

Millender- Rahall Stokes
McDonald Rangel Strickland
Miller (CA) Reyes Tauscher
Miller (FL) Rivers Thomas
Mink Rodriguez Thurman
Mollohan Rothman Tierney
Moran (VA) Roybal-Allard Torres
Morella Rush Towns
Nadler Sabo Velazquez
Neal Sanchez Vento
Oberstar Sanders Visclosky
Obey Sawyer Waters
Olver Schumer Watt (NC)
Owens Scott Waxman
Pallone Serrano Wexler
Pascarell Shays Weygand
Pastor Sherman Whitfield
Payne Skaggs Wilson
Pelosi Slaughter Wise
Porter Smith, Adam Woolsey
Price (NC) Pryce (OH) Stabenow Wynn

NOT VOTING—15

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

So the amendment was agreed to.

83.34 RECORDED VOTE

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

It was decided in the { Yeas 283 affirmative } { Nays 138

83.35 [Roll No. 415]
AYES—283

Aderholt Boehner Coble
Andrews Bono Coburn
Archer Boswell Collins
Armye Brady (TX) Combest
Bachus Bryant Cook
Baesler Bunning Cooksey
Baker Burr Costello
Ballenger Burton Cox
Barcia Buyer Crane
Barr Callahan Crapo
Barrett (NE) Calvert Cubin
Bartlett Camp Danner
Bass Canady Davis (VA)
Bateman Cannon Deal
Bereuter Capps DeLay
Berry Cardin Deutsch
Bilbray Castle Diaz-Balart
Bilirakis Chabot Dickey
Bishop Chambliss Dicks
Bliley Chenoweth Doggett
Blunt Christensen Doolittle
Boehlert Clement Doyle

Dreier Kingston Regula
Duncan Kleczka Reyes
Dunn Klug Riggs
Edwards Knollenberg Riley
Ehlers Kolbe Rodriguez
Ehrlich Kucinich Roemer
Emerson LaHood Rogan
English Lampton Rogers
Evans Lantos Rohrabacher
Everett Largent Ros-Lehtinen
Ewing Latham Rothman
Fawell LaTourette Roukema
Foley Lazio Royce
Forbes Leach Ryan
Fossella Levin Sabo
Fowler Lewis (CA) Salmon
Fox Lewis (KY) Sandlin
Franks (NJ) Linder Sanford
Frelinghuysen Lipinski Saxton
Frost Livingstone Scarborough
Gallegly LoBiondo Schaffer, Bob
Gekas Lofgren Schumer
Gephardt Lowey Sensenbrenner
Gibbons Lucas Sessions
Gilchrist Luther Shadegg
Gillmor Maloney (NY) Shaw
Gilman Manzullo Shays
Goode Mascara Sherman
Goodlatte McCarthy (NY) Shimkus
Goodling McCollum Shuster
Gordon McCrery Skelton
Goss McGovern Smith (MI)
Graham McHugh Smith (NJ)
Granger McInnis Smith (TX)
Green McIntosh Smith, Adam
Gutknecht McIntyre Smith, Linda
Hall (OH) McKeon Snowbarger
Hall (TX) Menendez Solomon
Hamilton Metcalf Souder
Harman Mica Spence
Hastert Minge Stabenow
Hastings (WA) Moran (KS) Stearns
Hayworth Moran (VA) Stenholm
Hefley Myrick Stump
Herger Nethercutt Sununu
Hill Neumann Talent
Hilleary Ney Tanner
Hinojosa Norwood Tauzin
Hobson Nussle Taylor (MS)
Hoekstra Ortiz Taylor (NC)
Holden Oxley Thomas
Hoolley Pappas Thornberry
Horn Parker Thune
Hostettler Pascrell Tiahrt
Houghton Pastor Traficant
Hoyer Paxon Turner
Hulshof Pease Upton
Hunter Peterson (MN) Visclosky
Hyde Peterson (PA) Walsh
Inglis Petri Wamp
Istook Pickering Watkins
Jenkins Pickett Watts (OK)
John Pitts Weldon (FL)
Johnson (CT) Pombo Weldon (PA)
Johnson (WI) Porter Weller
Johnson, Sam Portman Wexler
Jones Poshard White
Kasich Price (NC) Whitfield
Kelly Pryce (OH) Wicker
Kennelly Quinn Wilson
Kim Radanovich Wolf
Kind (WI) Ramstad
King (NY) Redmond

NOES—138

Abercrombie Condit Gejdenson
Ackerman Conyers Greenwood
Allen Coyne Gutierrez
Baldacci Cummings Hastings (FL)
Barrett (WI) Davis (FL) Hefner
Barton Davis (IL) Hilliard
Becerra DeFazio Hinchey
Bentsen DeGette Hutchinson
Berman Delahunt Jackson (IL)
Blagojevich DeLauro Jackson-Lee
Blumenauer Dingell (TX)
Bonilla Dixon Jefferson
Bonior Dooley Johnson, E. B.
Borski Engel Kanjorski
Boucher Ensign Kaptur
Boyd Eshoo Kennedy (MA)
Brady (PA) Etheridge Kennedy (RI)
Brown (CA) Farr Kildee
Brown (FL) Fattah Kilpatrick
Brown (OH) Fazio Klink
Campbell Filner LaFalce
Carson Ford Lee
Clay Frank (MA) Lewis (GA)
Clayton Furse Maloney (CT)
Clyburn Ganske Markey

Martinez Obey Slaughter
Matsui Oliver Snyder
McCarthy (MO) Owens Spratt
McDermott Pallone Stokes
McHale Paul Strickland
McKinney Payne Stupak
McNulty Pelosi Tauscher
Meehan Pomeroy Thurman
Meek (FL) Rahall Tierney
Meeks (NY) Rangel Torres
Millender Rivers Towns
McDonald Roybal-Allard Velazquez
Miller (CA) Rush Vento
Miller (FL) Sanchez Waters
Mink Sanders Watt (NC)
Mollohan Sawyer Waxman
Morella Schaefer, Dan Weygand
Murtha Scott Wise
Nadler Serrano Woolsey
Neal Sisisky Wynn
Northup Skaggs Young (AK)
Oberstar Skeen

NOT VOTING—13

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

So the amendment was agreed to.

THE SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. CAMP, Chairman, pursuant to House Resolution 517, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

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

Page 2, line 23, strike "Lorton Correctional Complex" and insert "property on which the Lorton Correctional Complex is located".

Insert at the appropriate place the following new section:

SEC. . None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

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.

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 sec-

tarian 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.

Page 58, strike lines 6 through 10 and insert the following:

SEC. 150. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

Page 58, insert after line 10 the following:

SEC. 151. 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.

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

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that pursuant to clause 7 of rule XV the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the { Yeas 214 affirmative } Nays 206

83.36

[Roll No. 416]

YEAS—214

Aderholt	Bono	Cooksey
Archer	Brady (TX)	Cox
Armey	Bryant	Crane
Bachus	Bunning	Cubin
Baker	Burr	Davis (VA)
Ballenger	Burton	Deal
Barr	Buyer	DeLay
Barrett (NE)	Callahan	Diaz-Balart
Bartlett	Calvert	Dickey
Barton	Camp	Doolittle
Bass	Canady	Drier
Bateman	Cannon	Dunn
Bereuter	Chabot	Ehlers
Bilbray	Chambliss	Ehrlich
Bilirakis	Christensen	Emerson
Billey	Coble	English
Blunt	Coburn	Ensign
Boehlert	Collins	Everett
Boehner	Combest	Ewing
Bonilla	Cook	Fawell