

128.10 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mr. MENENDEZ that the Committee do now rise.

It was decided in the { Yeas 71 negative } Nays 348

128.11 [Roll No. 608]

AYES—71

- Ackerman Jackson (IL)
Becerra Jackson-Lee (TX)
Blumenauer (TX)
Bonior Jefferson
Brown (FL) Kennedy (RI)
Brown (OH) Kennedy
Carson LaFalce
Conyers Lewis (GA)
Coyne Lofgren
DeLauro Maloney (NY)
Dellums McCarthy (NY)
Deutsch McDermott
Dingell McKinney
Doggett McNulty
Evans Meek
Farr Menendez
Fazio Millender-
Filner McDonald
Frank (MA) Miller (CA)
Furse Mink
Gejdenson Mollohan
Gephardt Murtha
Hastings (FL) Nadler
Hinchev Oberstar
Hooley Obey

NOES—348

- Abercrombie Coburn
Aderholt Collins
Allen Combest
Andrews Condit
Archer Cook
Armye Cooksey
Bachus Costello
Baesler Cox
Baker Cramer
Baldacci Crane
Ballenger Crapo
Barcia Cummings
Barr Cunningham
Barrett (NE) Danner
Barrett (WI) Davis (FL)
Bartlett Davis (IL)
Barton Davis (VA)
Bass Deal
Bateman DeGette
Bentsen Delahunt
Bereuter DeLay
Berman Diaz-Balart
Berry Dickey
Bilbray Dicks
Bilirakis Dixon
Bishop Dooley
Blagojevich Doolittle
Bliley Doyle
Blunt Dreier
Boehlert Duncan
Boehner Dunn
Bonilla Edwards
Borski Ehlers
Boswell Ehrlich
Boucher Emerson
Boyd Engel
Brady English
Brown (CA) Ensign
Bryant Eshoo
Bunning Etheridge
Burr Everett
Burton John
Buyer Fattah
Callahan Fawell
Calvert Flake
Camp Foley
Campbell Forbes
Canady Ford
Cannon Fossella
Cardin Fowler
Castle Fox
Chabot Franks (NJ)
Chambliss Frelinghuysen
Chenoweth Frost
Christensen Gallegly
Clay Ganske
Clayton Gekas
Clement Gibbons
Clyburn Gilchrist
Coble Gillmor

- Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)
Rodriguez
Roybal-Allard
Sanchez
Scott
Skaggs
Smith, Adam
Spratt
Stark
Strickland
Stupak
Torres
Townes

NOES—334

- Abercrombie
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Farr
Fattah
Fazio
Filner
Frank (MA)
Furse
Gejdenson
Gephardt
Hastings (FL)
Hefner
Hilleary
Hinchev
Hinojosa
Jackson (IL)
Jefferson
Kennedy (RI)
LaFalce
Lewis (GA)
Lofgren
Maloney (NY)
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Stokes
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

- Bono Johnson, E. B.
Cubin Kaptur
DeFazio Riley
Foglietta Schiff
Gonzalez Sisisky

So the motion was not agreed to. After some further time,

128.12 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Ms. VELAZQUEZ that the Committee do now rise.

It was decided in the { Yeas 75 negative } Nays 334

128.13 [Roll No. 609]

AYES—75

- Baldacci Farr
Barrett (WI) Fattah
Becerra Fazio
Blagojevich Filner
Blumenauer Frank (MA)
Bonior Furse
Brown (FL) Gejdenson
Brown (OH) Gephardt
Conyers Hastings (FL)
Coyne Hefner
DeFazio Hilleary
Delahunt Hinchev
DeLauro Hinojosa
Dellums Jackson (IL)
Deutsch Jefferson
Dingell Kennedy (RI)
Doggett LaFalce
Etheridge Lewis (GA)
Evans Lofgren
Maloney (NY)
Markey
McDermott
McKinney
McNulty
Meek
Menendez
Millender-
McDonald
Miller (CA)
Mink
Nadler
Oberstar
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Pomeroy
Rangel

- Everett
Fawell
Flake
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrist
Gillmor
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions

Shadegg	Stabenow	Visclosky	Tauscher	Velazquez	Weygand
Shaw	Stearns	Walsh	Thompson	Vento	Wise
Shays	Stenholm	Wamp	Tierney	Visclosky	Woolsey
Sherman	Stump	Waters	Torres	Waters	Wynn
Shimkus	Sununu	Watkins	Towns	Watt (NC)	
Shuster	Tanner	Watts (OK)	Turner	Waxman	
Sisisky	Tauscher	Waxman			
Skeen	Tauzin	Weldon (FL)			
Skelton	Taylor (MS)	Weldon (PA)			
Slaughter	Taylor (NC)	Weller			
Smith (MI)	Thomas	Wexler			
Smith (NJ)	Thompson	Weygand			
Smith (OR)	Thornberry	White			
Smith (TX)	Thune	Whitfield			
Smith, Linda	Thurman	Wicker			
Snowbarger	Tierney	Wolf			
Snyder	Trafficant	Wynn			
Solomon	Turner	Young (AK)			
Souder	Upton	Young (FL)			
Spence	Vento				

NOT VOTING—24

Ackerman	Gonzalez	McCrery
Army	Hastert	Oxley
Berman	Hastings (WA)	Riley
Bono	Hyde	Schiff
Brown (CA)	Johnson, Sam	Stokes
Cubin	Leach	Talent
Dickey	Linder	Tiahrt
Foglietta	Livingston	Yates

So the motion was not agreed to.
After some further time,

128.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. TIERNEY:

Beginning on page 7, strike line 1 and all that follows through page 8, line 21.

It was decided in the { Yeas 164
negative } Nays 260

128.15 [Roll No. 610]
AYES—164

Abercrombie	Frank (MA)	Miller (CA)			
Ackerman	Frost	Minge			
Allen	Furse	Mink			
Andrews	Green	Moakley			
Baesler	Gutierrez	Mollohan			
Baldacci	Hastings (FL)	Nadler			
Barcia	Hefner	Neal			
Barrett (WI)	Hilliard	Oberstar			
Becerra	Hinchev	Olver			
Bentsen	Hinojosa	Ortiz			
Berry	Hooley	Owens			
Bishop	Hoyer	Pallone			
Blagojevich	Jackson (IL)	Pascarell			
Blumenauer	Jackson-Lee	Paul			
Bonior	(TX)	Payne			
Boswell	Jefferson	Pelosi			
Boucher	Johnson (CT)	Peterson (MN)			
Brown (CA)	Johnson (WI)	Pickett			
Brown (OH)	Kaptur	Pomeroy			
Campbell	Kennedy (MA)	Poshard			
Cardin	Kennedy (RI)	Price (NC)			
Clay	Kennelly	Rahall			
Clayton	Kildee	Rangel			
Clement	Kilpatrick	Reyes			
Conyers	Klecza	Rivers			
Costello	Kucinich	Rodriguez			
Coyne	LaFalce	Rothman			
Cramer	Lampson	Roybal-Allard			
Cummings	Lantos	Rush			
Danner	Levin	Sabo			
DeFazio	Lewis (GA)	Sanchez			
DeGette	LoBiondo	Sanders			
Delahunt	Lofgren	Sandlin			
Dellums	Lowe	Sawyer			
Deutsch	Luther	Schumer			
Dicks	Maloney (NY)	Scott			
Dingell	Manton	Serrano			
Dixon	Markey	Shays			
Doggett	Martinez	Sherman			
Dooley	Matsui	Sisisky			
Edwards	McCarthy (MO)	Skaggs			
Engel	McCarthy (NY)	Skelton			
Eshoo	McDermott	Slaughter			
Etheridge	McGovern	Spratt			
Evans	McKinney	Stabenow			
Farr	McNulty	Stark			
Fazio	Meehan	Stokes			
Filner	Menendez	Strickland			
Flake	Millender	Stupak			
Ford	McDonald	Tanner			
			Army	Gonzalez	Scarborough
			Cubin	Johnson, Sam	Schiff
			Foglietta	Riley	Yates

NOT VOTING—9

Gibbons
Gilchrist
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, E. B.
Jones
Kanjorski
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann

NOES—260

Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Lazio
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Trafficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

So the amendment was not agreed to.
The SPEAKER pro tempore, Mr. BARRETT, assumed the Chair.

When Mr. SNOWBARGER, Chairman, pursuant to House Resolution 288, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community-Designed Charter Schools Act".

SEC. 2. INNOVATIVE CHARTER SCHOOLS.

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

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

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

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

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

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

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

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

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

SEC. 3. CHARTER SCHOOLS.

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

"PART C—PUBLIC CHARTER SCHOOLS

"SEC. 10301. FINDINGS AND PURPOSE.

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

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

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

"(3) charter schools are a mechanism for testing a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for educationally disadvantaged students consistent with challenging State content standards and challenging State student performance standards for all students;

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

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

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

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

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

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

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

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

“SEC. 10302. PROGRAM AUTHORIZED.

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

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

“(c) PROGRAM PERIODS.—

“(1) GRANTS TO STATES.—

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

“(B) EXTENSION.—Any State educational agency that has received a grant or subgrant under this part prior to October 1, 1997, shall be eligible to receive an additional grant for a period not to exceed 2 years in accordance with this section, notwithstanding that such a State does not meet the requirements of section 10309(1)(A).

“(2) GRANTS TO ELIGIBLE APPLICANTS.—

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

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

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

“(B) EXTENSION.—Any eligible applicant that has received a grant or subgrant under this part prior to October 1, 1997, shall be eligible to receive an additional grant for a period not to exceed 2 years in accordance with this section, notwithstanding that such an eligible applicant does not meet the requirements of section 10309(1)(A).

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

“(e) PRIORITY AND REQUIREMENTS.—

“(1) PRIORITY.—

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

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

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

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

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

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

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

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

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

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

“SEC. 10303. APPLICATIONS.

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

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

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

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

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

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

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

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

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

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

“(C) a description of—

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

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

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

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

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

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

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

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

“(i) informed about the charter school; and

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

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

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

“(L)(i) an assurance that the charter school that is a local educational agency or the local educational agency in which the charter school is located, as the case may be, will comply with the requirements of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) with respect to the provision of special education and related services to children with disabilities in charter schools; and

“(ii) a description of how the charter school that is a local educational agency or the local educational agency in which the charter school is located, as the case may be, will ensure, consistent with such requirements, the receipt of special education and related services by children with disabilities in charter schools; and

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

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

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

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

“(1) the information and assurances described in subparagraphs (A) through (L) of subsection (b)(3), except that for purposes of this subsection subparagraphs (J), (K), and (L) of such subsection shall be applied by

striking 'and the State educational agency' each place such term appears; and

"(2) assurances that the State educational agency—

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

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

"SEC. 10304. ADMINISTRATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(f) **USE OF FUNDS.**—

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

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

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

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

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

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

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

"(i) informing the community about the school;

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

"(iii) acquiring or developing curriculum materials; and

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

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

"(g) **TRIBALLY CONTROLLED SCHOOLS.**—Each State that receives a grant under this part and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining—

"(1) the eligibility of the school to receive any other Federal, State, or local aid; or

"(2) the amount of such aid.

"SEC. 10305. NATIONAL ACTIVITIES.

"The Secretary shall reserve for each fiscal year the lesser of 5 percent of the amount appropriated to carry out this part for the fiscal year or \$5,000,000, to carry out, giving highest priority to carrying out paragraph (3), the following:

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

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

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

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

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

"(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related present or future evaluations or studies which shall include the evaluation of the impact of charter schools on student achievement, including information regarding—

"(A) the number of students who applied for admission to charter schools and the number of such students who enrolled in charter schools, disaggregated on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in a public school;

"(B) student achievement; and

"(C) qualifications of school employees at the charter school, including the number of teachers within a charter school that have been certified or licensed by the State and the turnover of the teaching force.

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

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

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

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

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

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

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

"SEC. 10307. RECORDS TRANSFER.

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

"SEC. 10308. PAPERWORK REDUCTION.

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

"SEC. 10309. DEFINITIONS.

"As used in this part:

"(1) The term 'charter school' means a public school that—

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

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

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

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

"(E) is nonsectarian in its programs, admissions policies, employment practices, and

all other operations, and is not affiliated with a sectarian school or religious institution;

“(F) does not charge tuition;
“(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

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

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

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

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

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

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

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

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

“SEC. 10310. AUTHORIZATION OF APPROPRIATIONS.

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

“SEC. 10311. PROHIBITION OF CONTRACTS.

“If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a ‘Made in America’ inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this part, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.”

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BARRETT, announced that the yeas had it.

Mr. RIGGS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 367 Nays 57

128.16 [Roll No. 611] AYES—367

- Ackerman Emerson Kolbe
Aderholt Engel LaFalce
Allen English LaHood
Andrews Ensign Lampson
Archer Eshoo Lantos
Armye Etheridge Largent
Bachus Evans Latham
Baesler Everett LaTourrette
Baker Ewing Laker
Baldacci Farr Leach
Ballenger Fattah Levin
Barcia Fawell Lewis (CA)
Barr Fazio Lewis (GA)
Barrett (NE) Filner Lewis (KY)
Barrett (WI) Flake Linder
Bartlett Foglietta Lipinski
Barton Forbes Livingston
Bass Ford LoBiondo
Bateman Fossella Lofgren
Bentsen Fowler Lowey
Bereuter Fox Lucas
Berman Franks (NJ) Luther
Berry Frelinghuysen Maloney (CT)
Bilbray Frost Maloney (NY)
Bilirakis Furse Manton
Bishop Gallegly Mascara
Blagojevich Ganske Matsui
Bliley Gejdenson McCarthy (MO)
Blunt Gekas McCarthy (NY)
Boehlert Gephardt McCollum
Boehner Gibbons McCrery
Bonilla Gilchrist McDade
Bono Gillmor McHale
Borski Gilman McHugh
Boucher Goodlatte McInnis
Boyd Goodling McIntosh
Brady Gordon McIntyre
Brown (CA) Goss McKeon
Brown (FL) Graham McKinney
Bryant Granger McNulty
Bunning Green Menendez
Burr Greenwood Metcalf
Burton Gutierrez Mica
Buyer Gutknecht Millender-
Callahan Hall (OH) McDonald
Calvert Hall (TX) Miller (CA)
Camp Hamilton Miller (FL)
Campbell Hansen Minge
Canady Harman Mollohan
Cardin Hastert Moran (KS)
Castle Hastings (FL) Moran (VA)
Chabot Hastings (WA) Morella
Chambliss Hayworth Murtha
Christensen Hefner Myrick
Clayton Herger Nadler
Clement Hill Nethercutt
Clyburn Hilleary Neumann
Coble Hobson Ney
Coburn Hoekstra Northup
Collins Holden Norwood
Combest Hooley Nussle
Condit Horn Oberstar
Conyers Houghton Obey
Cook Hoyer Ortiz
Cooksey Hulshof Oxley
Costello Hunter Packard
Cox Hutchinson Pallone
Cramer Inglis Pappas
Crane Istook Parker
Crapo Jackson (IL) Pascrell
Cummings Jackson-Lee Pastor
Cunningham (TX) Paxon
Danner Jefferson Pease
Davis (FL) Jenkins Pelosi
Davis (VA) John Peterson (MN)
Deal Johnson (CT) Peterson (PA)
DeGette Johnson (WI) Petri
DeLauro Johnson, E. B. Pickering
DeLay Johnson, Sam Pickett
Dellums Jones Pitts
Diaz-Balart Kanjorski Pomo
Dickey Kaptur Pomeroy
Dicks Kasich Porter
Dixon Kelly Portman
Doggett Kennedy (RI) Poshard
Dooley Kennelly Price (NC)
Doolittle Kildee Pryce (OH)
Doyle Kim Quinn
Dreier Kind (WI) Radanovich
Duncan King (NY) Ramstad
Dunn Kingston Rangel
Edwards Kleczka Redmond
Ehlers Klug Regula
Ehrlich Knollenberg Riggs

- Rodriguez Shuster Thomas
Roemer Sisisky Thornberry
Rogan Skaggs Thune
Rogers Skeen Thurman
Rohrabacher Skelton Tiahrt
Ros-Lehtinen Smith (MI) Towns
Rothman Smith (NJ) Traficant
Roukema Smith (OR) Turner
Royce Smith (TX) Upton
Ryuan Smith, Adam Velazquez
Sabu Smith, Linda Visclosky
Salmon Snowbarger Walsh
Sanchez Snyder Wamp
Sanders Solomon Watkins
Sandlin Souder Watts (OK)
Sanford Spence Waxman
Sawyer Spratt Weldon (FL)
Saxton Stark Weldon (PA)
Scarborough Stearns Weller
Schaefer, Dan Stenholm Weygand
Schumer Strickland White
Sensenbrenner Stump Whitfield
Serrano Sununu Wicker
Sessions Talent Wise
Shadegg Tanner Wolf
Shaw Tauscher Woolsey
Shays Tauzin Wynn
Sherman Taylor (MS) Young (AK)
Shimkus Taylor (NC) Young (FL)

NOES—57

- Abercrombie Hinchey Paul
Becerra Hinojosa Payne
Blumenauer Hostettler Rahall
Bonior Hyde Reyes
Boswell Kennedy (MA) Rivers
Brown (OH) Kilpatrick Roybal-Allard
Cannon Klink Rush
Carson Kucinich Schaffer, Bob
Chenoweth Manullo Scott
Clay Markey Slaughter
Coyne Martinez Stabenow
Davis (IL) McDermott Stokes
DeFazio McGovern Stupak
Delahunt Meehan Tierney
Deutsch Meek Torres
Dingell Mink Vento
Frank (MA) Moakley Waters
Goode Neal Watt (NC)
Hefley Olver Wexler

NOT VOTING—9

- Cubin Hilliard Schiff
Foley Owens Thompson
Gonzalez Riley Yates

So the bill was passed.

Mr. DOGGETT moved to reconsider the vote whereby said bill was passed.

Mr. RIGGS moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mrs. Emerson, announced that the yeas had it.

Mr. DOGGETT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 256 Nays 163

128.17 [Roll No. 612] AYES—256

- Aderholt Bilbray Buyer
Archer Bilirakis Callahan
Armey Bliley Calvert
Bachus Blunt Camp
Baesler Boehlert Campbell
Baker Boehner Canady
Barcia Bonilla Cannon
Barr Bono Castle
Barrett (NE) Boucher Chabot
Bartlett Boyd Chambliss
Barton Brady Chenoweth
Bass Bryant Christensen
Bateman Bunning Coble
Bereuter Burr Coburn
Berman Burton Combest