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; together 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
Barrett (WI)	DeGette	Hinojosa
Becerra	Delahunt	Holden
Bentsen	DeLauro	Hooley
Berman	Deutsch	Hoyer
Berry	Dicks	Jackson (IL)
Bishop	Dingell	Jackson-Lee (TX)
Blagojevich	Doggett	Jefferson
Blumenauer	Dooley	John
Bonior	Edwards	Johnson (WI)
Borski	Engel	Johnson, E. B.
Boswell	Eshoo	Kanjorski
Boucher	Etheridge	Kaptur
Brown (CA)	Evans	Kennedy (MA)
Brown (FL)	Farr	Kennedy (RI)
Brown (OH)	Fattah	Kennelly
Capps	Fazio	Kildee
Cardin	Filner	Kilpatrick
Carson	Forbes	Kind (WI)
Clay	Ford	Klink
Clayton	Frank (MA)	Kucinich
Clement	Furse	LaFalce
Clyburn	Gejdenson	Lampson
Condit	Gilman	Lantos
Conyers	Goode	Leach
Costello	Gordon	Lee
Coyne	Green	