

propriate school for their children. The bill shall be considered as read for amendment. The bill shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

SEC. 2. After disposition of the bill (H.R. 2746), the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools. The first reading of the bill shall be dispensed with. 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. 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. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Goodling of Pennsylvania or his designee. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the committee amendment in the nature of a substitute, as amended, shall be considered as the original bill for the purpose of further amendment. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed 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 a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. (a) In the engrossment of H.R. 2616, the Clerk shall—

(1) add the text of H.R. 2746, as passed by the House, as new matter at the end of H.R. 2616;

(2) conform the title of H.R. 2616 to reflect the addition of the text of H.R. 2746 to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 2746 to the engrossment of H.R. 2616, H.R. 2746 shall be laid on the table.

SEC. 4. House Resolution 280 is laid on the table.

When said resolution was considered. During debate,

¶124.25 NOTICE—QUESTION OF PRIVILEGES OF THE HOUSE

Ms. MCCARTHY of Missouri, pursuant to clause 2(a)(1) of rule IX, announced her intention to offer the following resolution, as a question of the privileges of the House:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C., on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the record seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make the judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review

and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, on Committee on House Oversight has demanded that the Justice Department bring criminal charges against Hermandad Mexicana Nacional, even through it is beyond the Constitutionally-defined powers of Congress to compel compliance with subpoenas; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore, Mrs. EMERSON, responded to the foregoing notice, and said:

"Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

"Pending that designation, the form of the resolution noticed by the gentleman from Missouri will appear in the Record at this point.

"The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at a time designated for the consideration of the resolution."

After further debate on House Resolution 288,

Mrs. MYRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. EMERSON, announced that the yeas had it.

Mr. CLAY 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 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 222  
Nays ..... 195

¶124.26

[Roll No. 566]

YEAS—222

Aderholt	Bateman	Bryant
Archer	Bereuter	Bunning
Armer	Bilbray	Burr
Bachus	Bilirakis	Burton
Baker	Bliley	Buyer
Ballenger	Blunt	Callahan
Barr	Boehler	Calvert
Barrett (NE)	Boehner	Camp
Bartlett	Bonilla	Campbell
Barton	Bono	Canady
Bass	Brady	Castle

Chabot  
 Chambliss  
 Chenoweth  
 Christensen  
 Coble  
 Coburn  
 Collins  
 Combest  
 Cook  
 Cooksey  
 Cox  
 Crane  
 Crapo  
 Davis (VA)  
 Deal  
 DeLay  
 Diaz-Balart  
 Dickey  
 Doolittle  
 Dreier  
 Duncan  
 Dunn  
 Ehlers  
 Ehrlich  
 Emerson  
 English  
 Ensign  
 Everrett  
 Ewing  
 Fawell  
 Flake  
 Forbes  
 Fowler  
 Fox  
 Franks (NJ)  
 Frelinghuysen  
 Ganske  
 Gekas  
 Gibbons  
 Gilchrest  
 Gillmor  
 Gilman  
 Gingrich  
 Goodlatte  
 Goodling  
 Goss  
 Graham  
 Granger  
 Greenwood  
 Gutknecht  
 Hansen  
 Hastert  
 Hastings (WA)  
 Hayworth  
 Hefley  
 Herger  
 Hill  
 Hilleary  
 Hobson  
 Hoekstra  
 Horn  
 Hostettler  
 Houghton

Hulshof  
 Hunter  
 Hutchinson  
 Hyde  
 Inglis  
 Istook  
 Jenkins  
 Johnson (CT)  
 Johnson, Sam  
 Jones  
 Kasich  
 Kelly  
 Kim  
 King (NY)  
 Kingston  
 Klug  
 Knollenberg  
 Kolbe  
 LaHood  
 Largent  
 Latham  
 LaTourette  
 Lazio  
 Leach  
 Lewis (CA)  
 Lewis (KY)  
 English  
 Linder  
 Lipinski  
 Livingston  
 LoBiondo  
 Lucas  
 Manzullo  
 McCollum  
 McCrery  
 McDade  
 McHugh  
 McInnis  
 McKeon  
 Metcalf  
 Mica  
 Miller (FL)  
 Moran (KS)  
 Morella  
 Myrick  
 Nethercutt  
 Neumann  
 Ney  
 Northup  
 Norwood  
 Nussle  
 Oxley  
 Packard  
 Pappas  
 Parker  
 Paul  
 Paxon  
 Pease  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Pombo  
 Porter

NAYS—195

Abercrombie  
 Allen  
 Andrews  
 Baesler  
 Baldacci  
 Barcia  
 Barrett (WI)  
 Becerra  
 Bentsen  
 Berman  
 Berry  
 Bishop  
 Blagojevich  
 Blumenauer  
 Bonior  
 Borski  
 Boswell  
 Boucher  
 Boyd  
 Brown (CA)  
 Brown (FL)  
 Brown (OH)  
 Cardin  
 Carson  
 Clay  
 Clayton  
 Clement  
 Clyburn  
 Condit  
 Conyers  
 Costello  
 Coyne  
 Cramer  
 Cummings  
 Danner

Davis (FL)  
 Davis (IL)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Dellums  
 Dicks  
 Dingell  
 Dixon  
 Doggett  
 Dooley  
 Doyle  
 Edwards  
 Engel  
 Eshoo  
 Etheridge  
 Evans  
 Farr  
 Fattah  
 Fazio  
 Filner  
 Ford  
 Frank (MA)  
 Frost  
 Furse  
 Gejdenson  
 Gooden  
 Gordon  
 Green  
 Gutierrez  
 Hall (OH)  
 Hall (TX)  
 Hamilton  
 Harman

Portman  
 Pryce (OH)  
 Quinn  
 Radanovich  
 Ramstad  
 Redmond  
 Regula  
 Riggs  
 Riley  
 Rogan  
 Rogers  
 Rohrabacher  
 Ros-Lehtinen  
 Roukema  
 Royce  
 Ryan  
 Salmon  
 Sanford  
 Saxton  
 Scarborough  
 Schaefer, Dan  
 Schaffer, Bob  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Shimkus  
 Shuster  
 Skeen  
 Smith (MI)  
 Smith (NJ)  
 Smith (OR)  
 Smith (TX)  
 Smith, Linda  
 Snowbarger  
 Solomon  
 Souder  
 Spence  
 Stearns  
 Stump  
 Sununu  
 Talent  
 Tauzin  
 Taylor (NC)  
 Thomas  
 Thornberry  
 Thune  
 Tiahrt  
 Traficant  
 Upton  
 Walsh  
 Watkins  
 Watts (OK)  
 Weldon (PA)  
 Weller  
 White  
 Whitfield  
 Wicker  
 Wolf  
 Young (AK)  
 Young (FL)

Maloney (NY)  
 Manton  
 Markey  
 Martinez  
 Mascara  
 Matsui  
 McCarthy (MO)  
 McCarthy (NY)  
 McDermott  
 McGovern  
 McHale  
 McIntyre  
 McKinney  
 Meehan  
 Meek  
 Menendez  
 Millender  
 McDonald  
 Miller (CA)  
 Minge  
 Mink  
 Moakley  
 Mollohan  
 Moran (VA)  
 Murtha  
 Nadler  
 Neal  
 Oberstar  
 Obey  
 Olver  
 Ortiz

NOT VOTING—16

Ackerman  
 Cannon  
 Cubin  
 Cunningham  
 Deusch  
 Foglietta

Owens  
 Pallone  
 Pascrell  
 Pastor  
 Pelosi  
 Peterson (MN)  
 Pickett  
 Pomeroy  
 Poshady  
 Price (NC)  
 Rahall  
 Rangel  
 Reyes  
 Rivers  
 Rodriguez  
 Roemer  
 Rothman  
 Roybal-Allard  
 Rush  
 Sabo  
 Sanchez  
 Sanders  
 Sandlin  
 Sawyer  
 Schumer  
 Scott  
 Serrano  
 Sherman  
 Sisisky  
 Skaggs  
 Skelton

NOT VOTING—16

Foley  
 Gallegly  
 Gephardt  
 Gonzalez  
 McIntosh  
 McNulty

Slaughter  
 Smith, Adam  
 Snyder  
 Spratt  
 Stabenow  
 Stark  
 Stenholm  
 Stokes  
 Strickland  
 Stupak  
 Tanner  
 Tauscher  
 Taylor (MS)  
 Thompson  
 Thurman  
 Tierney  
 Torres  
 Towns  
 Turner  
 Velazquez  
 Vento  
 Waters  
 Watt (NC)  
 Waxman  
 Wexler  
 Weygand  
 Wise  
 Woolsey  
 Wynn  
 Yates

NOT VOTING—16

Payne  
 Schiff  
 Visclosky  
 Weldon (FL)

King (NY)  
 Kingston  
 Klug  
 Knollenberg  
 Kolbe  
 LaHood  
 Largent  
 Latham  
 LaTourette  
 Lazio  
 Leach  
 Lewis (CA)  
 Lewis (KY)  
 Linder  
 Livingston  
 LoBiondo  
 Lucas  
 Manzullo  
 McCollum  
 McCrery  
 McDade  
 McInnis  
 McKeon  
 Metcalf  
 Mica  
 Miller (FL)  
 Moran (KS)  
 Myrick  
 Nethercutt  
 Neumann  
 Ney  
 Northup  
 Norwood  
 Nussle  
 Oxley  
 Packard  
 Pappas

NOES—198

Abercrombie  
 Allen  
 Andrews  
 Baesler  
 Baldacci  
 Barcia  
 Barrett (WI)  
 Becerra  
 Bentsen  
 Bereuter  
 Berman  
 Berry  
 Bishop  
 Blagojevich  
 Blumenauer  
 Boehlert  
 Bonior  
 Borski  
 Boswell  
 Boucher  
 Boyd  
 Brown (CA)  
 Brown (FL)  
 Brown (OH)  
 Cardin  
 Carson  
 Castle  
 Clay  
 Clayton  
 Clement  
 Clyburn  
 Condit  
 Conyers  
 Costello  
 Coyne  
 Cramer  
 Cummings  
 Danner  
 Davis (FL)  
 Davis (IL)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Dellums  
 Dicks  
 Dingell  
 Dixon  
 Doggett  
 Dooley  
 Doyle  
 Edwards  
 Engel  
 Eshoo  
 Etheridge  
 Evans  
 Farr  
 Fattah  
 Fazio  
 Filner  
 Ford

Parker  
 Pastor  
 Paul  
 Paxon  
 Pease  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Pombo  
 Porter  
 Portman  
 Pryce (OH)  
 Quinn  
 Radanovich  
 Redmond  
 Regula  
 Riggs  
 Riley  
 Rogan  
 Rogers  
 Rohrabacher  
 Ros-Lehtinen  
 Royce  
 Ryun  
 Salmon  
 Sanford  
 Saxton  
 Scarborough  
 Schaefer, Dan  
 Schaffer, Bob  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Shimkus

NOES—198

Frank (MA)  
 Furse  
 Gejdenson  
 Goode  
 Gordon  
 Green  
 Hall (OH)  
 Hall (TX)  
 Hamilton  
 Harman  
 Hastings (FL)  
 Hefner  
 Hilliard  
 Hinchey  
 Hinojosa  
 Holden  
 Hooley  
 Horn  
 Hoyer  
 Jackson (IL)  
 Jackson-Lee  
 John  
 Johnson, E. B.  
 Kanjorski  
 Rahall  
 Kaptur  
 Kennedy (MA)  
 Kennedy (RI)  
 Kennelly  
 Kildee  
 Kilpatrick  
 Kind (WI)  
 Kleczka  
 Kucinich  
 LaFalce  
 Lampson  
 Lantos  
 Levin  
 Lewis (GA)  
 Lofgren  
 Lowey  
 Luther  
 Maloney (CT)  
 Maloney (NY)  
 Manton  
 Markey  
 Martinez  
 Mascara  
 Matsui  
 McCarthy (MO)  
 McCarthy (NY)  
 McDermott  
 McGovern  
 McHale  
 McHugh  
 McIntyre  
 McKinney  
 Meehan  
 Meek  
 Menendez

Shuster  
 Skeen  
 Smith (MI)  
 Smith (NJ)  
 Smith (OR)  
 Smith (TX)  
 Smith, Linda  
 Snowbarger  
 Solomon  
 Souder  
 Spence  
 Stearns  
 Stump  
 Sununu  
 Talent  
 Tauzin  
 Taylor (NC)  
 Thomas  
 Thornberry  
 Thune  
 Tiahrt  
 Traficant  
 Upton  
 Walsh  
 Wamp  
 Watkins  
 Watts (OK)  
 Waxman  
 Weldon (PA)  
 Weller  
 White  
 Whitfield  
 Wicker  
 Wolf  
 Young (AK)  
 Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that the yeas had it.

Mr. HALL of Ohio demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 214 Nays ..... 198

¶124.27

[Roll No. 567]

AYES—214

Aderholt  
 Archer  
 Arney  
 Bachus  
 Baker  
 Ballenger  
 Barr  
 Barrett (NE)  
 Bartlett  
 Barton  
 Bass  
 Bateman  
 Bilbray  
 Bilirakis  
 Bliley  
 Blunt  
 Boehner  
 Bonilla  
 Bono  
 Brady  
 Bryant  
 Bunning  
 Burr  
 Burton  
 Buyer  
 Callahan  
 Calvert  
 Camp  
 Campbell  
 Canady  
 Cannon  
 Chabot  
 Chambliss  
 Chenoweth  
 Christensen