

Mr. SCHAFFER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶20.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XIV, were referred as follows:

958. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 1998-99 Marketing Year [Docket No. FV99-982-1 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

959. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Additional Option for Handler Diversion and Receipt of Diversion Credits [Docket No. FV99-930-1 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

960. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Assessment Rate [Docket No. FV99-989-2 IFR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

961. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Relaxations to Substandard and Maturity Dockage Systems [FV99-989-1 FIR] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

962. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary of Defense, transmitting the Office's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Provider Certification Requirements—Corporate Services Provider Class (RIN: 0720-AA27) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

963. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules Concerning Private Land Mobile Radio Services [WT Docket No. 97-153] (RM-8584, RM-8623, RM-8680, RM-8734) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

964. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Publication or Submission of Quotations Without Specified Information [Release No. 34-41110; File No. S7-5-99] (RIN: 3235-AH40) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

965. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Registration of Securities on Form S-8 [Release No. 33-7646, 34-41109; File No. S7-2-98] (RIN: 3235-AG94) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

966. A letter from the Secretary, Department of Agriculture, transmitting the Management Report of the Inspector General for the 6-month period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

967. A letter from the Chairman, Board of Governors, Postal Service, transmitting the Semiannual Report of the Inspector General and the Postal Service management response to the report for the period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

968. A letter from the Executive Director, Securities and Exchange Commission, transmitting the SEC's Government Performance and Results Act Annual Performance Plan for fiscal 2000; to the Committee on Government Reform.

970. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Utah Abandoned Mine Land Reclamation Plan [SPATS No. UT-032-FOR] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

971. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Sturgeon Fishery; Moratorium in Exclusive Economic Zone [Docket No. 990119023-9023-01; I.D. 111898B] (RIN: 0648-AL38) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

972. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea [Docket No. 981021264-9016-02; I.D. 021799A] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

973. A letter from the Marshal of the Court, Supreme Court, transmitting the Annual Report of the Marshal of the Supreme Court; to the Committee on the Judiciary.

974. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Amendments to Regulations Governing Restrictive Foreign Shipping Practices, and New Regulations Governing Controlled Carriers [Docket No. 98-25] received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶20.3 UNFINISHED BUSINESS—APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. GOODLATTE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, March 9, 1999.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

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

Mr. WALDEN of Oregon objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 356
Nays 39

¶20.4

[Roll No. 34]

YEAS—356

Abercrombie	Edwards	Levin
Ackerman	Ehlers	Lewis (CA)
Allen	Ehrlich	Lewis (GA)
Andrews	Emerson	Lewis (KY)
Archer	Eshoo	Linder
Armey	Etheridge	Lipinski
Bachus	Evans	Lofgren
Baird	Everett	Lowey
Baker	Ewing	Lucas (KY)
Baldacci	Farr	Lucas (OK)
Baldwin	Fletcher	Luther
Ballenger	Foley	Maloney (CT)
Barcia	Forbes	Maloney (NY)
Barr	Fossella	Manzullo
Barrett (NE)	Fowler	Martinez
Barrett (WI)	Frank (MA)	Mascara
Bartlett	Franks (NJ)	Matsui
Barton	Frelinghuysen	McCarthy (MO)
Bass	Galleghy	McCarthy (NY)
Bateman	Ganske	McCollum
Bentsen	Gejdenson	McGovern
Bereuter	Gekas	McHugh
Berkley	Gibbons	McInnis
Berman	Gillmor	McIntosh
Berry	Gilman	McIntyre
Biggert	Gonzalez	McKeon
Bilirakis	Goode	Meehan
Bishop	Goodlatte	Meek (FL)
Blagojevich	Goodling	Meeks (NY)
Bliley	Goss	Menendez
Blumenauer	Graham	Metcalf
Blunt	Granger	Mica
Boehner	Green (TX)	Miller (FL)
Bonilla	Green (WI)	Miller, Gary
Bonior	Greenwood	Miller, George
Bono	Hall (OH)	Mink
Boswell	Hall (TX)	Moakley
Boyd	Hansen	Mollohan
Brady (TX)	Hastings (WA)	Moore
Brown (FL)	Hayworth	Moran (VA)
Brown (OH)	Herger	Morella
Bryant	Hill (IN)	Murtha
Burr	Hill (MT)	Myrick
Burton	Hilleary	Nadler
Buyer	Hinojosa	Napolitano
Callahan	Hobson	Neal
Calvert	Hoeffel	Nethercutt
Camp	Hoekstra	Northup
Campbell	Holden	Norwood
Canady	Holt	Nussle
Cannon	Hooley	Obey
Capuano	Horn	Olver
Cardin	Houghton	Ortiz
Carson	Hoyer	Ose
Castle	Hunter	Packard
Chabot	Hutchinson	Pallone
Chambliss	Hyde	Pascarell
Chenoweth	Inslee	Pastor
Clayton	Isakson	Paul
Clement	Istook	Payne
Clyburn	Jackson (IL)	Pease
Coburn	Jackson-Lee	Pelosi
Collins	(TX)	Peterson (PA)
Combest	Jefferson	Petri
Condit	Jenkins	Phelps
Conyers	John	Pickering
Cook	Johnson (CT)	Pitts
Cox	Johnson, E. B.	Pombo
Coyne	Johnson, Sam	Porter
Cramer	Jones (NC)	Portman
Crowley	Jones (OH)	Price (NC)
Cubin	Kanjorski	Pryce (OH)
Cummings	Kasich	Quinn
Cunningham	Kelly	Radanovich
Danner	Kennedy	Rahall
Davis (FL)	Kildee	Rangel
Davis (IL)	Kilpatrick	Regula
Davis (VA)	King (NY)	Reynolds
Deal	Kingston	Riley
DeGette	Kleczka	Rivers
Delahunt	Knollenberg	Rodriguez
DeLauro	Kolbe	Roemer
DeLay	Kuykendall	Rogers
Deutsch	LaFalce	Rohrabacher
Diaz-Balart	LaHood	Ros-Lehtinen
Dickey	Lampson	Rothman
Dicks	Lantos	Roybal-Allard
Dingell	Largent	Royce
Doggett	Larson	Rush
Dooley	Latham	Ryan (WI)
Doolittle	LaTourette	Ryun (KS)
Dreier	Lazio	Salmon
Duncan	Leach	Sanchez
Dunn	Lee	Sanders

Sandlin	Snyder	Turner	Brown (CA)	Hall (OH)	Menendez	Souder	Thompson (MS)	Watts (OK)
Sanford	Souder	Udall (CO)	Brown (FL)	Hall (TX)	Metcalf	Spence	Thune	Waxman
Sawyer	Spence	Udall (NM)	Brown (OH)	Hansen	Mica	Spratt	Thurman	Weiner
Saxton	Spratt	Upton	Bryant	Hastings (FL)	Millender-	Stabenow	Tierney	Weldon (FL)
Scarborough	Stabenow	Velazquez	Burton	Hastings (WA)	McDonald	Stark	Toomey	Weldon (PA)
Schakowsky	Stark	Vento	Buyer	Hayes	Miller, Gary	Stearns	Towns	Weller
Scott	Stearns	Walden	Callahan	Hayworth	Miller, George	Stenholm	Trafficant	Wexler
Sensenbrenner	Stenholm	Walsh	Calvert	Hefley	Mink	Strickland	Turner	Weygand
Serrano	Strickland	Wamp	Camp	Herger	Moakley	Stupak	Udall (CO)	Whitfield
Sessions	Stump	Watkins	Canady	Hill (IN)	Mollohan	Sununu	Udall (NM)	Wicker
Shadegg	Sununu	Watt (NC)	Cannon	Hill (MT)	Moore	Sweeney	Upton	Wilson
Shaw	Sweeney	Watts (OK)	Capuano	Hilleary	Moran (KS)	Talent	Velazquez	Wise
Shays	Talent	Waxman	Cardin	Hilliard	Moran (VA)	Tancredo	Vento	Wolf
Sherwood	Tanner	Weiner	Carson	Hinojosa	Morella	Tanner	Viscosky	Woolsey
Shimkus	Tauscher	Weldon (FL)	Castle	Hobson	Murtha	Tauscher	Walden	Wu
Shows	Tauzin	Weldon (PA)	Chabot	Hoefel	Myrick	Tauzin	Walsh	Wynn
Shuster	Terry	Wexler	Chambliss	Hoekstra	Nadler	Taylor (MS)	Wamp	Young (AK)
Simpson	Thomas	Weygand	Clay	Holden	Napolitano	Terry	Waters	Young (FL)
Sisisky	Thompson (CA)	Whitfield	Clayton	Holt	Neal	Thomas	Watkins	
Skeen	Thornberry	Wilson	Clement	Hooley	Nethercutt	Thompson (CA)	Watt (NC)	
Skelton	Thune	Wolf	Clyburn	Horn	Northup			
Slaughter	Thurman	Woolsey	Collins	Houghton	Norwood			
Smith (MI)	Tierney	Wu	Combest	Hoyer	Nussle			
Smith (TX)	Toomey	Wynn	Condit	Hulshof	Oberstar			
Smith (WA)	Trafficant	Young (FL)	Conyers	Hunter	Obey			

NAYS—39

Aderholt	Hastings (FL)	Ramstad
Borski	Hayes	Rogan
Brady (PA)	Hefley	Sabo
Brown (CA)	Hilliard	Schaffer
Clay	Hulshof	Stupak
Costello	Kucinich	Tancredo
Crane	LoBiondo	Taylor (MS)
DeFazio	McNulty	Thompson (MS)
English	Moran (KS)	Towns
Finler	Oberstar	Viscosky
Ford	Peterson (MN)	Waters
Gutierrez	Pickett	Weller
Gutknecht	Pomeroy	Wicker

NOT VOTING—38

Becerra	Gilchrest	Ney
Bilbray	Gordon	Owens
Boehert	Hinche	Oxley
Boucher	Hostettler	Reyes
Capps	Kaptur	Roukema
Coble	Kind (WI)	Sherman
Cooksey	Klink	Smith (NJ)
DeMint	Markey	Taylor (NC)
Dixon	McCrery	Tiahrt
Doyle	McDermott	Wise
Engel	McKinney	Young (AK)
Fattah	Millender-	
Frost	McDonald	
Gephardt	Minge	

So the Journal was approved.

20.5 H.R. 540—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GOODLATTE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 540) to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

The question being put, Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 398 Nays 12

20.6 [Roll No. 35] YEAS—398

Abercrombie	Barrett (NE)	Bliley
Ackerman	Barrett (WI)	Blumenauer
Aderholt	Bartlett	Blunt
Allen	Bass	Boehert
Andrews	Bateman	Boehner
Archer	Bentsen	Bonilla
Armey	Bereuter	Bonior
Bachus	Berkley	Bono
Baird	Berman	Borski
Baker	Berry	Boswell
Baldacci	Biggert	Boucher
Baldwin	Billirakis	Boyd
Ballenger	Bishop	Brady (PA)
Barcia	Blagojevich	Brady (TX)

Brown (CA)	Hall (OH)	Menendez
Brown (FL)	Hall (TX)	Metcalf
Brown (OH)	Hansen	Mica
Bryant	Hastings (FL)	Millender-
Burton	Hastings (WA)	McDonald
Buyer	Hayes	Miller, Gary
Callahan	Hayworth	Miller, George
Calvert	Hefley	Mink
Camp	Herger	Moakley
Canady	Hill (IN)	Mollohan
Cannon	Hill (MT)	Moore
Capuano	Hilleary	Moran (KS)
Cardin	Hilliard	Moran (VA)
Carson	Hinojosa	Morella
Castle	Hobson	Murtha
Chabot	Hoefel	Myrick
Chambliss	Hoekstra	Nadler
Clay	Holden	Napolitano
Clayton	Holt	Neal
Clement	Hooley	Nethercutt
Clyburn	Horn	Northup
Collins	Houghton	Norwood
Combest	Hoyer	Nussle
Condit	Hulshof	Oberstar
Conyers	Hunter	Obey
Cook	Hutchinson	Olver
Cooksey	Hyde	Ortiz
Costello	Inslee	Ose
Cox	Isakson	Owens
Coyne	Istook	Oxley
Cramer	Jackson (IL)	Packard
Crane	Jackson-Lee	Pallone
Crowley	(TX)	Pascrell
Cubin	Jefferson	Pastor
Cummings	Jenkins	Payne
Cunningham	John	Pease
Danner	Johnson (CT)	Pelosi
Davis (FL)	Johnson, E. B.	Peterson (MN)
Davis (IL)	Johnson, Sam	Peterson (PA)
Davis (VA)	Jones (NC)	Petri
Deal	Jones (OH)	Phelps
DeFazio	Kanjorski	Pickering
DeGette	Kasich	Pickett
Delahunt	Kelly	Pitts
DeLauro	Kennedy	Pombo
Deutsch	Kildee	Pomeroy
Diaz-Balart	Kilpatrick	Porter
Dickey	Kind (WI)	Portman
Dicks	King (NY)	Price (NC)
Dingell	Kingston	Pryce (OH)
Doggett	Kleczka	Quinn
Dooley	Knollenberg	Radanovich
Doolittle	Kolbe	Rahall
Doyle	Kucinich	Ramstad
Dreier	Kuykendall	Rangel
Duncan	LaFalce	Regula
Dunn	LaHood	Reynolds
Edwards	Lampson	Riley
Ehlers	Lantos	Rivers
Ehrlich	Largent	Rodriguez
Emerson	Larson	Roemer
Engel	Latham	Rogan
English	LaTourette	Rogers
Eshoo	Lazio	Rohrabacher
Etheridge	Leach	Ros-Lehtinen
Evans	Lee	Rothman
Everett	Levin	Roybal-Allard
Ewing	Lewis (CA)	Royce
Farr	Lewis (GA)	Rush
Fattah	Lewis (KY)	Ryan (WI)
Finler	Linder	Ryun (KS)
Fletcher	Lipinski	Sabo
Foley	LoBiondo	Salmon
Forbes	Loftgren	Sanchez
Ford	Lowe	Sanders
Fossella	Lucas (KY)	Sandlin
Fowler	Lucas (OK)	Sawyer
Frank (MA)	Luther	Saxton
Franks (NJ)	Maloney (CT)	Scarborough
Frelinghuysen	Maloney (NY)	Schaffer
Gallely	Manzullo	Schakowsky
Ganske	Markey	Scott
Gedjenson	Martinez	Sensenbrenner
Gekas	Mascara	Serrano
Gibbons	Matsui	Sessions
Gilchrest	McCarthy (MO)	Shaw
Gillmor	McCarthy (NY)	Shays
Gilman	McCollum	Sherwood
Gonzalez	McDermott	Shimkus
Goode	McGovern	Shows
Goodlatte	McHugh	Shuster
Goodling	McInnis	Simpson
Goss	McIntosh	Sisisky
Graham	McIntyre	Skeen
Granger	McKeon	Skelton
Green (TX)	McKinney	Slaughter
Green (WI)	McNulty	Smith (MI)
Greenwood	Meehan	Smith (TX)
Gutierrez	Meek (FL)	Smith (WA)
Gutknecht	Meeks (NY)	Snyder

NAYS—12

Barr	Chenoweth	Sanford
Barton	Coburn	Shadegg
Burr	DeLay	Stump
Campbell	Paul	Thornberry

NOT VOTING—23

Becerra	Gordon	Ney
Bilbray	Hinche	Reyes
Capps	Hostettler	Roukema
Coble	Kaptur	Sherman
DeMint	Klink	Smith (NJ)
Dixon	McCrery	Taylor (NC)
Frost	Miller (FL)	Tiahrt
Gephardt	Minge	

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.

20.7 PROVIDING FOR THE CONSIDERATION OF H.R. 800

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 100):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 800) to provide for education flexibility partnerships. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed 5 hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment printed in the Record may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may:

(1) postpone until a time during further consideration in the Committee of the Whole