

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. NEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and 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.

#### ¶104.16 BORDER SMOG REDUCTION

Mr. BLILEY moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 8) to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicles emissions, and for other purposes:

Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Smog Reduction Act of 1998".

##### SEC. 2. AMENDMENT OF CLEAN AIR ACT.

Section 183 of the Clean Air Act (42 U.S.C. 7511b) is amended by adding at the end the following:

"(h) VEHICLES ENTERING OZONE NONATTAINMENT AREAS.—

"(1) AUTHORITY REGARDING OZONE INSPECTION AND MAINTENANCE TESTING.—

"(A) IN GENERAL.—No noncommercial motor vehicle registered in a foreign country and operated by a United States citizen or by an alien who is a permanent resident of the United States, or who holds a visa for the purposes of employment or educational study in the United States, may enter a covered ozone nonattainment area from a foreign country bordering the United States and contiguous to the nonattainment area more than twice in a single calendar-month period, if State law has requirements for the inspection and maintenance of such vehicles under the applicable implementation plan in the nonattainment area.

"(B) APPLICABILITY.—Subparagraph (A) shall not apply if the operator presents documentation at the United States border entry point establishing that the vehicle has complied with such inspection and maintenance requirements as are in effect and are applicable to motor vehicles of the same type and model year.

"(2) SANCTIONS FOR VIOLATIONS.—The President may impose and collect from the operator of any motor vehicle who violates, or attempts to violate, paragraph (1) a civil penalty of not more than \$200 for the second violation or attempted violation and \$400 for the third and each subsequent violation or attempted violation.

"(3) STATE ELECTION.—The prohibition set forth in paragraph (1) shall not apply in any State that elects to be exempt from the prohibition. Such an election shall take effect upon the President's receipt of written notice from the Governor of the State notifying the President of such election.

"(4) ALTERNATIVE APPROACH.—The prohibition set forth in paragraph (1) shall not apply in a State, and the President may implement an alternative approach, if—

"(A) the Governor of the State submits to the President a written description of an alternative approach to facilitate the compliance, by some or all foreign-registered motor vehicles, with the

motor vehicle inspection and maintenance requirements that are—

"(i) related to emissions of air pollutants;

"(ii) in effect under the applicable implementation plan in the covered ozone nonattainment area; and

"(iii) applicable to motor vehicles of the same types and model years as the foreign-registered motor vehicles; and

"(B) the President approves the alternative approach as facilitating compliance with the motor vehicle inspection and maintenance requirements referred to in subparagraph (A).

"(5) DEFINITION OF COVERED OZONE NONATTAINMENT AREA.—In this section, the term 'covered ozone nonattainment area' means a Serious Area, as classified under section 181 as of the date of enactment of this subsection."

##### SEC. 3. GENERAL PROVISIONS.

(a) IN GENERAL.—The amendment made by section 2 takes effect 180 days after the date of enactment of this Act. Nothing in that amendment shall require action that is inconsistent with the obligations of the United States under any international agreement.

(b) INFORMATION.—As soon as practicable after the date of enactment of this Act, the appropriate agency of the United States shall distribute information to publicize the prohibition set forth in the amendment made by section 2.

##### SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the impact of the amendment made by section 2.

(b) CONTENTS OF STUDY.—The study under subsection (a) shall compare—

(1) the potential impact of the amendment made by section 2 on air quality in ozone nonattainment areas affected by the amendment; with

(2) the impact on air quality in those areas caused by the increase in the number of vehicles engaged in commerce operating in the United States and registered in, or operated from, Mexico, as a result of the implementation of the North American Free Trade Agreement.

(c) REPORT.—Not later than July 1, 1999, the Comptroller General of the United States shall submit to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the findings of the study under subsection (a).

The SPEAKER pro tempore, Mr. NEY, recognized Mr. BLILEY and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. NEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment was agreed to was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

#### ¶104.17 CHILD ONLINE PROTECTION

Mr. TAUZIN moved to suspend the rules and pass the bill (H.R. 3783) to amend section 223 of the Communications Act of 1934 to require persons who are engaged in the business of selling or transferring, by means of the World

Wide Web, material that is harmful to minors to restrict access to such material by minors, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. NEY, recognized Mr. TAUZIN and Mr. MARKEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. NEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to amend the Communications Act of 1934 to require persons who are engaged in the business of distributing, by means of the World Wide Web, material that is harmful to minors to restrict access to such material by minors, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

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

#### ¶104.18 FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. 505. An Act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 2561. An Act to amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.

#### ¶104.19 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 4104

Mr. MCINNIS, by direction of the Committee on Rules, reported (Rept. No. 105-790) the resolution (H. Res. 579) waiving points of order against consideration of the conference report on the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

#### ¶104.20 PROVIDING FOR CONSIDERATION OF H.J. RES. 131 AND WAIVING CERTAIN ENROLLMENT REQUIREMENTS FOR THE REMAINDER OF THE 105TH CONGRESS

Mr. MCINNIS, by direction of the Committee on Rules, reported (Rept. No. 105-791) the resolution (H. Res. 580)

providing for consideration of the joint resolution (H. J. Res. 131) waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

When said resolution and report were referred to the House Calendar and ordered printed.

¶104.21 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 4104

Mr. MCINNIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 579):

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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.

The question being put, *viva voce*,

Will the House agree to said resolution?

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

Mr. MOAKLEY 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 ..... 231  
Nays ..... 194

¶104.22 [Roll No. 490] YEAS—231

Aderholt	Castle	Foley
Archer	Chabot	Forbes
Army	Chambliss	Fossella
Bachus	Chenoweth	Fowler
Baker	Christensen	Fox
Ballenger	Coble	Franks (NJ)
Barcia	Coburn	Frelinghuysen
Barr	Collins	Galleghy
Barrett (NE)	Combest	Ganske
Bartlett	Cook	Gekas
Barton	Cooksey	Gibbons
Bass	Costello	Gilchrest
Bateman	Cox	Gillmor
Bereuter	Crane	Gilman
Bilirakis	Crapo	Goode
Bliley	Cubin	Goodlatte
Blunt	Cunningham	Goodling
Boehlert	Davis (VA)	Goss
Boehner	Deal	Graham
Bonilla	DeLay	Granger
Bono	Dickey	Greenwood
Brady (TX)	Doolittle	Gutknecht
Bryant	Dreier	Hall (TX)
Bunning	Duncan	Hansen
Burr	Dunn	Hastert
Burton	Ehlers	Hastings (WA)
Buyer	Ehrlich	Hayworth
Callahan	Emerson	Hefley
Calvert	English	Herger
Camp	Ensign	Hill
Campbell	Everett	Hilleary
Canady	Ewing	Hobson
Cannon	Fawell	Hoekstra

Horn	Metcalf	Schaefer, Dan
Hostettler	Mica	Schaffer, Bob
Houghton	Miller (FL)	Sensenbrenner
Hulshof	Mollohan	Sessions
Hunter	Moran (KS)	Shadegg
Hutchinson	Myrick	Shaw
Hyde	Neal	Shimkus
Inglis	Nethercutt	Shuster
Istook	Neumann	Skeen
Jenkins	Ney	Smith (MI)
John	Northup	Smith (NJ)
Johnson (CT)	Norwood	Smith (OR)
Johnson, Sam	Nussle	Smith (TX)
Jones	Oxley	Smith, Linda
Kasich	Packard	Snowbarger
Kildee	Pappas	Solomon
Kim	Parker	Souder
King (NY)	Paul	Spence
Kingston	Paxon	Stearns
Klug	Pease	Stump
Knollenberg	Peterson (PA)	Sununu
Kolbe	Petri	Talent
Kucinich	Pickering	Tauzin
LaHood	Pitts	Taylor (MS)
Lampson	Pombo	Taylor (NC)
Largent	Porter	Thomas
Latham	Portman	Thornberry
LaTourette	Quinn	Thune
Lazio	Radanovich	Tiahrt
Leach	Rahall	Turner
Lewis (CA)	Ramstad	Upton
Lewis (KY)	Redmond	Walsh
Linder	Regula	Wamp
Lipinski	Riggs	Watkins
Livingston	Riley	Watts (OK)
LoBiondo	Rogan	Weldon (FL)
Lucas	Rogers	Weldon (PA)
Manzullo	Rohrabacher	White
McColum	Roukema	Whitfield
McDade	Royce	Wicker
McHugh	Ryun	Wilson
McInnis	Salmon	Wolf
McIntosh	Sanford	Young (AK)
McKeon	Scarborough	Young (FL)

NAYS—194

Abercrombie	Evans	Mascara
Ackerman	Farr	Matsui
Allen	Fattah	McCarthy (MO)
Andrews	Fazio	McCarthy (NY)
Baesler	Filner	McDermott
Baldacci	Ford	McGovern
Barrett (WI)	Frank (MA)	McHale
Becerra	Frost	McIntyre
Bentsen	Furse	McKinney
Berman	Gejdenson	McNulty
Berry	Gephardt	Meehan
Bilbray	Gonzalez	Meek (FL)
Bishop	Gordon	Meeks (NY)
Blagojevich	Green	Menendez
Blumenauer	Gutierrez	Millender-
Bonior	Hall (OH)	McDonald
Borski	Hamilton	Miller (CA)
Boswell	Harman	Minge
Boyd	Hastings (FL)	Mink
Brady (PA)	Hefner	Moakley
Brown (CA)	Hilliard	Moran (VA)
Brown (FL)	Hinchey	Morella
Brown (OH)	Hinojosa	Murtha
Capps	Holden	Nadler
Cardin	Hooley	Oberstar
Carson	Hoyer	Obey
Clay	Jackson (IL)	Olver
Clayton	Jackson-Lee	Ortiz
Clement	(TX)	Owens
Clyburn	Jefferson	Pallone
Condit	Johnson (WI)	Pascarell
Conyers	Johnson, E. B.	Pastor
Coyne	Kanjorski	Payne
Cramer	Kaptur	Pelosi
Cummings	Kelly	Peterson (MN)
Danner	Kennedy (MA)	Pickett
Davis (FL)	Kennedy (RI)	Pomeroy
Davis (IL)	Kilpatrick	Price (NC)
DeFazio	Kind (WI)	Rangel
DeGette	Kleczka	Reyes
Delahunt	Klink	Rivers
DeLauro	LaFalce	Rodriguez
Deutsch	Lantos	Roemer
Diaz-Balart	Lee	Ros-Lehtinen
Dicks	Levin	Rothman
Dingell	Lewis (GA)	Roybal-Allard
Dixon	Lofgren	Rush
Doggett	Lowe	Sabo
Dooley	Luther	Sanchez
Doyle	Maloney (CT)	Sanders
Edwards	Maloney (NY)	Sandlin
Engel	Manton	Sawyer
Eshoo	Markey	Schumer
Etheridge	Martinez	Scott

Serrano	Stenholm	Velazquez
Shays	Stokes	Vento
Sherman	Strickland	Visclosky
Sisisky	Stupak	Waters
Skaggs	Tanner	Watt (NC)
Skelton	Tauscher	Wexler
Slaughter	Thompson	Weygand
Smith, Adam	Thurman	Wise
Snyder	Tierney	Woolsey
Spratt	Torres	Wynn
Stabenow	Towns	
Stark	Traficant	

NOT VOTING—9

Boucher	Poshard	Waxman
Kennelly	Pryce (OH)	Weller
McCrery	Saxton	Yates

So 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.

¶104.23 TREASURY, POSTAL SERVICE APPROPRIATIONS FOR FY-1999

Mr. KOLBE, pursuant to House Resolution 579, called up the following conference report (Rept. No. 105-789):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4104) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, namely:*

TITLE I—DEPARTMENT OF THE TREASURY DEPARTMENTAL OFFICES SALARIES AND EXPENSES

*For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed \$2,900,000 for official travel expenses; not to exceed \$150,000 for official reception and representation expenses; not to exceed \$258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, \$123,151,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than \$6,560,800: Provided further, That the Department is authorized to charge both direct and indirect costs to the Office of Foreign Assets Control in the implementation of this floor: Provided further, That the methodology for applying such charges will be the same method used in developing the Departmental Offices Fiscal Year 1999 President's Budget Justification to the Congress.*

AUTOMATION ENHANCEMENT (INCLUDING TRANSFER OF FUNDS)

*For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury,*