

that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the United States Marshals Service, or to convey the impression that such advertisement, circular, book, pamphlet, software, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the United States Marshals Service."

SEC. 8. DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELE-MARKETING FRAUD.

Section 2703(c)(1)(B) of title 18, United States Code, is amended—

(1) by striking out "or" at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(iv) submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title)."

The SPEAKER pro tempore, Mr. EWING, recognized Mr. GOODLATTE and Mr. DELAHUNT, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GOODLATTE 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 SPEAKER pro tempore, Mr. EWING, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

158.15 ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY EXTENSION

Mr. YOUNG of Alaska, moved to suspend the rules and pass the bill (H.R. 3069) to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council.

The SPEAKER pro tempore, Mr. EWING, recognized Mr. YOUNG of Alaska and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

158.16 ROGUE RIVER NATIONAL FOREST

Mr. SMITH of Oregon, moved to suspend the rules and pass the bill (H.R. 3796) to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.

The SPEAKER pro tempore, Mr. EWING, recognized Mr. SMITH of Oregon and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

158.17 NATIONAL DROUGHT POLICY

Mr. BOEHLERT moved to suspend the rules and pass the bill (H.R. 3035) to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies; as amended.

The SPEAKER pro tempore, Mr. EWING, recognized Mr. BOEHLERT and Mr. BORSKI, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

158.18 INDIVIDUALS WITH DISABILITIES EDUCATION

Mr. GOODLING moved to suspend the rules and agree to the following resolution (H. Res. 399); as amended:

Whereas Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1247 (E. Dist. Pa. 1971), and Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (Dist. D.

C. 1972), found that children with disabilities are guaranteed an equal opportunity to an education under the 14th amendment to the Constitution;

Whereas the Congress responded to these court decisions by passing the Education for All Handicapped Children Act of 1975 (enacted as Public Law 94-142), now known as the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), to ensure a free, appropriate public education for children with disabilities;

Whereas the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and authorizes the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

Whereas the Federal Government has provided only 7, 9, and 11 percent of the maximum State grant allocation for educating children with disabilities under the Individuals with Disabilities Education Act in the last 3 years, respectively;

Whereas the national average cost of educating a special education student (\$12,002) is more than twice the national average per pupil cost (\$5,955);

Whereas research indicates that children who are effectively taught, including effective instruction aimed at acquiring literacy skills, and who receive positive early interventions demonstrate academic progress, and are significantly less likely to be referred to special education;

Whereas, if the appropriation for part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) exceeds \$4,100,000,000 for a fiscal year, a local educational agency may reduce its local spending on special education for such fiscal year by an amount equal to 20 percent of the amount that exceeds the prior year's appropriation so long as the local educational agency is not failing to comply with the requirements of part B of such Act, as determined by the State educational agency;

Whereas the Individuals with Disabilities Education Act has been successful in achieving significant increases in the number of children with disabilities who receive a free, appropriate public education; and

Whereas the current level of Federal funding to States and localities under the Individuals with Disabilities Education Act is contrary to the goal of ensuring that children with disabilities receive a quality education: Now, therefore, be it

Resolved, That the House of Representatives urges the Congress and the President, working within the constraints of the balanced budget agreement, to give programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) higher priority among Federal education programs by working to fund the maximum State grant allocation for educating children with disabilities under such Act.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. GOODLING and Mr. MARTINEZ, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: "A resolution urging the Congress and the President to work to fully fund the Federal Government's responsibility under the Individuals with Disabilities Education Act."

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

§58.19 AMERICA'S SCHOOLS HIGH-QUALITY, PROVEN PROGRAMS AND PRACTICES

Mr. RIGGS moved to suspend the rules and agree to the following resolution (H. Res. 401); as amended:

Whereas high student achievement and academic advancement are vitally important to our Nation's schools and the future success of America's workforce;

Whereas some pupils proceed through school without having mastered the knowledge and skills required of them, and graduate from high school ill-equipped to handle college-level work or obtain an entry-level job;

Whereas "social promotion", the practice of moving pupils from one grade to the next regardless of whether they have the knowledge and skills necessary for the next level, is one reason for a pupil's inadequate academic achievement levels;

Whereas research has shown that retention, the customary alternative policy to social promotion, is also an inadequate response to the problem in that pupils are usually presented with the same instructional practices and materials that were ineffective the first time around;

Whereas to help underachieving students learn, it is essential that policies and programs address the underlying causes of failure and rectify the problems through various proven instruction practices;

Whereas high-quality teacher training and education, and other proven practices will provide our teachers with the tools necessary to educate our Nation's children and work toward high academic achievement by students;

Whereas social promotion policies already have been abolished in Louisiana, Arkansas, Florida, New Mexico, North Carolina, South Carolina, West Virginia, and in Chicago, Illinois, Portsmouth, Virginia, Long Beach, California, and Milwaukee, Wisconsin; and

Whereas the abolishment of social promotion policies have been proposed in California, Michigan, Wisconsin, Delaware, Texas, Oklahoma, New York, Washington, D.C., and in Boston, Massachusetts, and Philadelphia, Pennsylvania: Now, therefore, be it Resolved,

That it is the sense of the House of Representatives that—

(1) ending social promotion should be addressed in America through a coordinated effort by government officials, teachers, and parents committed to high academic achievement of students;

(2) State Education Agencies and local educational agencies that receive Federal funds should make every effort to address and end social promotion;

(3) the problems associated with social promotion can be resolved effectively through a commitment to provide high-quality training and education for our teachers, and the use of other proven practices; and

(4) States should adopt high, rigorous standards and standards-based assessments aimed at requiring academic accountability

with the specific aim of ending social promotion and raising student achievement.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. RIGGS and Mr. MARTINEZ, each for 20 minutes.

After debate, The question being put, viva voce, Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RIGGS 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 SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

§58.20 H.R. 1847—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 5, rule I, announced the unfinished business to be the motion to suspend the rules and agree to the amendment of the Senate to the bill (H.R. 1847) to improve the criminal law relating to fraud against consumers.

The question being put, Will the House suspend the rules and agree to said amendment?

The vote was taken by electronic device.

It was decided in the { Yeas 411 affirmative } Nays 1

§58.21 [Roll No. 232] YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Billbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehkert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning

Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay

Deutsch
Diaz-Balart
Dickey
Dilbert
Dingell
Dion
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest

Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchee
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo

Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman

NAYS—1
Paul
NOT VOTING—21
Buyer
Cubin
Eshoo
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)