

within 60 days after the date the Director received notice of the final order or decision of the Board.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply to any administrative or judicial proceeding pending on that date or commenced on or after that date.

**SEC. 9. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.**

Section 612 of title 28, United States Code, is amended—

(1) by striking “equipment” each place it appears and inserting “resources”;

(2) by striking subsection (f) and redesignating subsequent subsections accordingly;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking “Judiciary” each place it appears and inserting “judiciary”;

(B) by striking “subparagraph (c)(1)(B)” and inserting “subsection (c)(1)(B)”; and

(C) by striking “under (c)(1)(B)” and inserting “under subsection (c)(1)(B)”.

**SEC. 10. OFFSETTING RECEIPTS.**

For fiscal year 1999 and thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States pursuant to sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 1998, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

**SEC. 11. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.**

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) The chief judge of each judicial circuit shall call and preside at a meeting of the judicial council of the circuit at least twice in each year and at such places as he or she may designate. The council shall consist of an equal number of circuit judges (including the chief judge of the circuit) and district judges, as such number is determined by majority vote of all such judges of the circuit in regular active service.”;

(2) by striking paragraph (3) and inserting the following:

“(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council.”; and

(3) by striking “retirement,” in paragraph (5) and inserting “retirement under section 371(a) or section 372(a) of this title.”.

**SEC. 12. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.**

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101-650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105-53 (111 Stat. 1173), is amended by inserting “471,” after “sections”.

**SEC. 13. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.**

(a) **APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.**—Chapter 41 of title 28, United States Code, is amended by adding at the end the following new section:

**“§ 613. Disbursing and certifying officers**

“(a) **DISBURSING OFFICERS.**—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

“(1) disburse moneys appropriated to the judicial branch and other funds only in strict

accordance with payment requests certified by the Director or in accordance with subsection (b);

“(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

“(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

“(b) **CERTIFYING OFFICERS.**—(1) The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

“(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

“(B) the legality of the proposed payment under the appropriation or fund involved; and

“(C) the correctness of the computations of certified payment requests.

“(2) The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

“(c) **RIGHTS.**—A certifying or disbursing officer—

“(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

“(2) is entitled to relief from liability arising under this section in accordance with title 31, United States Code.

“(d) **OTHER AUTHORITY NOT AFFECTED.**—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.”.

(b) **CONFORMING AMENDMENT.**—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following item:

“613. Disbursing and certifying officers.”.

(c) **DUTIES OF DIRECTOR.**—Paragraph (8) of subsection (a) of section 604 of title 28, United States Code, is amended to read as follows:

“(8) Disburse appropriations and other funds for the maintenance and operation of the courts;”.

**SEC. 14. LIMITATION ON PRISONER RELEASE ORDERS.**

(a) **IN GENERAL.**—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

**“§ 1632. Limitation on prisoner release orders**

“(a) **LIMITATION.**—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or ad-

mission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

“(b) **DEFINITIONS.**—As used in this section—

“(1) the terms ‘civil action with respect to prison conditions’, ‘prisoner’, ‘prisoner release order’, and ‘prison’ have the meanings given those terms in section 3626(g) of title 18; and

“(2) the term ‘prison conditions’ means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) **CONFORMING AMENDMENT.**—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

“1632. Limitation on prisoner release orders.”.

(c) **CONSENT DECREES.**—

(1) **TERMINATION OF EXISTING CONSENT DECREES.**—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) **DEFINITIONS.**—As used in this subsection—

(A) the term “consent decree” has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term “prison conditions” has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this section.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

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

So the bill was passed.

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

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

**§33.18 CLERK TO CORRECT ENGROSSMENT**

On motion of Mr. CANADY, by unanimous consent,

*Ordered*, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, cross references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

**§33.19 EMERGENCY SUPPLEMENTAL APPROPRIATIONS**

On motion of Mr. LIVINGSTON, by unanimous consent, the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. LIVINGSTON, 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.

*Ordered*, That the Clerk notify the Senate thereof.

33.20 MOTION TO INSTRUCT  
CONFEREES—H.R. 3579

Mr. OBEY moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 3579, be instructed:

Within the scope of the conference, to agree to funding for the International Monetary Fund consistent with the terms, conditions, and provisions of H.R. 3114, as reported by the Committee on Banking and Financial Services.

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. SNOWBARGER, announced that the nays had it.

Mr. OBEY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 186  
negative ..... } Nays ..... 222

33.21 [Roll No. 109]  
AYES—186

Abercrombie	Ford	Lofgren
Ackerman	Frank (MA)	Lowe
Allen	Frost	Luther
Andrews	Furse	Maloney (CT)
Baessler	Gejdenson	Maloney (NY)
Baldacci	Gephardt	Manton
Barrett (NE)	Gilchrest	Markey
Barrett (WI)	Gilman	Martinez
Becerra	Gordon	Mascara
Bentsen	Green	Matsui
Bereuter	Gutierrez	McCarthy (MO)
Berman	Hall (OH)	McCarthy (NY)
Blagojevich	Hamilton	McDermott
Blumenauer	Harman	McGovern
Bonior	Hefner	McHale
Borski	Hilliard	McIntyre
Boswell	Hinche	McNulty
Boucher	Hinojosa	Meehan
Boyd	Holden	Meeks (NY)
Brown (CA)	Hooley	Menendez
Brown (FL)	Houghton	Millender-
Capps	Hoyer	McDonald
Cardin	Jackson (IL)	Minge
Castle	Jackson-Lee	Mink
Christensen	(TX)	Moakley
Clayton	John	Moran (VA)
Clement	Johnson (CT)	Murtha
Clyburn	Johnson (WI)	Nadler
Coyne	Johnson, E. B.	Neal
Cramer	Kanjorski	Ney
Cummings	Kennedy (MA)	Nussle
Davis (FL)	Kennedy (RI)	Oberstar
Davis (IL)	Kennelly	Obey
Davis (VA)	Kildee	Olver
DeGette	Kilpatrick	Owens
Delahunt	Kind (WI)	Pallone
DeLauro	Klecicka	Pascrell
Deutsch	Kolbe	Pastor
Dicks	LaFalce	Payne
Dingell	LaHood	Pelosi
Doggett	Lampson	Pickett
Dooley	Lantos	Pomeroy
Edwards	Latham	Porter
Engel	LaTourette	Price (NC)
Eshoo	Lazio	Rangel
Etheridge	Leach	Rivers
Farr	Lee	Rodriguez
Fawell	Levin	Roemer
Fazio	Lewis (GA)	Rothman

Roukema	Skeen
Roybal-Allard	Skelton
Rush	Slaughter
Sabo	Smith, Adam
Sanchez	Snyder
Sandlin	Spratt
Sawyer	Stabenow
Schumer	Stenholm
Scott	Stokes
Serrano	Stupak
Shays	Tauscher
Sherman	Thurman
Sisisky	Tierney
Skaggs	Torres

NOES—222

Aderholt	Gallegly
Archer	Ganske
Armey	Gekas
Bachus	Gibbons
Baker	Gillmor
Ballenger	Goode
Barcia	Goodlatte
Barr	Goodling
Bartlett	Goss
Barton	Graham
Bass	Granger
Berry	Greenwood
Bilbray	Gutknecht
Bilirakis	Hall (TX)
Bishop	Hansen
Bliley	Hastings (WA)
Blunt	Hayworth
Boehert	Hefley
Bonilla	Herger
Bono	Hill
Brady	Hilleary
Brown (OH)	Hobson
Bryant	Hoekstra
Bunning	Horn
Burton	Hostettler
Buyer	Hulshof
Callahan	Hunter
Calvert	Hutchinson
Camp	Hyde
Campbell	Inglis
Canady	Jenkins
Cannon	Johnson, Sam
Carson	Jones
Chabot	Kasich
Chambliss	Kelly
Chenoweth	Kim
Coburn	King (NY)
Collins	Kingston
Combest	Klink
Condit	Klug
Conyers	Knollenberg
Cook	Kucinich
Cooksey	Largent
Costello	Lewis (CA)
Cox	Lewis (KY)
Crane	Linder
Crapo	Lipinski
Cubin	Livingston
Cunningham	LoBiondo
Danner	Lucas
Deal	Manzullo
DeFazio	McCollum
DeLay	McCrery
Diaz-Balart	McDade
Dickey	McHugh
Doolittle	McInnis
Doyle	McIntosh
Dreier	McKeon
Duncan	McKinney
Dunn	Metcalf
Ehlers	Mica
Ehrlich	Miller (CA)
Emerson	Mollohan
English	Moran (KS)
Ensign	Myrick
Evans	Nethercutt
Everett	Neumann
Ewing	Northup
Filner	Norwood
Foley	Ortiz
Fossella	Oxley
Fowler	Packard
Franks (NJ)	Pappas
Frelinghuysen	Parker

NOT VOTING—24

Bateman	Fox	Miller (FL)
Boehner	Gonzalez	Morella
Burr	Hastert	Paxon
Clay	Hastings (FL)	Poshard
Coble	Istook	Reyes
Dixon	Jefferson	Stark
Fattah	Kaptur	Tanner
Forbes	Meek (FL)	Yates

Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

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.

33.22 APPOINTMENT OF CONFEREES—  
H.R. 3579

Thereupon, the SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, appointed Messrs. LIVINGSTON, MCDADE, YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, SKEEN, WOLF, KOLBE, PACKARD, CALAHAN, WALSH, OBEY, YATES, STOKES, MURTHA, SABO, FAZIO, HOYER, Mses. KAPTUR, and PELOSI, as managers on the part of the House at said conference.

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

33.23 CHILD SUPPORT PERFORMANCE

On motion of Mr. SHAW, by unanimous consent, the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. SHAW, it was,

*Resolved*, That the House disagree to the amendments of the Senate and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, appointed of the following Members as managers on the part of the House at said conference:

From the Committee on Ways and Means, for consideration of the House bill and Senate amendments and modifications committed to conference:

Messrs. ARCHER, SHAW, CAMP, RANGEL, and LEVIN.

As additional conferees from the Committee on Education and the Workforce, for consideration of section 401 of the Senate amendment and modifications committed to conference:

Messrs. GOODLING, FAWELL, and PAYNE.

*Ordered*, That the Clerk notify the Senate thereof.

33.24 APPOINTMENT OF ADDITIONAL  
CONFEREES—H.R. 2400

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, appointed the following Members as managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes: