

105TH CONGRESS
2^D SESSION

H. R. 2846

AN ACT

To prohibit spending Federal education funds on national testing without explicit and specific legislation.

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds the following:

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

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

7 (3) Each of the 50 States already utilizes nu-
8 merous tests to measure student achievement, in-
9 cluding State and commercially available assess-
10 ments. State assessments are based primarily upon
11 State and locally developed academic standards.

12 (4) Public Law 105–78, the Labor, Health and
13 Human Services and Education Appropriations Act,
14 1998, ensures that Federal funds may not be used
15 to field test, pilot test, implement, administer, or
16 distribute in any way, any federally sponsored na-
17 tional test in fiscal year 1998, requires the National
18 Academy of Sciences to conduct a study to deter-
19 mine whether an equivalency scale can be developed
20 that would allow existing tests to be compared one
21 to another, and permits very limited test develop-
22 ment activities in fourth grade reading and eighth
23 grade mathematics in fiscal year 1998.

24 (5) There is no specific or explicit authority in
25 current Federal law authorizing the proposed feder-

1 ally sponsored national tests in fourth grade reading
2 and eighth grade mathematics.

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

10 **SEC. 2. PROHIBITION ON FEDERALLY SPONSORED**
11 **TESTING.**

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

14 **“§ 447. Prohibition on federally sponsored testing**

15 “(a) GENERAL PROHIBITION.—Notwithstanding any
16 other provision of Federal law and, except as provided in
17 sections 305 through 311 of Public Law 105–78, the
18 Labor, Health and Human Services and Education Appro-
19 priations Act, 1998, funds provided to the Department of
20 Education or to an applicable program under this Act or
21 any other Act, may not be used to develop, plan, imple-
22 ment (including pilot testing or field testing), or admin-
23 ister any federally sponsored national test in reading,
24 mathematics, or any other subject that is not specifically

1 and explicitly provided for in authorizing legislation en-
2 acted into law.

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

Passed the House of Representatives February 5,
1998.

Attest:

Clerk.