

a draft of proposed legislation entitled the "Federal Employees Health Benefits Children's Equity Act of 1997"; to the Committee on Government Reform and Oversight.

7027. A letter from the Secretary of Energy, transmitting the FY 1997 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

7028. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

7029. A letter from the the Administrative Assistant, the Disabled American Veterans, transmitting the report of the proceedings of the organization's 76th National Convention, including their annual audit report of receipts and expenditures as of December 31, 1996, pursuant to 36 U.S.C. 901 and 44 U.S.C. 1332; (H. Doc. No. 105-208); to the Committee on Veterans' Affairs and ordered to be printed.

7030. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Albania, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 105-210); to the Committee on Ways and Means and ordered to be printed.

7031. A letter from the Chairman, International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 2000; to the Committee on Ways and Means.

7032. A letter from the Executive Director, Office of Compliance, transmitting supplementary notice of proposed rulemaking for publication in the Congressional RECORD, pursuant to Public Law 104-1, section 303(b) (109 Stat. 28); jointly to the Committees on House Oversight and Education and the Workforce.

¶5.4 PROVIDING FOR THE CONSIDERATION OF H.R. 2846

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 348):

Resolved, That at any time after the adoption of this resolution 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. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation. 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. During consideration of the bill for 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 committee amendment in the nature of a substitute. 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.

When said resolution was considered. After debate,

Mr. LINDER 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. FROST 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 220
Nays 185

¶5.5 [Roll No.8] YEAS—220

Aderholt	Cubin	Hastings (WA)
Archer	Cunningham	Hayworth
Armey	Davis (VA)	Hefley
Bachus	Deal	Hill
Baker	DeLay	Hilleary
Ballenger	Diaz-Balart	Hobson
Barr	Dickey	Hoekstra
Barrett (NE)	Doolittle	Horn
Bartlett	Dreier	Hostettler
Barton	Duncan	Houghton
Bass	Dunn	Hulshof
Bateman	Ehlers	Hunter
Bereuter	Ehrlich	Hutchinson
Billbray	Emerson	Hyde
Bilirakis	English	Inglis
Billey	Ensign	Istook
Blunt	Everett	Jenkins
Boehlert	Ewing	Johnson (CT)
Boehner	Fawell	Jones
Bonilla	Foley	Kasich
Brady	Forbes	Kelly
Bryant	Fossella	Kim
Bunning	Fowler	Kingston
Burr	Fox	Klug
Buyer	Franks (NJ)	Knollenberg
Callahan	Frelinghuysen	Kolbe
Calvert	Gallegly	LaHood
Camp	Ganske	Latham
Campbell	Gekas	LaTourette
Canady	Gibbons	Lazio
Cannon	Gilchrest	Leach
Castle	Gillmor	Lewis (CA)
Chabot	Gilman	Lewis (KY)
Chambliss	Goode	Linder
Christensen	Goodlatte	Livingston
Coble	Goodling	LoBiondo
Coburn	Goss	Lucas
Collins	Graham	Manzullo
Combest	Granger	McCollum
Cook	Greenwood	McCrery
Cooksey	Gutknecht	McDade
Cox	Hall (TX)	McHugh
Crane	Hansen	McInnis
Crapo	Hastert	McIntosh

Metcalf	Regula	Solomon
Mica	Riley	Souder
Miller (FL)	Rogers	Spence
Moran (KS)	Rohrabacher	Stearns
Morella	Ros-Lehtinen	Stump
Myrick	Roukema	Sununu
Nethercutt	Royce	Talent
Neumann	Ryun	Tauzin
Ney	Sabo	Thomas
Northup	Salmon	Thornberry
Norwood	Sanford	Thune
Nussle	Saxton	Tiahrt
Oxley	Scarborough	Trafficant
Packard	Schaefer, Dan	Turner
Pappas	Schaffer, Bob	Upton
Parker	Sensenbrenner	Walsh
Paul	Sessions	Wamp
Paxon	Shadegg	Watkins
Pease	Shaw	Watts (OK)
Peterson (PA)	Shays	Weldon (FL)
Petri	Shimkus	Weldon (PA)
Pickering	Shuster	Weller
Pitts	Skeen	White
Pombo	Skelton	Whitfield
Porter	Smith (MI)	Wicker
Portman	Smith (NJ)	Wolf
Pryce (OH)	Smith (OR)	Young (AK)
Quinn	Smith (TX)	Young (FL)
Ramstad	Smith, Linda	
Redmond	Snowbarger	

NAYS—185

Abercrombie	Hamilton	Oberstar
Ackerman	Harman	Obey
Allen	Hastings (FL)	Olver
Andrews	Hefner	Ortiz
Baesler	Hilliard	Owens
Baldacci	Hinchey	Pallone
Barcia	Hinojosa	Pascrell
Barrett (WI)	Holden	Pastor
Bentsen	Hooley	Payne
Berman	Hoyer	Pelosi
Berry	Jackson (IL)	Peterson (MN)
Bishop	Jackson-Lee	Pickett
Blagojevich	(TX)	Poshard
Bonior	Jefferson	Price (NC)
Borski	John	Rahall
Boswell	Johnson (WI)	Rangel
Boucher	Johnson, E. B.	Reyes
Boyd	Kanjorski	Rivers
Brown (CA)	Kaptur	Rodriguez
Brown (FL)	Kennedy (MA)	Roemer
Brown (OH)	Kennedy (RI)	Rothman
Cardin	Kennelly	Roybal-Allard
Carson	Kildee	Rush
Clay	Kilpatrick	Sanchez
Clayton	Kind (WI)	Sanders
Clement	Kleccka	Sandlin
Clyburn	Kucinich	Sawyer
Condit	LaFalce	Schumer
Conyers	Lampson	Scott
Costello	Lantos	Serrano
Coyne	Levin	Sherman
Cramer	Lewis (GA)	Sisisky
Cummings	Lipinski	Skaggs
Danner	Lofgren	Slaughter
Davis (FL)	Lowe	Smith, Adam
Davis (IL)	Luther	Snyder
DeFazio	Maloney (CT)	Spratt
DeGette	Maloney (NY)	Stabenow
DeLauro	Manton	Stark
Dellums	Martinez	Stenholm
Deutsch	Mascara	Stokes
Dicks	Matsui	Strickland
Dingell	McCarthy (MO)	Tanner
Dixon	McCarthy (NY)	Tauscher
Dooley	McDermott	Taylor (MS)
Doyle	McGovern	Thompson
Edwards	McHale	Thurman
Etheridge	McIntyre	Tierney
Evans	McKinney	Torres
Farr	McNulty	Towns
Fattah	Meehan	Velazquez
Fazio	Meek (FL)	Vento
Filner	Menendez	Waters
Ford	Millender	Watt (NC)
Frank (MA)	McDonald	Waxman
Frost	Miller (CA)	Wexler
Furse	Minge	Weygand
Gejdenson	Mink	Wise
Gephardt	Moakley	Woolsey
Gordon	Mollohan	Wynn
Green	Moran (VA)	Yates
Gutierrez	Murtha	
	Nadler	

NOT VOTING—25

Becerra	Chenoweth	Eshoo
Blumenauer	Doggett	Gonzalez
Burton	Engel	Hall (OH)

Herger	McKeon	Schiff
Johnson, Sam	Neal	Stupak
King (NY)	Pomeroy	Taylor (NC)
Klink	Radanovich	Visclosky
Largent	Riggs	
Markey	Rogan	

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.

So the resolution was agreed to. A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

5.6 PROHIBITION ON FEDERAL EDUCATION FUNDS FOR NATIONAL TESTING

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to House Resolution 348 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation.

The SPEAKER pro tempore, Mrs. EMERSON, by unanimous consent, designated Mr. EWING as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. MCHUGH, assumed the Chair.

When Mr. EWING, Chairman, pursuant to House Resolution 348, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. FINDINGS.

The Congress finds the following:

(1) High State and local standards in reading, mathematics, and other core academic subjects are essential to the future well-being of elementary and secondary education in this country.

(2) State and local control of education is the hallmark of education in the United States.

(3) Each of the 50 States already utilizes numerous tests to measure student achievement, including State and commercially available assessments. State assessments are based primarily upon State and locally developed academic standards.

(4) Public Law 105-78, the Labor, Health and Human Services and Education Appropriations Act, 1998, ensures that Federal funds may not be used to field test, pilot test, implement, administer, or distribute in any way, any federally sponsored national test in fiscal year 1998, requires the National Academy of Sciences to conduct a study to determine whether an equivalency scale can be developed that would allow existing tests to be compared one to another, and permits very limited test development activities in fourth grade reading and eighth grade mathematics in fiscal year 1998.

(5) There is no specific or explicit authority in current Federal law authorizing the

proposed federally sponsored national tests in fourth grade reading and eighth grade mathematics.

(6) The decision of whether or not this country implements, administers, disseminates, or otherwise has federally sponsored national tests in fourth grade reading and eighth grade mathematics or any other subject, will be determined primarily through the normal legislative process involving Congress and the respective authorizing committees.

SEC. 2. PROHIBITION ON FEDERALLY SPONSORED TESTING.

Part C of the General Education Provisions Act is amended by adding at the end the following:

“§ 447. Prohibition on federally sponsored testing

“(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and, except as provided in sections 305 through 311 of Public Law 105-78, the Labor, Health and Human Services and Education Appropriations Act, 1998, funds provided to the Department of Education or to an applicable program under this Act or any other Act, may not be used to develop, plan, implement (including pilot testing or field testing), or administer any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

“(b) EXCEPTIONS.—Subsection (a) shall not apply to the Third International Math and Science Study or other international comparative assessments developed under authority of section 406(a)(6) of the National Education Statistics Act of 1994, and administered to only a representative sample of pupils in the United States and in foreign nations.”.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. MCHUGH, 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 242
Nays 174

5.7 [Roll No.9] YEAS—242

Aderholt	Burr	Danner
Archer	Buyer	Davis (VA)
Army	Callahan	Deal
Bachus	Calvert	DeFazio
Baker	Camp	DeLay
Ballegger	Campbell	Diaz-Balart
Barr	Canady	Dickey
Barrett (NE)	Castle	Doollittle
Bartlett	Chabot	Doyle
Barton	Chambliss	Dreier
Bass	Chenoweth	Duncan
Bateman	Christensen	Dunn
Bereuter	Coble	Ehlers
Bilbray	Coburn	Ehrlich
Bilirakis	Collins	Emerson
Bliley	Combest	English
Blunt	Condit	Ensign
Boehlert	Cook	Evans
Boehner	Cooksey	Everett
Bonilla	Cox	Ewing
Boyd	Crane	Fawell
Brady	Crapo	Foley
Bryant	Cubin	Fossella
Bunning	Cunningham	Fowler

Fox	Leach	Roukema
Franks (NJ)	Lewis (CA)	Royce
Frelinghuysen	Lewis (KY)	Ryun
Gallegly	Linder	Salmon
Ganske	Lipinski	Sanford
Gekas	Livingston	Saxton
Gibbons	LoBiondo	Scarborough
Gilchrest	Lucas	Schaefer, Dan
Gillmor	Manzullo	Schaffer, Bob
Gilman	McCollum	Sensenbrenner
Goode	McCrery	Sessions
Goodlatte	McDade	Shadegg
Goodling	McHugh	Shaw
Goss	McInnis	Shays
Graham	McIntosh	Shimkus
Granger	Metcalf	Shuster
Greenwood	Mica	Sisisky
Gutknecht	Miller (FL)	Skeen
Hall (TX)	Mollohan	Smith (MI)
Hamilton	Moran (KS)	Smith (NJ)
Hansen	Morella	Smith (OR)
Hastert	Myrick	Smith (TX)
Hastings (WA)	Nethercutt	Smith, Linda
Hayworth	Neumann	Snowbarger
Hefley	Ney	Solomon
Hill	Northup	Souder
Hilleary	Norwood	Spence
Hobson	Nussle	Stearns
Hoekstra	Oxley	Stenholm
Holden	Packard	Strickland
Horn	Pappas	Stump
Hostettler	Parker	Sununu
Houghton	Paul	Talent
Hulshof	Paxon	Tauzin
Hunter	Pease	Taylor (MS)
Hutchinson	Pelosi	Taylor (NC)
Hyde	Peterson (MN)	Thomas
Inglis	Peterson (PA)	Thornberry
Jenkins	Petri	Thune
John	Pickett	Tiahrt
Johnson, Sam	Pitts	Trafficant
Jones	Pombo	Turner
Kaptur	Porter	Upton
Kasich	Portman	Walsh
Kelly	Pryce (OH)	Wamp
Kim	Quinn	Watkins
King (NY)	Radanovich	Watts (OK)
Kingston	Ramstad	Weldon (FL)
Klecicka	Redmond	Weldon (PA)
Klug	Regula	Weller
Knollenberg	Riggs	White
Kolbe	Rohrabacher	Whitfield
LaHood	Roemer	Wicker
Largent	Rogan	Wolf
Latham	Rogers	Young (AK)
LaTourette	Rohrabacher	Young (FL)
Lazio	Ros-Lehtinen	

NAYS—174

Abercrombie	Doggett	LaFalce
Ackerman	Dooley	Lampson
Allen	Edwards	Lantos
Andrews	Engel	Levin
Baesler	Etheridge	Lewis (GA)
Baldacci	Farr	Lofgren
Barcia	Fattah	Lowey
Barrett (WI)	Fazio	Luther
Bentsen	Filner	Maloney (CT)
Berman	Forbes	Maloney (NY)
Berry	Ford	Manton
Bishop	Frank (MA)	Markey
Blagojevich	Frost	Martinez
Blumenauer	Furse	Mascara
Bonior	Gejdenson	Matsui
Borski	Gephardt	McCarthy (MO)
Boswell	Gordon	McCarthy (NY)
Boucher	Green	McDermott
Brown (CA)	Gutierrez	McGovern
Brown (FL)	Harman	McHale
Brown (OH)	Hastings (FL)	McIntyre
Cardin	Hefner	McKinney
Carson	Hilliard	McNulty
Clay	Hinches	Meehan
Clayton	Hinojosa	Meek (FL)
Clement	Hooley	Menendez
Clyburn	Hoyer	Millerder-
Conyers	Jackson (IL)	McDonald
Costello	Jackson-Lee	Miller (CA)
Coyne	(TX)	Minge
Cramer	Jefferson	Mink
Cummings	Johnson (CT)	Moakley
Davis (FL)	Johnson (WI)	Moran (VA)
Davis (IL)	Johnson, E. B.	Murtha
DeGette	Kanjorski	Nadler
Delahunt	Kennedy (MA)	Neal
DeLauro	Kennedy (RI)	Oberstar
Deutsch	Kennelly	Obey
Dicks	Kildee	Olver
Dingell	Kind (WI)	Ortiz
Dixon	Kucinich	Owens