

LATOURETTE, who laid before the House the following communication:

WASHINGTON, DC,

May 7, 1998.

I hereby designate the Honorable STEVE LATOURETTE to act as Speaker pro tempore on this day.

NEWT GINGRICH,

Speaker of the House of Representatives.

¶41.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LATOURETTE, announced he had examined and approved the Journal of the proceedings of Wednesday, May 6, 1998.

Pursuant to clause 1, rule I, the Journal was approved.

¶41.3 COMMUNICATIONS

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

9006. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 1997-1998 Marketing Year [FV98-985-2 IFR] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9007. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Pine Shoot Beetle; Quarantined Areas [Docket No. 97-100-2] received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9008. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Peroxyacetic Acid; Exemption From the Requirement of a Tolerance [OPP-300654; FRL-5789-3] (RIN: 2070-AB78) received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9009. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hydrogen Peroxide; Exemption from the Requirement of a Tolerance [OPP-300655; FRL-5789-4] (RIN: 2070-AB78) received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9010. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Post Bankruptcy Loan Servicing Notices (RIN: 0560-AE62) received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9011. A letter from the Assistant Secretary, Special Education and Rehabilitative Services, Department of Education, transmitting notice of the Final Funding Priorities for Fiscal Years 1998-1999 for four Rehabilitation Research and Training Centers and two Disability and Rehabilitation Research Projects, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

9012. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 1998-1999 for Certain Centers and Projects—received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9013. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and

Promulgation of Air Quality Implementation Plans; Pennsylvania; Conditional Limited Approval of the Pennsylvania VOC and NORAC Regulation; Correction [PA041-4069; FRL-6009-3] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9014. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Oregon [OR-67-7282, OR-70-7285; FRL-5976-5] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9015. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Indian Springs, Nevada, Mountain Pass, California, Kingman, Arizona, and St. George, Utah) [MM Docket No. 96-171 RM-8846 RM-9145] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9016. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ashdown and DeQueen, Arkansas) [MM Docket No. 97-223 RM-9014] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9017. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Listing of Color Additives for Coloring Sutures; D&C Violet No. 2 [Docket No. 95C-0399] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9018. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Lipase Enzyme Preparation From *Rhizopus Niveus*; Affirmation of GRAS Status as a Direct Food Ingredient [Docket No. 90G-0412] received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9019. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Radiology Devices; Classifications for Five Medical Image Management Devices [Docket No. 96N-0320] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9020. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

9021. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9022. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-331, "Juvenile Curfew Amendment Act of 1998" received May 1, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

9023. A letter from the Executive Director, Federal Labor Relations Authority, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

9024. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper Size Limit [Docket No. 970804190-7190-01; I.D. 070997A] (RIN: 0648-AJ89) received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9025. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Recreational Red Snapper Component [Docket No. 970730185-7206-02; I.D. 111297D] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9026. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component [I.D. 040998A] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9027. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder and Scup Fisheries; Readjustments to 1998 Quotas; Commercial Summer Period Scup Quota Harvested for Maryland [Docket No. 971015246-7293-02; I.D. 041398A] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9028. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Administrative Wage Garnishment (RIN: 1510-AA67) received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9029. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes [Docket No. 98-NM-130-AD; Amendment 39-10507; AD 98-09-26] (RIN: 2120-AA64) received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9030. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Diamond Aircraft Industries Models H-36 "Dimona" and HK 36 R "Super Dimona" Sailplanes [Docket No. 97-CE-134-AD; Amendment 39-10505; AD 98-09-24] (RIN: 2120-AA64) received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9031. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Greenwood Lake Powerboat Classic, Greenwood Lake, New Jersey [CGD01-98-015] (RIN: 2115-AA97) received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9032. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1998 [Notice 98-27, 1998-18 I.R.B.] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9033. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule—Golden Belt Telephone Cooperative v. Commissioner [T.C. Docket No. 21677-95] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9034. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 98-26] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

41.4 REQUEST FOR RETURN OF BILL TO SENATE

The SPEAKER pro tempore, Mr. LATOURETTE, laid before the House a message from the Senate (S. Res. 215), which was read as follows:

Resolved, That the Secretary of the Senate is directed to request the House of Representatives to return to the Senate the official papers on S. 414, entitled "An Act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes".

SEC. 2. Upon the return of the official papers from the House of Representatives, the Secretary of the Senate is directed to make the following change in the text of the bill, viz:

In the amendment of section 8(f) of the Shipping Act of 1984 by section 106(e) of the bill, insert a comma and "including limitations of liability for cargo loss or damage," after "practices".

Whereupon, On motion of Mr. GILCHREST, by unanimous consent, the request of the Senate for the return of the bill of the Senate (S. 414) to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes, was agreed to.

Ordered, That, the Clerk return said bill to the Senate.

41.5 CAPITOL GROUNDS—JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. KIM, by unanimous consent, called up the following concurrent resolution (H. Con. Res. 265):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING USE OF EAST FRONT FOR PERFORMANCES SPONSORED BY KENNEDY CENTER.

In carrying out its duties under section 4 of the John F. Kennedy Center Act (20 U.S.C. 76j), the John F. Kennedy Center for the Performing Arts in cooperation with the National Park Service (in this resolution jointly referred to as the "sponsor") may sponsor public performances on the East Front of the Capitol Grounds at such dates and times as the Speaker of the House of Representatives and Committee on Rules and Administration of the Senate may approve jointly.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Any performance authorized under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) ASSUMPTION OF LIABILITIES.—The sponsor shall assume full responsibility for all liabilities incident to all activities associated with the performance.

SEC. 3. PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—In consultation with the Speaker of the House of

Representatives and the Committee on Rules and Administration of the Senate, the Architect of the Capitol shall provide upon the Capitol grounds such stage, sound amplification devices, and other related structures and equipment as may be required for a performance authorized under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make such additional arrangements as may be required to carry out the performance.

SEC. 4. APPLICABILITY OF PROHIBITIONS.

Nothing in this resolution may be construed to waive the applicability of the prohibitions established by section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays and solicitations on the Capitol Grounds.

SEC. 5. EXPIRATION OF AUTHORITY.

A performance may not be conducted under this resolution after September 30, 1998.

When said concurrent resolution was considered and agreed to.

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

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

41.6 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. LATOURETTE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 1998.

Speaker NEWT GINGRICH,
Republican Steering Committee, The Capitol, Washington, DC.

DEAR SPEAKER GINGRICH, This is to officially request a temporary leave of absence from the Education and Workforce Committee, effective immediately.

Because of my additional two Committee assignments and other pressing commitments, I have determined that this temporary change is necessary for the balance of the 105th Congress. Chairman Hoekstra and I have discussed this at length, and I understand one of our colleagues has expressed an interest in being appointed to the Education and Workforce Committee, with an assignment being made to the Oversight & Investigation Subcommittee.

I would ask that my seniority be preserved so that, should I chose to be reappointed to the Education and Workforce Committee at the beginning the 106th Congress it would be to my current position.

Thank you for consideration of this matter.

Sincerely,
JOE SCARBOROUGH.

By unanimous consent, the resignation was accepted.

41.7 EDUCATION SAVINGS ACCOUNTS

On motion of Mr. ARCHER, by direction of the Committee on Ways and Means and pursuant to clause 1 of rule XX, the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; to-

gether with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. ARCHER, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

41.8 MOTION TO INSTRUCT CONFEREES—H.R. 2646

Mr. RANGEL moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 2646, to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes, be instructed to agree to the provisions relating to tax-favored financing for public school construction consistent, to the maximum extent possible within the scope of the conference, with the approach taken in H.R. 3320, the Public School Modernization Act, 1998.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

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

Mr. ARCHER 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 192
Nays 222

41.9 [Roll No. 136] YEAS—192

Abercrombie	Cramer	Gutierrez
Ackerman	Cummings	Hall (OH)
Allen	Danner	Hamilton
Andrews	Davis (FL)	Harman
Baldacci	Davis (IL)	Hilliard
Barcia	DeFazio	Hinchey
Barrera	DeGette	Hinojosa
Becerra	Delahunt	Holden
Bentsen	DeLauro	Hooey
Berman	Deutsch	Hoyer
Berry	Dicks	Jackson (IL)
Bishop	Dingell	Jackson-Lee
Blagojevich	Doggett	(TX)
Blumenauer	Dooley	Jefferson
Bonior	Edwards	John
Borski	Engel	Johnson (WI)
Boswell	Eshoo	Johnson, E. B.
Boucher	Etheridge	Kanjorski
Brown (CA)	Evans	Kaptur
Brown (FL)	Farr	Kennedy (MA)
Brown (OH)	Fattah	Kennedy (RI)
Capps	Fazio	Kennelly
Cardin	Filner	Kildee
Carson	Forbes	Kilpatrick
Clay	Ford	Kind (WI)
Clayton	Frank (MA)	Klink
Clement	Furse	Kucinich
Clyburn	Gejdenson	LaFalce
Condit	Gilman	Lampson
Conyers	Goode	Lantos
Costello	Gordon	Leach
Coyne	Green	Lee