NOES—230

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

NOT VOTING—15

| | | |
|---|---|---|
| Cox | Maloney (CT) | Parker |
| Frost | McDade | Schiff |
| Gephardt | Mollohan | Stabenow |
| Jefferson | Oberstar | Thomas |
| Kennedy (RI) | Oxley | Young (AK) |

□ 1921

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. STABENOW. Mr. Chairman, on rollcall Nos. 286, and 287, had I been present, I would have voted ''yes'' on recorded vote 286, the Mink amendment and ''no'' on recorded vote 287, the Kennedy amendment.

Mr. PAUL. Mr. Chairman, over the past 35 years, Congress has constructed a centralized system of vocational education, wasting millions of taxpayer dollars on a system that all-too-often serves more as a ''dumping ground'' for special-needs students than as an effective means of providing noncollege bound students with the knowledge and skills they need to become productive citizens.

Congress is considering prolonging the life of large parts of this system by reauthorizing the Carl Perkins Vocational Education and Applied Technology Act (H.R. 1853). While 1853 does eliminate several Federal programs and State mandates contained in current law, if further legitimizes the unconstitutional notion that the Federal Government has a legitimate role to play in education.

Furthermore, certain language in H.R. 1853 suggests that the purpose of education is to train students to serve the larger needs of society, as determined by Government and business, not to serve the individual.

During the discussion of this bill, the case has been made that constitutionalists should support H.R. 1853 because it reduces the number of Federal mandates on the States; however the 10th amendment does not quantify the extent to which the Federal Government can interfere in areas such as education. Instead, the 10th amendment forbids any and all Federal interference in education, no matter how much flexibility the programs provide the States.

H.R. 1853 represents mandate federalism, where the Federal Government allows States limited flexibility as to the means of complying with Congress mandates. Under this bill, States must submit a vocational education plan to the Department of Education for approval. States must then demonstrate yearly compliance with benchmarks that measure a series of federally set goals. The Secretary of Education has the authority to sanction the States for failure to reach those benchmarks, as if the States were the disobedient children of the Federal Government, not entities whose sovereignty must be constitutionally respected.

Congress has, so far, resisted pressure from the administration to give the Department of Education explicit statutory authority to create model benchmarks, which would then be adopted by every State. However, certain provisions of H.R. 1853 may provide the Department of Education with the opportunity to impose a uniform system of vocational education on every State in the Nation.

Particularly troublesome in this regard is the provision requiring every State to submit their vocational education plan to the Secretary for approval. The Secretary may withhold approval if the application is in violation of the provisions of this act. Ambitious bureaucrats may stretch this language to mean that the Department can reject a State plan if the Department does not feel the plan will be effective in meeting the goals of the bill. For example, a Department of Education official may feel that a State's plan does not adequately prepare vocational-technical education students for opportunities in postsecondary education or entry into high skill, high wage jobs, because the plan fails to adopt the specifications favored by the Education Department. The State plan may thus be rejected unless the State adopts the academic provisions favored by the administration.

H.R. 1853 further opens the door for the establishment of national standards for vocational education through provisions allowing the Secretary to develop a single plan for evaluation and assessment, with regard to the vocational-technical education and provide for an independent evaluation, of vocational-technical education programs, including examining how States and localities have developed, implemented, or improved State and local vocational-technical education programs. Education bureaucrats could very easily use the results of the studies to establish de facto model benchmarks that States would have to follow.

Mr. Chairman, the Department of Education may impose national standards on State vocational education programs by requiring that States improve the academic component of vocational education. Integrating academics with vocational education is a noble goal, but Federal education bureaucrats may use this requirement to force vocational education programs to adopt national academic standards, upon pain of having their State plans denied as inconsistent with the provisions of the act mandating instead that States integrate academics into their vocational education programs.

States are also required to distribute their Federal funds according to a predetermined formula that dictates the percentage of funds States must spend on certain federally approved activities without regard for differences between the States. For example, H.R. 1853 singles out certain populations, such as displaced homemakers and single parents, and requires the States to certify to the Federal Government that their programs are serving these groups. These provisions stem from the offensive idea that without orders from the Federal Government, States will systematically deny certain segments of the population access to job training services.

Another Federal mandate contained in this so-called decentralization plan, is one requiring States to spend a certain percentage on updating the technology used in vocational education programs. Technological training can be a useful and necessary part of vocational education, however, under the Constitution it is not the business of the Federal Government to ensure vocational education students receive up-to-date technological training.

The States and the people are quite capable of ensuring that vocational education students receive up-to-date technological training—if the Federal Government stops usurping their legitimate authority to run vocational education programs and if the Government stops draining taxpayers of the resources necessary to run those programs.

H.R. 1853 provides businesses with taxpayer-provided labor in the form of vocational education students engaging in cooperative education. Since businesses benefit by having a trained work force, they should not burden the taxpayers with the costs of training their future employees. Furthermore, the provision allowing students to spend alternating weeks at work rather than in the classroom seems inconsistent with the bill's goals of strengthening the academic component of vocational education.

Work experience can be valuable for students, especially when that experience involves an occupation the student may choose as a future career. However, there is no reason for taxpayers to subsidize the job training of another. Furthermore, if it wasn't for Federal minimum wage and other laws that make hiring inexperienced workers cost prohibitive,

many businesses would gladly provide work apprenticeships to young people out of their own pockets instead of forcing the costs onto the U.S. taxpayer.

Today, employers can be assessed huge fines if they allow their part-time adolescent employees to work, with pay, for 15 minutes beyond the Department of Labor regulations. Yet, those same businesses can receive free, full-time labor from those same adolescents as part of a cooperative education program. Clearly, common sense has been tossed out the window and replaced by the arbitrary and conflicting whims of a Congress attempting to do good.

Further evidence of catering to well-established businesses can be found within the provision of H.R. 1853 wherein teachers are instructed not to meet the needs and expectations of students, but rather the needs, expectations, and methods of industry. All education, including vocational education, should explicitly be tailored to the wishes of the parent or those already funding the costs of education.

Mr. Chairman, H.R. 1853 continues the Federal education policy of dragooning parents into education as partners in the education process. Parents should control the education process, but they should never be placed in a subordinate role and made to help carry out the agenda of Government bureaucrats.

Concerns have been raised that vocational education programs may be used as a means to force all students into a career track not of their own choosing, and thus change the American education system into one of preparation for a career determined for the students by the Government. Such a system more closely resembles something depicted in a George Orwell novel than the type of education system compatible with a free society. H.R. 1853 attempts to assuage those fears through a section forbidding the use of Federal funds to force an individual into a career path that the individual would not otherwise choose or require any individual to obtain so-called skilled certificates.

However, States and localities that violate this portion of the act are not subject to any loss of Federal funds. Of course, even if the act did contain sanctions for violating an individual's freedom to determine their own career path, those sanctions would have to rely on the willingness of the very Federal bureaucracy which helped originate many of the education reforms which diminish student freedom to enforce this statutory provision.

Mr. Chairman, the Carl D. Perkins Act reauthorization may appear to provide for greater State and individual control over vocational education. However, H.R. 1853 is really another example of mandate federalism, where States, localities, and individuals are given limited autonomy in how they fulfill Federal mandates. As H.R. 1853 places mandates on the States and individuals to perform certain functions in the area of education, an area where Congress has no constitutional authority. It is also in violation of the ninth and tenth amendments to the U.S. Constitution.

Furthermore, H.R. 1853 forces Federal taxpayers to underwrite the wages of students working part-time in the name of cooperative education, another form of corporate welfare. Businesses who benefit from the labor of students should not have the costs of that labor subsidized by the taxpayers.

Certain language in H.R. 1853 suggests that parent's authority to raise their children as they see fit may be undermined by the Government in order to make parents partners in training their children according to Government specifications.

Congress should, therefore, reject H.R. 1853 and instead eliminate all Federal vocational education programs in order to restore authority for those programs to the States, localities, and individual citizens.

Mr. ADAM SMITH of Washington. Mr. Chairman, I want to express my strong support for the Carl D. Perkins Vocational-Technical Education Act. The Perkins program provides much-needed vocational and technical education to students around the country.

Federal investment in vocational-technical education is vital for assuring a well-trained work force for the upcoming century. The Perkins Act distributes vocational education funds to the local level to ensure that our students are taught the necessary skills to be productive citizens. Investing more in education and training our work force to better compete is a sensible and farsighted way to spend our Federal funds.

Just last month, I visited Chief Leschi School in Puyallup, WA. My office helped them apply for their first Perkins grant. They won the grant, and they will receive over $370,000 to put toward vocational and technology programs. The grant money will fund computers and equipment for the vocational department, such as the auto, wood, and print shops and the photography lab. When I toured Chief Leschi, I saw how important these grants could be. I met motivated administrators, high-quality teachers and students who were eager to learn. It's critical to provide them with the equipment and facilities they need to be successful, and because of the Perkins Vocational-Technical Education Act, Chief Leschi will soon have even stronger vocational and technical programs.

Again, I urge my colleagues' support to reauthorize the Carl D. Perkins Vocational-Technical Education Act. The Perkins grant has made an important difference in the quality to our Nation's vocational and technical education, and we should reauthorize the program to ensure it is maintained for the students of tomorrow.

The CHAIRMAN. If there are no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. EWING, 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. 1853) to amend the Carl D. Perkins Vocational and Applied Technology Education Act, pursuant to House Resolution 187, he reported the bill back to the House with an amendment 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 to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was 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.

MOTION TO RECOMMIT OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. MINK of Hawaii. Yes, I am, Mr. Speaker.

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

Mrs. MINK of Hawaii moves to recommit the bill (H.R. 1853) to the Committee on Education and the Workforce, with instructions to report the bill back to the House forthwith, with the following amendments:

Page 21, line 4, strike ''(b)'' and insert ''(c)''.

Page 21, line 6, strike ''(b)'' and insert ''(c)''.

Page 21, line 10, strike the periods and end quotation marks and insert a semicolon.

Page 21, after line 10, insert the following:

(5) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking ''section 221'' and inserting ''paragraph (3) of section 201(c); and

(ii) by striking ''section 222'' and inserting ''paragraph (4) of section 201(c)''; and

(B) by striking subparagraph (J).

Page 33, after line 12, insert the following (and redesignate the subsequent paragraphs accordingly):

''(4) sex equity programs;''.

Page 34, after line 5, insert the following:

''(e) HOLD HARMLESS.—Notwithstanding the provisions of this part or section 102(a), to carry out programs described in paragraphs (3) and (4) of subsection (c), each eligible recipient shall reserve from funds allocated under section 102(a)(1), an amount that is not less than the amount such eligible recipient received in fiscal year 1997 for carrying out programs under sections 221 and 222 of this Act as such sections were in effect on the day before the date of the enactment of the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997.

Mr. GOODLING. Mr. Speaker, I reserve all points of order against the motion.

The SPEAKER pro tempore. The gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I take this extraordinary measure in order to emphasize the importance of the amendment that was just defeated.

My effort in offering the amendment was simply to hold harmless, to continue a vital program that has been in existence for the past 13 years because Congress recognizes that unless we set aside 10 percent of the funding in the vocational education program, that these individuals, the displaced homemakers, the single parents, the pregnant women, others in that category would simply not be provided for under