to fix this small typo. I am not offering any new language to the amendment that was offered. But the amendment that was offered was cleared by the Parliamentarian as being different from what is in the bill.

Mr. TIAHRT. Mr. Chairman, further reserving the right to object, I think it is obvious that what the gentleman is doing. It is not the exact same language, but I would dare say that the gentleman from Virginia (Mr. MORAN) could not explain the significant difference between his amendment and what is currently in the bill.

And I would just go on to say that I think that what the gentleman is doing here is replacing the exact same language and it is a great waste of our time.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The amendment is modified.

The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN), as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MORAN of Virginia. Mr. Chairman, 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 CHAIRMAN. Pursuant to House Resolution 517, further proceedings on the amendment offered by gentleman from Virginia (Mr. MORAN) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. LARGENT

Mr. LARGENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment printed in House Report 105–679 offered by Mr. LARGENT:

Page 58, insert after line 10 the following:

The CHAIRMAN. Pursuant to House Resolution 517, the gentleman from Oklahoma (Mr. LARGENT) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LARGENT).

Mr. TAYLOR of North Carolina. Mr. Chairman, if we can have an agreement that the time of the gentleman from Oklahoma (Mr. LARGENT) would be 15 minutes, the gentleman from California (Mr. BILBRAY) would be 10 minutes, and the gentleman from Georgia (Mr. BARR) would be 10 minutes, and the gentleman from Texas (Mr. ARMEY) will be 30 minutes equally divided between the two sides, if the gentleman from Virginia (Mr. MORAN) would agree to that, we could proceed and save a lot of time.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I would agree with all of the preceding except for the last item. There are so many speakers on the Armey amendment, I wonder if the gentleman would consider, say, 50 minutes?

Mr. TAYLOR of North Carolina. Reclaiming my time, I will do anything to cut time, so I would do that.

Mr. MORAN of Virginia. Mr. Chairman, with that modification, we would have no objection on this side.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIAHRT) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

LIMITING FURTHER AMENDMENTS AND DEBATE IN THE COMMITTEE OF THE WHOLE DURING FURTHER CONSIDERATION OF H.R. 4380, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 4380 in the Committee of the Whole, pursuant to H. Res. 517, no amendment shall be in order thereto except for the following amendments, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed thereto:

Mr. LARGENT, made in order under the rule for 15 minutes;

Mr. BILBRAY, made in order under the rule for 10 minutes;

Mr. BARR of Georgia regarding ballot initiative and the Controlled Substances Act for 10 minutes; and Mr. ARMEY made in order under the rule for 50 minutes.

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

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. TIAHRT). Pursuant to House Resolution 517 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4380.

□ 2211

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, pending was amendment No. 2 offered by the gentleman from Oklahoma (Mr. LARGENT).

Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. LARGENT) and a Member opposed each will control 7½ minutes.

Mr. LARGENT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BLILEY), chairman of the Adoption Caucus here at the U.S. House of Representatives and the chairman of the Committee on Commerce.

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

Mr. BLILEY. Mr. Chairman, I thank the gentleman for yielding.

First of all, let me say this: I rise in support of the amendment of the gentleman from Oklahoma (Mr. LARGENT). It has nothing to do with gender. It has everything to do with children.

My wife and I are proud parents of two adoptive children. But when they have two people, as is currently under the law in the District, who have no contract between them come together and petition and obtain a child through adoption, what are the rights of the child? The people decide that they no longer want to be together. What happens to the child? What rights does the child have?

That is a very, very serious thing. It has nothing to do with gender. It has nothing to do with whether single people adopt children or whether two women or two men. The thing is that there is no contract, there is nothing there legally to protect this child.

Remember this, the child may have been in a foster home. He has already been through possibly a traumatic experience. Now they are going to put him in another traumatic experience or her in another traumatic experience because there is nothing in the law to say what happens. What if one of the parents decides to go to California, another one is to go to Maine? What do you do?

I think it was never intended when the adoption laws were adopted. They just assumed that there were couples who would do the adoption, but times change.

I think the gentleman from Oklahoma (Mr. LARGENT) has a very good amendment, and I hope my colleagues would support it.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 1½ minutes.

□ 2215

Mr. Chairman, Americans categorically reject the notion that the government should take a greater role in deciding who can and cannot adopt children. By a margin of nearly four to one, voters say we should keep the system that we currently have rather than allow the Federal Government to take a greater role. Parenting skills, not marital status or sexual orientation, should be considered. The Largent amendment says if you are single, unattached and date around without any long-term commitment, you can still adopt children. But if you are in a long-term committed relationship and agree with your partner that you would like to raise a child together, you are then prohibited from adopting. We do not think this amendment works. It completely overrides the ability of domestic law judges who see these children interact with the prospective parents to determine what is in the best interest of the child. No matter how wonderful a prospective couple may be as potential parents, the judge cannot let them adopt. This amendment will not directly impact any of us but it will directly harm the thousands of orphaned and abandoned children currently living in the District of Columbia who desperately want to be adopted. This amendment denies those children the opportunity of finding a loving and happy home with two monogamous committed parents. We think this is an anti-child amendment, an anti-family amendment. We would urge a ''no'' vote.

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

Mr. LARGENT. Mr. Chairman, I just would inquire, who has the right to close this debate?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has the right to close.

Mr. LARGENT. Mr. Chairman, I yield myself the balance of my time.

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

Mr. LARGENT. Mr. Chairman, this is a very short, very simple amendment. In fact it is only 30 words long. But it does, I admit, have far reaching ramifications about what the House decides today. Thirty words. It is not very complicated. In fact it is very, very simple. If you have not read it, let me read it for you. It says, ''None of the funds contained in this act may be used to carry out any joint adoption of a child between individuals who are not related by blood or marriage.'' That is the amendment.

Let me give my colleagues a little background about why we need to have this amendment. In 1895, Congress passed the first adoption laws for the District of Columbia. They were amended in 1954. Congress passed adoption laws for the District of Columbia. Congress did that. In 1991, there was a court case that arose in the District of Columbia. Two men, living together, petitioned an agency to adopt a young girl. They were denied. They appealed it. It went to the District Court of Appeals in the District of Columbia and in 1995, 2½ years ago, 3 years ago, a District Court of Appeals said that those two individuals had the right to jointly adopt the little girl. Now, let me make this perfectly clear. That there has never been, in the history of this country, a legislative body that has voted and passed a measure that said it is okay for unrelated individuals to jointly adopt a child. That was done through a District Court of Appeals in the District of Columbia. It has now been replicated in a couple of other States as well. But let me say, also, that this amendment does not single out homosexual couples. This could be a heterosexual couple that does not have a marriage contract that binds them together.

Another point that I want to make about why we need this amendment and what it does and what it does not do. Adoption, as the previous speaker on our side said, is all about the child. This is a good thing. If this is about protecting the rights of anybody, it is about protecting the rights of the child. That should be preeminent above everything else. And yet when I think about the idea of a child being adopted by two people, three people, four people, five people, where does it stop, any number of individuals who simply want to get together as a group and adopt a child. I mean, it could be Yankee Stadium. The crowd at Yankee Stadium decides they want to collectively adopt a child. I mean, where do you stop? Where do you rationally stop this argument? But they get together and decide they want to adopt a child. It really reminds me of one of the cultural things that our young people are doing today at rock concerts where they take a young person and they toss them into the crowd and they do this body surf across the crowd. That in effect is what we do when we say you can have joint adoption by two people that have no contractual relationship with one another. None. It is like throwing a child out into the crowd and just allowing that child to body surf along. We are trying to take a child that is obviously coming out of a very traumatic situation and place them in one, above all, that gives them a sense of stability. That is the whole concept of adoption, rescuing a child from a sense of helplessness and an unstable situation and putting them in a stable situation.

I want to say one other thing and I want to repeat this over and over again about what this amendment does and what it does not do, because there is a lot of misunderstanding about this particular point. If you do not remember anything else, remember this. That is, that this amendment does not exclude individuals from adopting a child. Because I know what the argument already is, that there are a lot of children in our inner cities today, crack babies, HIV babies, that they say nobody wants. Sure, we want to adopt a child into a home that has a mother and a father. We all know and agree upon the fact that the most conducive and healthy environment to raise a child is in a home that has a mother and a father significantly participating in that child's life and nurturing and providing for them. No question about that. I do not think there is any argument. But we do not always get what is perfect and not every child is wanted by a home with a mother and a father.

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

Mr. LARGENT. I yield to the gentleman from North Carolina.

Mr. HEFNER. The gentleman made a statement that a single person would be able to adopt a child. I just want to ask a question, say a single person, and we have aided some people to adopt children from other countries and what have you, say a single person adopts a child and then in a year or so they get into a relationship, whether it be heterosexual or whatever. When they enter into this relationship, what happens to the child?

Mr. LARGENT. The child would still be in the custody of the original parent who had adopted that child.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. LARGENT) has expired.

Mr. LARGENT. Mr. Chairman, if I could ask unanimous consent to address the question and finish the debate.

The CHAIRMAN. The gentleman may ask for unanimous consent only if time is congruently increased on both sides. The unanimous consent request would have to be for additional time on both sides.

Mr. MORAN of Virginia. Mr. Chairman, I ask unanimous consent to have an additional 30 seconds on each side.

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

There was no objection.

Mr. LARGENT. Mr. Chairman, I would just conclude. That single person would still have custody. The only way that the additional significant other would then be included as a parent is through a marriage contract between the two adults in that relationship, which is the same for myself and my wife or anybody else.

So in conclusion, Mr. Chairman, I would just urge my colleagues and remind my colleagues that we debated this issue before on the Defense of Marriage Act. The House spoke, the Senate spoke, and the President signed into law the Defense of Marriage Act that we recognize as a family a marriage as one man and one woman.

Mr. Chairman, my amendment makes it clear that when a child in the District of Columbia is adopted by more than one person, those adoptive parents must either be married to each other or be related by blood to each other.

Adoption is the process by which a child who does not have a family is taken into a family, becomes a member of a family. And in a family, whether it's a big family or just a single adoptive parent and child, all the members are related to one another. A child who is jointly adopted by people who are not related to each other is not so much entering a family as becoming a jointly-held item of property.

This is a situation which never existed in the law anywhere until a short time ago. No legislative body in this country has ever voted that unrelated people could jointly adopt a child. This weird policy was inflicted on the District by an ill-considered judicial opinion, and in that opinion, the judge explicitly said that Congress had not been specific enough in defining the rules of joint adoption in the District of Columbia. So it is up to us to repair the damage.

I want to make it perfectly clear—because in discussions of this issue there has been some misunderstanding or misrepresentation—that this amendment in no way prohibits or builds any kind of barrier to adoptions by single individuals, which are very important in the District. It is not intended to penalize anyone or to curtail anyone's rights, but rather to protect the rights of children to be adopted into a permanent, stable family.

Adopting a child is one of the most loving and generous things someone can do. Many of the Members of this body are adoptive parents, and that is not only to their credit as individuals, but to the credit of Congress as an institution. And since I have been a Member of Congress we have repeatedly voted to make it easier for eligible children to be adopted and to help those good people who give to children without a family a permanent and secure place as members of their own families. We have voted to ban racial discrimination that might prevent or delay a child's adoption. We have created tax credits for adoptive parents. And we have reformed the foster care system so children will no longer be stuck for years in a temporary, unstable situation instead of being adopted into a family. These were all bipartisan efforts, and they have been among the best things we have done over these past four years.

But while we have been working on helping children get into families, another conversation has been going on that seems to have turned the issue of adoption inside out. Adoption is intended to be for the benefit of children. The good that flows to the adoptive parents is real, but it is incidental to the good of the children. Adoption exists in order to protect the right of each child to grow up in a permanent, stable, loving family. Adoptive parents certainly derive a great deal of satisfaction, joy and fulfillment out of the relationship, but that is not why adoption exists. If anyone in this situation has a ''right'' that society needs to protect, it is the right of the child to be adopted. But instead, we are hearing more and more about the ''right'' of this or that person to adopt, and we find this adoption being approved and that one being opposed because of some agenda in cultural politics, without regard to the good of the child involved.

When that starts happening, we are getting way off the track. When adoption starts being about making a statement on some social issue, or taking a stand for enlightened attitudes, or striking a blow for progress, instead of being about finding the best possible home for this child here and now, then the children just become commodities in a marketplace. When that happens one of the most beautiful and loving things a person could do becomes twisted into an ugly form of exploitation. I am afraid that is the perspective those D.C. judges had when they wanted to experiment with the lives of children by inventing joint adoption by unrelated persons.

Adoption creates a legally-sanctioned, permanent family relationship. There are only two other things that do that: marriage and birth. Those are the only ways people can become related, united for life as part of the same family.

When a single person adopts a child, a family relationship is formed between that parent and child, as strong as the bond of birth or marriage. If that single adoptive parent should later marry, his or her spouse would be allowed to adopt the child without having to terminate the custody of the original adoptive parent. That ''spousal exception'' is the only way recognized in the law for a child who already has one parent—biological or adoptive—to acquire a second parent. But even this is not allowed if the child's other biological parent still retains any custodial rights, because the law does not recognize an instance in which a child has two fathers or two mothers at the same time. For that matter, five or six homosexual or heterosexual—persons who do not have a family relationship between themselves, then that child is not being adopted into a family because the individuals with whom the family relationship is being created do not have a relationship among themselves. If John Smith and Mary Jones live together—or for that matter, if they just happen to be best of friends—and they decide to adopt a child jointly, does that child become a member of the Smith family or the Jones family, or both, or neither? If there is no legally recognized relationship between Smith and Jones, then the relationship the child would have with them would not be a family relationship; it would be two distinct, overlapping, and mutually contradictory family relationships. If we can compare a family with a home, then this kind of arrangement is more like a time-share condominium.

To be adopted by two different people who are not members of the same family is equivalent to being made a member of two families. And that is a denial of the stability adoption is supposed to provide. It may be very satisfying for the various people who own a share in the child. But it is not the stable membership in a family that society owes to each child who is eligible for adoption.

I cannot close my remarks without addressing one other subject. As I have tried to state, this amendment is about children, because adoption is about children. But I am fairly confident someone is going to try to shift the conversation to the alleged right of gays to adopt, and try to portray me as attempting to persecute homosexuals or discriminate against them or otherwise show myself to be mean-spirited and intolerant. And since I know that argument is coming, let me answer it in advance.

This amendment, I repeat, does not prohibit single persons from adopting. It is not intended to make it harder for anyone to adopt a child because I really do believe that children without families have a right to be adopted, and we have a duty to see to it that as many of them as possible are adopted as expeditiously as possible.

Moreover, just so we understand this clearly, this amendment is not intended to make it more difficult for a gay man who lives together with another gay man in a committed relationship to adopt a child. If a judge finds that such a petitioner would make a suitable parent and that such a home would be a good home for a particular child, then, fine. This amendment will not get in the way of that adoption.

But that's not enough for some of the spokesmen of the gay movement. They think it's unfair that people of the same sex cannot be married to each other. Well, they are entitled to think that's unfair, and they are entitled to work to change the law. But meanwhile, that is the law and it is public policy, and I think we have a pretty strong consensus in this country in favor of that policy. But since they can't get same-sex marriage written into law, their next strategy is to try to find other areas of public life in which they can enact policies in which gay couples would be treated as if they were married or almost married or just as good as married, and so they work for things like domestic partner benefits. Well, they are entitled to do that, too, and sometimes they win, sometimes they persuade political majorities or corporate managers that treating live-in lovers on the same level as spouses is good policy. I don't agree with that conclusion, but it's a fair issue to debate.

But on joint adoption of children, we have to draw the line. Sure, it might give some gay rights activist a warm feeling to see gay couples treated just as if they were married.But these are real kids we are talking about here, real kids who have already had a rough start, who are already hurt by whatever it was that caused them to become eligible for adoption. Those kids have a right to a family. It is simply wrong to turn them into trophies from the culture war, to exploit them in order to make some political point.

So to the advocates of gay rights, let me say this. If you want to adopt a child, go file your petition and convince a judge that you will be a good mother or father to a child in need and then love that child and raise him or her up, and I assure you, I will thank you and praise you because there is probably nothing finer that you will ever do with your life. I know that I have done nothing finer than to be a father to my own children.

But if you want to turn some poor child into a pawn in some political prank, if you want to exploit the misfortune of an innocent child just to make a point about how persecuted you are, then shame on you. Go pick on someone your own size.

This House is pretty sharply divided about how best to protect the rights of gay people in our society, but over the past few years we have shown that we are pretty united in our commitment to protect the rights of children who need to be adopted. We do not have to reach an agreement today about the rights of gay people because that is not what this amendment is about. It's about adoption, something most of us already agree on. I hope the members of this House will understand that and support this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I believe the gentleman from Oklahoma and I share the belief and hope that all children in this world grow up in a stable, loving family. For that, I applaud

his intent. But there is a reason why this amendment was defeated so soundly in committee that the Republican members did not even ask for a recorded vote in committee. The reason is this was poorly drafted. Members need to know despite the good intent of the gentleman, the impact of this measure would be, for example, to allow a philandering married husband who abuses his wife on a regular basis to be able to legally adopt a child. But if two nuns felt God's calling to adopt a disabled, blind child from Romania under this amendment, they would be prohibited from doing so.

Another example. Under this well-intended effort by the gentleman, the real result would be if a couple that had been married for a few years, had never been faithful to each other, both were alcoholics and both abused each other, wanted to adopt a child, they could. Yet a man and woman who lived committed to each other, yet for reasons perhaps that I would disagree with had never signed a marriage contract but yet they lived together faithfully for 30 years wanted to adopt a child, they could not. I would ask Members, which children would be better off, adopted by two nuns that felt God's calling or an abusive husband and wife?

It is not the intent of the gentleman from Oklahoma with which I disagree. It is the impact. Unfortunately intent is not good enough when you have real consequences, and the real consequences I believe of this amendment could be children, in this country, from Romania and throughout the world who desperately need a loving home in which to be raised would be denied that loving opportunity.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the Largent amendment which would prohibit joint adoptions in the District of Columbia by unmarried couples. As has been alluded to, this is really the same amendment that was rejected already by the Appropriations Committee, and voila, it is here on the floor. Most Americans agree that the Federal Government should stay out of family law decisions. In fact, Americans categorically reject the notion that the government should take a greater role in deciding who can and who cannot adopt children. By a margin of nearly four to one, it was 74 to 19 percent, the public believes that we should keep the system we currently have rather than allow the Federal Government to take a greater role. Congress has traditionally stayed out of family law, recognizing that State and local governments are best suited to address those issues. I think we all agree that the best interest of the child should be the deciding factor in setting adoption policy at the local level. This is best determined by local, trained professionals and not Members of Congress. Psychological Association reports that studies comparing groups of children raised by gay and by non-gay parents find no developmental differences between the two groups of children in their intelligence, social and psychological adjustment, popularity with friends, development of sex role identity or development of sexual orientation. In fact, in 48 states and the District of Columbia, lesbian and gay people are permitted to adopt when a judge finds that the adoption is in the child's best interest.

I want to point out that as of June, there were 3,600 children in the D.C. foster care system that were waiting to be adopted. It is hard enough to find good homes for the children and it would be a travesty to make children languish in institutions at great cost to taxpayers when they can have caring, loving homes.

Mr. Chairman, I urge my colleagues to leave family law decisions where they belong, at the local level and do not lose sight of the thousands of children in foster care who would be deprived of a good, loving, caring home if this amendment were to pass.

Vote ''no'' on the amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I think that this amendment is an example of how bad cases can make bad law. I look forward to working with my colleague from Oklahoma on legislation that will comprehensively address the problems of child abuse and the child welfare system in this country, but I think this points out why we should not deal with these kinds of complex issues in an appropriations bill.

I say that having some experience with this issue, having until recently been the Cabinet Secretary for Child Welfare in the State of New Mexico. We are not talking here about the children for whom there is a long line of parents waiting for a healthy baby but of the thousands of children who languish in foster care who with good grace often fall in love with their foster parents.

□ 2230

It is those situations, and the opportunity to have a forever set of parents who may not be married to one another, that is something that we should not prohibit in statute. We must look on a case-by-case basis at the best interests of each and every child, even if in a perfect world we cannot achieve perfection in our view of it for all children.

And so let us leave this to the case-by-case basis and not close off an alternative that is now available to judges in the District of Columbia. That is the current law, and I believe it should remain so until we very carefully look at our alternatives.

Mr. MORAN of Virginia. Mr. Chairman, this is the first I have heard the gentlewoman from New Mexico (Mrs. WILSON) speak on the floor, and we are very pleased to have her as our colleague.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DIXON).

Mr. DIXON. Mr. Chairman, I do not think any of us, Mr. Chairman, can put it any better than the gentlewoman from New Mexico. The fact is that this is an attempt to turn around a case in the District of Columbia appellate court which said that they looked at the particular circumstances and they allowed a gay couple to adopt.

Under this proposed amendment married people could adopt, a gay individual could adopt, blood-related people could adopt. But who could not adopt? Two people who have a relationship, perhaps godparents under some circumstances, unrelated, not married. But most importantly, it is aimed at a court decision that said under the circumstances the placement with a gay couple was the best placement for that child.

Mr. Chairman, we should leave it to the court to decide and not legislate it here in Congress.

Mr. MORAN of Virginia. Mr. Chairman, may I inquire as to how much time is left?

The CHAIRMAN. The gentleman has 1½ minutes remaining.

Mr. MORAN of Virginia. Mr. Chairman, I yield the final 1½ minutes to the delegate from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the Child Welfare League of America says of this amendment, ''This amendment would unnecessarily limit the pool of families available for these children who desperately need families.''

Make no mistake. This is a gay-bashing amendment, but it is going to take down a lot of kids with it.

This matter of adoption rests entirely with the courts. They do it on the best interests of the child. They will not allow a child to go except where a child must be.

In the District we have many hard-to-place kids. Three thousand six hundred kids are in foster care and are waiting to be adopted. Our whole foster care system is in receivership. Is this a family values Congress or not? Are two parents better than one? Is it not the child who matters? Studies have been done that show no developmental differences, for example, between gay and nongay parents.

The language here is aimed at gays. Who it hits are kids in the District. There are substantial advantages to a child in joint adoptions, even when the parents are not married. There are inheritance rights, there are insurance rights, there is Social Security. We ought to encourage the added security of joint adoptions, not discourage it.

This is family law. Do not bring it into this Chamber. Defeat this amendment. Save the kids.

Mr. NADLER. Mr. Chairman, I rise today to oppose the Largent Amendment to the D.C. Appropriations Bill. This legislation would prevent joint adoptions by individuals who are not related by blood and marriage. In effect, this

amendment, under the guise of ensuring the security of children, would prevent otherwise qualified couples from adopting the tens of thousands in need of adoption.

We are all aware that this amendment would prevent gay and lesbian couples from adopting children. I find it hard to believe that there are still members of this Congress who can believe that sexual orientation has a direct affect on a person's ability to raise a child. The American Psychological Association has conclusively decided that there is no scientific data which indicates that gay and lesbian adults are not fit parents. Research by the APA has also determined that having a homosexual parent has no affect on a child's intelligence, psychological adjustment, social adjustment, popularity with friends, development of sex-role identity and development of sexual orientation. To maintain assumptions otherwise is unfair, and scientifically unfounded.

It is my belief, and I'm sure that with a moment's consideration you will all agree, that the issue of adoption is best decided by parents and trained professionals on a case-by-case basis, based on the best interest of the child. We should not deprive children of families that are capable of raising them. How can you cheat a child out of a happy home and a caring family? How can you deny a person the right to share their love, their home, and the security they can offer a child?

Raising a child is a very personal issue, one that deserves the time and consideration of individual case-by-case evaluations. Anything else is simply discriminatory. I urge my colleagues to oppose the Largent Amendment, and let each child and each potential parent have the right to an individual evaluation.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Largent Amendment. One of the most important things we can do in this chamber is pass legislation which improves the welfare of children in our country. In the District of Columbia, there are 3,600 children in the foster care system, waiting for suitable parents to given them a home.

There are half a million children in foster are in this country, but four out of five of these children are never adopted. Why would we put new, unfounded, discriminatory limits on the number of families that can provide a good home to a child?

The answer, it seems, is to satisfy a social agenda which has singled out lesbians and gays as its current most favored target. It is unfortunate that once again we are debating not how to advance civil rights, but whether to take a step backward in time, and make policy based on prejudice, intolerance and ignorance of the facts. In the service of this social agenda, the amendment would create a senseless policy, interfering in the ability of parents and trained professionals to make family placement decisions, and affecting both heterosexual and homosexual unmarried adults.

The amendment is the essence of old fashioned discrimination, imposing clear limits on an individual's participation in society based on their group status, rather than their abilities.

But let me return to the welfare of children. All the evidence shows that lesbian and gay parents are as good at parenting as any other group of parents. The American Psychological Association reports that, ''the belief that children of gay and lesbian parents suffer deficits in personal development has no empirical foundation.''

Studies document that children of gay and lesbian parents show no marked difference in their psychological adjustment, intelligence, popularity with friends, or development of sex role identity, when compared with children of heterosexual parents. In addition, lesbian and heterosexual women do not differ markedly in their overall mental health, or in their approaches to child rearing.

In all these areas, the research finds no difference. There are half a million children waiting for homes and we are debating whether to let prejudice deny children a home with a family.

Mr. Chairman, this amendment puts a right wing social agenda above the welfare of children and families. I urge a ''no'' vote on the Largent Amendment.

Mr. LEVIN. Mr. Chairman, I oppose the Largent amendment. Whatever my personal opinion in this matter, decisions about who can and cannot adopt a child should be left to the states and not the Federal government. Americans do not want the Federal Government dictating adoption laws. These matters are properly left to the states and local adoption judges.

In addition, this amendment is written in such a way as to have a number of unintended and negative consequences. As has been pointed out, the Largent amendment would prohibit two nuns from adopting a child.

I don't believe we should hold the District of Columbia to a different adoption standard than we do with the other fifty states. I therefore urge my colleagues to oppose this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for the opportunity to speak on this important amendment to H.R. 4380. Representative Largent has proposed an amendment to the D.C. Appropriations Act which will prohibit joint adoptions in the District by people who are not related by marriage or blood.

Congress has traditionally stayed out of family law, recognizing that state and local governments are better suited to address those issues. The ability of parents and trained professionals to make a decision of a case by case basis based on the best interests of the child, should be preserved. For 3 years, there have been attempts to attach language like the language that Representative LARGENT is introducing today. Each time such efforts have failed as it should! This type of legislation will put DC's children at risk.

In Washington, DC in June of this year, there were 3,600 children in the foster care system waiting to be adopted. These children need loving consistent care and a safe home. There is no reason to deny those potential adoptive parents the opportunity to raise a child in a loving home, and there simply is no reason to deny a child languishing in foster care the opportunity to be loved and nurtured and protected. All our children deserve to be cherished by parents that adore them.

Representative LARGENT may argue that this amendment will provide greater comfort and security for children. This is absurd. To even suggest that a healthy and loving unmarried couple should not be permitted to provide a child with an environment where he or she can have the chance to fully develop intellectually and socially is outrageous. In fact, 48 of the states and DC currently allow lesbian and gay people to adopt when the judge finds that the adoption is in the child's best interest.

This amendment makes no sense. It would allow single parent adoption and disallow joint adoption. Clearly, two parents, two loving legal guardians offer a child greater legal protection, security and benefits for a child than one parent. This amendment could never be in the best interest of any child.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Oklahoma (Mr. LARGENT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 517, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. LARGENT) will be postponed.

Pursuant to the order of the House of today, no further amendments shall be in order except for the following amendments which shall be considered read, shall not be subject to amendment or to a demand for division of the question, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed thereto:

Mr. BILBRAY, made in order under the rule for 10 minutes; Mr. BARR, regarding ballot initiative and the Controlled Substances Act, for 10 minutes; and Mr. ARMEY, made in order under the rule for 30 minutes.

AMENDMENT OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BILBRAY:

Page 58, insert after line 10 the following:

BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC. 151. (a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

(b) EXCEPTION FOR POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (e) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

(c) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

(2) Upon the first violation the individual shall be subject to a civil penalty not to exceed $50.

(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed $100.

(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. BILBRAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BILBRAY)

Mr. BILBRAY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, not too long ago the President of the United States made a statement to the news media that as far as he knew it was illegal for minors to smoke in every State in this Union. Well, sadly, Mr. Chairman, that is not true. In fact only 21 States of Union have minor possession and use of tobacco as being illegal.

That is embarrassing all of us in government. But what is even more embarrassing than the President not knowing this, what is even more embarrassing than States across this country still not having minors' use of tobacco as being illegal, what is really embarrassing, Mr. Chairman, is that the Federal District has not taken the time to make it illegal for minors to possess and smoke tobacco products.

The Federal Government, in our oversight, embarrassingly has created a refuge for underage smoking here in Washington, D.C. While Virginia has made it illegal, while Maryland has sent a strong message to its children that they should not smoke, those of us in Congress and Washington, D.C. have said, well, we have overlooked it.

And it is embarrassing, Mr. Chairman. I would like to point out that it is embarrassing not to those of us in government, it is embarrassing to the Lung Association, the American Cancer Society and the American Heart Society, and even the Campaign for Tobacco-Free Kids, which I am an original cosponsor of their bill. They are embarrassed with this bill because it points out that we have missed the mark here in Washington, D.C.

All my bill asks, Mr. Chairman, is the fact that we send a clear message to my children, to your children, that there are certain behaviors that are not appropriate for children. One is the purchase and the consumption and the possession of alcohol. Another is the purchase, the consumption and the possession of tobacco. And I think all of us should forget about the embarrassment and move forward to protect our children.

Mr. Chairman, we need to send a very clear message that this Congress feels it is inappropriate for underage children to smoke, to possess tobacco, and that only adults should participate in that behavior not just in Virginia and Maryland, but also here in Washington, D.C., the Nation's Capital.

I think this will help to send a message, a clear message, to all the legislatures that have overlooked this little detail, and they will do what other legislatures are doing now, and that is passing laws to send a clear message that, children, drinking is wrong for minors and so is smoking.

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

The CHAIRMAN. Is the gentleman from Virginia opposed to the amendment offered by the gentleman from California?

Mr. MORAN of Virginia. I am in opposition to the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia will control 5 minutes.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment, as does the Campaign for Tobacco-Free Kids and the American Lung Association. Like the gentleman from California (Mr. BILBRAY), I was a cosponsor of the Healthy Kids Act. Many of us were. It would have established tough new penalties against companies for targeting tobacco products at our children.

But this amendment is different. Instead of penalizing the tobacco companies for targeting our children, the gentleman's amendment penalizes the children for possessing their products.

Mr. Chairman, before we go after kids for possessing these products, maybe we should go after the merchants who sell their tobacco products to under-aged children. That is what the Campaign for Tobacco-Free Kids is.

As my colleagues know, the Department of Health and Human Services did a survey and showed that 42 percent of retailers in the D.C. area sell tobacco products to minors. We are told that this is a major problem in the District of Columbia. And to blame it on the children without giving responsibility to the tobacco companies seems to be blaming the victim.

Mr. Chairman, after making children pawns of decades of sophisticated marketing techniques by the tobacco industry, it would really seem that to take them off the hook and to criminalize possession by children who are not old enough to know better, but certainly tobacco companies are, is misplaced enforcement.

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

Mr. BILBRAY. Mr. Chairman, I yield myself such time as I may consume to ask the gentleman from Virginia (Mr. MORAN), is he opposed to the State of Virginia's law making it illegal for minors to possess and consume tobacco?

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I would say to the gentleman that we want enforcement first.

Mr. BILBRAY. I am just asking, is the gentleman opposed to the Virginia law?

Mr. MORAN of Virginia. I am not opposed to the Virginia law.

Mr. BILBRAY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I also am glad to hear the gentleman from Virginia (Mr. MORAN) say what he had to say about the Virginia law.

Mr. Chairman, this just simply includes children in the chain of responsibility. It does not exclude the ability to hold others responsible.

In fact, in the District of Columbia and in all 50 States, because of a 1992 law passed by the Congress, it is illegal to sell tobacco products. The 19-year-old store clerk has a penalty if he sells tobacco products to the 17-year-old purchaser, but the 17-year-old purchaser has no penalty. In fact, the 17-year-old purchaser can stand in the parking lot of the convenience store and smoke the pack of cigarettes while the 19-year-old store clerk and the store manager and the store owner are paying fines or having the kind of penalties this Congress said should be on that side of the counter.

The gentleman's legislation just says that there should be penalties on both sides of the counter; that the only person involved in this transaction who has no consequences for their action should not be the teen smoker. I urge that we support this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I certainly would like to know where my city council stands on this bill. Out of respect for me, I would have thought that the Member would have allowed me to present this matter to my city council instead of springing it on the Rules Committee and on me.

This bill requires that the city council spend money setting up a tobacco cessation program, and it lays out what the penalties should be. Maybe the penalties should be more. Maybe they should be less. Why should not my folks have the same opportunity the gentleman says Virginia had to decide whether or not to do this?

I cannot say they would not want to do this. They have just passed a whole spate of very good anti-tobacco laws.

I do not second-guess my own council, and I live in the District. Who is the gentleman, without even presenting the matter to the council, to presume to legislate for them? This is precisely the kind of disrespect for me personally and for my district that goes on in this body without people even thinking about it.

Give me the opportunity, I say to the Member, to present this to my city council. They may well go for it.

Mr. BILBRAY. Mr. Chairman, will the gentlewoman yield?

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

Mr. BILBRAY. Mr. Chairman, I would just say to the gentlewoman from Washington, after 23 years, and as a parent who brings his children here to live here periodically at times, I think that every child of D.C. should have the protection without waiting another 23 years for oversight.

The CHAIRMAN. The gentleman from California (Mr. BILBRAY) has less than 30 seconds remaining and the gentleman from Virginia (Mr. MORAN) has 2 minutes remaining.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN),

who has been a long time leader in the fight for healthy children.

Mr. WAXMAN. Mr. Chairman, there is a lot we should do in order to reduce teen tobacco use and are obviously not doing it. This amendment is a step but I cannot tell if it is a step forward or a step back. It might result in fewer kids using tobacco. It might not. Overall, it is hard to see that this amendment will make much of a difference at all. It is the kind of a thing that a city council ought to deliberate on.

One thing is certain, this approach is not balanced. The focus is misplaced. All the emphasis is on punishing children and none is on stopping the tobacco industry from preying on them.

There is no evidence that this House is committed to protecting children from tobacco. Earlier this year, this House failed to provide the funds needed by the FDA for enforcement of laws prohibiting sale of tobacco to minors.

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Then we failed to pass comprehensive tobacco legislation. And, just a few weeks ago, a sting conducted by the American Lung Association revealed that 15-year-olds could buy cigarettes right here in the Capitol. On the House side of our Capitol, a 15-year-old girl was able to buy cigarettes every time she tried.

Now, this Congress, which does not enforce current law in the Capitol, is telling the District of Columbia to adopt a new law to punish kids. They are not strengthening the laws against retailers, they are not enforcing existing laws against selling cigarettes to minors, they are not providing money for this unfunded mandate, they are not stopping tobacco company advertising, they are not changing the predatory behavior of the tobacco industry.

In considering the impact of this amendment, do not delude yourself. Do not believe that simply passing a law that shifts responsibility to the young will make a real difference. We are the adults, presumably, in this body, and we have not taken our responsibilities.

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

Mr. Chairman, as any of those of us that are parents would know, you do whatever, whenever and however you can, whenever you can, to help your children. D.C. has laws against sale. It has laws against buying tobacco. But, sadly, D.C. does not have laws against possession and consumption. The gentleman from California may blame this on one or the other.

Now is the time, either vote for kids not to smoke, or walk away and wash your hands. It is not time to play.

Mr. Chairman, I insert the following for the RECORD.

AMERICAN LUNG ASSOCIATION,
SAN DIEGO AND IMPERIAL COUNTIES,
August 5, 1998.

Hon. BRIAN BILBRAY,
House of Representatives,
District Office, San Diego, CA.

DEAR CONGRESSMAN BILBRAY: It has come to our attention that you are introducing an amendment to the Washington D.C. appropriations bill that would criminalize youth who buy tobacco but would add no penalties or enforcement against retailers who sell tobacco to minors.

As you know from the sting conducted by the American Lung Association, minors in D.C. and in other parts of the country can easily buy tobacco products. In San Diego, thanks to active enforcement programs directed towards retailers, the sales rate to minors has been drastically reduced to 21% from over 60% five years ago. However, even though sales to minors in our region are lower than other parts of the country, 21% is still unacceptably high.

Those who supply illegal substances to youth must be the primary focus of enforcement operations, whether the substance is alcohol, drugs, or tobacco. Penalizing users and not suppliers is *not* an effective enforcement strategy.

You have co-sponsored a bill, Hansen-Meehan-Waxman that correctly punishes the tobacco industry for its unconscionable targeting of American youth with a deadly and addictive substance. We would expect the same approach to the retailers that sell tobacco to minors.

Turning children into lifetime tobacco addicts has been the focus of a multi-billion dollar effort by the tobacco industry. Their campaign has included sophisticated marketing supplemented by efforts to weaken the enforcement of laws that prevent tobacco sales to minors. A major strategy of the tobacco industry is to penalize kids for succumbing to the sophisticated efforts of tobacco manufacturers and retailers, rather than holding the industry accountable.

We urge you to remove your amendment to the D.C. appropriations bill. If you have any questions, do not hesitate to contact me at 619–297–3901.

Sincerely,

DEBRA KELLEY,
Vice President, Government Relations.

AMERICAN LUNG ASSOCIATION,
Washington, DC, August 6, 1998.

DEAR REPRESENTATIVE: The American Lung Association opposes the Bilbray amendment to the District of Columbia Appropriations bill that penalizes kids for the possession of tobacco products.

Penalizing children has not been proven to be an effective technique to reduce underage tobacco usage. In fact, penalties may adversely effect existing programs that are proven to work and are required, such as compliance checks utilizing young people. The Bilbray amendment would make these checks illegal. The Synar Amendment on marketing tobacco to children could not be enforced because it would be illegal for supervised teens to attempt to purchase tobacco.

Attempts to put the blame on our children, the pawns of decades of sophisticated marketing by the tobacco industry, instead of the manufacturers and retailers, is just another smokerscreen by big tobacco. The tobacco industry favors shifting both the blame and the attention away from their marketing efforts onto the shoulders of young persons.

For example, a 1995 study by the Maryland Department of Health and Mental Hygiene discovered that 480 minors were penalized for possessing tobacco but no merchants were fined for selling tobacco to minors. On July 16 and 21, 1998, the American Lung Association conducted an undercover ''sting'' operation to determine whether teens could purchase tobacco in the U.S. Capitol complex. Five out of nine attempts were successful, and in the House office buildings, all attempts were successful. Here is clear proof that existing laws regarding selling to teens are not being enforced. Existing laws and regulations need to be enforced.

The tobacco industry favors criminalizing our kids. This alone should be adequate reason for you to reject the Bilbray amendment to the D.C. appropriations bill. The best solution for this Congress is to pass H.R. 3868, the Bipartisan NO Tobacco for Kids Act sponsored by Representatives Hansen, Meehan, Waxman and more than 100 other members of the House.

Sincerely,

JOHN R. GARRISON,
Chief Executive Officer.

CAMPAIGN FOR TOBACCO-FREE KIDS,
Washington, DC, August 6, 1998.

House of Representatives,
Washington, DC.

DEAR MEMBER OF CONGRESS: The Campaign for Tobacco-Free Kids opposes the amendment that may be offered later today by Representative BILBRAY to the District of Columbia appropriations bill (H.R. 4380). This amendment would penalize youth for possession of tobacco products without creating a thoughtful, comprehensive plan to reduce tobacco use among children and without first ensuring that adults who illegally sell tobacco to kids are held responsible.

There is no silver bullet to reducing tobacco use among kids, but this amendment, in the absence of other effective policies, will do little to end tobacco's grip on the children of D.C. There is little evidence to indicate that in the absence of a concerted, comprehensive program, penalizing kids will work to reduce tobacco use rates. Rather, experience from other cities indicates that only a comprehensive program which vigorously enforces laws against selling tobacco to kids through compliance checks of retailers, and which included restrictions on tobacco ads aimed at kids, will be effective.

The narrow focus of this bill will further divert resources away from effective enforcement of the current laws that prohibit retailers from selling to kids. Although the District of Columbia penalizes retailers for selling to kids, this law is not being enforced adequately. According to Department of Health and Human Services, compliance checks showed that 42.3 percent of retailers in D.C. sell tobacco products to minors.

Additionally, this amendment does not address the fact that the tobacco industry spends $5 billion a year marketing its products. Kids in D.C. continually see tobacco ads on billboards, but shelters, and storefronts. The tobacco industry's marketing tactics work: 85 percent of kids who smoke use the three most heavily advertised brands (Marlboro, Camel and Newport).

Any discussion of holding children responsible for their addiction to tobacco should only come after or as part of a comprehensive approach, which insures that adults are being held responsible for marketing and selling to children. Therefore, we ask that you oppose this amendment. Thank you.

Sincerely,

MATTHEW L. MYERS,
Executive Vice President.

Mr. BISHOP. Mr. Chairman, I am pleased to rise this evening in support of the Bilbray amendment.

I recognize in this amendment the heart and soul of a bill I introduced in June of 1997—H.R. 2034, the Tobacco Use by Minors Deterrence Act.

While the Bilbray amendment moves in the right direction, by providing community service, fines and loss of driver's license for kids who are caught with tobacco products, I urge my colleagues to consider the other aspects of the teen access problem that remain to be addressed.

The bill I authored provides loss of license to sell by retail outlets for repeated infractions.

It requires parental notification of violations by kids.

It requires training of employees, posting of notices, and lock-out devices for vending machines.

In short, it provides for a shared responsibility by kids, families, law enforcement, and retailers to protect the health, safety, and welfare of our kids against tobacco use while protecting the right of informed adults to make a choice.

I urge my colleagues to remember that tobacco is a legal product for informed, consenting adults.

The approach found in the Bilbray amendment, and in my bill, encourages respect for the law, but at the same time it recognizes that tobacco is a legal product, which is important to my Congressional District.

Mr. Chairman, I urge my colleagues to support the Bilbray amendment because it sends the right kind of message to underage youth.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for the opportunity to speak on this important amendment to H.R. 4380. Congressman BILBRAY has proposed an amendment to the D.C. Appropriations Act which will make it illegal for anyone under 18 years old to possess any cigarette or other tobacco product in the District of Columbia. This is a good desire but one that should be handled by the local D.C. Government.

I oppose Representative BILBRAY's amendment because this amendment will penalize youth for possession of tobacco products without creating a thoughtful comprehensive plan to reduce tobacco use among children and without first ensuring that adults who illegally sell tobacco products to children are held responsible.

Penalizing children has never proven to be an effective technique to reduce underage tobacco usage. In fact, we know that penalties may adversely affect exiting programs that are proven to work. Attempts to put the blame of the tobacco industry on our children, who are simply pawns of decades of sophisticated marketing by the tobacco industry is ineffective and wrong.

The narrow focus of this bill will further divert resources away from effective enforcement of the current laws that prohibit retailers from selling to kids. This law is not being enforced adequately in D.C. According to the Dept. of Health and Human Services, compliance checks showed that over 40 percent of retailers in DC sell tobacco products to minors. Why not help DC focus on making this law work against those who willingly sell tobacco to our children.

We should only hold children responsible for their participation in smoking after we have effectively held the adults who sell and manufacture tobacco responsible for their role in addicting our children to this lethal product.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from California (Mr. BILBRAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BILBRAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 517, further proceedings on the amendment offered by the gentleman from California (Mr. BILBRAY) will be postponed.

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BARR of Georgia:

Page 58, insert after line 10 the following:

SEC. 151. None of the funds contained in this Act may be used to conduct any ballot initiative which seeks to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. BARR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I am honored to yield two minutes to the gentleman from Illinois (Mr. HASTERT), who has been a leader in the war against mind-altering drug usage.

Mr. HASTERT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this piece of legislation says that basically the District of Columbia should not and shall not make marijuana a legal substance. Of course, marijuana federally is an illegal substance. This is a Federal district. I think that is just logical.

Let us talk a little bit about what marijuana is and what it does. If we think that kids should not smoke tobacco, then I think it is a logical step that probably we should not make this available for kids or anybody to be smoking marijuana.

A lot of people say marijuana produces no ill-effects to the people that use it. That is a fallacy. We find that marijuana affects motor coordination, reasoning and memory, and marijuana has a much higher level of carcinogens than tobacco.

Some people say marijuana is not a dangerous drug. Let me tell you, a study of patients in shock trauma who have been in automobile accidents found that 15 percent of those who have been in a car or motorcycle accident have been smoking marijuana. Seventeen percent have been smoking both marijuana and drinking. When the City of Memphis, Tennessee, tested all reckless drivers for drugs, it was discovered that 33 percent showed signs of marijuana use.

Now, I think this is just a logical step. If we want a drug-free America, if we want a drug-free workplace, if we want drug-free prisons and drug-free schools and drug-free highways, we probably ought to have a drug-free capital, to say to prohibit the legalization of marijuana in the District of Columbia, where millions of our constituents come, year in and year out, day in and day out, week in and week out. They ought to be safe.

We ought to do our best, not just for the safety of the citizens of the District of Columbia, but for the safety of our constituents who come here to visit, to come here to learn, school kids that come through this Capitol, and certainly people who come here to do business, the country's, the Nation's business, day in and day out.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to remind the gentleman that offered this amendment what I know the gentleman knows, and that is that this amendment is moot. There are an insufficient number of signatures gathered. The petition was rejected with a statistical level of 95 percent confidence that there were insufficient valid signatures of registered voters for the District as a whole.

I do not need to go into all of this. The conclusion is that the recommendation of the Board of Elections and Ethics is that the initiative measure be rejected, which would have allowed the medical use of marijuana.

So we are not talking about anything of consequence. The District of Columbia voters have voted. This has been rejected. This is the process that should have been pursued, instead of us trying to impose our will on the District of Columbia voters. They have acted as apparently you would like them to act, and, from your perspective, I am sure, have done the right thing.

This is moot, it is extraneous, it is late, and we have no reason to have taken this up. I wish the gentleman had withdrawn the amendment, as we requested.

Mr. Chairman, I yield the balance of my time to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am absolutely amazed by the capacity of this body to debate settled issues. This is the second time that these folks have tried to gather enough signatures for medical marijuana in the District, and this is the second time it has failed.

My staff, in order to keep this from wasting the time of this body, went so far as to wake up the Board of Elections and have verified that there are not enough signatures. The fact that there are not enough signatures for the second time says pretty definitively that the residents of the District of Columbia have decided this issue.

The medical marijuana debate goes on. Anybody trying to do an innovative approach, unproven, I believe undergoing tests, but as yet unproven, and trying to do that in the District of Columbia, must surely know that this Congress is going to strike it down. That is exactly what happened, except the people struck it down first.

I am going to ask Members at 5 minutes to 11 to voice vote this, to consider it moot, so that we can go on with our business.

Mr. BARR of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it always strikes me as rather odd that people take hours and hours and hours debating amendments, and then, when one comes along that they disagree with, oh, they are so concerned about the Members having to be here.

Well, the fact of the matter is, Mr. Chairman, this is not a moot point. The fact of the matter is that, yes, it appears at this point in time that the signatures on the ballot are wrong and are invalid.

There is time to appeal that, plus the fact, Mr. Chairman, history dictates to us that these drug legalization people do not give up. What they will try and do is they will try and come back again and again and again. Even if the appeal of the invalidity of this ballot referendum is sustained, they will immediately, I am sure, begin the process once again.

All this amendment does is it prevents funds, appropriated funds, from being used in any way to fund a ballot initiative. It strikes not only at the ballot itself, but at using any funds for the development of that ballot, for publicity surrounding that ballot, the whole range of things that these drug legalization people do, over and over and over again.

If the folks on the other side are against legalization of marijuana, I do not understand why they would be opposed to this amendment. This amendment simply says that no monies appropriated under this bill shall be used for ballot initiatives for drug legalization. That includes marijuana. That includes all other Schedule I controlled substances, such as heroin, such as cocaine, such as crack cocaine, and the list goes on and on. That is what we are trying to get at. Oh, but a portion of the passion that they reserve for the tobacco issue would be dedicated to the issue of antidrug efforts, Mr. Chairman.

I would urge my colleagues that this is not a moot point. It is very much alive. This amendment is necessary.

I urge a yes vote on the amendment which will prohibit the use of funds for pro-drug legalization ballot initiatives in any way, shape or form.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARR).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 105–679 offered by Mr. ARMEY:

Page 58, after line 10, insert the following:

TITLE II—DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIPS

SEC. 201. DEFINITIONS.

As used in this title—

(1) the term ''Board'' means the Board of Directors of the Corporation established under section 202(b)(1);

(2) the term ''Corporation'' means the District of Columbia Scholarship Corporation established under section 202(a);

(3) the term ''eligible institution''—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 203(c)(1), means a public, private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 203(c)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through instruction described in section 203(c)(2);

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

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

SEC. 202. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

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

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

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

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

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

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

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

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

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

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

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

(10) AUTHORIZATION.—

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

(i) $7,000,000 for fiscal year 1999;

(ii) $8,000,000 for fiscal year 2000; and

(iii) $10,000,000 for each of fiscal years 2001 through 2003.

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

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

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

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

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

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

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

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

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

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

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

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

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

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

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

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

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

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

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

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

(c) OFFICERS AND STAFF.—

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

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

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

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

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

(d) POWERS OF THE CORPORATION.—

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

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

(e) FINANCIAL MANAGEMENT AND RECORDS.—

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

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

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 210(c).

(f) ADMINISTRATIVE RESPONSIBILITIES.—

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

(2) INSTITUTIONAL APPLICATIONS AND ELIGIBILITY.—

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

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

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

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

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

(B) CERTIFICATION.—

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

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

(C) NEW ELIGIBLE INSTITUTION.—

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

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

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

(III) a business plan;

(IV) an intended course of study;

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

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

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

(ii) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in clause (i), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this title unless the Corporation determines that good cause exists to deny certification.

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

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

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

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

(D) REVOCATION OF ELIGIBILITY.—

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

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

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

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

(3) PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

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

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

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

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

SEC. 203. SCHOLARSHIPS AUTHORIZED.

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

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

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

(b) SCHOLARSHIP PRIORITY.—

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

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia public kindergarten, except that this subparagraph shall apply only for academic years 1998–1999, 1999–2000, and 2000–2001; or

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

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

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

(c) USE OF SCHOLARSHIP.—

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

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

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

SEC. 204. SCHOLARSHIP AWARDS.

(a) AWARDS.—From the funds made available under this title, the Corporation shall award a scholarship to a student and make scholarship payments in accordance with section 205.

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

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

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

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

(c) TUITION SCHOLARSHIP.—

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

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

(B) $3,200 for fiscal year 1999, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2000 through 2003.

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

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

(B) $2,400 for fiscal year 1999, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2000 through 2003.

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

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

(2) $500 for 1999, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 2000 through 2003.

SEC. 205. SCHOLARSHIP PAYMENTS.

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

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

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

SEC. 206. CIVIL RIGHTS.

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

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

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

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

(3) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or an eligible institution from offering, a single-sex school, class, or activity.

(c) REVOCATION.—Notwithstanding section 202(f)(2)(D), if the Corporation determines that an eligible institution participating in the scholarship program under this title is in violation of subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. 207. CHILDREN WITH DISABILITIES.

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

SEC. 208. RULE OF CONSTRUCTION.

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

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

SEC. 209. REPORTING REQUIREMENTS.

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

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

(2) Grade advancement for scholarship students.

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

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

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

(6) Student attendance for scholarship and nonscholarship students.

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

(8) Number of scholarship students enrolled.

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

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

SEC. 210. PROGRAM APPRAISAL.

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

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

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

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

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

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

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

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

SEC. 211. JUDICIAL REVIEW.

(a) JURISDICTION.—

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

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

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. ARMEY) and a Member opposed will each control 15 minutes.

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

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

Mr. Chairman, the hour is late, we are all very familiar with this issue. The issue is very simple. In addition to the already increase of $81 million for the D.C. public schools that you find in this bill, where the committee in their generosity increased public school funding by 14 percent over last year, I am asking again, as I have done before, that we take additional monies for the purpose of providing scholarships to the children and the families of children in the D.C. area that are low income families, so that those families might have the right and the privilege of seeking a better school opportunity for their children and moving their children to another school.

We are all familiar with the demand for this and the over 7,000 families that have already requested this formally. We are all familiar with the availability of space that we have in schools where the maximum grant of $3,200 would be ample for the child's tuition.

This is not something new. We have had this debate before. But let me just highlight a few things that have happened since the last time we had this debate.

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A Washington Post poll has been released recently that shows that District residents support a scholarship program by a 56 to 36 margin. That same poll shows that African Americans support it by a 2 to 1 margin. Also in that poll, we discovered that 67 percent of parents of public school children support it.

Another point we should keep in mind is that the Wisconsin Supreme Court case was settled since we last discussed that with respect to the Milwaukee school choice program. By a vote of 4 to nothing, they said that it does not violate the establishment clause of the first amendment.

Mr. Chairman, I might make this final observation. Many people are saying to me, why do we want to have this vote again after the President so recently vetoed this legislation? Let me just say, Mr. Chairman, if I may, I am committed to these children. I know them. I know their families. I know how important it is in their lives. I cannot in good conscience talk about that commitment without seizing every opportunity I have before me to make this scholarship opportunity available for them.

I do not understand how any person watching this school system, which is already one of the most well-funded school systems in America, that received a 14 percent increase in its budget over last year to the tune of $81 million, can find it in their heart to say that an additional $7 million expressly available to poor families so they might exercise the same option that is so cavalierly exercised by wealthy people in this town, to choose a school themselves for their children, how they can vote against that?

I know we have those in this body that will be so devoid of heart and understanding and compassion that they will vote no, but Members will not find me nor the majority of people voting here tonight that are willing to turn their back on these children.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in opposition to this bill. Mr. Chairman, I have supported this amendment in the past because I think that we do need to provide alternatives for those children who are living in untenable situations, and their parents do need alternatives from what are currently provided to them in order to receive an adequate public education. But I do not support including this amendment in the District of Columbia Appropriations Act.

The President has said, if this amendment is included in this bill, I will veto this bill. So why would we force this bill into a veto situation when it includes $85 million for the District of Columbia public schools and $20 million for charter schools, which is a new initiative, which is education reform, which is terribly important, which we will lose if this is attached to the bill?

Today is the 6th of August. Tomorrow we are going to recess for an entire month. When we return we will have 4 weeks to conference this bill, to vote on the conference report and send the bill to the President. I would hope we do not send a bill that will be vetoed. I do not understand why this needs to be included. We had a separate piece of legislation that dealt with this issue. I think that is the appropriate way to do it, not to put it on an appropriations bill.

For that reason, Mr. Chairman, I have to oppose this amendment.

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

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

I appreciate the remarks of the gentleman from Virginia, but Mr. Chairman, we should not give up on the President of the United States. We should not forsake the hope that he could, in fact, have a change of heart and find a heart for these children. I, for one, will not give up that hope. I believe he is capable of caring.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Chairman, I again rise to thank the majority leader for his outstanding efforts on behalf of the District of Columbia children and families.

Mr. Chairman, I simply want to make sure that Members understand what we are talking about here. The Armey proposal would grant tuition scholarships to 2,000 children and tutoring assistance to an equal number of kids, kids that all too often are trapped in poor performing schools in the District of Columbia, and to quote the gentleman from Virginia (Mr. MORAN) from the debate a few weeks ago, are thereby consigned to a very bleak adult future.

Mr. Chairman, I know there is always pressure, particularly late in the session of Congress, to jettison proposals in the name of political expedience, but there is never a wrong time to do the right thing. We cannot, in good conscience, leave these kids behind.

We are talking about a school district with the lowest test scores and highest dropout rates of any large urban school district in the country, despite spending somewhere in the neighborhood of $9,000 per kid. How do we rationalize opposing this very modest proposal?

We have to give choice a chance in the District of Columbia. We know that D.C. parents want choice: 7,573 children applied for 1,000 private scholarships that recently became available in the District of Columbia. We know that competition will help improve, not dismantle, the public school district.

The bottom line again is, as the majority leader said, D.C. children deserve a chance. In fact, every child in America and every child in Anacostia or the

Southeast portion of the District of Columbia deserves a safe, sound education and a fair chance at the American dream. That is what the Armey opportunity scholarships will give needy children, children who should have a promise of a very bright future.

If we listen to the voices of choice, they are the parents who are demanding this. Virginia Walden, who has been mentioned before, said it best: Give parents like Virginia Walden the choice so their kids have a chance.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this amendment. We should be creating academic opportunities for all students, and not just a handful. We do that by improving our public schools, not by undermining them.

Mr. Chairman, my mother worked in a sweatshop earning 2 cents for each collar that she stitched. She never dreamed that one day her daughter would serve in the House of Representatives. That was possible because education is the great equalizer in this Nation.

No one would deny that our public school system needs help, but I challenge my Republican colleagues, do they truly want to improve educational opportunities for children in the District? If the answer is yes, then reduce class sizes so teachers can give the attention and discipline to kids that they need; put computers in the classrooms, so students can learn the skills of the 21st century; and enact high standards, and hold students and schools accountable.

Do not take funds from public schools and give them to private schools. Do not provide vouchers to just 2,000 D.C. students, and abandon 76,000 students who remain in our public schools. Vouchers will not solve the problems in our public schools, they will create new ones. Let us defeat this amendment and help our public schools.

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

Let me concede from the outset that we are all just poor folks come to greatness, so we do not need any more testimonials about our hard times.

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from Texas, the majority leader, for yielding me the time.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas (Mr. ARMEY). I think everyone in this Chamber would agree, we all support the notion of improving education, but I think where we draw the line is when we have those who defend the status quo, a status quo that has failed generations of children, and then there are those who want to provide opportunities for young people, for families who do not have a choice, 2,000 of more than 7,500 children.

Common sense would dictate that anyone with a good conscience would provide an opportunity to such a youngster, to such a family who is yearning for a choice and a quality education. Yet, there are those who would stand in the way of such a choice and such an opportunity.

Mr. Chairman, very rarely do we get an opportunity to touch a child's life and to provide a sense of hope and a sense of commitment from the United States Congress, such that they can go on and live a productive life. This amendment would go a long way to assure such a thing.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, it seems to me we have been down this road before, and here we go again. I rise in opposition to the experiment of the gentleman from Texas (Mr. ARMEY) to privatize public education, put vouchers into the hands of 2,000, when vouchers need to be in the hands of 80,000.

I really appreciate the concern for 2,000 of the students, but I would sure appreciate much more concern for 80,000 by reducing class size, having special programs, special tutoring, seriously paying teachers. That is how we improve education, not for 2,000, but for 200,000. Let us vote down this amendment and make America work for all of the students, and not just some.

□ 2310

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I thank the majority leader for yielding me the time. I commend the majority leader for his solid work over many years on this really important subject.

A recent poll conducted by the Washington Post found that District residents support low-income scholarships by a 56-to-36 margin. African Americans support low-income scholarships by an even greater percentage, 2-to-1 margin, the poll found.

Recent polls across the country show that while people really believe that teachers are very much a part of this solution, those same polls show that some of the heavy-handed approaches of the teachers unions are very much a part of the problem.

I think rather than just pandering to these heavy-handed unions, we need to look at the consumers and realize this legislation provides opportunity scholarships for grades K through 12, for children whose family income is below 185 percent of poverty. Students can receive scholarships of up to $3200. We need to focus on these students and those parents that want these opportunities.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Chairman, I rise in strong opposition to the amendment for three reasons:

First of all, for fairness. When we have tackled tough issues around here like IRS reform, reforming the Internal Revenue Service, we did not say we are going to fix it for 3 percent of the people. We did not say we are going to fix it for low-income or high-income people. We said we were going to fix it for everybody. Yet with this proposal, we fix it for 3,000 out of 78,000 students. That is not fair. That does not meet the fairness test.

Secondly, consistency. Let us be consistent in this body. When we look at vouchers in D.C., it seems like there is a standard that, yes, we will experiment a little bit on D.C., but when we tried private schools scholarships on the ESEA Act, that failed. When we said we want to try it in Wisconsin and California and Texas, Alabama, that did not pass this body. But when we try to say, let us try it in somebody else's backyard, in D.C., then Members are a little bit more, let us try it on them.

Let us not do that. Let us be consistent and let us not apply different standards to different parts of the country.

Thirdly, yes, let us look at total reform. Let us reach across the aisle, Democrats and Republicans, and let us try alternative route certification. Let us bring teachers in like Colin Powell, let us bring Jimmy Carter, who can teach in a college but cannot teach in a high school. Alternative route certification would allow that. Let us pay our Head Start teachers a decent wage so that zoo keepers and parking attendants are not making more than them.

Let us make sure that we have charter schools and public choice. Those things will reform schools for everybody, not just 3,000 out of 78,000 students.

Defeat the Armey amendment.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS), chairman of the authorizing committee for D.C.

Mr. DAVIS of Virginia. Mr. Chairman, let me just address a few issues raised by my friends from the other side. First of all, this bill is already fully loaded. This has given a new meaning to that term, it will pass here and it will be whittled down in conference, but the President has already offered, I think, to veto 7 appropriation bills as they have come through this year. I do not think that means that we stop under the threat every time that he raises it.

My friend has raised the issue of fairness because this only applies to 3,000 scholarship students who can use the money, I might add, not just to go to private school but for tutors, for computers, for other items they may not be able to receive through the District of Columbia public school system. But

what is fairness? No member of Congress, the President's kids, the Vice President's kids will attend the public schools in the District of Columbia. Fairness is giving to the poorest of the poor the same opportunities that our kids have. That is what fairness is. Not trying to equate 78,000 people and treat them all equally in a system right now that has the highest dropout rate in the country.

Finally, I just add, the schools have not opened on time for the last four years. We are putting more money in the public school system. It is our hope that it will help.

My friend also raised the issue of consistency in the ESEA Act. But consistency there is, what we said is, Federal dollars would not go in, but we encouraged State and local governments to be able to put dollars in for vouchers, if they felt it was effective.

In our case, it is only 6 percent of Federal money is in the State and local school systems nationally. In this case, we are the State for the District of Columbia. We have a unique leadership role in one of the poorest school systems in the United States.

This is a visionary plan. I am sorry it cannot have wider breadth. I am sure the majority leader would like to do that. But that only subjects it to more criticism from the other side of the aisle.

What we would like to do is to give the same kind of opportunities to the poorest of the poor in this city, the President and the Vice President and Members of Congress.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, there was an interesting article in a newspaper in my district this week, August 6, I would like to quote, because it does pose a question about conflict of interest and why one of our Members on the other side of the aisle is so invested in vouchers for private schools.

I take just a piece of this article. I will read just a part it and put the rest into the RECORD.

FRANK RIGGS, a one-time member of the Windsor school board who opposed vouchers as recently as four years ago, has recently said he will become a board member and spokesman for CEO America, which is a group that finances private voucher programs in 31 cities.

It goes on and on. I am telling my colleagues, we have heard over and over from one Member of the other side of the aisle why vouchers are so very, very good for this country. I think it is because it is good, possibly, for somebody else.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS) while I remind all of us that it is unseemly to question the motives of other Members of the Congress.

Mr. PITTS. Mr. Chairman, I rise in support of the amendment.

We have a moral responsibility to put children first in education, including our inner city D.C. kids. According to a Washington Post article, the D.C. school system is, and I quote, ''a well-financed failure.'' Despite spending approximately $9,000 per student, about 40 percent of the second and third graders tested in D.C. public schools last spring read too poorly to meet the proposed standard for promotion to the next grade. This would mean that about 5,000 of Washington's 13,000 second and third graders might have to repeat their grade due to poor teaching, 5,000.

Washington, D.C. kids are simply not being taught basic reading skills. I wonder how many of these students will slip through the cracks and graduate from high school without being able to read a newspaper. Many of their parents are helpless to take action to provide a good education. Let us give these D.C. parents a choice, the D.C. children a chance.

Support the amendment.

□ 2330

Mr. MORAN of Virginia. Mr. Chairman, I yield 1¾ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I rise in strong opposition to this amendment. In addition to the other arguments already made against the amendment, this amendment exempts the private schools from Federal enforcement of civil rights laws, even though they are receiving federally funded vouchers.

Through legislative trickery, the amendment declares these vouchers are assistance to the student and not assistance to the school and, therefore, the school will technically not be a recipient of Federal funds subject to Federal enforcement of civil rights laws. Although the amendment does contain general antidiscrimination language, it does not contain the very important substantive and procedural rights for parents.

For example, the Department of Justice and Office of Civil Rights of the Department of Education will be prevented from withholding funds or seeking an injunction, even when there is proven cases of discrimination. Those remedies and the important legal support are not available because of the nonassistance to school provision. So discrimination can only be addressed on a case-by-case basis by the few parents willing and able to finance the litigation.

Mr. Chairman, this amendment represents poor public policy because it diverts funds which could be put to better use and, furthermore, deceitfully suggests that children will be able to choose a private school of their choice, when the fact is that the choice will only be available for those who win the lottery, against 40 to 1 odds, and get admitted to a private school which has the tuition low enough for them to be able to afford the balance due after the voucher. And, finally, the amendment contains a provision which sabotages civil rights protections.

Mr. Chairman, we should support public education and reject this amendment.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS), who I am sure would not be so rude as to impugn another Member's integrity.

Mr. SHAYS. Mr. Chairman, I rise in strong support of the Armey proposal to provide $5.4 million for scholarships for D.C. students. Obviously, we are not talking about helping 100,000, we are not talking about helping 200,000, we are talking about a pilot program to determine the viability of a voucher program in our city, the city that is the capital city.

I just would say to my colleagues that it has taken me a long time to evolve from opposing vouchers to supporting them. About 8 years ago I questioned them, about 6 years ago I began to think they made sense, about 4 years ago I thought that we should do it but I did not have the political courage to confront the teachers' union, and it was only 3 years ago I finally said we have simply got to do it.

It is a pilot program. I strongly support it. I think it will make a big difference in the city.

Mr. MORAN of Virginia. Mr. Chairman, may I inquire as to how much time is left on each side?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 6¾ minutes remaining, and the gentleman from Texas (Mr. ARMEY) has 2½ minutes remaining.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, here we go again, yet another proposal tonight that violates the Republican principles of States' rights and local control.

This school voucher scheme that has been dreamed up by the majority leader, that would provide only $3,200 a year for poor students to attend private and religious schools, is well below what the local private schools charge to begin with and, in addition to that, it would take nearly $7 million from the school District's budget and give it to only 3 percent of the District students.

I think Members on this side of the aisle have made wonderful arguments about why this is not a sound proposal, but let me just ask my friends on the other side of the aisle who have talked about how much they care about these poor children, and how much they want them educated, and how much they want them to be a part of the American dream. Would my Republican colleagues please just let them have a summer job? As I understand it, they are taking away their right to work this summer, and they depend on that money so that they can have clothes to go back to school.

I tell my colleagues, do not worry about the voucher, just give them a summer job and we will be very happy.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

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

Mr. ROTHMAN. Mr. Chairman, today, unfortunately, the Republican leadership in the House has decided to take another step in giving up on public school education in America.

Mr. Chairman, public school education is the key that has unlocked the door for generation after generation of Americans, the door to the American dream. It was for me, it has been and will be for my children.

Besides, what will be next? Do we say to the person who does not like the books in the local public library that we will give them a voucher so they can buy books they like and create a private library in their own home? What about the person who does not like the folks who hang out in the public park? Will we give that person a voucher so they can buy their own swing set in their backyard and call it a private park? No. Because we are still a country that believes in the collective good and in the American dream.

Let us fix our public schools: competition through charter public schools. Let us not give up on America's public schools. I urge my colleagues to vote ''no'' on this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, when my Republican colleagues talk repeatedly tonight about they are the party that cares about educating children, let me remind the American people these are the same people who, one, tried to abolish title I reading programs for children; two, tried to reduce school lunches; three, tried to reduce Head Start programs; four, proposed the largest education cuts in the history of America; five, tried to eliminate college work study programs; six, tried to cut college student loan programs; seven, they are trying to zero out this year's summer student job programs; and, finally, they even want to zero out LIHEAP programs that allow little children and children of all ages to get heating in the winter and air-conditioning in the summer.

If my colleagues believe that is a good track record for helping little children get a good education, perhaps they should vote for the latest program of the Republican Party to educate America's children.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE), a former State secretary of education for that State.

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman from Virginia for yielding this time to me.

Mr. Chairman, I served as superintendent of schools for 8 years. I ran for this House for this very reason. My Republican colleagues ought to be ashamed of themselves. If they think it is such a good idea, they should make it for their hometown schools. They should make it for their hometown schools.

The children of this country deserve better. My colleagues take on the teachers. They punish the schools. They talk about public education. It is the one thing that levels the playing field for all kids and gives them an opportunity. It gave me an opportunity and it gave them one, and they ought to be ashamed of themselves for what they are trying to do.

I know what it takes to improve education. It is a good curriculum, it is funding the system, it is providing for educational opportunities, and it is measuring what children do. It is not taking away the opportunity, and it is not providing for just a few. It is making sure that many have the opportunity. And my colleagues ought to vote against this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I can see the natives are being restless. We have very little time here left. Would the Chair clarify exactly how much time is left?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 2¾ minutes remaining, and the gentleman from Texas (Mr. ARMEY) has 2½ minutes remaining.

Mr. ARMEY. Mr. Chairman, let me just advise the gentleman from Virginia (Mr. MORAN) that I have only one speaker remaining, and I reserve the right to close.

Mr. MORAN of Virginia. Mr. Chairman, could I clarify that. I think that this side has the right to close.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has the right to close.

Mr. ARMEY. Mr. Chairman, if that be the unfortunate fact of our parliamentary order, the gentleman will advise me, then, when he is down to one remaining speaker, and then I will yield my time.

Mr. MORAN of Virginia. Mr. Chairman, if the gentleman is prepared to give us his final flurry, what we can do is have one last speaker, the gentlewoman from the District of Columbia (Ms. NORTON), after the gentleman yields, and that will be closure.

□ 2330

Mr. ARMEY. Mr. Chairman, I yield the time I have remaining to the gentleman from Georgia (Mr. GINGRICH), the Speaker of the House.

Mr. GINGRICH. Mr. Speaker, since the gentlewoman gets to close, I want to devote my entire speech to asking her to explain, since this bill endorses a substantial increase in public spending, as you know, since this bill spends over $8,000 per child in the public schools.

We do not have an exact accurate figure because the school system that you represent is so badly run it cannot tell us how many children are in it. But the estimate that we have been able to find that is closest is $8,000 per child minimum, not counting the cost of retirement.

Since what the gentleman from Texas is proposing is to increase, let me make this clear, because a number of people on the left cannot tell the truth anymore about public education because they cannot defend the teachers unions with honesty, the fact is this bill increases, increases spending on education in the District. So by voting ''no'' you are denying the children of this District money. Let us be clear about that.

What you are proposing is to stop additional extra money. But there is something worse you are doing, and I do not for the life of me understand how you can do it.

I graduated from a public school. I taught in a public high school. My wife graduated from public school. Both my daughters graduated. Unlike some of our liberal friends who send their children to private schools while trapping the poor. But that is not the point.

The gentleman from North Carolina got up and said ''shame.'' Shame for what? You believe that government has the right to trap the poorest children in this country in a school, no matter how terrible it is. You believe that the schools that we could identify for you tomorrow morning, we will take you to them physically, we will have the parents who came and testified, the 8,000 children who applied for a private scholarship, you believe the Government has a right to trap those 8,000 children no matter how bad, no matter how dangerous, no matter how destructive the school.

By what right does the Government say to a child, we will cripple your future in the information age, you will not learn how to read, you will not really have a work ethic, you cannot do math?

But yet, that is what you do on behalf of the unions. Let us be honest what this is about. This is about power. If you had cared about the children, you would add $6 million.

Let me give you, if I might, one final example, because one of your Members besmirched the gentleman from California (Mr. RIGGS). They said he is for this because he is going to go off and help create a private scholarship. Let me just tell you, that is nonsense.

Ted Forsman and John Walton have already created 15,000 to 20,000 scholarships out of their own pocket. And, in fact, if you wanted to help, you would eliminate the need for him to go do it if you were willing to allow the children to have the scholarships. They are doing privately what you refuse to do publicly.

And when they offered 1,000, and I will close with this because these are your constituents, when they offered 1,000 scholarships, 8,000 people applied in a district that has 78,000. More than

one out of every ten people applied in the very first year because they were desperate to leave the schools you trapped them in.

So you explain why are you turning down extra money to give the poorest children of your city a decent chance to have a better future.

Mr. MORAN of Virginia. Mr. Chairman, at this time our side is honored and pleased to yield the balance of the time to the very distinguished delegate, the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding.

By what right does the Speaker of the House come forward to personally impugn those who would disagree with him?

By what right does the Speaker, who has led this House in refusing to fund hundreds of programs that are on the books, dare to say that those who would apply money to the public schools where this House has always said it should be applied, by what right does the Speaker impugn the integrity of those who would fund what has always been funded by this House?

By what right does the Speaker accuse those of us who disagree with him of being in the pockets of the unions of this country?

This Member, this Member, this Member got 90 percent of the vote in the District of Columbia and does not have to answer to the unions any more than she has to answer to you, Mr. Speaker.

By what right, by what right, by what right does the majority leader bring to this floor a vouchers bill three months after the same bill was just vetoed, incurring a harmful delay for the very families and children he purports to want to help?

If you ask D.C. residents whether they would like some free money to send their children to private schools today, like most Americans, they would probably say yes. It is important also to tell them that most court decisions say no and that the President's veto means no.

There is something this House can do for D.C. kids. You can get on the train that is breaking through with tough, new standards and higher scores for our kids. You can get off the voucher train, which you know is headed straight for a veto.

On behalf of the children of the District of Columbia, I thank you for the hypocrisy of the debate we have witnessed this very evening.

Mr. STARK. Mr. Chairman, I am opposed to the Republican District of Columbia School Vouchers Act. It was brought to the floor on false logic and ignores the real problems in public education.

Let's take the Republican argument at face value for a minute. If public schools in the District of Columbia are unable to educate our children, as my colleagues claim, is the solution to remove 2,000 of them and place them in private schools? What do we do for the 76,000 students left behind?

In fact, these 76,000 will have to do with less funds available to help their education. It will cost $7 million to educate these 2,000 students in private schools—but this bill does not allow for additional funds to help the remaining children. How else could this $7 million be spent? The money could pay for after-school programs in each and every D.C. public school, 368 new boilers, could rewire 65 schools, upgrade plumbing in 102 schools, or buy 460,000 new textbooks.

The people who live in the District of Columbia do not want this bill. The people of the District of Columbia did get the chance to vote on vouchers when the issue was placed on the ballot. It was defeated by a margin of eight to one.

The residents of our host city do not deserve to be experiments for right-wing think tanks that promote ideas favored by the Christian Coalition and the religious right.

If my colleagues on the other side are truly interested in helping students enrolled in public schools, I offer some suggestions for them. Why don't we increase the funds available for teacher salaries? How about holding teachers to educational standards of their own to make sure that those who teach our children are actually qualified to do so? What about providing a textbook in every core subject for every school child in America?

What about adopting the President's plan to improve our educational infrastructure? We need to make sure that school classrooms are not falling apart and students have the resources they need, whether they be textbooks or access to the Internet, to be able to succeed in today's world.

My Republican friends could make a strong stand for education by adopting these policies. Instead they shower us with rhetoric about helping children, when this is really an attack on public education across the country.

The schoolchildren of the District of Columbia deserve our help and need our assistance. This is the wrong move, the wrong idea, and the wrong time and place. I urge my colleagues to take a real and meaningful stand for children and education.

Vote against the Armey Amendment to the FY '99 District of Columbia Appropriations Act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak against the Armey Amendment. The primary point of concern, for myself, and many other members of this body in regads to H.R. 4380, is the ''school scholarship'' or vouchers amendment that the President has already vetoed in this Session of Congress.

This provision would authorize the distribution of scholarships to low to moderate income families to attend public or private schools in nearby suburbs or to pay the costs of supplementary academic programs outside regular school hours for students attending public schools. However, only certain students will receive these tuition scholarships.

This legislative initiative could obviously set a dangerous precedent from this body as to the course of public education in America for decades to come. If the United States Congress abandons public education, and sends that message to localities nationwide, a fatal blow could be struck to public schooling. The impetus behind this legislative agenda is clearly suspect. Instead of using these funds to improve the quality of public education, this policy initiative enriches local private institutions over education for all. Furthermore, if this policy initiative is so desirable, why are certain DC students left behind? Can this plan be a solution? I would assert that it cannot. Unless all of our children are helped, what value does this grand political experiment have?

I see this initiative as a small step in trying to position the government behind private elementary and secondary schools. The ultimate question is why do those in this body who continue to support ''public education'' with their lipservice, persist in trying to slowly erode the acknowledged sources of funding for our public schools? Public education, and its future, is an issue of the first magnitude, one that affects the constituency of every member of this House, and thus deserves full and open consideration. Public school education has over the years been the consistent equalizing factor in giving all Americans a fair chance at success.

School vouchers, have not been requested by public mandate from the Congress, actually, they have failed every time they have been offered on a state ballot by 65% or greater. If a piece of legislation proposes to send our taxpayer dollars to private or religious schools, the highest levels of scrutiny are in order, and an amendment that may correct such a provision is unquestionably germane. Nine out of ten American children attend public schools, we must not abandon them, the reform of such schools is our hope.

Mr. CLAY. Mr. Chairman, I rise in opposition to Mr. ARMEY'S DC voucher amendment because it will do absolutely nothing to improve the quality of the educational opportunities in the District of Columbia. What this amendment will do, however, is, for the second time this year, allow the Republicans to trumpet one of the baseless partisan political themes.

Everyone here knows that federally funded school vouchers are not going to become law in the District of Columbia, or anywhere else for that matter.

The President vetoed a DC voucher bill that was presented to him earlier this year. No doubt, he will veto DC vouchers again.

I oppose vouchers because they would channel public tax dollars to private and religious schools. That's ridiculous to do when budgetary pressures make it hard enough to adequately fund our public schools.

In addition, we should not undermine the position of the very local officials principally responsible for the education of District students. The Mayor, city council, school board, and control board have all said ''no'' to vouchers. Let's say ''no'' too.

Defeat the Armey voucher amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ARMEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

It will be followed by the resumption of proceedings on the four amendments on which requests for recorded votes were postponed.

The vote was taken by electronic device, and there were—ayes 214, noes 208, not voting 13, as follows:

[Roll No. 411]

AYES—214

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

NOES—208

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

NOT VOTING—13

Conyers
Cunningham
Gonzalez
Hansen
Manton
McDade
Moakley
Packard
Smith (OR)
Stark
Thompson
Yates
Young (FL)

□ 2357

Ms. MCKINNEY changed her vote from ''aye'' to ''no.''

Mr. KENNEDY of Massachusetts changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 517, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 printed in House Report 105–679 offered by the gentleman from Kansas (Mr. TIAHRT); the amendment, as modified, offered by the gentleman from Virginia (Mr. MORAN); amendment No. 2 printed in House Report 105–679 offered by the gentleman from Oklahoma (Mr. LARGENT); amendment No. 3 printed in House Report 105–679 offered by the gentleman from California (Mr. BILBRAY).

AMENDMENT NO. 1 OFFERED BY MR. TIAHRT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. TIAHRT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 169, not voting 15, as follows:

[Roll No. 412]

AYES—250

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehner
Bono
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Minge
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh

Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NOES—169

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stokes
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—15

Buyer
Conyers
Cramer
Cunningham
Gonzalez
Hansen
Manton
McDade
Moakley
Packard
Smith (OR)
Stark
Thompson
Yates
Young (FL)

□ 0006

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TIAHRT. Mr. Chairman, we are faced with an unusual parliamentary situation regarding the amendment that we just voted on regarding my amendment and the amendment of the gentleman from Virginia (Mr. MORAN). Is it not true that for my amendment to prevail and terminate the needle exchange program in the District of Columbia, that the Moran amendment must be defeated?

The CHAIRMAN. The amendment of the gentleman from Kansas (Mr. TIAHRT) to strike section 150 and insert new language was not finally adopted because his request for a recorded vote on the amendment was postponed. Because an amendment rewriting section 150 in its entirety had not been adopted, the Chair recognized the gentleman from Virginia (Mr. MORAN) to offer an amendment to strike the same section and insert slightly different language. The Moran amendment was not an amendment to the Tiahrt amendment. Such a second degree amendment would not have been permitted under the terms of the rule governing consideration of this bill. Rather, it is a separate amendment to section 150 of the bill.

If both amendments are adopted, the second amendment adopted, the Moran amendment, would supersede the first amendment, and would be the only amendment reported by the Committee of the Whole to the House.

AMENDMENT, AS MODIFIED, OFFERED BY MR. MORAN OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) as modified, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 247, not voting 14, as follows:

[Roll No. 413]

AYES—173

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Boehlert
Bonilla
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Castle
Clay
Clayton
Clyburn
Condit
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gilchrest
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Shays
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Strickland
Stupak
Tanner
Tauscher
Thomas
Thurman
Tierney
Torres
Towns
Upton
Velazquez
Vento
Watt (NC)
Waxman
Weldon (FL)
Wexler
Woolsey
Wynn

NOES—247

Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehner
Bonior
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Danner
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Filner
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Markey
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu

Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Turner
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NOT VOTING—14

Conyers
Cramer
Cunningham
Gonzalez
Hansen
Manton
McDade
Moakley
Packard
Smith (OR)
Stark
Thompson
Yates
Young (FL)

□ 0015

Ms. VELAZQUEZ changed her vote from ''no'' to ''aye.''

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. LARGENT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. LARGENT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 192, not voting 15, as follows:

[Roll No. 414]

AYES—227

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Ford
Fossella
Fowler
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Minge
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Poshard
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilman
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stokes
Strickland
Tauscher
Thomas
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wilson
Wise
Woolsey
Wynn

NOT VOTING—15

Bilbray
Conyers
Cramer
Cunningham
Gonzalez
Hansen
Manton
McDade
Moakley
Packard
Smith (OR)
Stark
Thompson
Yates
Young (FL)

□ 0022

So the amendment was agreed to.

The result of vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. BILBRAY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BILBRAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 283, noes 138, not voting 13, as follows:

[Roll No. 415]

AYES—283

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis

McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Minge
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wilson
Wolf

NOES—138

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Dooley
Engel
Ensign
Eshoo
Etheridge
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Ganske
Gejdenson
Greenwood
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Klink
LaFalce
Lee
Lewis (GA)
Maloney (CT)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Mollohan
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Owens
Pallone
Paul
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schaefer, Dan
Scott
Serrano
Sisisky
Skaggs
Skeen
Slaughter
Snyder
Spratt
Stokes
Strickland
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Young (AK)

NOT VOTING—13

Cramer
Cunningham
Gonzalez
Hansen
Manton
McDade
Moakley
Packard
Smith (OR)
Stark
Thompson
Yates
Young (FL)

□ 0030

Mr. WAXMAN, and Ms. FURSE changed their vote from ''aye'' to ''no.''

Ms. HOOLEY of Oregon changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''District of Columbia Appropriations Act, 1999''.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 517, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will then put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 206, not voting 15, as follows:

[Roll No. 416]

YEAS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
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
Wilson
Wolf
Young (AK)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer

Schumer	Stenholm	Velazquez
Scott	Stokes	Vento
Serrano	Strickland	Visclosky
Sherman	Stupak	Watt (NC)
Sisisky	Tanner	Waxman
Skaggs	Tauscher	Wexler
Skelton	Taylor (MS)	Weygand
Slaughter	Thurman	Wise
Smith, Adam	Tierney	Woolsey
Snyder	Torres	Wynn
Spratt	Towns	
Stabenow	Turner	

NOT VOTING—15

Cramer	McDade	Stark
Cunningham	Moakley	Thompson
Gonzalez	Packard	Waters
Hansen	Pascrell	Yates
Manton	Smith (OR)	Young (FL)

□ 0049

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4049

Mr. STRICKLAND. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor from H.R. 4049. My name was inadvertently added as a cosponsor when I asked to cosponsor H.R. 872.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DESIGNATION OF HONORABLE CONSTANCE MORELLA OR HONORABLE FRANK WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH WEDNESDAY, SEPTEMBER 9, 1998

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 6, 1998.

I hereby designate the Honorable Constance A. Morella or, if not available to perform this duty, the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Wednesday, September 9, 1998.

NEWT GINGRICH,
Speaker of the House of Representatives.

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

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO HAVE UNTIL AUGUST 21, 1998, TO FILE REPORTS ON H.R. 4321, FINANCIAL PRIVACY ACT OF 1998 AND H.R. 4393, FINANCIAL CONTRACT NETTING IMPROVEMENT ACT OF 1998

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services have until August 21, 1998, to file reports on H.R. 4321, the Financial Privacy Act of 1998, and H.R. 4393, the Financial Contract Netting Improvement Act of 1998.

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

There was no objection.

CANADIAN RIVER PROJECT PREPAYMENT ACT

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 3687) to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. SKAGGS. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from Texas for a brief explanation of the bill if he would be so kind.

Mr. THORNBERRY. I thank the gentleman for yielding.

Mr. Speaker, H.R. 3687 by myself authorizes prepayment of amounts due under a water reclamation project contract for the Canadian River Project in Texas and is cosponsored by the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. COMBEST).

Mr. Speaker, I would first like to recognize Mr. Stenholm and Mr. Combest, cosponsors of this bill, for all their work in bringing this bill to the floor and in this matter generally over the past two years.

This bill does not authorize transfer of the title to any Government property. It is strictly a bill to authorize prepayment of a debt. Title transfer is already authorized by the original Project authorization act and by the repayment contract to take place automatically when the debt is paid.

H.R. 3687 has the support of all the affected or involved parties. There is bipartisan support for the bill and the Bureau of Reclamation representatives have stated that the bill has their support.

Passage of H.R. 3687 is badly needed during the current session of Congress. Further delay will cause the eleven cities which are members of CRMWA to suffer unnecessary hardship, especially if the current drought in Texas were to continue into next year. H.R. 3687 and the subsequent title transfer will clear the way for CRMWA to provide additional supplies which will prevent water shortages.

Over five hundred thousand people rely on water from the Canadian River Municipal Water Authority. This legislation will ensure that they have access to a safe, clean and abundant supply of water. I urge your support for this important legislation.

Mr. SKAGGS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3687

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

SECTION 1. PREPAYMENT OF CONTRACT FOR CANADIAN RIVER PROJECT, TEXAS.

(a) PREPAYMENT AUTHORIZED.—Prepayment of the amount due under Bureau of Reclamation contract number 14–06–500–485 for the Canadian River Project, Texas, may be made by tender of an appropriate discounted present value amount, as determined by the Secretary of the Interior.

(b) CONVEYANCE.—Upon payment of the amount determined by the Secretary of the Interior under subsection (a), the Secretary shall convey to the Canadian River Municipal Water Authority all right, title, and interest of the United States in and to the project pipeline and related facilities authorized by Public Law 81–898 and Bureau of Reclamation contract number 14–06–500–485, including the headquarters facilities of the Authority.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THORNBERRY

Mr. THORNBERRY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. THORNBERRY: Strike out all after the enacting clause and insert:

H.R. 3687

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Canadian River Project Prepayment Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term ''Authority'' means the Canadian River Municipal Water Authority, a conservation and reclamation district of the State of Texas.

(2) The term ''Canadian River Project Authorization Act'' means the Act entitled ''An Act to authorize the construction, operation, and maintenance by the Secretary of the Interior of the Canadian River reclamation project, Texas'', approved December 29, 1950 (chapter 1183; 64 Stat. 1124).

(3) The term ''Project'' means all of the right, title and interest in and to all land and improvements comprising the pipeline and related facilities of the Canadian River Project authorized by the Canadian River Project Authorization Act.

(4) The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. PREPAYMENT AND CONVEYANCE OF PROJECT.

(a) IN GENERAL.—(1) In consideration of the Authority accepting the obligation of the Federal Government for the Project and subject to the payment by the Authority of the applicable amount under paragraph (2) within the 360-day period beginning on the date of the enactment of this Act, the Secretary shall convey the Project to the Authority, as provided in section 2(c)(3) of the Canadian River Project Authorization Act (64 Stat. 1124).

(2) For purposes of paragraph (1), the applicable amount shall be—

(A) $34,806,731, if payment is made by the Authority within the 270-day period beginning on the date of enactment of this Act; or

(B) the amount specified in subparagraph (A) adjusted to include interest on that amount since the date of the enactment of this Act at the appropriate Treasury bill rate for an equivalent term, if payment is made by the Authority after the period referred to in subparagraph (A).

(3) If payment under paragraph (1) is not made by the Authority within the period specified in paragraph (1), this Act shall have no force or effect.

(b) FINANCING.—Nothing in this Act shall be construed to affect the right of the Authority to use a particular type of financing.