an opportunity to promote such excellence by reducing class size, by making sure that we have the discipline that is important in our schools, and by modernizing our schools, getting them up to code, getting them up to standard, making sure they are wired so our children have access to the greatest opportunities that are out there in their learning experience.

Vote for the Rangel motion to modernize our schools.

Mr. HINOJOSA. Mr. Speaker, I rise today in support of the motion to instruct conferees offered by my colleague CHARLES RANGEL to the Private School Expense Act, H.R. 2646. I do so for the very simple reason that to support his motion makes good sense. By supporting his motion we are saying we support funding for school modernization and construction. Quite honestly, I do not see how anyone in good conscience could oppose this.

I am someone who believes that the quality of our public school facilities reflects the value that we place on our children and their education. In my state, Texas, high school enrollment alone is projected to experience a 19% increase over the next decade. Given this significant increase in the student population, we, in Congress, must jump-start efforts at the local level to repair and modernize school structures.

A February 1995 General Accounting Office (GAO) report entitled School Facilities: Condition of America's Schools estimated that it would cost about $112 billion in capital improvements to restore America's multi-billion dollar investment in schools to good overall condition. This same report expresses continuing concerns about the ability of schools to provide adequate instructional programs with inadequate buildings and equipment.

Building and renovating public schools must be a national priority. We can't expect young minds to develop into great minds unless we provide them with good school infrastructure. Leaky roofs, busted pipes, non-functioning restroom facilities, lack of cafeteria access, etc., leave our children with a sense of hopelessness. We need to lift our children up in mind and body, and encourage them to be the best that they can be. We can do so by ensuring that the school buildings they enter every weekday of the year meet the same exacting standards as our own workplace environments.

Mr. Speaker, I support the Rangel motion to instruct and I encourage my colleagues do likewise.

□ 1130

Mr. ARCHER. Mr. Speaker, as I understand it, the gentleman from New York (Mr. RANGEL) has yielded back the balance of his time and although there is much that I would like to say, in accordance with the spirit that exists between us, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct

offered by the gentleman from New York (Mr. RANGEL).

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

Mr. ARCHER. 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 192, nays 222, not voting 18, as follows:

[Roll No. 136]

YEAS—192

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
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
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Furse
Gejdenson
Gilman
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Baesler
Bateman
Christensen
Dixon
Doyle
Dunn
Frost
Gephardt
Gonzalez
Hastings (FL)
Hefner
McNulty
Neumann
Parker
Radanovich
Schaefer, Dan
Skaggs
Stupak

□ 1151

The Clerk announced the following pairs:

Mrs. CUBIN changed her vote from ''yea'' to ''nay.''

Mr. LIPINSKI and Mr. WELLER changed their vote from ''nay'' to ''yea.''

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DUNCAN). Without objection, the Chair appoints the following conferees:

For consideration of the House bill and Senate amendment and modifications committed to conference:

Messrs. ARCHER; GOODLING; ARMEY; RANGEL; and CLAY.

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 420 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 420

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill, modified by striking section 401 (and redesignating succeeding sections accordingly). That amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(b) of rule XXI are waived. No amendment to that amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Printed amendments shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.