

Directives; Gulfstream Model G-159 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-172-AD; Amdt. 39-10348; AD 98-04-36] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7561. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-3 and DC-4 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-173-AD; Amdt. 39-10347; AD 98-04-35] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7562. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Model YS-11 and YS-11A Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-174-AD; Amdt. 39-10346; AD 98-04-34] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7563. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream American (Frakes Aviation) Model G-73 (Mallard) and G-73T Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-175-AD; Amdt. 39-10345; AD 98-04-33] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7564. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-14 and L-18 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-176-AD; Amdt. 39-10344; AD 98-04-32] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7565. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Model F27 and FH227 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-177-AD; Amdt. 39-10343; AD 98-04-31] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7566. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone Regulations; Swift Creek Channel, Freeport, NY (Coast Guard) [CGD01-97-135] (RIN: 2115-AA97) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7567. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services, 1998 Update [STB Ex. Parte No. 542 (Sub-No. 2)] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7568. A letter from the Acting Deputy Director, National Institute of Standards and Technology, transmitting the Institute's final rule—Physics Laboratory 1998 Summer Undergraduate Research Fellowships (SURF)—Partnerships in Atomic, Molecular and Optical (AMO) Physics and Materials Science and Engineering Laboratory (MSEL) 1998 Summer Undergraduate Research Fellowships (SURF) [Docket No. 971029258-7258-01] (RIN: 0693-ZA17) received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7569. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 98-11] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7570. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Contributions to Foreign Partnerships Under Section 6038B [Notice 98-17] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7571. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition Relating to Corporate Reorganizations [Rev. Rul. 98-10] received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7572. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Dole Amendment determination and the accompanying justification for national interest determination relating to Haiti, pursuant to Public Law 105-118, section 562; jointly to the Committees on International Relations and Appropriations.

7573. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to reform and reorganize the Department of Defense, to streamline its operations, to eliminate its inefficiencies, to reallocate its functions, and for other purposes; jointly to the Committees on National Security, Government Reform and Oversight, Rules, Education and the Workforce, and Resources.

¶9.4 PROVIDING FOR THE CONSIDERATION OF H.R. 1544

Mr. MCINNIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 367):

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. 1544) to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits. 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 the Judiciary. 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 the Judiciary now printed in the bill. Each section of 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 min-

imum 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,

On motion of Mr. MCINNIS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, 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.

¶9.5 FEDERAL AGENCY COMPLIANCE

The SPEAKER pro tempore, Mr. BUNNING, pursuant to House Resolution 367 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. 1544) to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits.

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

The Committee rose informally to receive messages from the President.

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

¶9.6 MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶9.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. NADLER:

Page 5, insert after line 20 the following:

SEC. 4. APPLICATION.

The amendments made by section 2 shall apply only with respect to agency actions which involve a Federal health benefit programs, a Federal program under which cash is paid based on need or insurance benefits are paid, or the Internal Revenue Code of 1986 and the amendments made by section 3 shall apply on with respect to proceedings in courts which involve a Federal health benefit programs, a Federal program under which cash is paid based on need or insurance benefits are paid, or the Internal Revenue Code of 1986.

Page 3, line 4 and beginning in line 10, strike "Government" and insert "agency".

Page 4, beginning in line 7, strike "neither the United States nor any agency or officer thereof was," and insert "the agency was not".

Page 3, line 21, strike "of following" and insert "the following".

Page 5, line 20, strike "of following" and insert "the following".

Page 4, line 19, insert before the period the following: "unless the precedents in a majority of other United States courts of appeals supports the position of the agency".

It was decided in the { Yeas 172
negative } Nays 238

¶9.8 [Roll No. 19]
AYES—172

Abercrombie	Hinchey	Obey
Ackerman	Hinojosa	Oliver
Allen	Holden	Ortiz
Andrews	Hooley	Owens
Baessler	Hoyer	Pallone
Baldacci	Jackson (IL)	Pascarell
Barcia	Jackson-Lee	Pastor
Barrett (WI)	(TX)	Payne
Becerra	Jefferson	Petri
Bentsen	Johnson (WI)	Pomeroy
Berman	Johnson, E. B.	Price (NC)
Blagojevich	Kanjorski	Quinn
Blumenauer	Kaptur	Rahall
Bonior	Kennedy (MA)	Rangel
Borski	Kennedy (RI)	Reyes
Brown (CA)	Kildee	Rivers
Brown (OH)	Kilpatrick	Rothman
Cardin	Kind (WI)	Roybal-Allard
Carson	Klecicka	Rush
Clay	Kucinich	Sabo
Clayton	LaFalce	Sanchez
Clyburn	Lampson	Sanders
Conyers	Lantos	Sandlin
Coyne	Levin	Sawyer
Cummings	Lewis (GA)	Schumer
Danner	LoBiondo	Scott
Davis (IL)	Lofgren	Serrano
DeFazio	Lowe	Sherman
DeGette	Maloney (CT)	Skaggs
DeLahunt	Maloney (NY)	Skelton
Deutsch	Manton	Slaughter
Dicks	Markey	Snyder
Dingell	Martinez	Spratt
Dixon	Mascara	Stabenow
Doggett	McCarthy (MO)	Stark
Doyle	McCarthy (NY)	Stokes
Edwards	McDermott	Strickland
Engel	McGovern	Stupak
Eshoo	McHale	Tauscher
Etheridge	McHugh	Thompson
Evans	McIntyre	Thurman
Farr	McKinney	Tierney
Fattah	McNulty	Torres
Fazio	Meehan	Towns
Filner	Meek (FL)	Turner
Fox	Meeke (NY)	Velazquez
Frank (MA)	Menendez	Vento
Frost	Millender-	Visclosky
Furse	McDonald	Walsh
Gilman	Mink	Waters
Green	Moakley	Watt (NC)
Gutierrez	Mollohan	Waxman
Hall (OH)	Moran (VA)	Wexler
Hamilton	Morella	Weygand
Harman	Murtha	Wise
Hastings (FL)	Nadler	Woolsey
Hefner	Neal	Wynn
Hilliard	Oberstar	Yates

NOES—238

Aderholt	Boehner	Christensen
Archer	Bonilla	Clement
Armey	Boswell	Coble
Bachus	Boyd	Coburn
Baker	Brady	Collins
Ballenger	Bryant	Combest
Barr	Bunning	Condit
Barrett (NE)	Burr	Cook
Bartlett	Burton	Cooksey
Barton	Buyer	Costello
Bass	Callahan	Cox
Bateman	Calvert	Cramer
Bereuter	Camp	Crane
Berry	Campbell	Crapo
Bilbray	Canady	Cubin
Bilirakis	Cannon	Cunningham
Bishop	Castle	Davis (FL)
Bliley	Chabot	Davis (VA)
Blunt	Chambliss	Deal
Boehlert	Chenoweth	DeLay

Diaz-Balart	Jones	Rogers
Dickey	Kasich	Rohrabacher
Dooley	Kelly	Ros-Lehtinen
Doolittle	Kim	Roukema
Dreier	King (NY)	Royce
Duncan	Kingston	Ryun
Dunn	Klug	Salmon
Ehlers	Knollenberg	Sanford
Ehrlich	Kolbe	Saxton
Emerson	LaHood	Scarborough
English	Largent	Schaefer, Dan
Ensign	Latham	Schaffer, Bob
Everett	LaTourrette	Sensenbrenner
Ewing	Lazio	Sessions
Fawell	Leach	Shadegg
Foley	Lewis (CA)	Shaw
Forbes	Linder	Shays
Fossella	Lipinski	Shimkus
Fowler	Livingston	Shuster
Franks (NJ)	Lucas	Sisisky
Frelinghuysen	Manzullo	Skeen
Gallegly	Matsui	Smith (MI)
Ganske	McCollum	Smith (NJ)
Gekas	McCrery	Smith (OR)
Gibbons	McDade	Smith (TX)
Gilchrist	McInnis	Smith, Adam
Gillmor	McIntosh	Smith, Linda
Goode	McKeon	Snowbarger
Goodlatte	Metcalfe	Solomon
Goodling	Miller (FL)	Souder
Gordon	Minge	Spence
Goss	Moran (KS)	Stearns
Graham	Myrick	Stenholm
Granger	Nethercutt	Stump
Greenwood	Neumann	Sununu
Gutknecht	Ney	Talent
Hall (TX)	Northup	Tanner
Hansen	Norwood	Tauzin
Hastert	Nussle	Taylor (MS)
Hastings (WA)	Oxley	Taylor (NC)
Hayworth	Packard	Thomas
Hefley	Pappas	Thornberry
Hergert	Parker	Thune
Hill	Paul	Tiahrt
Hilleary	Pease	Traficant
Hobson	Peterson (MN)	Upton
Hoekstra	Peterson (PA)	Wamp
Horn	Pickering	Watkins
Hostettler	Pickett	Watts (OK)
Houghton	Pitts	Weldon (FL)
Hulshof	Pombo	Weldon (PA)
Hunter	Porter	Weller
Hutchinson	Portman	White
Hyde	Pryce (OH)	Whitfield
Inglis	Radanovich	Wicker
Istook	Ramstad	Wolf
Jenkins	Regula	Young (AK)
John	Riley	Young (FL)
Johnson (CT)	Roemer	
Johnson, Sam	Rogan	

NOT VOTING—20

Boucher	Kennelly	Pelosi
Brown (FL)	Klink	Poshard
DeLauro	Lewis (KY)	Redmond
Ford	Luther	Riggs
Gejdenson	Mica	Rodriguez
Gephardt	Miller (CA)	Schiff
Gonzalez	Paxon	

So the amendment was not agreed to. After some further time,

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

When Mr. SNOWBARGER, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶9.9 PROVIDING FOR THE CONSIDERATION OF H.R. 2181

Mr. DIAZ-BALART, by direction of the Committee on Rules, called up the following resolution (H. Res. 366):

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. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes. 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 the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by section. Each title 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. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. DIAZ-BALART, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, 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.

¶9.10 WITNESS PROTECTION AND INTERSTATE LOCATION

The SPEAKER pro tempore, Mr. EWING, pursuant to House Resolution 366 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. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes.

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

¶9.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CONYERS:

Page 3, after line 14, insert the following:
SEC. 103. FURTHER CONSIDERATION OF DEATH SENTENCE RECOMMENDATION.

(a) IN GENERAL.—Section 3591(a) of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a defendant who has been found guilty of an offense described in section 1512(j) or 1952(b) for which a sentence of death is provided shall not be sentenced to