

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 |

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|--------------------|---------------|-------------|
| Levin | Nadler | Sisisky |
| Lewis (GA) | Neal | Skelton |
| Lipinski | Oberstar | Slaughter |
| Lofgren | Obey | Smith, Adam |
| Lowe | Olver | Snyder |
| Luther | Ortiz | Spratt |
| Maloney (CT) | Owens | Stabenow |
| Maloney (NY) | Pallone | Stark |
| Manton | Pascrell | Stenholm |
| Markey | Pastor | Stokes |
| Martinez | Payne | Strickland |
| Mascara | Pelosi | Tanner |
| Matsui | Pickett | Thompson |
| McCarthy (MO) | Pomeroy | Thurman |
| McCarthy (NY) | Poshard | Tierney |
| McDermott | Price (NC) | Torres |
| McGovern | Rahall | Towns |
| McIntyre | Rangel | Trafficant |
| McKinney | Reyes | Turner |
| Meehan | Rivers | Velazquez |
| Meek (FL) | Rodriguez | Vento |
| Meeks (NY) | Roemer | Viscosky |
| Menendez | Rothman | Waters |
| Millender-McDonald | Roybal-Allard | Watt (NC) |
| Miller (CA) | Rush | Waxman |
| Minge | Sanchez | Weller |
| Mink | Sanders | Wexler |
| Moakley | Sandlin | Weygand |
| Mollohan | Sawyer | Wise |
| Moran (VA) | Schumer | Woolsey |
| Morella | Scott | Wynn |
| Murtha | Serrano | Yates |
| | Sherman | |

NAYS—222

| | | |
|--------------|---------------|---------------|
| Aderholt | Fossella | McDade |
| Archer | Fowler | McHale |
| Armey | Fox | McHugh |
| Bachus | Franks (NJ) | McInnis |
| Baker | Frelinghuysen | McIntosh |
| Balleger | Gallely | McKeon |
| Barr | Ganske | Metcalfe |
| Barrett (NE) | Gekas | Mica |
| Bartlett | Gibbons | Miller (FL) |
| Barton | Gilchrest | Moran (KS) |
| Bass | Gillmor | Myrick |
| Bereuter | Goodlatte | Nethercutt |
| Bilbray | Goodling | Ney |
| Bilirakis | Goss | Northup |
| Bliley | Graham | Norwood |
| Blunt | Granger | Nussle |
| Boehlert | Greenwood | Oxley |
| Boehner | Gutknecht | Packard |
| Bonilla | Hall (TX) | Pappas |
| Bono | Hansen | Paul |
| Boyd | Hastert | Paxon |
| Brady | Hastings (WA) | Pease |
| Bryant | Hayworth | Peterson (MN) |
| Bunning | Hefley | Peterson (PA) |
| Burr | Herger | Petri |
| Burton | Hill | Pickering |
| Buyer | Hilleary | Pitts |
| Callahan | Hobson | Pombo |
| Calvert | Hoekstra | Porter |
| Camp | Horn | Portman |
| Campbell | Hostettler | Pryce (OH) |
| Canady | Houghton | Quinn |
| Cannon | Hulshof | Ramstad |
| Castle | Hunter | Redmond |
| Chabot | Hutchinson | Regula |
| Chambliss | Hyde | Riggs |
| Chenoweth | Inglis | Riley |
| Coble | Istook | Rogan |
| Coburn | Jenkins | Rogers |
| Collins | Johnson (CT) | Rohrabacher |
| Combest | Johnson, Sam | Ros-Lehtinen |
| Cook | Jones | Roukema |
| Cooksey | Kasich | Royce |
| Cox | Kelly | Ryun |
| Crane | Kim | Sabo |
| Crapo | King (NY) | Salmon |
| Cubin | Kingston | Sanford |
| Cunningham | Kleccka | Saxton |
| Davis (VA) | Klug | Scarborough |
| Deal | Knollenberg | Schaffer, Bob |
| DeLay | Kolbe | Sensenbrenner |
| Diaz-Balart | LaHood | Sessions |
| Dickey | Largent | Shadegg |
| Doolittle | Latham | Shaw |
| Dreier | LaTourette | Shays |
| Duncan | Lazio | Shimkus |
| Ehlers | Lewis (CA) | Shuster |
| Ehrlich | Lewis (KY) | Skeen |
| Emerson | Linder | Smith (MI) |
| English | Livingston | Smith (NJ) |
| Ensign | LoBiondo | Smith (OR) |
| Everett | Lucas | Smith (TX) |
| Ewing | Manzullo | Smith, Linda |
| Fawell | McCollum | Snowbarger |
| Foley | McCreary | Solomon |

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|-------------|-------------|-------------|
| Souder | Taylor (NC) | Watts (OK) |
| Spence | Thomas | Weldon (FL) |
| Stearns | Thornberry | Weldon (PA) |
| Stump | Thune | White |
| Sununu | Tiahrt | Whitfield |
| Talent | Upton | Wicker |
| Tauscher | Walsh | Wolf |
| Tauzin | Wamp | Young (AK) |
| Taylor (MS) | Watkins | Young (FL) |

NOT VOTING—18

| | | |
|-------------|---------------|---------------|
| Baesler | Frost | Neumann |
| Bateman | Gephardt | Parker |
| Christensen | Gonzalez | Radanovich |
| Dixon | Hastings (FL) | Schaefer, Dan |
| Doyle | Hefner | Skaggs |
| Dunn | McNulty | Stupak |

So the motion to instruct the managers on the part of the House was not agreed to.

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

¶41.10 APPOINTMENT OF CONFEREES—
H.R. 2646

Thereupon, the SPEAKER pro tempore, Mr. DUNCAN, by unanimous consent, appointed the following Members as managers on the part of the House at said conference for consideration of the House bill and Senate amendment and modifications committed to conference; Messrs. ARCHER, GOODLING, ARMEY, RANGEL, and CLAY.

Ordered. That the Clerk notify the Senate of the foregoing appointments.

¶41.11 PROVIDING FOR THE
CONSIDERATION OF H.R. 3694

Mr. GOSS, by direction of the Committee on Rules, called up the following resolution (H. Res. 420):

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. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI are waived. 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 Permanent Select Committee on Intelligence. 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 Permanent Select Committee on Intelligence now printed in the bill, modified by striking section 401 (and redesignating succeeding sections accordingly). That amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(b) of rule XXI are waived. No amendment to that amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Printed amendments 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 15 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 the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommitt with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. GOSS, 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.

¶41.12 INTELLIGENCE AUTHORIZATION

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to House Resolution 420 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. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

¶41.13 RECORDED VOTE

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

At the end of title I, add the following new section:

SEC. 105. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act (including the amounts specified in the classified Schedule of Authorizations referred to in section 102), there is authorized to be appropriated for fiscal year 1999 to carry out this Act not more than 95 percent of the total amount authorized to be appropriated by this Act (determined without regard to this section).

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by section 201.