

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 471)
TO REAUTHORIZE THE DC OPPORTUNITY SCHOLARSHIP
PROGRAM, AND FOR OTHER PURPOSES

MARCH 29, 2011.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 186]

The Committee on Rules, having had under consideration House Resolution 186, by a record vote of 7 to 2, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 471, the Scholarships for Opportunity and Results Act, under a structured rule. The resolution provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted. The resolution provides that the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order the amendment printed in this report, if offered by Delegate Norton of the District of Columbia or her designee, which shall be considered as read, and shall be debatable for 40 minutes equally divided and controlled by the proponent and an opponent. The resolution waives all points of order against the amendment printed in this report. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of

order against consideration. The waiver of all points of order against consideration is prophylactic.

The resolution waives of all points of order against provisions in the bill, as amended. The waiver of all points of order includes a waiver of clause 5(a) of rule XXI, which prohibits a bill carrying a tax provision from being reported by a committee that does not have jurisdiction to report tax measures. A provision in H.R. 471, as amended, states, "The amount of any scholarship (or other form of support provided to parents of an eligible student) under this Act shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program." This is a tax provision and the Committee on Oversight and Government Reform does not have jurisdiction to report tax measures, thus a waiver of clause 5(a) of rule XXI is necessary.

Although the resolution waives all points of order against the amendment printed in this report, the Committee is not aware of any points of order against the amendment and therefore it is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 56

Motion by Mr. McGovern to report an open rule. Defeated: 2–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah	Nay	Mr. Polis	Yea
Mr. Woodall	Nay		
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 57

Motion by Ms. Foxx to report the rule. Adopted: 7–2.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Mr. McGovern	Nay
Mr. Bishop of Utah	Yea	Mr. Polis	Nay
Mr. Woodall	Yea		
Mr. Nugent	Yea		
Mr. Scott of South Carolina	Yea		
Mr. Webster	Yea		
Mr. Dreier, Chairman	Yea		

SUMMARY OF AMENDMENT MADE IN ORDER

Norton (DC): Amendment in the Nature of a Substitute that would redirect the religious and other private school voucher funding to District of Columbia public schools and District of Columbia public charter schools. (40 minutes)

TEXT OF AMENDMENT MADE IN ORDER

AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO BE OFFERED BY REPRESENTATIVE ELEANOR NORTON OF THE DISTRICT OF COLUMBIA OR HER DESIGNEE, DEBATABLE FOR 40 MINUTES

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Funds for Public Education Act”.

SEC. 2. FUNDING FOR DC PUBLIC SCHOOLS AND DC PUBLIC CHARTER SCHOOLS.

(a) **GENERAL AUTHORITY.**—From the funds appropriated under section 4, the Secretary of Education (in this Act referred to as the “Secretary”) shall provide funds to the Mayor of the District of Columbia (in this Act referred to as the “Mayor”), if the Mayor agrees to the requirements described in subsection (b), for—

- (1) the District of Columbia public schools to improve public education in the District of Columbia; and
- (2) the District of Columbia public charter schools to improve and expand quality public charter schools in the District of Columbia.

(b) **CONDITION OF RECEIPT OF FUNDS.**—As a condition of receiving funds under this Act on behalf of the District of Columbia public schools and the District of Columbia public charter schools, the Mayor shall agree to carry out the following:

- (1) **AGREEMENT WITH THE SECRETARY.**—Enter into an agreement with the Secretary to monitor and evaluate the use of funds authorized and appropriated for the District of Columbia public schools and the District of Columbia public charter schools under this Act.
- (2) **INFORMATION REQUESTS.**—Ensure that all District of Columbia public schools and the District of Columbia public charter schools comply with all reasonable requests for information for purposes of the evaluation described in paragraph (1).
- (3) **SUBMISSION OF REPORT.**—Not later than 6 months after the first appropriation of funds under section 4, and each succeeding year thereafter, submit to the Committee on Appropriations, the Committee on Education and the Workforce, and the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Appropriations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate, information on—
 - (A) how the funds authorized and appropriated under this Act for the District of Columbia public schools and the District of Columbia public charter schools were used in the preceding school year; and
 - (B) how such funds are contributing to student achievement.
- (4) **PUBLIC AVAILABILITY.**—Ensure that all reports and underlying data gathered pursuant to this subsection shall be made available to the public upon request, in a timely manner following submission of the applicable report under paragraph

(3), except that personally identifiable information shall not be disclosed or made available to the public.

(c) ENFORCEMENT.—If, after reasonable notice and an opportunity for a hearing for the Mayor, the Secretary determines that the Mayor has not been in compliance with 1 or more of the requirements described in subsection (b), the Secretary may withhold from the Mayor, in whole or in part, further funds under this Act for the District of Columbia public schools and the District of Columbia public charter schools.

SEC. 3. PRIORITY CONSIDERATION FOR CERTAIN STUDENTS.

Each District of Columbia public charter school, in selecting new students for admission to the school, shall give priority to students who were provided notification of selection for an opportunity scholarship under the DC School Choice Incentive Act of 2003 (sec. 38–1851.01 et seq., D.C. Official Code) for the 2009–2010 school year, but whose scholarship was later rescinded in accordance with direction from the Secretary of Education.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$60,000,000 for fiscal year 2012 and each of the 4 succeeding fiscal years, of which—

- (1) 50 percent shall be made available to carry out paragraph (1) of section 2(a) for each fiscal year; and
- (2) 50 percent shall be made available to carry out paragraph (2) of section 2(a) for each fiscal year.