Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Roemer
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Blunt
Crapo
Gonzalez
Hill
Kennelly
McNulty
Moakley
Norwood
Rangel
Rodriguez
Roybal-Allard
Slaughter

□ 1207

Mrs. LINDA SMITH of Washington changed her vote from ''aye'' to ''no.''

Mrs. CAPPS and Mr. STEARNS changed their vote from ''no'' to ''aye.''

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RODRIGUEZ. Mr. Speaker, on rollcall No. 285 for H. Res. 501, I was inadvertently detained. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLLINS). The unfinished business on H.R. 3731 will be further postponed until later today.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 4104, and that I may include tabular and extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 498 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4104.

□ 1208

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of 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, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 15, 1998, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. KOLBE. Mr. Chairman, at this point in the RECORD I will insert a table showing the details of this bill.

The material referred to is as follows:

TREASURY, POSTAL, GENERAL GOVERNMENT APPROPRIATIONS BILL, 1999 (H.R. 4104)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE TREASURY					
Departmental Offices	114,771,000	123,846,000	122,889,000	+8,118,000	-957,000
Automation Enhancement	61,389,000	33,952,000	31,190,000	-30,199,000	-2,762,000
Transfer to Customs Service		(-8,000,000)			(+8,000,000)
Transfer to ATF		(-3,700,000)			(+3,700,000)
Office of Inspector General	29,719,000	30,678,000	30,678,000	+959,000	
Office of Professional Responsibility	1,250,000	1,654,000	1,250,000		-404,000
Treasury Buildings and Annex Repair and Restoration	10,484,000	27,000,000	27,000,000	+16,516,000	
(Delay in obligation)			(-27,000,000)	(-27,000,000)	(-27,000,000)
Financial Crimes Enforcement Network	22,835,000	24,000,000	24,000,000	+1,165,000	
Violent Crime Reduction Programs:					
Bureau of Alcohol, Tobacco and Firearms	19,421,000		3,000,000	-16,421,000	+3,000,000
Financial Crimes Enforcement Network	1,000,000	1,000,000		-1,000,000	-1,000,000
Interagency crime and drug enforcement		45,000,000	24,000,000	+24,000,000	-21,000,000
United States Secret Service	15,731,000	11,700,000	14,528,000	-1,203,000	+2,828,000
(Delay in obligation)			(-828,000)	(-828,000)	(-828,000)
ONDCP Counterdrug Technology Assessment Center	23,200,000		14,000,000	-9,200,000	+14,000,000
Gang Resistance Education and Training: Grants	10,000,000	10,000,000	10,000,000		
Federal Law Enforcement Training Center	1,000,000			-1,000,000	
United States Customs Service	60,648,000	64,472,000	66,472,000	+5,824,000	+2,000,000
Total, Violent Crime Reduction Programs	131,000,000	132,172,000	132,000,000	+1,000,000	-172,000
Federal Law Enforcement Training Center:					
Salaries and Expenses	64,663,000	71,923,000	71,923,000	+7,260,000	
Acquisition, Construction, Improvements, and Related Expenses	32,548,000	28,360,000	28,360,000	-4,188,000	
Total, Federal Law Enforcement Training Center	97,211,000	100,283,000	100,283,000	+3,072,000	
Interagency Law Enforcement:					
Interagency crime and drug enforcement	73,794,000	30,900,000	51,900,000	-21,894,000	+21,000,000
Financial Management Service	207,790,000	202,510,000	198,510,000	-9,280,000	-4,000,000
Debt collection improvement account		3,000,000			-3,000,000
Bureau of Alcohol, Tobacco and Firearms:					
Salaries and Expenses	478,934,000	544,324,000	530,624,000	+51,690,000	-13,700,000
(Delay in obligation)			(-2,206,000)	(-2,206,000)	(-2,206,000)
Transfer from Automation Enhancement		(3,700,000)			(-3,700,000)
Laboratory facilities and headquarters	55,022,000	32,000,000		-55,022,000	-32,000,000
Total, Bureau of Alcohol, Tobacco and Firearms	533,956,000	576,324,000	530,624,000	-3,332,000	-45,700,000
United States Customs Service:					
Salaries and Expenses	1,522,165,000	1,638,065,000	1,638,065,000	+115,900,000	
(Delay in obligation)			(-7,000,000)	(-7,000,000)	(-7,000,000)
Transfer from Automation Enhancement		(8,000,000)			(-8,000,000)
Rescission	-6,000,000			+6,000,000	
Subtotal	1,516,165,000	1,638,065,000	1,638,065,000	+121,900,000	
Operation and Maintenance, Air and Marine Interdiction Programs	92,758,000	98,488,000	100,688,000	+7,930,000	+2,200,000
Rescission	-4,470,000			+4,470,000	
Subtotal	88,288,000	98,488,000	100,688,000	+12,400,000	+2,200,000
Customs Services at Small Airports (to be derived from fees collected)	2,406,000	2,000,000	2,000,000	-406,000	
Harbor Maintenance Fee Collection	3,000,000	3,000,000	3,000,000		
Total, United States Customs Service	1,609,859,000	1,741,553,000	1,743,753,000	+133,894,000	+2,200,000
Bureau of the Public Debt	169,426,000	173,100,000	172,100,000	+2,674,000	-1,000,000
Internal Revenue Service:					
Processing, Assistance, and Management	2,925,874,000	3,162,430,000	3,025,013,000	+99,139,000	-137,417,000
Tax Law Enforcement	3,142,822,000	3,169,539,000	3,164,189,000	+21,367,000	-5,350,000
Rescission	-32,000,000			+32,000,000	
Subtotal	3,110,822,000	3,169,539,000	3,164,189,000	+53,367,000	-5,350,000
Earned Income Tax Credit Compliance Initiative	138,000,000	143,000,000	143,000,000	+5,000,000	
Information Systems	1,272,487,000	1,540,884,000	1,224,032,000	-48,455,000	-316,852,000
Information technology investments	325,000,000	323,000,000	210,000,000	-115,000,000	-113,000,000
Rescission	-30,330,000			+30,330,000	
Subtotal	294,670,000	323,000,000	210,000,000	-84,670,000	-113,000,000
Net total, Internal Revenue Service	7,741,853,000	8,338,853,000	7,766,234,000	+24,381,000	-572,619,000
United States Secret Service:					
Salaries and Expenses	564,348,000	594,657,000	594,657,000	+30,309,000	
Acquisition, Construction, Improvement, and Related Expenses	8,799,000	6,445,000	6,445,000	-2,354,000	
Total, United States Secret Service	573,147,000	601,102,000	601,102,000	+27,955,000	

TREASURY, POSTAL, GENERAL GOVERNMENT APPROPRIATIONS BILL, 1999 (H.R. 4104)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Payment for the joint financial management improvement program	.....	3,000,000	.....	.....	-3,000,000
Net total, title I, Department of the Treasury	11,378,484,000	12,143,927,000	11,533,513,000	+155,029,000	-610,414,000
TITLE II - POSTAL SERVICE					
Payments to the Postal Service					
Payment to the Postal Service Fund	86,274,000	100,195,000	71,195,000	-15,079,000	-29,000,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
Compensation of the President and the White House Office:					
Compensation of the President	250,000	250,000	250,000	.....	.....
Salaries and Expenses	51,199,000	52,344,000	52,344,000	+1,145,000	.....
Executive Residence at the White House:					
Operating Expenses	8,045,000	8,691,000	8,691,000	+646,000	.....
White House Repair and Restoration	200,000	.....	.....	-200,000	.....
Special Assistance to the President and the Official Residence of the Vice President:					
Salaries and Expenses	3,378,000	3,512,000	3,512,000	+134,000	.....
Operating expenses	334,000	334,000	334,000	.....	.....
Council of Economic Advisers	3,542,000	3,666,000	3,666,000	+124,000	.....
Office of Policy Development	3,983,000	4,032,000	4,032,000	+49,000	.....
National Security Council	6,648,000	6,806,000	6,806,000	+158,000	.....
Office of Administration	28,883,000	40,550,000	28,350,000	-533,000	-12,200,000
Office of Management and Budget	57,440,000	60,617,000	59,017,000	+1,577,000	-1,600,000
Office of National Drug Control Policy	35,016,000	36,442,000	36,442,000	+1,426,000	.....
Unanticipated Needs	.....	1,000,000	1,000,000	+1,000,000	.....
Federal Drug Control Programs: High Intensity Drug Trafficking Areas Program	159,007,000	162,007,000	162,007,000	+3,000,000	.....
Special forfeiture fund	211,000,000	251,000,000	215,000,000	+4,000,000	-36,000,000
Information technology systems and related expenses (contingent emergency funding)	.....	.....	2,250,000,000	+2,250,000,000	+2,250,000,000
Total, title III, Executive Office of the President and Funds Appropriated to the President	568,925,000	631,251,000	581,451,000	+12,526,000	-49,800,000
Emergency funding	.....	.....	2,250,000,000	+2,250,000,000	+2,250,000,000
TITLE IV - INDEPENDENT AGENCIES					
Committee for Purchase from People Who Are Blind or Severely Disabled	1,940,000	2,464,000	2,464,000	+524,000	.....
Federal Election Commission	31,650,000	36,504,000	33,700,000	+2,050,000	-2,804,000
Federal Labor Relations Authority	22,039,000	22,586,000	22,586,000	+547,000	.....
General Services Administration:					
Federal Buildings Fund:					
Appropriation	.....	.....	482,100,000	+482,100,000	+482,100,000
Limitations on availability of revenue:					
Construction & acquisition of facilities	.....	(44,005,000)	(527,100,000)	(+527,100,000)	(+483,095,000)
Repairs and alterations	(300,000,000)	(668,031,000)	(655,031,000)	(+355,031,000)	(-13,000,000)
(Delay in obligation)	.....	.....	(-19,000,000)	(-19,000,000)	(-19,000,000)
Installment acquisition payments	(142,542,000)	(215,764,000)	(215,764,000)	(+73,222,000)	.....
Rental of space	(2,275,340,000)	(2,583,261,000)	(2,583,261,000)	(+307,921,000)	.....
Building Operations	(1,331,789,000)	(1,554,772,000)	(1,554,772,000)	(+222,983,000)	.....
(Delay in obligation)	.....	.....	(-223,000,000)	(-223,000,000)	(-223,000,000)
Repayment of Debt	(105,720,000)	(91,000,000)	(91,000,000)	(-14,720,000)	.....
Previously appropriated activities	(680,543,000)	.....	.....	(-680,543,000)	.....
Total, Federal Buildings Fund	.....	.....	482,100,000	+482,100,000	+482,100,000
(Limitations)	(4,835,934,000)	(5,156,833,000)	(5,626,928,000)	(+790,994,000)	(+470,095,000)
Policy and Operations	107,487,000	106,494,000	108,494,000	+1,007,000	+2,000,000
Office of Inspector General	33,870,000	32,000,000	32,000,000	-1,870,000	.....
Allowances and Office Staff for Former Presidents	2,208,000	2,241,000	2,241,000	+33,000	.....
Total, General Services Administration	143,565,000	140,735,000	624,835,000	+481,270,000	+484,100,000
John F. Kennedy Assassination Record Review Board	1,600,000	.....	.....	-1,600,000	.....
Merit Systems Protection Board:					
Salaries and Expenses	25,290,000	25,805,000	25,805,000	+515,000	.....
(Limitation on administrative expenses)	(2,430,000)	(2,430,000)	(2,430,000)	.....	.....
Morris K. Udall scholarship and excellence in national environmental policy foundation	1,750,000	2,000,000	.....	-1,750,000	-2,000,000
U.S. Institute for Environmental Conflict Resolution	.....	4,250,000	4,250,000	+4,250,000	.....
National Archives and Records Administration:					
Operating expenses	205,166,500	230,025,000	216,753,000	+11,586,500	-13,272,000
Reduction of debt	-4,012,000	-4,012,000	-4,012,000	.....	.....
Repairs and Restoration	14,650,000	10,450,000	10,450,000	-4,200,000	.....
National Historical Publications and Records Commission:					
Grants program	5,500,000	6,000,000	6,000,000	+500,000	.....
Total, National Archives and Records Administration	221,304,500	242,463,000	229,191,000	+7,886,500	-13,272,000

TREASURY, POSTAL, GENERAL GOVERNMENT APPROPRIATIONS BILL, 1999 (H.R. 4104)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Office of Government Ethics	8,265,000	8,492,000	8,492,000	+227,000	.....
Office of Personnel Management:					
Salaries and Expenses	85,350,000	85,350,000	85,350,000	.....	.....
(Limitation on administrative expenses)	(91,236,000)	(91,236,000)	(91,236,000)	.....	.....
Office of Inspector General	960,000	960,000	960,000	.....	.....
(Limitation on administrative expenses)	(8,645,000)	(9,145,000)	(9,145,000)	(+500,000)	.....
Government Payment for Annuitants, Employees Health Benefits	4,338,000,000	4,632,000,000	4,632,000,000	+294,000,000	.....
Government Payment for Annuitants, Employee Life Insurance	32,000,000	35,000,000	35,000,000	+3,000,000	.....
Payment to Civil Service Retirement and Disability Fund	8,336,000,000	8,682,297,000	8,682,297,000	+346,297,000	.....
Total, Office of Personnel Management	12,792,310,000	13,435,607,000	13,435,607,000	+643,297,000	.....
Office of Special Counsel	8,450,000	8,720,000	8,720,000	+270,000	.....
United States Tax Court	33,921,000	34,490,000	34,490,000	+569,000	.....
Total, title IV, Independent Agencies	13,292,084,500	13,964,116,000	14,430,140,000	+1,138,055,500	+466,024,000
(Limitation on administrative expenses)	(4,938,245,000)	(5,259,644,000)	(5,729,739,000)	(+791,494,000)	(+470,095,000)
Net grand total	25,325,767,500	26,839,489,000	28,866,299,000	+3,540,531,500	+2,026,810,000
Appropriations	(25,398,567,500)	(26,839,489,000)	(26,616,299,000)	(+1,217,731,500)	(-223,190,000)
Rescissions	(-72,800,000)	.....	.....	(+72,800,000)	.....
Emergency funding	.....	.....	(2,250,000,000)	(+2,250,000,000)	(+2,250,000,000)
(Limitations)	(4,938,245,000)	(5,259,644,000)	(5,729,739,000)	(+791,494,000)	(+470,095,000)
Scorekeeping adjustments:					
Bureau of The Public Debt (Permanent)	144,000,000	138,000,000	138,000,000	-6,000,000	.....
Federal Reserve Bank reimbursement fund	.....	126,000,000	126,000,000	+126,000,000	.....
Federal Savings & Loan Insurance Corp. (Sec. 638)	34,000,000	.....	.....	-34,000,000	.....
Trust fund budget authority	102,311,000	102,000,000	102,000,000	-311,000	.....
US Mint revolving fund	30,000,000	15,000,000	15,000,000	-15,000,000	.....
Sallie Mae	1,000,000	1,000,000	1,000,000	.....	.....
Federal buildings fund	-50,000,000	-28,000,000	-40,000,000	+10,000,000	-12,000,000
Retirement open season (sec. 642)	-2,000,000	.....	.....	+2,000,000	.....
Ethics Reform Act adjustment	.....	.....	-2,000,000	-2,000,000	-2,000,000
Total, scorekeeping adjustments	259,311,000	354,000,000	340,000,000	+80,689,000	-14,000,000
Total mandatory and discretionary	25,585,078,500	27,193,489,000	29,206,299,000	+3,621,220,500	+2,012,810,000
Mandatory	12,850,250,000	13,613,547,000	13,613,547,000	+763,297,000	.....
Discretionary:					
Crime trust fund	131,000,000	132,172,000	132,000,000	+1,000,000	-172,000
General purposes	12,603,828,500	13,447,770,000	15,460,752,000	+2,856,923,500	+2,012,982,000
Total, Discretionary	12,734,828,500	13,579,942,000	15,592,752,000	+2,857,923,500	+2,012,810,000

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the bill, through page 26, line 10, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. HOYER. Reserving the right to object, Mr. Chairman, I just want to make sure, the gentleman from New York (Mr. SCHUMER) has an amendment on page 23, line 22, title I.

Under my reservation, I yield to the chairman, the gentleman from Arizona (Mr. KOLBE) simply to explain the consequences of his request.

Mr. KOLBE. Mr. Chairman, to explain, our intention here is to try to proceed in as orderly a fashion as possible with the rule that we adopted last night. Obviously, large sections of our bill are subject to points of order.

What I would like to do is to try, rather than reading paragraph by paragraph, to do it one title at a time, in this case, because title II is only 2 pages, titles 1 and 2, Treasury and Post Office. It does not preclude any amendment from being offered at any time, I would add.

Mr. HOYER. Reclaiming my time, Mr. Chairman, under my reservation, I appreciate the gentleman's explanation. I would simply inform him, obviously, I will not object, but will inform him that if we can have discussions about after title II, subsequent to title II, starting with title II, if we can have a different procedure.

Mr. KOLBE. Correct. We can have that discussion again.

Mr. HOYER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Without objection, the bill is open to page 26, line 10.

The text of the bill through page 26, line 10, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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 Buildings 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; $122,889,000: *Provided,* That the Office of Foreign Assets Control shall be funded at no less than $5,517,000: *Provided further,* That of the funds provided under this heading, $2,000,000 shall be available only for the provision of compensation for losses incurred due to the denial of entry into the United States of any firearms as defined in section 921(a)(3) of title 18, United States Code that (1) as of the date of the enactment of this Act, could lawfully be manufactured and sold in the United States; (2) that is of a type that was determined by the Secretary of the Treasury on April 6, 1998, to be not importable into the United States; and (3) as of February 10, 1998, was conditionally released under bond to the importer by the United States Customs Service. The losses compensated under the preceding sentence shall be only for the cost of the weapons and any shipping, transportation, duty, and storage costs incurred by the importer, as determined by the Secretary of the Treasury.

OFFICE OF PROFESSIONAL RESPONSIBILITY

SALARIES AND EXPENSES

For necessary expenses of the Office of Professional Responsibility, including the purchase and hire of passenger motor vehicles, $1,250,000.

AUTOMATION ENHANCEMENT

(INCLUDING TRANSFER OF FUNDS)

For the development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $31,190,000: *Provided,* That these funds shall remain available until September 30, 2000: *Provided further,* That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further,* That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further,* That none of the funds appropriated shall be used to support or supplement Internal Revenue Service appropriations for Information Systems: *Provided further,* That no funds may be obligated for the Automated Commercial Environment project until the Commissioner of Customs has submitted to the Committees on Appropriations an enterprise information systems architecture plan for the U.S. Customs Service consistent with the Treasury Information Systems Architecture Framework and approved by the Treasury Investment Review Board.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $30,678,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $27,000,000, to remain available until expended: *Provided,* That these funds shall not be available for obligation until September 30, 1999.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement; $24,000,000: *Provided,* That funds appropriated in this account may be used to procure personal services contracts.

VIOLENT CRIME REDUCTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(1) As authorized by section 190001(e), $122,000,000; of which $3,000,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms for administering the Gang Resistance Education and Training program; of which $14,528,000 shall be available to the United States Secret Service, including $6,700,000 for vehicle replacement, $5,000,000 for investigations of counterfeiting, and $2,828,000 for forensic and related support of investigations of missing and exploited children, of which $828,000 shall be available not earlier than September 30, 1999, as a grant for activities related to the investigations of exploited children and shall remain available until expended; of which $66,472,000 shall be available for the United States Customs Service, including $54,000,000 for narcotics detection technology, $9,500,000 for the passenger processing initiative, $972,000 for construction of canopies for inspection of outbound vehicles along the Southwest border, and $2,000,000 for the Customs Cyber-Smuggling Center in support of the anti-child pornography program; of which $14,000,000 shall be available to the Office of National Drug Control Policy, including $13,000,000 to the Counterdrug Technology Assessment Center to continue the program to transfer technology to State and local law enforcement agencies, and $1,000,000 for Model State Drug Law Conferences; and of which $24,000,000 shall be available for Interagency Crime and Drug Enforcement.

(2) As authorized by section 32401, $10,000,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: *Provided,* That notwithstanding sections 32401 and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; and services as authorized by 5 U.S.C. 3109; $71,923,000, of which up to $13,843,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2001: *Provided,* That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift

of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further,* That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend course development meetings and training at the Center; for expenses for student athletic and related activities; and room and board for student interns: *Provided further,* That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further,* That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $28,360,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary for the detection and investigation of individuals involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, $51,900,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $198,510,000, of which not to exceed $13,235,000 shall remain available until September 30, 2001 for information systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement; $530,624,000; of which $2,206,000 shall not be available until September 30, 1999; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided,* That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 1999: *Provided further,* That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further,* That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further,* That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: *Provided further,* That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $30,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,638,065,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, not to exceed $4,000,000 shall be available until expended for research, not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081, and up to $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000: *Provided further,* That $7,000,000 of these funds shall not be available for obligation until September 30, 1999.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $100,688,000, which shall remain available until expended: *Provided,* That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 1999 without the prior approval of the Committees on Appropriations.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs ''Salaries and Expenses'' account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $176,500,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2001 for information systems modernization initiatives: *Provided,* That the sum appropriated herein from the General Fund for fiscal year 1999 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at $172,100,000, and in addition, $20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section

102 of Public Law 101–380: *Provided further*, That notwithstanding any other provisions of law, effective upon enactment and thereafter, the Bureau of the Public Debt shall be fully and directly reimbursed by the funds described in section 104 of Public Law 101–136 (103 Stat. 789) for costs and services performed by the Bureau in the administration of such funds.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax return processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; programs to match information returns and tax returns; management services; rent and utilities; and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,025,013,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income; and conducting compliance research; including purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)), and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,164,189,000.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $143,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,224,032,000, which shall be available until September 30, 2000, and of which $125,000,000 shall be available only for improvements to customer service and restructuring and reform of the Internal Revenue Service.

INFORMATION TECHNOLOGY INVESTMENTS

For necessary expenses of the Internal Revenue Service, $210,000,000, to remain available until expended, for the capital asset acquisition of information technology systems, including management and related contractual costs of such acquisition, and including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds is available for obligation until September 30, 1999: *Provided further*, That none of these funds shall be obligated until the Internal Revenue Service and the Department of the Treasury submit to Congress for approval, a plan for expenditure that (1) implements the Internal Revenue Service's Modernization Blueprint submitted to Congress on May 15, 1997; (2) meets the information systems investment guidelines established by the Office of Management and Budget and in the fiscal year 1998 budget; (3) is reviewed and approved by the Office of Management and Budget, the Department of the Treasury's IRS Management Board, and is reviewed by the General Accounting Office; (4) meets the requirements of the May 15, 1997 Internal Revenue Service's Systems Life Cycle program; and (5) is in compliance with acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide, as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 105. The Internal Revenue Service shall institute and enforce policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 106. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 739 vehicles for police-type use, of which 675 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $594,657,000.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $6,445,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1998, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1999 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. The Secretary is authorized to promote the benefits of and encourage the use of electronic tax administration programs, as they become available, through the use of mass communications and other means. Additionally, the Secretary may implement procedures to pay appropriate incentives to commercial concerns for electronic filing services: *Provided,* That such payment may not be made unless the electronic filing service is provided without charge to the taxpayer whose return is so filed: *Provided further,* That the Internal Revenue Service shall assure the security of all electronic transmissions and the full protection of the privacy of taxpayer data.

SEC. 116. (a) The Bureau of Engraving and Printing and the Department of the Treasury shall not award a contract for Solicitation No. BEP–97–13 (TN) until such time as the Committee on Banking and Financial Services and the Committee on Appropriations of the House of Representatives authorize the Bureau of Engraving and Printing, in writing, to proceed with the award of Solicitation No. BEP–97–13 (TN).

(b) The Bureau of Engraving and Printing may extend the distinctive currency paper ''bridge'' contract (TEP–97–10) up to 6 (six) months beginning on the date the contract expires, if, by such date, the Congress has not authorized the awarding of a new contract or if the Congress takes action based on the report submitted by the General Accounting Office pursuant to section 9003(a) of Public Law 105–18. The Bureau of Engraving and Printing must notify Congress prior to taking any action with respect to the extension of TEP–97–10.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $71,195,000: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1999.

The CHAIRMAN. Are there points of order against that portion of the bill?

If not, are there any amendments?

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHUMER:

Page 2, line 20, insert ''(reduced by $2,000,000)'' after ''$122,889,000''.

Page 2, line 23, insert ''(reduced by $2,000,000)'' after ''$2,000,000''.

Page 11, line 7, insert ''(increased by $2,000,000)'' after ''$530,624,000''.

□ 1215

Mr. SCHUMER. Mr. Chairman, I thank the subcommittee chair and ranking member for their courtesy in helping us bring this amendment forward.

My amendment is simple, Mr. Chairman. Two million dollars was put into this bill for gun dealers who tried and failed to bring foreign-made assault weapons into this country. My amendment gives that $2 million to the Bureau of Alcohol, Tobacco, and Firearms for more law enforcement.

Just so everyone understands, in April the President signed an executive order banning the import of thousands of semiautomatic copycat assault weapons, weapons banned already here, made overseas, that the President said should not be allowed to be imported. These weapons are pictured right here. The President did the right thing. The President stood up to the gun lobby and kept thousands of the most lethal weapons off our streets. I saluted him then, and I salute him now.

But buried in an en bloc amendment, an amendment considered noncontroversial, was a $2 million payoff to a handful of gun importers for 1,700 guns stopped at the border. That is a payoff, Mr. Chairman, of $1,000 a gun for guns that are advertised in a catalog for $250.

Let us not quibble about the price, because, in my view, $1 is too much. Instead, let us talk about the gun dealers who we are bailing out. Let us talk about the gun dealers who skated on the edge of the law to get these copycat assault weapons into the country.

Read this. Our last shipment of Bulgarian stock kits arrived just before the ban direct from Bulgaria. What are they trying to do? Skirt the ban.

Now we are bailing them out. It is unbelievable. They knew what they were doing. They tested the assault weapons law. They tested the regulations. They imported the weapons that look and perform like AK–47s but with minor cosmetic changes to try and skirt the ban. Very clever, very, very clever. But they were caught, and there was an outcry. And the President had the courage to act, and all of us were pleased. Except the NRA and some gun dealers who got stuck with some bad merchandise at the border.

Now, unbelievably, Mr. Chairman, this Congress wants to pay them for their gamble. So many business people have made gambles on far more legitimate enterprises. We are not giving them more money, more money than they paid for these guns, but we are giving these gun dealers it. Shame, shame.

I know what Members will say. They will say, well, the administration signed off on this. Well, I know the real story. Some in this body, the Republican leadership, have the President over a barrel. They threaten to overturn his executive order and flood our streets with assault weapons. Well, I say, let us call the bluff. I say, go ahead, offer an amendment to bring AK–47s into this country. I do not think anyone will do it.

I do not think we want to let the secret out about how this Congress begs and grovels and appeases the gun lobby every chance they get.

They may have the administration over a barrel, but they do not have us, the Members of this Congress, over a barrel. This is a gift. This is a welfare check. Do they want to do welfare reform? Start with the gun dealers.

It is a payoff to those who intentionally, knowingly play to the fringes of the law. They do not deserve a taxpayer bailout. Reject this deal. If we have $2 million to spare, give it to our brave ATF officials who try to get the guns off the streets, instead of to the gun dealers who are trying to import these malicious weapons into our country.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

I urge in the strongest possible terms this body to reject this amendment. The compensation provision that is included, the gentleman from New York referred to it as a stealth amendment and an en bloc amendment, it was hardly stealthy. It was worked on at great length by members of the subcommittee and the full committee with the administration.

Let me quote from the administration's Statement of Administration Policy: The administration supports an amendment agreed to in committee that would provide up to $2 million of in-transit relief as compensation for actual losses incurred due to denial of entry of certain assault weapons affected by the determination of the Treasury Department on April 6, 1998.

So let us make no mistake about this. This was agreed to as a compromise with the administration. The question here is not one of gun control. It is not one of gun safety. Those are not in dispute. There is no risk of flooding the United States with so-called assault weapons. The weapons that we are talking about are very few in number, and they are in the custody of the Treasury Department.

For that matter, I think it is important to note that the weapons in question, every one of these weapons could be manufactured and sold domestically. If it is manufactured here in the United States, it can be manufactured and sold legally. We are talking about guns that are being brought in that were being imported, the same guns, and because of a change in the administration policy, they were en route, and now they cannot be sold in the United States.

If anything ever comes to a more clear taking of property at the last moment, this is really about it. These were being imported legally into the United States and were blocked from being sold because they were en route. All that is being dealt with is those that are in transit. Let me just give my colleagues the facts here.

On November 14 of last year, the President announced a temporary ban on the import of certain categories of rifles that were and they remain legal to possess and to manufacture here in the United States. There were a small number of American businesses who

complied with all the relevant laws and were fully entitled to import their goods, and they were left in the lurch. They could neither recover their goods, nor could they reexport them. Even had they done so, there is no foreign market for these specialized collectors' items.

When, following the study announced by the President in November, the Treasury Department determined to make the ban permanent, these businesses were faced with, in some cases, a complete, a total financial loss. The committee believes that such action deprives citizens of their property without just compensation and this measure is designed to rectify that oversight. It is supported by the administration because it deals only with the compensation issue for these people who were legally bringing these guns in this country.

This action does not present any risk of illegal weapons in the United States. It is only a few thousand weapons that are included in this provision. It is strictly limited to those weapons that are legal to manufacture and own here in the United States.

It is specifically limited to those that are affected by the permanent ban. It is specifically limited to those that, as of February 10, 1998, had been conditionally released under bond, under bond to the importers by the Customs Service. And all of these guns are going to remain in the possession of the Treasury Department, of the Customs Bureau.

Third point I would like to make is, this provision does not affect the April 6 determination that this, that the ban on these weapons would indeed be permanent. I would note that there is a precedent for this kind of in-transit relief. In 1994, a previous embargo was placed on a larger quantity of imports of sporting arms from China, and they were compensated. It also would not repeal the April 6 executive order, as I have said, that makes the ban permanent.

Mr. Chairman, this executive order by the President has caused hardship to U.S. importers who possess valid imported permits for legally importable categories of firearms. This would simply undo that action.

It is supported by the administration. It would rectify that, and it is a simple matter of fairness. I urge my colleagues in the strongest possible terms to defeat this very, very unfair amendment.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment. I think it is outrageous that this Congress is actually considering paying gun manufacturers millions of dollars because they were caught trying to evade the law and because the Treasury Department has seized the merchandise as contraband.

I know we were told a few moments ago by the honorable gentleman that the poor gun makers, these merchants of death, they are not able to sell these deadly weapons in the country because the administration unfairly seized them without giving them proper notice so we have to compensate them.

We should be punishing them for trying to sell these weapons in this country in the first place, for trying to evade the law. This Republican Congress cannot find a few million dollars for low income heating assistance in the Northeast, but it can find a few million dollars to pay these gun manufacturers.

Now we are told that these gun manufacturers are innocent victims of the administration which put out this executive order and they did not know about it. Well, maybe. Let them sue in court. Is it our normal practice, is it our normal practice in this House that when the Treasury Department seizes contraband at the border and the owner of that contraband claims that he had a legal right to bring it in that we compensate them? Is that what we do?

Or do we say to those people, go to court and make your case in front of a judge, an impartial magistrate? We have a system of justice in this country and if you can convince the judge that you were wronged, then there is compensation or the return of the contraband.

No, it is not good enough for these gun makers. The NRA owns this House, so we have to pay them for it. We have to pay them for it instead of letting them go to court.

I wish the administration had not been so cowardly in making this deal, because they were over a barrel and were threatened that this Congress would overturn the ban on the imports of copycat assault weapons. If I were in the administration, my advice would have been, let them try, make my day. I would love to see what the American people think in November of a Congress that overturns, that passes a special law to say, let the foreign gun makers import their merchandise that they cannot sell in their own countries here. Let them import the copycat assault weapons. But, unfortunately, they did not have that confidence in the judgment of the American people.

Assault weapons are not for sport. They are not necessary to hunt deer or pheasants. They are killing machines. They kill police officers. They kill our young people. They kill our family members. They serve no legitimate purpose in our society, and they should not be permitted here.

The administration should be commended for its executive order. And the authors of this provision ought to think again, what precedent do we want to set when someone tries to import something that our law enforcement agencies say is against the law to import and they disagree? They did not have adequate notice, they say. The law enforcement agency is misinterpreting the law, they think. Should Congress compensate them, or should they go to court and let the courts decide?

I submit that this is a terrible precedent, this provision. The Schumer-McDermott amendment ought to pass. We should not be paying $1,000 a gun to people whose guns have been seized as contraband because they tried to evade the law as it is. If they think the law was unfair or they were not properly notified, let them go to court. Why should we bail them out? The only reason we would even think of bailing them out is because this Congress apparently is a wholly-owned subsidiary of the National Rifle Association.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

□ 1230

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding to me, and I would just make another point. The $2 million in this bill only goes to 3 or 4 gun importers for approximately 1700 guns. They will be getting, again, $1,000, over $1,000 for each gun that retails for $250. If there was ever a giveaway, on any fiscal basis, this is it.

Mr. NADLER. Reclaiming my time, Mr. Chairman, we hear a lot of rhetoric in this House about cracking down on crime. In 1994, a Democratic Congress cracked down on crime. It passed a bill to put 100,000 new cops on the beat, to crack down on violence against women, and to enact the assault weapons ban. Now we see what the Republican leadership is trying to do: Let us take back those steps one by one and let us make sure that these three companies, who tried to evade the law, get paid without a court date.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

First of all, we just heard some significant misstatements of fact. These companies did not violate the law. In fact, the law was changed in the midst of them carrying out their right to carry on a business. And the fact that the administration, who changed the law, concurs that this is a fair and proper thing to do, would also counter the argument that this is something that they did not agree with when, in fact, it was carried out.

So although I can understand the gentleman's lack of understanding of firearms and understand their feelings on firearms, which I respect totally, we should stay with the facts. These are not bad Americans. They are Americans doing things totally within the limits of the law. And to characterize them as someone other than that is unfair.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding, and will give the time back if he wants to followup. The gentleman from Oklahoma

makes one point very well, and that is the previous speaker, the gentleman from New York, referred to these people as people who were evading the law. They were not evading the law. They were complying with the law. The administration changed the law through its Executive Order.

The second misstatement. He referred to them as manufacturers. They are not manufacturers. These are people that import goods. Whether they import guns or they import television sets or they import dolls or they import shirts, they are importers. They are not manufacturers of these guns.

And the third point I would make is the gentleman referred to the fact that we should not sanction these people getting around the rule of law. Well, if we are going to talk about the rule of law, how about the Gun Control Act of 1968? That is where Congress established which the last I heard Congress was the law making body of this country, the definitions of permissible guns in the United States that could be sold and manufactured in this country.

So I would suggest that it is the administration who was evading the law with this Executive Order. Nonetheless, that is the reality. And even the administration, a little bit embarrassed by what they have done, recognizes there should be compensation for these people who were acting lawfully when they brought these guns to the United States.

The last point I would make, in response to what the other gentleman from New York, from Brooklyn, said, when he referred to this being a $2 million boondoggle for all of these importers. It does not mean all this money is going to go to them. It is only going to go to them as these guns are purchased. It is up to $2 million. And if it is not used for that purpose, then, fine, it will be reprogrammed for other purposes.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I share the chairman's position on this but not his passion.

A, not only should the President of the United States not be embarrassed, every American ought to thank the President of the United States for standing up to make our streets safer, for taking on some very powerful interest groups to try to save children, save police officers, save our fellow neighbors. That is what the President of the United States is trying to do, and he ought not to be embarrassed, and is not embarrassed for one second, in his efforts to try to do that.

I supported that ban. I supported the assault weapons ban when we passed it in the House and sent it over to the Senate, and I support it today. The administration not only ought not to be embarrassed but ought to be congratulated because they are bending over backwards to be fair. Some think they are bending over too far. I do not agree with my friends who think that. Because what the administration is really saying is our effort is to make streets safe, not to hurt American businessmen, even when they tried to beat the ban. That is what the gentleman from New York was pointing out; that the ads were, ''Get in before you can't get in; before they stop this, because there is a time frame.''

So I say to my friends on both sides of this issue, both sides are right. They were doing something legal and, therefore, I disagree with my friend from New York. They knew, however, as both of my friends from New York indicate, that it was not going to be able to be done pretty soon and that they needed to get in before the deadline. So, yes, there was a little bit of wrongdoing on their part trying to beat the ban.

The fact of the matter, however, and what the administration has said, and why I oppose the amendment and support the chairman's position, is that, look, we understand that the import was legal and we understand when it got here we stopped it. And by the way, it is in the importer's warehouse at this point in time, at their expense. But there are some who wanted to let those guns go on the street. That was the alternative, the amendment that was going to be offered. Let them go. Let 1700 AK–47s and assault weapons on the street.

The administration said we are not for that. We are not going to support that. We will fight that. So we made an accommodation. But the administration said, on the other hand, we understand these have been paid for, so we will purchase these guns and we are going to melt them down so they will never be used to assault anybody.

Now, I want to reiterate, however, for my friends from New York, the chairman's point. It is ''up to $2 million''. And, in fact, the administration, as I understand it, believes that we are going to be talking about, perhaps, for 1900 rifles and 100 receivers, $237,432. I do not know that, and they do not know that. So this sum that was put in here is a sum that is ''up to'' available for this purchase.

So, in closing, I want to make a number of points. One, the administration stood up courageously on behalf of the safety of our streets and communities and said this is not the kind of weapon we want imported into the United States and we are going to stop it. And they have.

Secondly, they have now said, but those who were caught in the transition, for whatever reason, we are not going to make that judgment, but if they were caught in the transition, we will not penalize them financially. And so we will agree to, reluctantly, this was not their initiative, this was not their action, reluctantly agreed to by the administration, to provide for funds to purchase these weapons and, frankly, to destroy these weapons.

So I, frankly, think that under those circumstances, while I certainly appreciate the gentleman from New York (Mr. SCHUMER), there has been nobody in this Congress who has been any more committed, focused, and hard working on the issue of making America's streets safer than the gentleman from New York, and we can all applaud and thank him for that effort, on the other hand, the administration is saying we are not against businessmen, we are against guns. We are for the safety of our streets.

I will, therefore, oppose the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SCHUMER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCHUMER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on this amendment are postponed.

Are there further amendments?

PARLIAMENTARY INQUIRY

Mr. SCHUMER. Point of order, Mr. Chairman.

The CHAIRMAN. Yes.

Mr. SCHUMER. Are we going to get a recorded vote on this? I do not mind if they roll it.

The CHAIRMAN. The demand for a recorded vote has been postponed.

Mr. SCHUMER. What does that mean?

The CHAIRMAN. Under the rule, the Chair will postpone the request for the vote and that will come up at a later point.

Mr. SCHUMER. Parliamentary inquiry again.

The CHAIRMAN. The gentleman will state it.

Mr. SCHUMER. Under the rule, then, that means that the counting for a quorum would be done at a later time, even though the call for the vote was right now?

The CHAIRMAN. A Member could invoke that point of order at the later proceedings, at what is considered a later point.

Mr. SCHUMER. Just another point of parliamentary inquiry. Have we ever done that before? I know we roll votes routinely.

The CHAIRMAN. Yes.

Mr. SCHUMER. Okay.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

I want to tell the gentleman from New York, and I want to tell the Members, that I know the gentleman is worried that he may not be on the floor when it comes up. I will protect the gentleman from New York on this and we will have a vote on it, because I will protect him if, per chance, he is not on the floor to make the point of order at that time.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman. As always, he is fair, judicious and a great American.

Mr. HOYER. Well, there is obviously unanimous agreement on that issue, I suppose.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $52,344,000: *Provided,* That $10,100,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $8,061,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114: *Provided,* That such amount shall not be available for expenses for domestic staff overtime.

In addition, for necessary expenses for domestic staff overtime, $630,000: *Provided,* That such amount shall not become available for obligation until the Comptroller General of the United States submits to the Committees on Appropriations a final report on (1) the audit of fiscal year 1996 unvouchered expenditures of appropriated funds of the Executive Office of the President; (2) the review of processes and procedures relating to reimbursable activities and obligations of the Executive Residence; and (3) the number and costs, including domestic staff overtime, of overnight stays in the Executive Residence.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, parliamentary inquiry. Are we reading by paragraph?

The CHAIRMAN. The Clerk is resuming the reading of the bill by paragraph on page 26.

POINT OF ORDER

Mr. HOYER. Mr. Chairman, I understand we are now at page 28, and I rise to make a point of order against a proviso beginning on page 28, line 2 through line 11, because it constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

I ask for a ruling by the Chair.

The CHAIRMAN. For the record, the Clerk will report that paragraph.

The Clerk read as follows:

In addition, for necessary expenses for domestic staff overtime, $630,000.

The CHAIRMAN. Does the gentleman from Arizona desire to be heard on the point of order?

Mr. KOLBE. Yes, Mr. Chairman, on the point of order.

Mr. Chairman, the gentleman from Maryland made a point of order, I believe, against line 2 beginning with ''Provided''.

Mr. HOYER. The gentleman is correct.

Mr. KOLBE. I would insist the point of order lie against the entire paragraph, Mr. Chairman.

The CHAIRMAN. So does the gentleman concede the point of order?

Mr. KOLBE. Mr. Chairman, I insist that the point of order must be against the entire paragraph, not just the proviso portion.

The CHAIRMAN. The gentleman from Maryland.

Mr. HOYER. Mr. Chairman, the money is authorized. The point of order does not lie against the first sentence. In fact, I have raised the point of order as to the proviso that is added, starting with page 28, line 2 through line 11. I would oppose the point of order as it relates to the first part of that provision because a point of order does not lie against it.

The CHAIRMAN. The gentleman from Arizona is entitled to expand the point of order to the entire paragraph.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, to do it from a correct parliamentary standpoint I would make the additional point of order against lines 1 and 2 on page 28, through line 11 on page 28.

The CHAIRMAN. Does the gentleman from Arizona concede the point of order?

Mr. KOLBE. I make the point of order. I concede the point of order, but I make the point of order against lines 1 through 11.

Mr. HOYER. Mr. Chairman, I believe that a point of order is pending before the Chair. That point of order was made by me, and that point of order relates to line 2, starting with ''Provided'' and ending on line 11, concluding with ''Residence.''

The CHAIRMAN. The Chair will state to the gentleman from Maryland that any Member can raise a point of order against the entire paragraph.

Mr. KOLBE. That is what I am doing, Mr. Chairman.

The CHAIRMAN. That is what the gentleman from Arizona is doing at this time.

Mr. HOYER. Mr. Chairman, I rise in opposition to the point of order as it relates to the first sentence.

The CHAIRMAN. Does the gentleman wish to argue further on the point of order that has been raised by the gentleman from Arizona?

Mr. HOYER. Yes, Mr. Chairman, absolutely.

The CHAIRMAN. The gentleman is recognized.

Mr. HOYER. Mr. Chairman, the point of order that I raised said that line 2, starting with ''Provided'', down to line 11, concluding with ''Residence'', is legislation on an appropriation bill and it is, therefore, subject to a point of order because it violates clause 2 of rule XXI. However, the chairman now seeks to expand upon the point of order I have made by including in the ambit of that point of order the first sentence. The first sentence reads, ''In addition, for necessary expenses for domestic staff overtime, $630,000.''

I would suggest to the Chair that a point of order does not lie against that inclusion because it is, in fact, authorized.

□ 1245

And it is not legislation on an appropriation bill, it is an appropriation to an objective which is consistent with the rules providing for the Committee on Appropriations report to make such appropriations as it deems appropriate for such objectives as it provides.

My point being that I raised a proper point of order and the Chairman seeks to add something thereto which is not subject to a point of order.

Mr. KOLBE. Mr. Chairman, may I be heard on my point of order?

The CHAIRMAN (Mr. DREIER). The gentleman from Arizona (Mr. KOLBE) is recognized.

Mr. KOLBE. Mr. Chairman, I would make the point, as the Chair correctly said, a Member may expand a point of order. It is correct that an individual may make a point of order against certain provisions of a paragraph. But if a Member chooses to make the point of order and believes that there is something in that paragraph which is not permissible, under the Rules of the House, the point of order lies against the entire paragraph. And I make the point of order against the entire paragraph and would ask for a ruling.

The CHAIRMAN. The Chair is prepared to rule.

Where a point of order lies on the basis of the proviso, it may be applied against the entire paragraph at the insistence of any Member; and, therefore, the Chair has concluded that the entire paragraph will be stricken from the bill.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HOYER. Mr. Chairman, I would appreciate it for future reference, as we go through the rest of this bill paragraph by paragraph, and there may be other expansions, can the Chairman focus me on where I ought to look at the rules and/or the precedence for that ruling?

The CHAIRMAN. Page 661 of the House Rules and Manual, clause 2 of rule XXI.

Are there further amendments?

If not, the Clerk will read.

The Clerk read as follows:

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided,* That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further,* That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further,* That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further,* That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further,* That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further,* That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further,* That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further,* That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further,* That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further,* That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,512,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $334,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $3,666,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,806,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $28,350,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $59,017,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: *Provided,* That, of the amounts appropriated, not to exceed $5,229,000 shall be available to the Office of Information and Regulatory Affairs, of which $1,200,000 shall not be obligated until the Office of Management and Budget submits a report to the House Committee on Appropriations and the House Committee on Government Reform and Oversight that: (1) identifies annual five percent reductions in paperwork expected in fiscal year 1999 and fiscal year 2000; and (2) issues guidance on the requirements of 5 U.S.C. §801(a) (1) and (3); sections 804(3), and 808(2), including a standard new rule reporting form for use under section 801(a)(1)(A)–(B): *Provided further,* That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs or their subcommittees: *Provided further,* That the preceeding shall not apply to printed hearings released by the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $20,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $36,442,000, of which $17,000,000 shall remain available until expended, consisting of $1,000,000 for policy research and evaluation and $16,000,000 for the Counterdrug Technology Assessment Center for counternarcotics research and development projects: *Provided,* That the $16,000,000 for the Counterdrug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: *Provided further,* That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $162,007,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than $81,007,000 shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act and up to $81,000,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided,* That funding shall be provided at no less than the fiscal year 1998 level for those High Intensity Drug Trafficking Areas that had been designated by the Director of the Office of National Drug Control Policy on or before February 2, 1994: *Provided further,* That any new High Intensity Drug Trafficking Areas to be designated shall be funded from within the existing appropriation for this account.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 100–690, as amended, $215,000,000, to remain available until expended: *Provided,* That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further,* That, of the funds provided in this paragraph, $195,000,000 shall be to support a national media campaign to reduce and prevent drug use among young Americans: *Provided further,* That none of the funds provided for the support of a national media campaign may be obligated for the following purposes: to supplant current anti-drug community based coalitions; to supplant current pro bono public service time donated by national and local broadcasting networks; for partisan political purposes; or to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet-level officials, or other Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213, absent advance notice to the Committees on Appropriations and the Senate Judiciary Committee: *Provided further,* That

funds provided for the support of a national media campaign may be used to fund the purchase of media time and space, talent reuse payments, reimbursement of out of pocket advertising production costs for agencies that provide all creative development on a pro bono basis, and the negotiated fee for the contract buying agency: *Provided further,* That the Director of the Office of National Drug Control Policy shall report to Congress quarterly on the obligation of funds as well as on the specific parameters of the national media campaign, and shall report to Congress within one year on the effectiveness of the national media campaign based upon the measurable outcomes provided to Congress previously: *Provided further,* That, of the funds provided in this paragraph, $20,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997.

PARLIAMENTARY INQUIRY

Mr. NEUMANN. Mr. Chairman, it is my understanding that we are now on page 37 and 38?

Mr. HOYER. Point of order, Mr. Chairman.

Mr. NEUMANN. I would like to raise a point of order against the $2.25 billion for Year 2000.

The CHAIRMAN. The gentleman from Wisconsin (Mr. NEUMANN) will suspend.

The Clerk will resume reading.

Mr. HOYER. Reserving the right to object.

The CHAIRMAN. If the gentleman will suspend, the Chair wishes to resume reading on page 37 of the bill.

Mr. HOYER. No, sir. The Clerk has read ''unanticipated needs.'' The Clerk read, and I will ask the RECORD be read back if necessary, but the Clerk has read ''unanticipated needs.'' We have passed the paragraph to which the gentleman from Wisconsin (Mr. NEUMANN) seeks to address.

The CHAIRMAN. The Chair believes that inadvertently a paragraph on page 37 was not read. So the Chair wishes to have the Reading Clerk proceed with the reading of that paragraph.

Mr. HOYER. Reserving the right to object or state a parliamentary inquiry, Mr. Chairman.

I have been following pretty closely. I do not know what paragraph was inadvertently not read. And perhaps, we have the RECORD here, and I am sure we can review it again paragraph by paragraph.

The CHAIRMAN. The Chair has been advised by both the Reading Clerk and the Parliamentarian that that paragraph was inadvertently not read.

Mr. HOYER. Which one?

The CHAIRMAN. On page 37, beginning on line 10.

The Chair will call on the Reading Clerk to proceed with the reading of that paragraph.

Mr. HOYER. Mr. Chairman, I withdraw the objection. My staff advises me that the Chair is correct, and I will withdraw.

The CHAIRMAN. If the gentleman would suspend until the Reading Clerk proceeds with the reading on page 37.

The Clerk read as follows:

INFORMATION TECHNOLOGY SYSTEMS AND RELATED EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses related to Year 2000 conversion of Federal information technology systems, and related expenses, $2,250,000,000, to remain available until expended: *Provided,* That these funds may be transferred to any other accounts, except within the Department of Defense, to carry out Federal governmental activities necessary to meet the requirements of such systems and expenses: *Provided further,* That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the President's request shall specifically identify agencies, accounts, programs, projects and activities to be funded and no funds shall be available until 15 days after the submission of the request: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further,* That such transfer authority shall be in addition to any other transfer authority available.

POINT OF ORDER

Mr. NEUMANN. Mr. Chairman, I would like to make a point of order against the portion of the bill beginning on page 37 line 10 and continuing through page 38 line 14.

The CHAIRMAN. The gentleman will state his point of order.

Mr. NEUMANN. I do not believe this is authorized; and, therefore, it should be subject to a point of order and should be stricken from the bill.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. HOYER. Mr. Chairman, on the point of order, this was included in the bill at the insistence of the chairman of the subcommittee and the chairman of the committee for the purposes of providing for the emergency that they foresaw with respect to effecting a solution to the problem of our computers working after January 1, 2000.

In that context, it was judged to be an emergency and critically important to be included in this bill so that the objectives of this bill and every other bill other than the defense bill could be ensured to be carried out in the next millennium.

I would hope that the Chair, realizing the critical nature of this provision, therefore, might find that in fact it was in order.

The CHAIRMAN. The Chair is unaware of any statutory authorization for the funds in the paragraph and, therefore, sustains the point of order of the gentleman from Wisconsin (Mr. NEUMANN). The paragraph is stricken from the bill.

Are there further amendments?

If not, the Clerk will read.

The Clerk read as follows:

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, $1,000,000.

POINT OF ORDER

Mr. COBURN. Mr. Chairman, I make a point of order against the portion of the bill beginning on page 38 line 15 and continuing through line 21 of the same.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBURN. This is, I believe, to be unauthorized and legislating on an appropriations bill.

The CHAIRMAN. Does any Member wish to be heard in opposition to the point of order raised by the gentleman from Oklahoma (Mr. COBURN)?

Mr. KOLBE. Yes, Mr. Chairman, just simply to say that I would concede that this is not authorized and, therefore, is subject to being stricken on a point of order under the rule that we have adopted, much to my regret.

Mr. HOYER. Mr. Chairman, I would join my friend the gentleman from Arizona, the chairman, in saying that the gentleman from Oklahoma (Mr. COBURN) raises correctly a point that can be raised against about 70 percent of the bill that remains.

The CHAIRMAN. The Chair wishes to inquire of the gentleman from Oklahoma (Mr. COBURN) if he simply wanted to include lines 15 through 19 or if in his point of order he also wanted to include lines 20 and 21?

Mr. COBURN. Mr. Chairman, I stand corrected. It is 15 through 19.

The CHAIRMAN. The point of order is conceded and sustained, and that paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

This title may be cited as the ''Executive Office Appropriations Act, 1999''.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $2,464,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $33,700,000, of which no less than $4,402,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses: *Provided,* That of the amounts appropriated for salaries and expenses, $1,120,000 may not be obligated until the Federal Election Commission submits a plan for approval to the House Committee on Appropriations for the expenditure of such funds.

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The point of order is reserved.

The Clerk read as follows:

Amendment offered by Mrs. Maloney of New York:

Page 39, line 13, insert after ''$33,700,000'' the following: ''(increased by $2,800,000 to be used for enforcement activities)''.

Page 40, line 25, insert after ''$482,100,000'' the following: ''(reduced by $2,800,000)''.

Page 41, line 22, insert after ''$5,626,928,000'' the following: ''(reduced by $2,800,000)''.

Page 46, line 21, insert after ''$2,583,261,000'' the following: ''(reduced by $2,800,000)''.

Page 48, line 23, insert after ''$5,626,928,000'' the following: ''(reduced by $2,800,000)''.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of this amendment which will give the Federal Election Commission an additional $2.8 million, bringing its total budget to $36.5 million. This is the full amount requested in the President's budget. This amendment is sensible. It is a proposal that simply gives the Federal Election Commission the resources it needs to do the job to efficiently enforce the laws that we create.

All throughout the campaign finance reform debate we have heard opponents of reform argue that we do not need any new laws, we just need to enforce the laws that are on the books. But those same opponents of reform are reform refuse to fully fund the Federal Election Commission. The FEC is the only bipartisan agency empowered to enforce our campaign finance laws. It is the watchdog which polices our elections.

□ 1300

It is the only government center that compiles information on campaign contributions and expenditures.

But many Members of this House would like to see the FEC become a toothless tiger incapable of enforcing any laws. There was even an effort to change the whole structure in the FEC of how they hire and fire personnel.

Mr. Chairman, I serve on the Committee on Government Reform and Oversight which, along with the Senate Governmental Affairs Committee, has spent over $7 million on a partisan investigation of the Clinton administration. By contrast, during the last year the Federal Election's General Counsel's Office spent only 6 and a half million dollars enforcing the law, and the FEC is responsible of investigating all elections in this country, not just the presidential race. So we see this body empowering committees to spend more than the entire FEC on investigating President Clinton, but they will not fund it to the level that they say they need to do an appropriate job.

Opponents of the FEC like to argue that since 1990 funding for the agency has increased. This statement is only partially true. On paper, funding for the FEC has increased, but in recent years Congress has fenced off large portions of their budget for use of modernization of computers. Congress has specifically told them that they cannot use the money for investigations. When we consider the fact that the total amount of money available to the FEC for enforcement and disclosure has more or less remained constant over the last 4 years, yet the work load has increased dramatically and the total number of staff that the FEC has been able to hire has actually gone down, and while the FEC resources have stayed constant or decreased, campaign spending has increased astronomically. In fact, since 1990 campaign spending has gone up 146 percent, cases in which the FEC has determined that there is a sufficient evidence of wrongdoing to conduct an audit have gone up 110 percent, and total itemized transactions, and here I mean the total number of contributions which the FEC records in its data base, have gone up by 157 percent. So, even if the FEC's budget has gone up, it has clearly not gone up enough to keep pace with the explosion in campaign spending and alleged abuses. So the argument that the FEC's resources have kept pace with the work load is simply not supported by the facts.

Mr. Chairman, in conclusion I would like to really thank the gentleman from Kansas for his work on this issue and for offering this amendment, and I hope that all Members will support it. If we are serious about campaign finance reform, then all Members in this body should join us in this effort to fund the FEC at the level that they feel is necessary to enforce the laws that are on the book.

Mr. SNOWBARGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, just very briefly; I do not want to go through all of the arguments that my colleague from New York (Mrs. MALONEY) has already gone through, but I do think it is important, as we are in the current debate on campaign finance, as we go through the debate on campaign finance throughout this year, I think one point that has not been made in any of the bills that had been talked about very widely in the press, and that is the issue of enforcement.

Now I know there are a lot of complaints about the FEC and the way they do their job. Those may be very valid points. The issue here is though we only have one law enforcement agency in the area of campaign finance, and that is the Federal Election Commission. Right now one stands a 7-in-10 chance of not having any action taken good against them if the FEC has a report against them. It seems to me that enforcement of campaign finance laws is as important, enforcement of the current laws is as important, as trying to change the law which will have no better enforcement.

If we truly have concerns about the FEC, if we have concerns about the way they do their job, if we do not think they can do the job any more, let us deal with that, and let us replace them. But right now they are the only law enforcement agency, and I think that they need to have the proper funding as well as the proper personnel to do the job.

Mr. KOLBE. Mr. Chairman, I continue to reserve my point of order.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that in the words of the gentleman that just preceded me to give the enforcers the right to enforce and the wherewithal to enforce is a great proposition if there were adequate, competent and reasonable enforcers; or certainly if they were fair enforcers. But, unfortunately, I do not think any of that is the case when we are talking about the Federal Election Commission.

The Federal Election Commission has not done an adequate job since I have followed their activities over the last 10 or 15 years.

I can remember when it used to allow its General Counsel into the deliberations, and the court ruled that the commissioners should stop that, and then they did not stop it. I can remember when one former senator, who was a former Member of this House as well, who had a case before this commission, and somehow he got an appointment as an ex officio member of the Federal Election Commission and sat in on the deliberations even though he had a case pending. I can remember when Federal Election Commission officers and maybe Commissioners traveled to the Democrat National Convention in August of 1996, presumably on taxpayers' dollars.

Year after year they hire a press office of about five people to turn out press releases complaining that we are holding down their budget, and yet since 1991 we have increased their budget by 85 percent. Funding for the Office of General Counsel has increased by 88 percent. Before 1998, the staff had grown by roughly 30 percent. Salaries and benefits, up 57 percent. Cash awards, up 191 percent. Travel, up 75 percent. Audit divisions, up 100 percent. And yet while the money is still coming in for these great enforcers, they drop backlog cases.

In fact, just a month or two ago we saw where they dropped well over a hundred cases because they did not, could not, get around to them. In 1993, they dropped 130 backlogged cases, and I think since then there have been a couple other instances where they have just not gotten around to enforcement.

What I worry about when we talk about the Federal Election Commission is, A, they are not fair, but, B, they micromanage the campaigns of the people who are genuinely trying to follow the law and discourage good people from running for office and, at the same time, ignoring the infractions of the people that deserve investigations.

In fact, as recently as July 13, 1998, about three or four days ago, the lead editorial in the Wall Street Journal, Mr. Chairman, talks about how the Federal Election Commission simply did not do their job in an investigation

of the Democrat National Committee. So the Federal judge had to weigh in and virtually condemn them for not having done the job. I quote: ''U.S. District Judge Stanley Sporkin ruled the FEC had inexplicably waited 15 months to dismiss a request to investigate whether the Democrat National Committee and the Clinton-Gore campaign sold seats on the Commerce Department trade missions in exchange for contributions.'' It goes on: ''The FEC responded to Judicial Watch, a civic inquiry group, in December 1977 by closing the case in light of the information on the record, the relative significance of the case and the amount of time that has elapsed. Judicial Watch challenged the FEC's dismissal, and the judge slammed the FEC for attempting to thwart a review of these charges.''

And they want more money. We gave them $2 million more in funds, taxpayers' dollars, than they had last year, and yet they have the audacity to prevail on Members to come to the floor and say that is not enough. And this amendment would take money out of the GAO, General Accounting Office, that is guarding the taxpayers' funds to put money into this wasteful and inefficient and, I dare say, improper organization.

The fact is this organization has been in place since 1974. The commissioners, many of the commissioners were never replaced.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. LIVINGSTON) has expired.

(By unanimous consent, Mr. LIVINGSTON was allowed to proceed for 2 additional minutes.)

Mr. LIVINGSTON. Mr. Chairman, some of the Commissioners have never been replaced. Even though their terms were renewable, they have been on the commission for some 20 years. We, finally, last year put a term limit on the Commissioners and this year thought it was a good idea to put a term on the General Counsel who apparently has, I only found out subsequently to my filing of the amendment, been in the position for nearly 11 years without interruption.

Now it seems to me that if term limits are good for, according to some people, Members of Congress, and I disagree with that because I think the ballot box is a great term limit for elected officials. But, if it is good for committee chairmen and subcommittee chairmen, as appointed officials within this House of Representatives, and it is good for various other executive agencies, then it is good for the Federal Election Commission. And maybe that person who has made life tenure out of serving in that position, I say albeit not altogether fairly, should be up for review as to whether or not he should continue to hold his office. These are legitimate questions I have.

We tried to fence money for years to compel the Federal Election Commission to upgrade its computers. They were using equipment that went back 25 years, ancient technology. And they wouldn't do it. Finally, we just made them do it, and they were forced to upgrade their technology.

They are beginning to come into the new technological world, but they have not demonstrated a need for additional moneys. They have not demonstrated that they will utilize those funds fairly and appropriately, and until they do I am not prepared to vote an extra $2.8 million for them. In fact, I urge Members to reject this amendment soundly and send the FEC back to improve the job that they should be doing.

The CHAIRMAN. Does the gentleman from Arizona continue to reserve his point of order?

Mr. KOLBE. Mr. Chairman, I withdraw my point of order, but I do seek to speak against it.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I really think this amendment is big spending at its very worst. As the distinguished chairman of the full committee has pointed out, the FEC's budget has grown by 85 percent since 1991. The President is requesting an additional 15 percent for the forthcoming year, 1 year, and that is what this amendment would provide.

We have recommended in our bill, we have $33.7 million for the FEC in fiscal year 1999. That is an increase of 9 percent, more than $2 million over the amount that is available in the current fiscal year. So we gave the President a good more than half of what he thought that this agency should have.

Let us be honest. If we look at any of the spending bills, a 9 percent increase in any spending bill, even those that have as much popular support such as the National Institutes of Health is a large, substantial increase, especially given the budgetary constraints that we are under right now. But to talk of giving an agency and this agency of which against I think there lies serious questions of its management, to talk about giving them a 15 percent increase when we have not really seen the reforms that we think need to be made to this agency, I think it is just unthinkable.

The sponsors of the amendment say they are concerned about the enforcement part of FEC. But I am sure they are aware the committee includes an increase of $1.12 million for enhanced enforcement by the Federal Elections Commission.

□ 1315

So this would add another $2.8 million to the increase that is already in there.

While I certainly agree that enforcement ought to be a top priority of the FEC, and there are clearly some problems as it relates to enforcing our campaign finance laws, and that most lay here at the foot of Congress itself, I do not agree that simply throwing more money at the FEC is the way to fix it.

The fact of the matter is, funding for the Office of General Counsel, which is the enforcement arm of the FEC, has increased even more than the rest of the FEC, slightly more, by 88 percent. Its staffing has increased by more than 28 percent. Surely, given the problems that exist there, I do not think that additional revenue is really going to resolve the problem.

We initiated an independent audit of the Federal Elections Commission, and of its operations and management. The purpose of the audit is to address the issue of resources as it relates to their ability to meet its statutory responsibility. This audit is under way, and we anticipate the results in January of 1999. It will include a thorough review of all of their enforcement activities, including the Office of General Counsel, and I am optimistic that, based on what we find in this audit, we will be in a position to address from an appropriations viewpoint, if the authorizing committees do not, the issues raised by this audit and the issues that have been raised, I think correctly, on this floor for and against additional funding for the Federal Elections Commission. But I do not think we should go with this money, on top of the money we are already increasing their budget by, until we at least are able to see how these concerns bear out in that audit.

Mr. Chairman, I would urge my colleagues to defeat this amendment. We have done the best we can, given the resources we have. This additional increase will take severely from some other areas that I know are important to other Members, including maintenance and rehabilitation of buildings. So I would urge the defeat of the amendment.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman and would rise in support of this amendment. I thank the gentlewoman from New York, who has been such a tenacious spokesperson on behalf of monitoring and ensuring fair elections in America. Her leadership on this issue has been outstanding, and all of America owes her a debt of gratitude.

Mr. Chairman, first of all, let me say that we ought to clarify what this amendment does. The chairman of the committee indicated it took it from the General Accounting Office. That was incorrect. The chairman made a mistake. It is out of the General Services Administration. I am not for reducing those accounts, but this particular account that is being reduced is over, I think, $2.3 billion, and this takes $2 million out of it. So it is a minor nick at best on the particular accounting question.

Having said that, the gentleman from Kansas, who is the cosponsor of this amendment, observes that we obviously feel in this country there are substantial problems with elections.

Over $1 million was spent, not just by the committee, but by the parties involved, on one congressional election during this Congress, $1 million, 1/34th of the dollars in this bill for FEC. That did not include the President or any of the other Federal races, United States Senate or House Members, other than that one race.

This Congress has spent, and you can get all sorts of estimates and I will not say which one is precise or not, but anywhere between $10 million and $40 million, a pretty broad spectrum, looking at the Presidential race alone. Just one race. We ask the FEC to look at essentially thousands of candidates to ensure that they are complying with the laws this Congress adopted to ensure that Americans have fair elections.

Now, the gentlewoman's amendment and the gentleman from Kansas's amendment takes the FEC from the $34 million-plus that we have incorporated in this bill to the $36 million-plus that was the request of the administration. Some would argue pretty strenuously that that was insufficient in and of itself. Why? Because the dollars involved in campaigns has escalated geometrically. We all know that. Just taking House races alone, where the average expenditures have gone in the last 20 years from probably less than $300,000 to, for the most part, close to $1 million, that is three-and-a-half times in 20 years.

The number of candidates is rising. I am not sure that is true this year on House races off the top of my head, but we know over the last 6 years, the number of candidates has escalated very substantially.

The FEC has had to dismiss cases. They have had to dismiss cases because they did not have the resources to handle them. So unless they are very serious cases, they have not been able to deal with them. The proposition raised by the gentlewoman from New York and the gentleman from Kansas is that ought not to be, because, if that happens, we cannot ensure fair elections.

Now, I understand the chairman of the committee feels strongly that the FEC does not do its job properly. I understand his premise. I also understand his premise when he talks about the length of service by some Commissioners. I think he makes a good point. I am not for term limits, as the chairman is not for term limits, but we did not raise a whole lot of stuff about his provision last year.

But I would hope that every Member of the House on either side of the aisle would look at this amendment in the context of what we are trying to do in America to ensure that funds are raised properly, spent properly, and administered properly.

I hear in one-minutes, in special orders and in debate on this bill and other bills many, many members of the majority party getting up and saying how awful it is that we do not know exactly what happened in the elections in terms of raising money from foreigners, from domestic people, soft money, hard money, whatever. Well, my friends, if you really want to get at it, this is where we have set up in law to do it. And to say on the one hand you want to get at fair elections and on the other hand undercut the resources of the agencies that Congress has established to accomplish that objective I think is problematic at best. So I would urge my friends to adopt this amendment, and congratulate my colleagues for offering it, and hope that the House will adopt it.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my friend from Arizona earlier described this amendment as ''big spending at its worst.'' This amendment adds a couple of million dollars to the Federal Elections Commission budget for the purpose of increasing their capacity to protect the integrity of what is left of our campaign finance laws.

I would suggest that that is not quite the case. I think big spending at its worst is the rampant cancerous use of soft money to obliterate intelligent debate in political campaigns. I think the big spending at its worst is the use of phony so-called issue advocacy ads or phony independent expenditures, whether it be by labor or by big business or by single interest groups, to influence elections, all the while pretending that they are not involved in elections at all. I think that is what is big spending at its worst, and this money is just a tiny effort to control that big spending at its worst.

I would also say that it is, at least to me, apparent what the agenda of the majority party is in this case. They have been engaged in a year-long defense of the status quo on campaign finance laws, and they have been systematically attacking the agency which is trying to preserve the integrity of what is left of the existing campaign laws. They 2 years ago term-limited the FEC so that there is no institutional memory or in the future will be no institutional memory at that body.

They are now trying to make certain that the Federal Elections Commission looks more like a pussycat than a tiger, and what they want to do is make certain that they can intimidate the executive director into not antagonizing anybody in order to assure that he can be reappointed.

It is clear to me that there is great resentment on the other side of the aisle because the Federal Elections Commission has the temerity to dig into the activities of the use of the Republican Party of GOPAC, which contains, in my view, some of the most socially irresponsible and, at the same time, richest people in America, to influence the economic agenda of this Congress. They are unhappy because the FEC is having the temerity to examine those linkages.

It just seems to me that the choice is clear: If you want to continue the status quo, if you want to continue to have a crippled FEC, vote against the amendment. If you want to cast a vote in favor of the public interest, if you want to cast a vote in favor of giving the Federal Elections Commission the additional tools it needs to see to it that everyone is policed more adequately, then vote for the amendment.

The issue is clear, and no rhetoric to the contrary will confuse the public on this question.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mrs. LOWEY. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I would like to thank the gentlemen from the Committee on Appropriations from the minority side for their very strong statements and really to rise in support of their statements and respond to some of the words on the other side of the aisle, where one of my colleagues on the other side of the aisle accused the FEC of being partisan. Yet a study by the Conservative Fair Government Foundation found that ''partisan favoritism is absent'' at the Federal Election Commission. In fact, in this study, and I would be glad to give it to my colleagues, it showed that they had, in fact, investigated more Democrats than Republicans. Yet there is no doubt that the need for more spending at the FEC is needed because of the spending in campaigns and the allegations that have come to them.

Campaign spending, as my colleagues have pointed out, has gone up 146 percent, referrals of audits have gone up 110 percent and itemized transactions to be processed have gone up 157 percent, so they need this money.

As my distinguished colleague, the gentleman from Maryland (Mr. HOYER) pointed out, whether it is the $6 million that has been spent in the Committee on Government Reform and Oversight investigating President Clinton, or the monies that have been spent in others, I have seen everything from $30 to $50 million in investigations in committees in this body, some of which only subpoena Democrats, only investigate Democrats, at least at the FEC they investigate both parties, all people who run, Democrat, Independent, Republican.

There have been some concerns that the majority party has been trying to destroy the FEC, and I will at this point put in the RECORD editorials that have appeared across this country.

[From Roll Call, June 11, 1998]

MICRO-MUZZLING

Congress is at it again, trying to throttle the Federal Election Commission, the weak watchdog it created to regulate campaign finance. As spending and contribution levels soar and crafty political operatives invent new loopholes to skirt finance laws, Congress regularly keeps the FEC on a bare-subsistence diet, unable to keep up with the action.

Now, in a simultaneous act of micro-management and muzzling, House Republicans seem bent on firing the commission's general counsel, Lawrence Noble.

Under current law, it would take a four-member majority of the six-member FEC to oust Noble. The commission is evenly divided, with three Republicans and three Democrats. But last month, the House Oversight Committee approved a bill to require that both the FEC's staff director and general counsel be reconfirmed in office every four years, beginning next January, with a four-vote majority. The bill won't become law, but the Noble ouster may be adopted today as a rider to the Treasury, Postal Service and general government appropriations bill. Disingenuously, backers of the provision say it's not aimed at Noble, just at administratively tidying up the FEC. But everyone knows what's really going on.

Noble, who's in charge of FEC enforcement, has angered Republicans by claiming that the agency, having opened the loophole that allows for unlimited soft-money donations to political parties, has the power to close it. Noble takes an expansive view of FEC posers to regulate issue ads. And he led the way in investigating the 1996 Dole campaign's management of Republican party advertising, which led to a hefty fine. To his credit, he also is reliably reported to be investigating the even more blatant and extensive White House use of Democratic National Committee funds to run ads boosting President Clinton.

For Congress to be deciding who serves as general counsel of the FEC would be like allowing the AFL–CIO to name (and fire) the chairman of the National labor Relations Board or for the Chemical Manufacturers Association to pick the head of the Environmental Protection Agency. Already, politicians appoint the members of the commission. The equal partisan division of the commission ensures that it can't be wildly aggressive or overly partisan. Having created the commission, Congress ought to let it pick—and keep—its own general counsel.

In addition, it's time for Congress to quit hog-tying the agency with limited funds and then complaining it has to perform triage on the cases it investigates. Last year, the FEC dismissed 55 percent of its cases as ''low rated'' or ''stale'' in order to concentrate on higher priorities and to clear its backlog. Fundraising by House and Senate candidates during the first 15 months of the 1997–98 election cycle was up by 14 percent over the same period in 1996, yet House Oversight cut the FEC's budget authorization from a requested $36.5 million to $33.7 million.

It's time for Congress to strengthen federal campaign laws and the FEC, not sneakily undermine them.

[From The New York Times, June 11, 1998]

PUNISHING COMPETENCE AT THE F.E.C.

At a time when Congress should be moving aggressively to strengthen the Federal Election Commission's ability to enforce the nation's campaign finance laws, House Republicans are racing headlong in the opposite direction.

The F.E.C. remains hampered by an inadequate budget, and by a commission structure (three members from each party) that tends toward gridlock. Now a move is afoot to get rid of the agency's evenhanded general counsel, Lawrence Noble, in retaliation for his attempts to enforce the law as written. He is pressing the commission to use its existing powers to bar the huge ''soft-money'' contributions that have corrupted Federal campaigns. He has pursued lawsuits against groups like Gopac and the Christian Coalition for alleged rules violations. The Republican leadership is not happy.

Last month the House Oversight Committee approved a measure proposed by its chairman, Bill Thomas of California, taking aim at Mr. Noble without mentioning his name. Currently, it takes a vote by four members of the commission to appoint or remove a general counsel or staff director. Mr. Thomas's bill would require reappointment to these posts every four years, beginning next year, thereby setting the stage for a Republican coup ousting Mr. Noble. The change is nothing more than an attempt to install a do-nothing enforcement staff. Given Attorney General Janet Reno's lax approach to campaign law, a crippled F.E.C. would guarantee an open field for influence-peddlers and influence-buyers.

A House Appropriations subcommittee is expected to take up this mischievous measure today, with an eye toward adding it as a rider to the Treasury appropriations bill. Reform-minded members from both parties have a duty to oppose this vendetta. President Clinton, meanwhile, who could stand a better image on soft money, needs to make clear that he considers it veto bait.

Mr. Chairman, one of them called it a vendetta by the Republican Party to not fund, to fence the money they have, and to change the whole procedure of firing people at the FEC.

I really want to say that it is the only body that is bipartisan, and, in order to investigate, there must be a majority of all of the commissioners who vote to do so, so it takes the vote of three Republicans and three Democrats to do so. So when they voted to investigate GOPAC, it was not the decision of Democrats, it was a vote by the Republicans and the Democrats on that committee. So there has been much rhetoric on this floor talking about campaign finance reform and the need to ban soft money and to regulate independent expenditures.

□ 1330

The FEC has come forward and made these recommendations. They have recommended to ban soft money and to regulate the independent expenditures, which is the heart of the Shays-Meehan bill that many of us support in this body and are hopeful that we will pass eventually.

But if one is serious about campaign finance reform, then it is important that we fund at a level that they can do their job, the one body that is bipartisan, that is actually empowered to keep records and to investigate, not just one party, but both parties. It is an important body. There have been problems with it.

The chairman mentioned the investigation that was stopped, but that was a criminal investigation. They are not supposed to do criminal investigations. They are only supposed to do civil investigations.

So, again, I would refer to the items I mentioned earlier that show their bipartisan decisions, how they are made by Republicans and Democrats to investigate. There is in this bill, and later on today I will move to strike it, a whole effort, and talk about a toothless tiger, to remove the teeth, to skin it, and make it totally ineffective by making the staff able to be fired by just one party. Now it has to be bipartisan. That would mean that the staff would never investigate anyone again unless they were an independent or in a primary, because they would probably be fired. They would totally declaw the Federal Elections Commission.

So, Mr. Chairman, if we are serious about campaign finance reform, then I hope my colleagues will join us in this bipartisan amendment.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the full Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I wanted to comment on the points that the gentlewoman that preceded me made. In fact, she said that the Commission has been bipartisan. Well, I do not totally share that view, but that view is shared by one of the experienced attorneys who used to do election law, and in fact, probably still practices election law. One is quoted in the Washington Times on July 14, only a couple of days ago, and his quote is precisely my experience and that is that the Commission tramples on legal and constitutional rights in a bipartisan fashion.

So if they are bipartisan, then they are uniformly in error and in conflict with the Constitution.

But going back to the editorial that I mentioned in my earlier comments in the Wall Street Journal of July 13, I would like to comment on what the gentlewoman said about the fact that the Commission is not supposed to take criminal cases. Let me just read these paragraphs, because I think they are very, very important to understand. The Commission does not treat evidence of those criminal activities in an appropriate fashion.

The editorial says, ''Judge Sporkin has had other tangles with the FEC, including the one in 1986 in which he ruled that the GOP Commissioners had acted contrary to law in closing down a probe of a Republican committee. His current decision goes to the heart of the fears many have about giving the FEC even more power to referee elections. Larry Noble, the FEC's General Counsel, has had great power to decide which political players will be investigated and to push his view that political speech should be regulated. Mr. Noble has been General Counsel since 1987 and keeps his job indefinitely unless a majority of the six highly partisan FEC Commissioners oust him. That means Mr. Noble remains, but since a majority of Commissioners seldom approve his request for prosecution, a kind of permanent gridlock has set in. That means many of the cases the FEC brings are exercises in 'trivial pursuit.' At the same time, the agency's lawyers actually argued,'' and this is the part that gets me, Mr. Chairman, ''the agency's lawyers actually argued before Judge Sporkin that the bribery

allegations'' referred to in this editorial ''involving the Commission trade mission are 'not under the Commission's jurisdiction.' Judge Sporkin was skeptical of that, but indicated that even if that were true, the FEC should have referred the case to the Justice Department. They did not.''

Mr. Chairman, this is a toothless tiger. It is a wasteful agency. It is an agency that takes money from the taxpayer and does not perform the real service that it is intended to perform.

I know my friend, one of the sponsors of the amendment, the gentleman from Kansas (Mr. SNOWBARGER), feels very strongly that we ought to give the enforcers the opportunity to enforce, but I would simply analogize this to saying, well, a policeman is an enforcer, but if he is a bad policeman, we do not give him more money to do a bad job. These people are not doing the job they should. We have already given them a raise. That should be sufficient, and this amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MALONEY of New York. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House resolution 498, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 498, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from New York (Mr. SCHUMER); and the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. SCHUMER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. SCHUMER), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 301, not voting 11, as follows:

[Roll No. 286]

AYES—122

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berman
Berry
Bilbray
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Furse
Gejdenson
Gutierrez
Hall (OH)
Hastings (FL)
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kennedy (MA)
Kildee
Kilpatrick
Kucinich
LaFalce
Lantos
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Poshard
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Rush
Sabo
Schumer
Scott
Serrano
Sherman
Stabenow
Stark
Stokes
Tauscher
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOES—301

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Yates
Young (AK)
Young (FL)

NOT VOTING—11

Gonzalez
Hefner
Hill
Kennedy (RI)
Kennelly
McDade
McNulty
Meeks (NY)
Pickering
Roybal-Allard
Slaughter

□ 1357

Messrs. BILIRAKIS, EWING, PORTER, HORN, and Ms. SANCHEZ changed their vote from ''aye'' to ''no.''

Mr. DIXON and Mr. DAVIS of Illinois changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Chairman, on rollcall No. 286, I was inadvertently detained. Had I been present, I would have voted ''no''.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Chairman, during rollcall vote No. 286, I was unavoidably detained. Had I been present, I would have voted ''yea''.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 498, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken.

AMENDMENT OFFERED BY MRS. MALONEY

The CHAIRMAN. The unfinished business is a demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 210, not voting 10, as follows:

[Roll No. 287]

AYES—214

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Poshard
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Smith (MI)
Smith, Adam
Snowbarger
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Wise
Woolsey
Yates

NOES—210

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manton
Manzullo
Martinez
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Barton
Gonzalez
Hill
Jenkins
Kennelly
McDade
McNulty
Roybal-Allard
Sisisky
Slaughter

□ 1409

Messrs. FOLEY, MORAN of Kansas, and FOX of Pennsylvania changed their vote from ''aye'' to ''no.''

Ms. MCKINNEY, and Messrs. KANJORSKI, HOLDEN, DOYLE, MASCARA, LEWIS of Georgia, MURTHA, and MOLLOHAN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere; $22,586,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For additional expenses necessary to carry out the purpose of the Federal Buildings Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), $482,100,000, to be deposited into the Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings, including grounds, approaches, and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,626,928,000, of which (1) $527,100,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New Construction:

Arkansas:

Little Rock, Courthouse, $3,436,000

California:

San Diego, Courthouse, $15,400,000

San Jose, Courthouse, $10,800,000

Colorado:

Denver, Rogers Federal Building—Courthouse Expansion, $78,173,000

District of Columbia:

Southeast Federal Center Site Remediation, $5,000,000

Florida:

Jacksonville, Courthouse, $86,010,000

Orlando, Courthouse Annex, $1,930,000

Georgia:

Savannah, Courthouse Annex, $46,462,000

Massachusetts:

Springfield, Courthouse, $5,563,000

Michigan:

Sault Sainte Marie, Border Station, $572,000

Missouri:

Cape Girardeau, Courthouse, $2,196,000
Mississippi:
Biloxi—Gulfport, Courthouse, $7,543,000
Montana:
Babb, Piegan Border Station, $6,165,000
New York:
Brooklyn, Courthouse, $152,626,000
New York, U.S. Mission to the United Nations, $3,163,000
Oregon:
Eugene, Courthouse, $7,190,000
Tennessee:
Greenville, Courthouse, $26,517,000
Texas:
Laredo, Courthouse, $28,105,000
West Virginia:
Wheeling, Courthouse, $29,303,000
Nationwide:
Non-prospectus construction projects, $10,946,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the House and Senate Committees on Appropriations of a greater amount: *Provided further,* That all funds for direct construction projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That of the funds provided for non-prospectus construction projects, $2,100,000 shall be available until expended for acquisition, lease, construction, and equipping of flexiplace telecommuting centers; (2) $655,031,000, of which $19,000,000 shall be available for obligation on September 30, 1999, shall remain available until expended for repairs and alterations, which includes associated design and construction services, for the following projects and activities:

Repairs and alterations:
California:
San Francisco, Appraisers Building
District of Columbia:
Federal Office Building, 10B
Interstate Commerce Commission, Connecting Wing Complex, Customs Buildings, Phase 3/3
Old Executive Office Building
State Department Building, Phase I
Colorado:
Lakewood, Denver Federal Center, Building 25
New York:
Brookhaven, Internal Revenue Service, Service Center
New York, U.S. Courthouse, 40 Foley Square
Pennsylvania:
Philadelphia, Byrne-Green, Federal Building-U.S. Courthouse
Virginia:
Reston, J.W. Powell Building
Nationwide:
Chlorofluorocarbons Program
Energy Program
Design Program
Basic Repairs and Alterations:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further,* That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings: *Provided further,* That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund, except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That $5,700,000 of the funds provided under this heading in Public Law 103–329 for the Holtsville, New York, IRS Service Center shall remain available until September 30, 1999: *Provided further,* That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $215,764,000 for installment acquisition payments including payments on purchase contracts, which shall remain available until expended; (4) $2,583,261,000 for rental of space, which shall remain available until expended; and (5) $1,554,772,000 for building operations, of which $223,000,000 shall be available for obligation on September 30, 1999, which shall remain available until expended: *Provided further,* That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.), has not been approved, except that necessary funds may be expended for each project for required expenses of the development of a proposed prospectus: *Provided further,* That for the purposes of this authorization, and hereafter, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further,* That the remaining balances and associated assets and liabilities of the Pennsylvania Avenue Activities account are hereby transferred to the Federal Buildings Fund to be effective October 1, 1998, and all income earned after that effective date that would otherwise have been deposited to the Pennsylvania Avenue Activities account shall thereafter be deposited to the Fund, to be available for the purposes authorized by Public Laws 104–134 and 104–208, notwithstanding subsection 210(f)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(2)): *Provided further,* That revenues and collections and any other sums accruing to the Federal Buildings Fund during fiscal year 1999, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $5,626,928,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POINT OF ORDER

Mr. COBURN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBURN. Mr. Chairman, I make a point of order against the portion of the bill beginning on page 42, line 3 and continuing through page 44, line 9 on the basis that these are unauthorized, and they are legislating on an appropriations bill.

The CHAIRMAN. The Chair would appreciate if the gentleman from Oklahoma would restate the point of order.

Mr. COBURN. Mr. Chairman, I make a point of order against the portion of the bill beginning on page 42, line 3, and continuing through page 44, line 10 ending with the semicolon.

The CHAIRMAN. If the gentleman would proceed with a statement of his point of order.

Mr. COBURN. Mr. Chairman, this point of order is raised on the basis that these are unauthorized projects. They have never been authorized.

Number two, they are legislating on an appropriations bill.

I would further State that it is difficult for us to be building $600 million worth of buildings when our children owe $6 billion and that perhaps a better use of this money might be in paying the interest on the national debt.

The CHAIRMAN. Does any other Member desire to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, I would concede the gentleman's point of order but would make the following observation.

I would concede it based on the rule which we adopted that these projects are at the same time unauthorized. I would, however, note that in every case we simply follow the priorities the Judicial Conference and so we are not substituting our own judgment, but the gentleman's point of order would be correct on this. I regret very much saying that, that that would be the case.

The CHAIRMAN. Does the gentleman from Maryland (Mr. HOYER) wish to be heard on the point of order?

Mr. HOYER. Mr. Chairman, on the point of order, this rule, which I opposed precisely because it did not, as it does in most instances, protect provisions that are absolutely essential, the gentleman from Oklahoma makes the point about our kids' debts.

Very frankly, the chairman took all of these as priorities from the Judicial Conference and GSA. These are not political priorities. These are the judgments of those around the country in the justice system who know the facilities that are needed to carry out justice in this country.

The CHAIRMAN. The Chair wishes to inform the Members that the debate should center around the point of order. The gentleman was straying beyond the point of order question.

Mr. HOYER. I thank the Chair. The Chair is correct. I was simply responding to the rhetoric of the point of order that was made.

The CHAIRMAN. The gentleman from Oklahoma also proceeded beyond that, but as it has proceeded, we have decided to rein it in.

Mr. HOYER. I thank the Chair. The gentleman from California is very fair.

□ 1415

I would join the chairman of the committee in lamenting the fact that the gentleman from Oklahoma is technically correct, notwithstanding the fact I think he is substantively wrong.

The CHAIRMAN. The point of order, as stated by the gentleman from Oklahoma, is conceded and sustained, and that portion of the bill will be stricken from the RECORD.

The Clerk will read.

The Clerk read as follows:

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $108,494,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $32,000,000: *Provided,* That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further,* That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,241,000: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make the point of order this is in violation of clause 2, rule XXI of the House, because it proposes to change existing law and constitutes legislation on an appropriation bill.

The CHAIRMAN. Has the gentleman stated exactly what section?

Mr. OBEY. It is section 401.

The CHAIRMAN. Does any other Member desire to be heard on the point of order?

If not, according to the precedent of June 18, 1991, the point of order is sustained. Section 401 will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I again make a point of order against section 402 because it proposes to change existing law and again constitutes legislation on an appropriation bill in violation of House rules.

The CHAIRMAN. Are there any other Members wishing to be heard on the point of order?

If not, for the reason just stated, according to the precedent of June 18, 1991, the point of order is sustained and that section will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1999 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided,* That any proposed transfers shall be approved in advance by the Committees on Appropriations.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I again make a point of order against section 403 for the same reason as the previous two sections.

The CHAIRMAN. For the same stated reasons, the point of order is sustained and that section, 403, will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2000 request for United States Courthouse construction that (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided,* That the fiscal year 2000 request shall be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I again make a point of order against this section for the same reason.

The CHAIRMAN. Any other Member wishing to be heard on the point of order against section 404 of the bill?

The Chair finds that section 404 is explicitly legislation in an appropriation bill and is, therefore, stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

POINT OF ORDER

Mr. OBEY. Mr. Chairman, again, on section 405, I make a point of order against this provision because it also constitutes legislation on an appropriation bill.

The CHAIRMAN. Any other Members wishing to be heard on the point of order raised by the gentleman from Wisconsin?

If not, the Chair is prepared to rule. The Chair finds that section 405 contains legislative language. The point of order is sustained. The section is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, again, the same point of order on section 406 for the same reason.

The CHAIRMAN. Any other Member desiring to be heard on the point of order?

Section 406 constitutes legislation. The point of order is sustained. The section is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 407. From funds made available under the heading ''Federal Buildings Fund Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, again, point of order. I make the point of order against section 407 for the same reason. It violates the same clause of the same rule.

The CHAIRMAN. Any other Member wishing to be heard?

If not, for the same reason, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 408. Notwithstanding any other provision of law, the requirement under section 407 of Public Law 104–208 (110 Stat. 3009–337–38), that the Administrator of General Services charge user fees for flexiplace telecommuting centers that approximate commercial charges for comparable space and

services but in no instance less than the amount necessary to pay the cost of establishing and operating such centers, shall not apply to the user fees charged for the period beginning October 1, 1996, and ending September 30, 1998, for the telecommuting centers established as part of a pilot telecommuting demonstration program in the Washington, D.C. metropolitan area by Public Laws 102–393, 103–123, 103–329, 104–52, and 104–298: *Provided,* That for these centers in the pilot demonstration program for the period beginning October 1, 1998, and ending September 30, 2000, the Administrator shall charge fees for Federal agency use of a telecenter based on 50 percent of the Administrator's annual costs of operating the center, including the reasonable cost of replacement for furniture, fixtures, and equipment: *Provided further,* That effective October 1, 2000, the Administrator shall charge fees for Federal agency use of the demonstration telecommuting centers based on 100 percent of the annual operating costs, including the reasonable cost of replacement for furniture, fixtures, and equipment: *Provided further,* That, to the extent such user charges do not cover the Administrator's costs in operating these centers, appropriations to the General Service Administration are authorized to reimburse the Federal Buildings Fund for any loss of revenue.

LAND CONVEYANCE, UNITED STATES NAVAL OBSERVATORY/ALTERNATE TIME SERVICE LABORATORY

SEC. 409. (a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Not withstanding any other provision of law, the Administrator of General Services shall convey to the University of Miami, by negotiated sale and by not later than September 30, 1999, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) PROPERTY DESCRIBED.—The property referred to in paragraph (1) is real property in Miami-Dade County, Florida, including improvements thereon, comprising the Federal facility known as the United States Naval Observatory/Alternate Time Service Laboratory, consisting of approximately 76 acres. The exact acreage and legal description of the property shall be determined by a survey that is satisfactory to the Administrator.

(b) CONDITION REGARDING USE.—Any conveyance under subsection (a) shall be subject to the condition that during the 10-year period beginning on the date of the conveyance, the University shall use the property, or provide for use of the property, only for—

(1) a research, education, and training facility complementary to longstanding national research missions, subject to such incidental exceptions as may be approved by the Administrator;

(2) research-related purposes other than the use specified in paragraph (1), under an agreement entered into by the Administrator and the University; or

(3) a combination of uses described in paragraph (1) and paragraph (2), respectively.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(d) REVERSION.—If the Administrator determines at any time that the property conveyed under subsection (a) is not being used in accordance with this section, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

POINT OF ORDER

Mr. HEFLEY. Mr. Chairman, I rise to make a point of order on section 409 of the bill because it violates clause 2 of rule XXI and constitutes legislation on an appropriation bill.

The CHAIRMAN. Are there any Members wishing to be heard on the point of order?

If not, section 409 expressly supersedes existing law with explicitly prescriptive language. As such, it constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and that section of the bill is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 410. (a) LAND CONVEYANCE, ARMY RESERVE PROPERTY, RACINE, WISCONSIN.—The Administrator of General Services shall convey, by negotiated sale, to the city of Racine, Wisconsin (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the vacant Army Reserve property (including improvements thereon) located at the intersection of 24th and Center Streets in Racine, Wisconsin, for the purpose of permitting the City to use the property as the site of water and wastewater utilities.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of any such survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 410 because it proposes to change existing law, constitutes legislation on an appropriation bill, and violates clause 2 of rule XXI.

The CHAIRMAN. Section 410 does, in fact, as the gentleman has stated, constitute legislation in an appropriation bill. The point of order is sustained and that section will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 411. The Administrator of General Services is directed to reincorporate the elements of the original proposed design for the facade of the United States Courthouse, London, Kentucky project into the revised design of the building in order to ensure compatibility of this new facility with the historic U.S. Courthouse in London, Kentucky to maintain the stateliness of the building. Construction or design of the London, Kentucky project should not be diminished in anyway to achieve this goal.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I again make a point of order against section 411 for the same reasons as I did for the previous section.

The CHAIRMAN. And for the same reasons the Chair ruled in the previous section, the gentleman is correct and the point of order is sustained and the section 411 will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1997, $4,250,000, to remain available until expended, of which $3,000,000 will be for capitalization of the Fund, and $1,250,000 will be for annual operating expenses.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $25,805,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $216,753,000: *Provided,* That the Archivist of the United States is authorized to use any excess funds available, from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

AMENDMENT NO. 13 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer amendment No. 13, printed in the July 14, 1998 CONGRESSIONAL RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SANDERS:

Page 58, line 1, after the dollar amount, insert the following: ''(reduced by $2,000,000) (increased by $2,000,000)''.

Mr. SANDERS. Mr. Chairman, the purpose of my amendment is to earmark $2 million of the funds appropriated to the National Archives and Records Administration for fiscal year 1999 for the National Personnel Records Center. The funds will enable the records center to modernize its records management system, allowing it to respond to 90 percent of all veterans' records inquiries received from the Veterans Administration within 10 days or less.

This amendment has the endorsement of all of the major national veterans organizations in the United States who recognize the severity of this problem. And the groups that are supporting the Sanders amendment include the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, the Vietnam Veterans of America, AMVETS, the Reserve Officer's Association of the United States, and the National Officer's Association.

Mr. Chairman, through my work with veterans in the State of Vermont, I

have learned that there are frequently very long delays in simply obtaining a veteran's personnel records, which are essential for the Department of Veterans Affairs to offer effective medical assistance or provide benefits. In Vermont, a request for medical records or any detailed request generally takes 4 to 6 months to complete.

And this is not just a Vermont problem, it is a national problem. A veteran comes in and wants his medical records, in order to get health treatment, and he waits 2, 3, 4, 6 months. A veteran comes in to get his medical records, in order to get the benefits that he or she is entitled to, and waits 2, 4, 6 months. This is not the way that we should be treating America's veterans.

Mr. Chairman, America has a commitment to provide our veterans with adequate health care. Reliable access to veterans' personnel records is essential to meeting this commitment. During the wait of 4 to 6 months, in some cases up to a year, little or nothing can be done to assist the veteran, as the personnel records, which are the very basis for any medical or administrative decision, cannot be assessed. A similar situation exists for benefits, as it is impossible for the veteran to make his or her request without this information.

My staff has made calls to many of my colleagues' offices and we have tried to find out if this problem is existing all over this country, and we find that it is. Let me very briefly read from some of the comments made by the service organizations.

The Retired Officer's Association states, and I quote, ''Our association frequently assists uniformed services retirees and survivors with disability and other entitlement issues requiring documentation available only at the records center. Sadly, needed compensation is often delayed for months because of the center's antiquated and overwhelmed records management systems. Particularly for survivors and older veterans, unfamiliar with specific personnel documents issued many years ago, this is far too often an extremely frustrating exercise that reflects very poorly on the government.''

That is from the Retired Officer's Association. Let me read to my colleagues from the Reserve Officer's Association of the United States.

''We here at the ROA are keenly aware of the difficulties veterans frequently encounter when attempting to obtain copies of documents and their official military records in order to establish their entitlement to veterans benefits. Anything that can be done to expedite the processing time involving these requests will be deeply appreciated by the veterans and their families. The sheer magnitude of the NPRC's operations in St. Louis must be seen to be comprehended.''

Let me read from the Military Order of the Purple Heart. ''The majority of veterans seeking assistance from the VA has to endure long waiting times for the VA to locate their records, then they have to tolerate further delays if they require additional documentation from the NPRC. In many instances, time is a critical factor, particularly for our older veterans.''

Let me read from the National Officer's Association. ''We are fully supportive of this effort and, in consideration of the aggravation and additional cost incurred by the Department of Veterans Affairs in addressing problems arising because of the delayed actions in support of veterans' claims, are of the opinion that the modest outlay of $6 million'', and, actually, we are only asking for $2 million now for the first year, ''would be very helpful.''

Veterans of Foreign Wars: Sympathetic to the Sanders amendment. The American Legion: Sympathetic. The Disabled American Veterans: Sympathetic. In other words, the veterans organizations know that it is an outrage that when a veteran asks for help and medical records he or she is delayed 4 to 6 months. I ask for support of this important amendment.

Mr. KOLBE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, if one was inclined to be opposed to this amendment after the impassioned plea of the gentleman from Vermont (Mr. SANDERS), it would be very hard to oppose him.

Mr. Chairman, let me just state for the record that our committee, our subcommittee, has recognized the problem. We have been talking with and working with the Archives. This has been, for a long time, an ongoing problem we have had with the National Personnel Records Center, going back more than 25, almost 30, years, since the great fire took place there and destroyed so many records.

□ 1430

The Archives is very much committed to changing the way it does its work at the Personnel Records Center, and the key part of that change is going to be the infusion of information technology in the receipt, control, and response to the 1.75 million requests for information it receives on an annual basis. That is going to take place over the next 5 years at a cost of about $6 million. The goal is to be able to have retrieval of information, case retrieval time, in less than 10 days for every individual.

Mr. Chairman, I am not sure that this amendment is required for this coming fiscal year, but I would like to accept the amendment and work with the author and with the ranking member of the minority side and others to try to achieve in conference what we all agree is the goal that we want to achieve.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the chairman and I have discussed this. I am pleased that the chairman is going to accept this amendment.

I want to congratulate the gentleman from Vermont (Mr. SANDERS) who has talked to both the chairman and myself, worked very closely with us. This obviously is a problem. We need to ensure that the records of veterans which are critical for health care purposes, retirement purposes, all sorts of other purposes, are in fact retrieved in a timely fashion. That is not now happening.

The good news is not only that the gentleman from Vermont (Mr. SANDERS) has brought this to our attention, obviously communicated with the veterans' organizations throughout this country and energized them and focused them on how we can solve this problem, but also that Governor Carlin, who is the administrator, relatively new, recognizes that the gentleman from Vermont (Mr. SANDERS) is absolutely correct. This is a problem that needs to be solved, and they are initiating and pursuing that objective.

So I want to congratulate the gentleman from Vermont (Mr. SANDERS) for this initiative. It is a positive one, and I am pleased to join the chairman in supporting it.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Vermont.

Mr. SANDERS. I want to thank the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) for their support for this amendment. We have worked together, and I know they are cognizant of the problems.

The sad fact is that this problem has existed for many, many, many years. The reason that I want the $2 million appropriated right now is that I want to see action take place immediately. As a member of the Committee on Government Reform, we will be watching how well they proceed in getting these records updated and automated and computerized.

So I look forward to working with both gentlemen so that our veterans get a fair shake and we end this bureaucratic nightmare.

Mr. HOYER. Mr. Chairman, I know the gentleman from Vermont (Mr. SANDERS) will be pursuing this. The gentleman is one of the most tenacious and energetic Members of the House, and I know he will be following this very closely to ensure that this objective is accomplished.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not plan on taking 5 minutes. But maybe I can appeal to my colleague. The cause and effect of veterans, not only their records, but the real problem is with their medical care in the first place. I think the gentleman agrees with that. It is a cause and effect. He may not agree with trickle-down economics, but he think he believes in trickle-down problems that come down to the lowest level.

I would ask the gentleman that we have had the Moran and Watts bill help with FEHBP. That is just a Band-Aid

right now as it is. The Tricare system is a Band-Aid. Subvention is a Band-Aid. And the veterans are looking for the same benefits that the employees have that if a secretary works over in the Pentagon, when she goes under Medicare, she has got a follow-on program called BEHBP. A military person does not. A veteran does not. And that is wrong.

My bill solved that, and it got rid of all the Band-Aids, but they could not find the funds for it. I think in the future we have need to look at that.

The records are a problem not only with veterans but active duty military, and we are working on that. But I would appeal to my friends, we have less than 24 percent retention in our military today. Most of those people are going to get out and be veterans that are getting out of the service right now.

The OPTEMPO is 300 percent above what it was in Vietnam in Cold War. And our families in the military, people are saying, hey, I cannot handle this with my family and have it, too. If we want to solve both and live under the caps in defense budget and this budget, then we have got to reduce the OPTEMPO of our overseas commitment and we have got to bring our people home. And then we can have the dollars, instead of Haiti and Somalia and Bosnia and all the others, we will have some more dollars to do what we really need not only for our active duty but for our veterans.

I thank the gentleman for his amendment. I think it is very thoughtful, and I support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities and Presidential Libraries, and to provide adequate storage for holdings, $10,450,000, to remain available until expended, of which $2,000,000 is for an architectural and engineering study for the renovation of the Archives I facility and of which $4,000,000 is for encasement of the Charters of Freedom.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $6,000,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,492,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty; $85,350,000; and in addition $91,236,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 through 1320a–7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 1999, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $9,145,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $8,720,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $34,490,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the ''Independent Agencies Appropriations Act, 1999''.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 1999 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay

the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has, within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I rise to make a point of order against section 505 because it proposes to change existing law, constitutes legislation in an appropriation bill, and violates clause 2 of rule XXI.

The CHAIRMAN. Do any other Members wish to be heard on the point of order raised by the gentleman from Wisconsin (Mr. OBEY)?

If not, the Chair is prepared to rule.

As was stated earlier, under the precedent established June 18 of 1991, this section constitutes legislation in an appropriation bill; and section 505, therefore, will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Buy American Act (41 U.S.C. 10a–10c).

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1999 from appropriations made available for salaries and expenses for fiscal year 1999 in this Act, shall remain available through September 30, 2000, for each such account, and may be transferred to any other Department account, for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I rise to make a point of order against section 509 for the same reason as I cited previously.

The CHAIRMAN. The Chair rules that this is considering legislation in an appropriations bill; and, for that reason, the point of order is sustained, and section 509 will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 510. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, unless—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I rise to make the same point of order against section 510.

The CHAIRMAN. The Chair's response is the same as on the last section and the point of order is sustained; and section 510 will, therefore, be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 511. (a) APPOINTMENT AND TERM OF SERVICE OF STAFF DIRECTOR AND GENERAL COUNSEL OF FEDERAL ELECTION COMMISSION.—

(1) IN GENERAL.—The first sentence of section 306(f)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)(1)) is amended by striking ''by the Commission'' and inserting the following: ''by an affirmative vote of not less than 4 members of the Commission and may not serve for a term of more than 4 consecutive years without reappointment in accordance with this paragraph''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any individual serving as the staff director or general counsel of the Federal Election Commission on or after January 1, 1999, without regard to whether or not the individual served as staff director or general counsel prior to such date.

(b) TREATMENT OF INDIVIDUALS FILLING VACANCIES; TERMINATION OF AUTHORITY UPON EXPIRATION OF TERM.—Section 306(f)(1) of such Act (2 U.S.C. 437c(f)(1)) is amended by inserting after the first sentence the following new sentences: ''An individual appointed as a staff director or general counsel to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the individual he or she succeeds. An individual serving as staff director or general counsel may not serve in such position after the expiration of the individual's term unless reappointed in accordance with this paragraph.''.

(c) RULE OF CONSTRUCTION REGARDING AUTHORITY OF ACTING GENERAL COUNSEL.—Section 306(f) of such Act (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

''(5) Nothing in this Act may be construed to prohibit any individual serving as an acting general counsel of the Commission from performing any functions of the general counsel of the Commission.''.

POINT OF ORDER

Mrs. MALONEY of New York. Mr. Chairman, I rise to make a point of order against section 511 on page 67, lines 5 through page 68, line 17, on the grounds that it violates clause 2 of rule XXI constituting legislation on a general appropriations bill.

The CHAIRMAN. Do any other Members wish to be heard on the point of order?

If not, the Chair is prepared to rule.

This is direct legislation in the appropriation bill; and, therefore, the point of order is sustained and section 511 will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 512. Hereafter, any payment of attorneys fees, costs, and sanctions required to be made by the Federal Government pursuant to the order of the district court in the case *Association of American Physicians and Surgeons, Inc. v. Clinton*, 989 F. Supp. 8 (1997), or any appeal of such case, shall be derived by transfer from amounts made available in this or any other Act for any fiscal year for ''Compensation of the President and the White House Office—Salaries and Expenses''.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I rise to make a point of order against section 512 for the same reasons as I cited previously.

The CHAIRMAN. Are there any other Members wishing to be heard on the point of order being raised by the gentleman from Wisconsin (Mr. OBEY)?

If not, for the aforestated reasons, legislation in an appropriation bill, the point of order is sustained; and section 512 will, therefore, be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 513. (a) AUDITS BY THE POSTMASTER GENERAL.—Subsection (e) of section 2008 of title 39, United States Code, is amended to read as follows:

''(e)(1) At least once each year beginning with the fiscal year commencing after the date of enactment of this Act, the financial statements of the Postal Service (including those used in determining and establishing postal rates) shall be audited by the Inspector General or by an independent external auditor, as determined by the Inspector General.

''(2) Audits under this section shall be conducted in accordance with applicable generally accepted government auditing standards.

''(3) Upon completion of the audit required by this subsection, the person who audits the statement shall submit a report on the audit to the Board''.

(b) RESULTS OF INSPECTOR GENERAL'S AUDIT TO BE INCLUDED IN ANNUAL REPORT.—Section 2402 of title 39, United States Code, is amended by inserting after the first sentence the following: ''Each report under this section shall include, for the most recent fiscal year for which a report under section 2008(e) is available (unless previously transmitted under the following sentence), a copy of such report.''.

(c) COORDINATION PROVISIONS.—Subsection (d) of section 2008 of title 39, United States Code, is amended—

(1) by striking ''(d) Nothing'' and inserting ''(d)(1) Except as provided in paragraph (2), nothing''; and

(2) by adding at the end the following:

''(2)(A) Before obtaining any audit or report under paragraph (1), the Postal Service shall give the Inspector General advance written notice of that intention.

''(B) Any exercise of power under paragraph (1) shall be subject to any authority available to the Inspector General in carrying out section 4(a) of the Inspector General Act of 1978.''.

(d) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

POINT OF ORDER

Mr. TORRES. Mr. Chairman, I rise to make a point of order against section 513, and I do so because it proposes to change existing laws and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. And I ask for a ruling from the chair.

The CHAIRMAN. Is there any other member wishing to be heard on the point of order being raised by the gentleman from California (Mr. TORRES)?

If not, the Chair is prepared to rule.

The gentleman is correct. This is direct legislation on an appropriations bill. The point of order is sustained, and that provision will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 514. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:

Strike section 514 (relating to prohibition of FEHB plan coverage for abortions).

Ms. DELAURO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

Mr. SMITH of New Jersey. Reserving the right to object, Mr. Chairman, I inquire of the gentlewoman from Connecticut (Ms. DELAURO), is this a straight-strike amendment?

Ms. DELAURO. Mr. Chairman, if the gentleman will yield, yes, it is.

Mr. SMITH of New Jersey. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlwoman from Connecticut?

There was no objection.

Ms. DELAURO. Mr. Chairman, this bill provides funding for Federal Employees Health Benefits Program. In the network of health insurance plans for Federal employees, there are approximately 1.2 million women of reproductive age who rely on the FEHBP for their medical care.

Until November, 1995, Federal employees, just like private-sector workers, could choose a health care plan which covered a full range of reproductive health services, including abortion. Approximately one-third of private fee-for-service plans, 30 percent of HMOs do not provide abortion coverage, two-thirds are fee-for-coverage, and 70 percent of HMOs did.

In 1993 and 1994, Congress voted to permit Federal employees to choose a health care plan which covered abortion or to choose one that did not cover abortion. The choice was in the hands of the individual.

According to the American Medical Association, funding restrictions, such as the ones in this bill, make it more likely that women will continue a potentially health-threatening pregnancy to term or undergo abortion procedures that will endanger their health.

Let me take a moment to address a concern raised by some of my colleagues that this amendment will use taxpayer dollars to subsidize abortion. This simply is not the case. Coverage of abortion services in Federal-held plans does not mean that Government or the taxpayer is subsidizing abortion.

Just like private-sector employees negotiating a compensation package, Federal employees agree to work for the Federal Government in return for a salary and a benefits package. That salary and those benefits belong to the employee and not to the Government.

The Federal employee, not Government, chooses the health care plan that best fits the person and that person's family's needs. As an employer, the Federal Government makes a contribution to help pay the premium on that health insurance. The rest of the premium is paid by the employee. The payment that the Government makes is part of that Federal employee's compensation package. It belongs to the Federal employee just as much as the paycheck that is deposited in the bank does.

We would never claim that the paycheck paid to Federal employees is taxpayer money; and, therefore, no Federal employee should be allowed to spend his or her salary to pay for an abortion. Just like the salary, the benefit package belongs to the employee, not the employer. And employees who do not wish to choose a plan with abortion coverage are not required to.

My colleagues on the other side of the aisle speak at length about individual choice and the value of taking decisions out of the hands of Government and returning the power of choice to individuals. Why, then, do they oppose allowing those who serve the public from making their choice of health care plans? Why do we deny these individuals their right to choose?

□ 1445

Mr. Chairman, the antichoice movement in this country has failed to make abortion illegal; therefore, activists are trying to make it more difficult and more dangerous. Singling out abortion for exclusion from health care plans that cover other reproductive health care is harmful to a woman's health. Why not trust the individual rather than mandate a particular point of view of some Members of Congress? This amendment discriminates against women in public service who are denied access to a legal health procedure simply because of who they work for. It has real consequences for real people.

Mr. Chairman, I would like to quickly read a letter written by one of those families.

I have been a Federal employee for 13 years. My husband and I were elated this summer when I became pregnant. I was scheduled for a sonogram at 14 weeks. My husband, mother and sister accompanied me to the ultrasound waiting room because seeing this baby was a big event. The radiologist detected abnormalities and recommended that only my husband be allowed to see the sonogram. The radiologist termed it severe hydrocephalus. We saw an empty skull, termed it incompatible with life. The doctors I saw agreed there was no hope for the fetus, recommended terminating as soon as possible. We were devastated. To compound the tragedy came the news that companies insuring Federal workers are prohibited from covering abortions. In the end we paid a very high fee to have the abortion because the fetal anomaly made the procedure more complicated. My husband and I question whether Congress was implying we were immoral for aborting this fetus in hoping to get pregnant with a healthy child. Our decision was not wanton or frivolous. It was heartbreaking.

My Chairman, talk about giving individuals choices, I urge my colleagues to please give our public servants back this choice. I urge them to support this amendment.

Mr. COBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just like to make one medical technical comment: Intrauterine hydrocephalus today is treated, it is treated effectively in all the centers throughout the country. Abortion is not the answer to intrauterine hydrocephalus; a shunt is. We are very successful, we do it routinely, and, in fact, what it sounds like is this Federal employee got terrible advice because, in fact, when I am encountering that same situation, my patients have a shunt placed in their baby while they are still in their mother's womb and do not have hydrocephalus at birth, and, in fact, that, therefore, is not a good example of why we should be doing that.

Mr. SMITH of New Jersey. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the DeLauro amendment. The underlying language I would just say to my colleagues that is in this bill that the DeLauro amendment would gut has been in effect every year except two since the early 1980s and can best be described as the Hyde amendment for the Federal Employees Health Benefits Program. The prolife language in the bill ensures that taxpayers and premium payers do not subsidize abortion on demand, and that very simply is the issue that is before us.

Today we vote on whether the taxpayers will indeed subsidize. That is what it is all about.

As Members probably know, the taxpayers pay more than 73 percent of the

total funding of the Federal Employees Health Benefits Program. My colleagues and I, those of us who are part of that program, pay the remaining 27 percent. So the same rationale holds here as in the Hyde amendment. Americans should not be forced to underwrite the cost of destroying unborn babies.

Despite, Mr. Chairman, and I just say this with all due respect to my colleagues on the other side, despite the years of propaganda, despite all of the efforts to sanitize, and the euphemisms, and the masking of abortion, the partial-birth abortion debate has finally stripped the veil off the sordid business of what abortion is all about. Abortion, Mr. Chairman, is violence against children, it is the ultimate human rights abuse, and it tries to purport to be a right, and yet it is violence.

Abortion methods are acts of violence that usually kill the victim, although we are seeing in growing numbers of cases, the most recently the doctor in Phoenix that was trying to destroy a child using partial-birth abortion, and, after slashing and lacerating the child's face, realized the kid, the baby, was so old that he could not continue with it. That is what the defenders of partial-birth abortion have to defend because that is what happens each and every day. Normally they just result in killing the baby with their violent methods.

Some of those methods, as I have said on this floor, and I think it bears repeating until it hopefully gets across to a growing number of people, include dismemberment of an unborn child. Loop-shaped knives called curettes are used to literally hack off the arms, and the legs, and the head, leaving a torso, and the ribs are ripped apart. That is the ugly reality stripped of all the euphemisms of what abortion is all about. It is done routinely, and then the suction machine that is 20 to 30 times more powerful than the average vacuum cleaner takes that bloody pulp of what used to be a baby and puts that baby into a bottle. I do not know how people can defend that.

Chemical abortions, salt abortions, saline salting out, high concentrated salt solutions pumped into the amniotic sac. The baby breaths in that fluid because the organs of respiration are being developed, and it is the amniotic fluid that goes in and out until the actual birth occurs, and swallows and digests, if my colleagues will, through, or absorbs through the lungs that high-concentrated salt; kills the baby usually in about 2 hours, and when the baby emerges after delivery, a very chemically-burned, often very red child emerges, and this is commonplace. This is called the right to choose.

And, of course, as we all know, again very soon when we debate the partial-birth abortion ban, which would be covered if the DeLauro amendment passes, there is nothing whatsoever that would preclude payment under the Federal Employees Health Benefits Program for the partial-birth abortions. And we all remember the big lie that was used to minimize and trivialize the number of those later-term abortions that are done in this country. When that was unmasked, in my own State of New Jersey one clinic was found to be doing 1,500 of those grisly child killings per year, all of a sudden the 500 figure, which Planned Parenthood and the Guttmacher Institute and ZPG and all the other groups were bandying about in letters to my colleagues and to I and to everyone else, and I have copies of the letters, they said that is what the number was. Well, 500 would be a massacre as well, but it is many, many thousands more than that. That could be subsidized and paid for if the DeLauro amendment were to prevail.

The amendment that we have crafted, and I first offered it, JOHN ASHCROFT offered it, did not prevail in the early 1980s. I offered it back, I believe it was in 1983. It has been in effect except for 2 years, and it has said very simply we do not want to be part of subsidizing either through the 70 to 73 percent of our taxpayer portion or as premium payers, those of us who buy our insurance, HMOs, whatever, we do not want to be subsidizing abortion. That is what this is simply all about.

Let me remind Members that in virtually every poll, and I have a whole list of them here, when people are asked do they want to subsidize or have the government pay for abortions, the answer is clearly and unambiguously no.

So I ask Members, and let me remind them there are three exceptions in this amendment: rape, incest and life of the mother. That has been the law for the last couple of years, so I do hope that Members will support the Hyde amendment of the Federal Employees Health Benefits Program. Defeat the DeLauro amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before I address this particular amendment, I would like to ask the gentleman from New Jersey whether, in fact, in addition to opposing abortion he opposes all kinds of contraception.

I have been working very hard with colleagues on both sides of the aisle, Democrat and Republican, prochoice, prolife, to prevent unintended pregnancies. We have been working with the national campaign on preventing teenage pregnancy to try and promote abstinence, to encourage abstinence upon our young people, to encourage responsibility.

Now I believe the gentleman and the Republican party, in fact, by disallowing my amendment, which would make the Federal employee health plans which are disallowing coverage of abortion also disallowing coverage of contraception, I believe the gentleman also does not believe that the majority of the American people who would like to be able to purchase contraceptives should be able to have contraceptives.

So I think we are mixing up the debate here. The gentleman is talking about the debate next week on so-called partial-birth abortion, but, in fact, in this bill the gentleman does not feel we should cover contraception. So we are telling to all the Federal employees, ''No, we are not going to cover abortion, we are not going to pay for abortion, but you know what? We are not going to cover contraception either.''

Now I wonder if the gentleman from New Jersey would like to tell that to all the constituents in his district who work for the Federal Government, that, no, we are not going to cover abortion, but we are not going to cover contraception either.

Now it seems to me that there are five established methods of contraception that have been approved by the FDA. Now what we are saying and what we said in our amendment was that the Federal employee should be entitled to have those expenses covered. Now the cost of health care to women is 68 percent higher for women than that of a man, and in fact only 10 percent of the plans cover all of the forms of abortion, and, excuse me, cover all forms of contraception that have been approved. In fact, 81 percent of the plans do not cover the five methods of contraception.

So, my colleagues, I am trying to figure this out. The Republican majority does not want to cover payment for abortion for these women even though the women's health care costs are 68 percent higher, but they do not want to pay for contraception.

I would hope, my colleagues, we could work together to really reduce unintended pregnancies. Let us encourage abstinence, let us encourage responsibility, but it is hard to believe, and I am saying this to the American people, all the women out there, this party does not want to give us a vote on covering of contraception. Does this make any sense?

So I speak in support of my colleague, the gentlewoman from Connecticut (Ms. DELAURO's) amendment because I think that Federal employees with their own money that they have earned should be able to have abortion covered, but I also believe that Federal employees should be able to have the costs of contraception covered. That is only fair.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not sure where the gentlewoman got her information from about how the Federal Government health care plans are not covering contraceptives. I had my office contact the Office of Personnel Management, and every health care provider for Federal employees currently provides full prescription coverage for the

pill, the predominant method of choice of child-bearing age in this country.

Furthermore, according to the Office of Personnel Management, over 75 percent of all Federal employees currently have coverage which includes all FDA-approved methods. Now those FDA-approved methods or drugs and devices include the pill, the diaphragm, IUDs, Norplant, Depo-Provera and the morning-after abortion pill, and under the proposed amendment, as soon as the FDA would approve the abortion pill, the French abortion pill RU–486, it would also be covered. But currently 75 percent of all Federal employees do have coverage, so to say that they do not have access to contraceptives is misleading to the American public because they do have that opportunity now.

Now I do agree with the gentlewoman that we should encourage abstinence in sexual activity, certainly for minors. Once they are age of adult it is a different thing, but for minors we ought to teach kids abstinence, but when it comes to Federal employees, they have this access to this coverage now.

So I think that we should keep clear from the issue that is in this current amendment by the gentlewoman from Connecticut (Ms. DELAURO). She is striking the area of section 514 which says no funds appropriated by this act shall be available to pay for abortions.

Now there was a reference where she said that this was not about tax dollars paying for abortions, but if I read this again on page 70, section 514, lines 18 and 19, it says no funds approved by this act shall be available to pay for abortions. Well, if it is not funds, not tax dollars, then there is no reason for the amendment because the amendment says that no Federal funds will pay for abortions. So I think there is kind of a disconnect in what was presented in the idea of this amendment and what the reality of the language in the legislation.

Now there was also reference, Mr. Chairman, that the benefit package belongs to the employee and not the employer. Well, I think if my colleagues talk to every small businessman around America who is paying the bill for these health care packages, they believe they have something at stake, and if we talk to any large corporations in the Fortune 500, I believe that they would tell us that their benefit packages, that they have a stake in their benefit packages.

□ 1500

The employer has a stake in the benefit packages. So what you have then in the case of a Federal employee, and I think this is a case that is too often forgotten, Federal employees work for the people of the United States of America, the taxpayers. That is who employ these people. That is who ultimately they have to answer to. They work for the people of the United States of America.

This is a democracy. We are governed by the consent of the governed. Our government exists according to our Declaration of Independence, our Nation's birthright. So I think what we should do is take the temperature from the employer.

What does the employer say about using Federal tax dollars to pay for abortions? In overwhelming numbers, they say do not use tax dollars to fund abortions. Do not use tax dollars to fund abortions. Yet that is what the intent of this legislation is, is to legislate that we would use Federal tax dollars to provide someone else's abortion. I think it is unfortunate that that is what is going on. It goes against the employer, against the will of the American taxpayer. So I think that we ought to defeat this amendment and allow the American taxpayer to be free.

Mr. HEFNER. Mr. Chairman, I move to strike the requisite number of words.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to clarify this with the facts. Ten percent of the Federal employee health benefit plans currently do not cover any method of contraception, ten percent. Eighty-one percent of the plans cover some of the methods.

I do not know when the gentleman last had to deal with that issue, but for some women the pill is better than other procedures such as the IUD or diaphragm. It is not up to us to tell that woman which method is better.

So I think it is important to know that 81 percent of the plans do not cover all five of the established methods. Only 1 percent of the plans, I think this is important, do not cover sterilization. I think we owe it to women to give them a broader range of options. I think it is also important to know that when we are talking about contraception we are not talking about RU–486.

So what we are trying to say here with regard to contraception is that the Federal Government should be the model employer. When it comes to private insurance plans, only 50 percent currently cover all five methods of contraception.

So, in conclusion, I think it is very unreasonable, if we are saying to the American people that we are really trying to reduce unintended pregnancies, not to cover the cost of contraception, when women's costs are 68 percent higher than males', and, in fact, contraception is basic health care for women. In this bill, to vote not to cover abortion is your right, but then it seems to me the height of hypocrisy not to cover contraception.

Ms. DELAURO. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I just wanted to make a comment to my colleague from Kansas. The Federal Government pays Federal employees' salaries, as well as provides the opportunity for a benefit package. They pay our salary, they pay benefit packages. That is all taxpayer dollars. We often get into that in debate, about ''taxpayer dollars.''

The fact of the matter is, I do not know that we are assuming that what we would intend to do here is to dictate to people what they could do with their own salaries. That is taxpayer money, as well as taxpayer dollars that may be involved in benefits packages.

The gentleman helped me to make my point, which is you negotiate a package, salary and benefits, and we are now putting ourselves in the position of dictating what people do with their benefits. Not only that, it is not saying that. What we are only saying here is allow the service to be offered in a benefits package. Some offer it, some do not.

My colleague, I know we have had these commentaries over a long period of time, would say to those of us on this side of the aisle, give people the choice. Allow them to select the schools they want their kids to go to, allow them to do what they need to do in their own lives. The Federal Government should stay out of their lives in choice.

They have a range of health packages. They can then make an individual selection, not based on what you think, not based on what I think, but what, in fact, meets the needs of themselves and of their families.

That is essentially what we are talking about here. Allow Federal workers to have that choice. Do not distinguish their benefits from their salary.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I would just like to say there are large parts of the benefit package, the retirement package, and even some portions of the salary that are outside the control of the employee. It is under the guise of the employer, the taxes that are withdrawn, the way the retirement is invested and the health care provided. So, once again, they have to be subject to the employer.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

PARLIAMENTARY INQUIRY

Mr. MANZULLO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANZULLO. It is the Republican side.

The CHAIRMAN. The ranking minority member of the subcommittee sought recognition.

Mr. MANZULLO. Mr. Chairman, I spoke out of order. I intended to speak on the last amendment, to strike the last word. I would withdraw my comments.

The CHAIRMAN. The gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Chairman, we confuse salary and Federal employee benefits, health benefits and retirement benefits.

Let me bring this back to what this debate, from my perspective, is all about. First of all, I will tell my friend from Kansas that I presume he means that our employees are self-employed. He references that they work for the taxpayers, apparently not conceiving that they themselves are taxpayers. To that extent, I suppose they work for themselves. My point being that they are taxpayers, they are citizens of this country, and they are due equal consideration, as every other working American is due. It so happens, yes, they are our employees, but they deserve no less respect, no less integrity in their decisions, than any other employee.

Now, let me tell my friend, every employee in America essentially has a compensation package. They may not refer to it as fancifully as that, but they have a compensation package. Most employees, not all, most have at least two components of that compensation package, salary and health benefits.

We know there are a large number of employees that only have one; that is, the salary component. Other employees have, in addition to the salary and the health benefits, a retirement benefit, making it a three-component compensation package. But the fact of the matter is it is all their money, not the employer's, whether the employer be a public sector or private sector employer.

For instance, General Motors. General Motors makes a contract with their employees, and they go and negotiate back and forth. Some employers used to want to have more health benefits in their package and less salary because they pay FICA tax on salary, and it was cheaper to do health costs. As health costs have escalated, they have gone to salary. Because health benefits are too expensive and they are going to HMOs, we are causing the problem we are discussing.

The fact of the matter is that compensation package is the employee's. They made a deal, and they said, ''I will spend X number of hours using my talent and effort to accomplish the objectives you, the employer, want to accomplish, and in consideration for my talent and effort, you will compensate me with X number of dollars. Part of those dollars will be paid in salary. I get my check.''

Now, if the gentleman from Kansas and the gentleman from New Jersey perceive those as Federal dollars, if those are Federal dollars, those salaries, because they are paid out of exactly the same pot that compensation and retirement are paid out, exactly, there is no distinction, if you perceive that to be Federal dollars, then the Federal employee, unlike every other employee, can only spend their dollars when they go home that they earn in salary as we tell them, as Big Brother, as dictator employer tells them to spend it.

But you make an interesting distinction and say oh, well, they can spend their salary money, which, of course, comes out of the taxpayers' pocket, the way they want; but the part of their compensation package that we pay directly to the insurance, because we have a joint system in which we directly pay the insurer, which makes it cheaper for the employee and cheaper for the employer, so the taxpayer gets a benefit because we put it together, as opposed to giving it directly to the employee and having them purchase it discretely, individually, which would be a lot less efficient and therefore a lot more costly.

I do not know why we look at Federal employees as some second-rate employees in America.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to thank my friend from Maryland for yielding to me. I think this is the crucial point. Are we going to treat Federal employees, public servants of this country, any differently than we treat other American citizens?

As the gentleman will recall, we played this same game with American servicewomen, women who are serving our country in the military, and this majority stripped them of the power to be able to get a safe, legal abortion in overseas medical clinics.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 3 additional minutes.)

Mr. HOYER. Mr. Chairman, I yield to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, the point I want to make is, here these women are serving our country, and, guess what? There is something called the Supreme Court, and it gives us our constitutional rights, and in those constitutional rights is the right to a legal and safe abortion. It is a constitutional right.

These women are defending this country's Constitution, standing on the line defending the right of this country to express itself in freedom. Yet they themselves are being denied their constitutional rights. Just as that happened with the defense bill, now the majority is going after Federal employees.

So it seems to me the only people in this country who are going to be truly denied their constitutional rights are the women who are serving in our Nation's military and our women who happen to be Federal employees.

I would dare say, just to make this one last point, it is interesting here in this Congress, I enjoy seeing my colleagues snicker over here, because 95 percent of the women Members of this United States Congress support the DeLauro amendment, and we are going to say, the men in this House are going to decide whether women have a certain type of reproductive freedom or not.

To me that sounds awfully like gender domination here. If it does not sound like that to you, it would be interesting if men were able to get pregnant and they would have the right, see whether they were going to stand up here and not vote for the DeLauro amendment. When you think about reproductive rights and you think if men had to pay this, and they were denied the same coverage in here, the same outrage we are hearing, but from the women.

Mr. HOYER. Reclaiming my time, I understand what the gentleman is saying. What I am trying to focus us on is abortion is a wrenching question for America. It is a wrenching question for Americans. It is a wrenching, traumatic issue for the individuals involved. It is a wrenching issue for me as a legislator. I will tell you that. I cannot believe I am any different than any other legislator in this body.

□ 1515

What I am saying is, that is not what this is about. It is not about this because Federal employees, like every American, have been guaranteed by the Constitution to choose something that many people believe ought not to be an available choice. I understand that. But they ought not to be treated differently because they are Federal employees, and that is what this is about; not about whether abortion is legal or illegal, not about the wrenching issues brought up by the gentleman from New Jersey, for whom I have a great deal of respect. It is about whether Federal employees will be treated differently than every other employee in America.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I would like to say, first of all, that no one is questioning the integrity.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, I yield to the gentleman from Kansas, Mr. TIAHRT.

Mr. TIAHRT. Mr. Chairman, I just want to say that no one is criticizing the integrity of Federal employees. We believe that they are people who want to serve this country in that capacity, are good, wonderful people. That is not the issue here. Nor is the issue whether abortion is available to them.

We have a ruling of the Supreme Court that we all live with, and abortions are available to Americans today, and there are health care plans outside

the Federal Government that do not pay for abortion services. This is not, we are not treating them separately from other parts of America.

Mr. HOYER. Mr. Chairman, reclaiming my time, I understand the gentleman's perspective, but my point is, no other employees have that prescription on the purchase of their health insurance. Now, employers, the gentleman is correct, may choose a limited policy, I understand that, and the employee may have the choice of only one policy; I understand that. That is the compensation package available to them. Fortunately, in my opinion, for Federal employees, their compensation package is broader as it relates to Federal employee health benefits.

The gentleman is making a distinction between all other employees and Federal employees and, inevitably, because of the gentleman's premise that the premium is being paid by taxpayer dollars as opposed to Federal employee dollars.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the DeLauro-Morella-Moran-Greenwood-Hoyer amendment.

The bottom line in our discussion today is simply that this amendment is going to prevent discrimination against Federal employees and their health care coverage.

It was 3 years ago when Congress voted to deny Federal employees coverage for abortions that were already provided to most of the country's workforce through their health insurance plans. This decision was discriminatory then, and it was another example of Congress chipping away at the benefits of Federal employees and their right to choose an insurance plan that best meets their health care needs.

The coverage of abortion services in Federal health plans would not mean that abortions would be subsidized by the Federal Government, which has been part of this discussion here. Currently, the government simply contributes to the premiums of Federal employees, and in order to allow them to purchase private health insurance, and this contribution, I want to reiterate, is part of the employee benefit package, just like an employee's salary or retirement benefits.

Mr. Chairman, right now, if somebody chose to buy a plan through the Federal employee health benefit plan program, they could not buy it if it covered any abortion services. When one has this amendment in order, someone could choose to buy a plan that does not pay for abortion services. They have their choice. And this is what we are saying. We should not deny Federal employees from having the same choice that most people have in the private sector, because, currently, approximately two-thirds of private fee-for-service health insurance plans and 70 percent, 70 percent of HMOs provide this coverage.

When the ban was reinstated 3 years ago, 178 FEHBP plans, Federal employee health benefit plans, out of 345, offered abortion coverage. Women had the choice to decide whether or not to participate in the plan with it or without it. Thus, an employee who did not choose to have that kind of plan with abortion coverage could do just that. I want to emphasize that. But, unfortunately, Congress denied Federal employees their access to abortion coverage, thereby discriminating against them, treating them differently than the vast majority of private sector employees. Frankly, it is insulting to Federal employees that they are being told that part of their own compensation package is not under their control.

Thousands of Federal employees struggle to make ends meet. Many Federal employees are single parents or the sole wage earners in their families and for them the cost of an abortion would be a significant hardship, interfering with a woman's constitutionally protected right to choose. For these women, the lack of this health coverage could result in delayed abortions occurring later in pregnancy, an outcome that nobody here wants to see.

Mr. Chairman, approximately 1.2 million women of reproductive age rely on the FEHB program for their health coverage; 1.2 million women without access to abortion coverage. Without access, the right to choose is effectively denied.

So I urge my colleagues to support the DeLauro-Morella-Moran-Greenwood-Hoyer amendment to ensure that Federal employees are once again provided their legal right to choose.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I just want to make it very clear to the Members that this is a clear-cut vote on the Hyde amendment for the Federal Employees Health Benefits Program. It is identical in terms of its wording, in terms of its effect, the rape, incest and the life of the mother exceptions are included.

Let me point out that the gentleman from Rhode Island (Mr. KENNEDY) was saying, this is another gift, or not precisely his words, from the Republican majority. Well, I am very glad that my colleagues on the Republican side respect the value and dignity of unborn life and want to protect it in a tangible way, but many of our colleagues on the Democrat side likewise feel the unborn are worthy of respect and that the subsidization of their killing by way of abortion is not something that we can countenance.

When we contribute, as we do, in excess of 70 percent, 73 percent of the money for the Federal Employees Health Benefits Program comes right from the taxpayers. Less than a quarter of it comes from, or a little over a quarter comes from the premium payer. So we are talking about a taxpayer-funded abortion scheme.

The Supreme Court made it very clear in upholding the Hyde amendment that there is a fundamental difference between abortion and all other types of surgeries. Surgeries and health interventions normally are designed to cure and to mitigate disease, to excise a cyst, unless one construes an unborn cyst to be a tumor or a wart to be done away with at will; and, again, the court that actually gave us Roe versus Wade when it upheld the Hyde amendment said there is a fundamental difference between the two.

Let me also remind my colleagues that the Federal service labor management relation statute makes it very clear that there is no collective bargaining over health benefits. It is not permitted in this Federal sector, and whether we like that or not, that is the law. We can prescribe or proscribe certain limitations on what is permitted and what is not under the health benefits program. Those of us who believe that the unborn are worthy of respect, that chemical poisoning and dismemberment is an abuse of that child, it is child abuse in the extreme, and it exploits women, those of us who have that view I believe have every right to stand here and say, do not use my taxpayer dollars, or my premium dollars, to pay for the destruction of that unborn child.

As I said earlier in the debate, there is not a single method employed by the abortionists that is precluded if the DeLauro amendment were to pass. So even partial birth abortions could be subsidized, as well as the suction and all of the other methods that do grotesque things to unborn children.

So I urge Members to realize that, as legislators and lawmakers, I believe we have an affirmative obligation to the weakest and the most vulnerable among us, even when it is inconvenient, even when people stand up and say, oh, you are antiwoman or, you do not care about women's rights. I care about women's rights. I care for women deeply. But I believe that killing unborn baby girls and boys is an act of violence, I say that with all due respect to my friends on the other side, and that birth is an event that happens to all of us. It is not the beginning of life. And that child is deserving of respect and that, at the minimal, we should not be subsidizing the demise of those children.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, since 1995, 1.2 million federally employed women of childbearing age have been denied coverage of abortion services by their own Federal health insurance plans. And that means that all over the United States these Federal employees have been denied a constitutional right to make the critical choices about their own health. More than half of the Federal health insurance plans offered coverage of

abortion services before the 1995 ban; and, currently, two-thirds of private health insurance plans provide abortion coverage to their subscribers.

The gentleman from Kansas (Mr. TIAHRT) and the gentleman from New Jersey (Mr. SMITH) and other proponents of this provision argue that the Federal Government is using tax dollars to pay for Federal health insurance plans. We would argue that that is too much of a stretch, because the Federal health insurance plan is one-third of a benefit package that every Federal employee receives in exchange for their employment, for their work. The three benefits that they get are salary, health insurance and retirement benefits.

Restricting health care on the basis that it is paid for with taxpayer dollars is the same as specifying how a Federal employee can use their paycheck or their retirement savings. To mandate how they can use that money is like telling them what they can buy when they go shopping. This is money that is their money. They earned it. We have no right to tell them after they have earned it how they can spend it.

I heard a while ago from a constituent of mine, I will not reveal her name, but she was forced through an ordeal that none of us would ever want to face. To think that she faces this situation only because she chose a career as a Federal employee is unconscionable, and it should make us ashamed as the people charged with making decisions about the terms of her employment.

After being elated to learn she was pregnant at the age of 36, my constituent was devastated by the information that the fetus she had carried had severe fetal anomalies, anomalies that her doctor termed ''incompatible with life.'' Her physician recommended that she terminate the pregnancy as soon as possible. This procedure is covered by her insurance plan, when medically necessary, for non-Federal employees. Her insurance plan covers it if she was not a Federal employee, but only because she was a Federal employee, only because of the ban we imposed in 1995, she had to pay for this expensive procedure out of her own pocket.

To quote from a letter, ''My husband and I question whether Congress is implying that we were immoral for aborting this fetus that had no brain and was virtually a vegetable. I was hoping to get pregnant with a healthy child. We were doing nothing wrong. Our decision was not wanton or frivolous, it was heartbreaking.''

For some couples, this cost can be prohibitive, further endangering the future chances of having a healthy pregnancy by delaying it even further until they can get enough money together. What right do we have to intervene in these lives and these kinds of heartbreaking decisions, making these kinds of difficult, moral choices for people we do not know in situations that we do not understand? We have no right.

They earned this money. They have the right to make these kinds of decisions. We cannot predict what complicated, heartbreaking, tragic circumstances these women and families confront. Who are we to make these kinds of moral decisions for them? It is an arrogant abuse of congressional power to do this kind of thing to Federal employees or to anyone.

Mr. Chairman, I urge my colleagues to end this discriminatory practice of denying coverage of necessary health care on the basis of the fact that these people are employed by the Federal Government. Please vote in favor of this amendment.

□ 1530

Mr. WYNN. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I rise in support of the DeLauro amendment, and cite my objections to the bill as written. On its face, this bill is discriminatory, and worse, it is arbitrary, because it singles out Federal employees for the simple reason that the majority can do it. They can get away with it because they control the Federal employee benefit package. But it is in fact discriminatory against Federal employees.

What the Republicans are trying to say or what the proponents of this bill have tried to say is essentially this, that this is some sort of Federal subsidy of abortion. I respect their opinions on abortion, I respect the fact that they oppose abortion, but this is in no form or fashion a Federal subsidy. What we are talking about here is the right of Federal employees to use their compensation as they see fit to address their own health care needs in a private way.

If these Federal employees were not employed by the Federal Government, if they were in the private sector, they could get insurance, and if they so choose, use that health insurance for an abortion. But because they work in the Federal sector and because folks on the other side of the aisle have the ability to control their health benefits, they are denied this right.

Make no mistake, benefits, health benefits, are part of compensation, just like your salary, your wages. It is compensation for the labor you provide for the United States of America. In that context, when you are compensated for your labor, that compensation belongs to you. It is no longer the taxpayers', any more than your paycheck is the taxpayers'. The paycheck belongs to the Federal employee, the health benefits belong to the Federal employee, and on that basis the Federal employee ought to be able to use them to purchase the health care plan that they so desire.

There are 1.2 million women of reproductive age under the Federal Employees Health Benefit Plan. They ought to have the right to purchase the health care that they want to. That was the case prior to 1995, when my colleagues on that side of the aisle chose to change the law.

I am not here to debate the merits of abortion. That has been resolved by the courts. The courts have said it is a legal procedure. On that basis, 70 percent of private insurers offer this benefit. Because of that, I believe Federal employees ought to have the right to take advantage of that benefit as part of their compensation.

We should not exercise the . . ., as my colleague referred to it, and arbitrary power to inhibit the choices of these women of childbearing age simply because we can. That is really all it amounts to.

They cannot do it for the workers in the Fortune 500 companies who have private insurance. They cannot do it for the workers in any other company in this country that offer private insurance. They do it to Federal employees because they can do it to Federal employees. That is not a matter of a moral judgment on their part, that is a matter of discrimination . . .. It is being done because they can do it to Federal employees.

Mr. SMITH of New Jersey. Mr. Chairman, if the gentleman will yield, I would ask that he rephrase that. There is absolutely no arrogance. Rather, we are trying to manifest our——

Mr. WYNN. Mr. Chairman, I believe I control the time, and I have not yielded.

Mr. SMITH of New Jersey. Mr. Chairman, I ask that the gentleman's words be taken down.

Mr. WYNN. I control the time.

Mr. SMITH of New Jersey. It is not an act of arrogance. I would ask that the gentleman's words be taken down.

Mr. WYNN. I think the gentleman is making a very subjective argument.

The CHAIRMAN. The gentleman will suspend.

The gentleman from New Jersey (Mr. SMITH) has requested that the words of the gentleman from Maryland (Mr. WYNN) be taken down.

The Clerk will report the words.

Mr. WYNN. Mr. Chairman, in the interests of time and in comity, I withdraw the statement regarding arrogance.

The CHAIRMAN. Without objection, the gentleman from Maryland (Mr. WYNN) withdraws that statement.

There was no objection.

Mr. WYNN. Let me conclude, Mr. Chairman, by saying this. It may not be arrogant, but it is certainly capricious, and it is certainly arbitrary to single out Federal employees for different treatment than we could give to any segment of society that happens to receive health insurance.

I hope we would correct this injustice by supporting the DeLauro amendment.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of this bipartisan amendment. This amendment would improve basic health care for women and their families by providing health plans that cover abortion services.

Women serving the Federal Government deserve just the same civil rights

as all other American women. The vast majority of American women have private insurance plans that cover the full range of reproductive health services. Men, men who work for the Federal Government, are able to get all the medical services that they need. But unfortunately, this Congress has sought to treat American women who work for the Federal Government as sort of second-class citizens. That is just wrong.

We have heard today about value and dignity. I will say to the Members today and to my colleagues that women's lives have value and dignity. Let us respect them. Let us respect those women, and let us respect the decisions that they make about their health care.

What we need to do is make abortion less necessary, not more difficult and more dangerous for Federal employees. Federal employees do a good day's work. They deserve to be treated as all American women deserve to be treated, with value, with dignity. I urge my colleagues to support the DeLauro-Morella-Moran-Greenwood-Hoyer amendment.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the DeLauro amendment. Several things are clear, or ought to be clear, as we debate this amendment.

First, there is a division in this House, as there is in the country, over the question of the morality of abortions between the people who believe in choice and the people who believe that choice should not be permitted to American women on this question.

Second, it is clear that the Supreme Court has declared that the right of choice for women to have abortions if they wish is a constitutional mandate. We live with that.

Third, it is clear that this bill, without the DeLauro amendment, arrogates to itself the power to tell Federal employees who are women that they cannot choose the abortions if they wish, that they do not have the choice that all other women in America have.

The Federal Employee Health Benefits Program is a negotiated benefit that is part of the compensation package. To say that we will not permit women who are covered by that health benefit package to use their health benefits to pay for abortions, the government will not pay for it, and neither can they, through their health insurance, is the exact equivalent of saying that because the taxpayers pay the salaries of women who work for the Federal Government, we have the right, and the power to exercise it, to say that women who work for the Federal Government may not use their own salaries to pay for abortions. It is the same thing.

As the gentleman from Maryland said, we are doing it because we have the power to do it, whereas we do not have the power under the Constitution, as interpreted by the Supreme Court, to say in other respects that women may not have the right of choice. We should not arrogate this power to ourselves. Someone referred to this as arrogance. I do not know that I would call it arrogance on the part of the authors of the bill, but it would be arrogance on the part of the United States Government if the bill passes in the form it is in.

Let me say one other thing. The Committee on Rules protected every other amendment, but it did not protect from a point of order the provision adopted by the Committee on Appropriations, authored by the gentlewoman from New York (Mrs. LOWEY) that said that Federal employee health benefits must give women the choice of abortions; that a woman must have the ability, Federal employees, to purchase plans that will cover contraception.

So now we would be saying the Federal Employee Health Benefits Program cannot pay for abortions because it is immoral, or we think it is immoral, or some people think it is immoral, and we will not permit it to pay for contraception to reduce the need for abortions.

This is somewhat inconsistent. Some might even say it is little hypocritical. I will not say that, but some might say that. It is certainly inconsistent. It is certainly inconsistent. What is the reason for this? Again, because we can.

Why should it not pay for contraception? Because it is immoral? Does this House think that birth control is immoral, because some religious groups think that it is against their religion? Let those adherents to religious groups refrain from contraception.

Why on God's green Earth should the House of Representatives say that contraception should not be permitted to be paid for by the Federal Employee Health Benefit Program? Because Members want more abortions? Because we want to impose religious doctrines on the American people?

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend from New York for yielding.

Is the gentleman aware that under the Federal Employees Health Benefits Program, contraception is provided? It is just is not mandated. It is totally permissible. An HMO, a Kaiser Permanente, you name it, if they want to provide contraception, they can.

Mr. NADLER. Reclaiming my time, the point, of course, is that the choice of contraception ought to be the employee's, not the health benefit corporation's. Most health benefit corporations, most health plans in this country, cover contraception. Most Federal employee health benefit plans do not. The choice, obviously, ought to be the purchasers, the women who are the Federal employees who need to use the contraception, not the HMOs or the corporation.

Why would we not say to the corporation, if you are going to provide health benefits for employees, you must have a full range of health benefits, which normally includes contraception? Why did the Committee on Rules say that the provision in the bill that said so is the only provision in this bill not protected from a point of order because of lack of authorization?

Again, I submit, it is because, well, I am not sure why people oppose contraception. It makes no sense. If you want fewer abortions and if you want women to have their rights in this country, then we should protect that right. So I urge the adoption of the DeLauro amendment. I would hope the Lowey provision can get into this bill, too.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the DeLauro amendment. This weekend marks the 150th anniversary of the first women's rights convention in this country. One hundred and fifty years ago on this weekend, women gathered in Seneca Falls, New York, and created a document called the Women's Bill of Rights. Since then, we have worked hard to gain more freedoms and to be sure that our rights are not run over.

We have come a long way since Seneca Falls, but now, in this Congress, I feel that we can no longer make progress. We can only fight to hold onto the hard-earned rights we won in prior Congresses, and in fact, we are losing ground for women. This Congress has acted again and again and again toward the gradual elimination of a woman's right to choose.

Let us put this vote today in perspective. This is the 88th vote either to protect choice or to restore choice that we have taken in this body since the beginning of the 104th Congress. Two years ago Federal employees were prevented from getting health insurance that covers abortions. That was one of the first in a series of setbacks, and it needs to be corrected.

This amendment gives back the right of choice to Federal employees. It does not require anyone to provide coverage or choose coverage for abortions. It simply allows an insurance company to cover abortions, and it allows women to choose those companies. They may still select a company which does not cover abortions. It is all about choice. It is about choice in health care, legal, safe health care. I urge my colleagues to support this amendment to give back to women, Federal employees, their right to choose.

I want to just end by saying that I remember when I received my notice, after the Republican majority passed the law barring a woman's access or right to purchase abortion coverage. It was a chilling moment to see in writing a specific act of this Congress rolling back choice piece by piece for women.

Let us restore choice. Let us vote for the DeLauro amendment.

Mr. OBEY. Mr. Chairman, in hopes that we can end the debate on this issue, I move to strike the requisite number of words.

Ms. DELAURO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Connecticut.

□ 1545

Ms. DELAURO. Mr. Chairman, we have heard a number of arguments in this debate today. I would just like to briefly remind my colleagues of a few points.

If the language in the bill is allowed to remain, hard-working public servants will be unable to choose health insurance which covers legal, doctor-recommended abortions which are necessary to preserve a woman's health. If this amendment passes, no health plan will be required to offer abortion coverage, no one, no one will be required to choose a health plan which covers abortion. It will be an individual decision.

This is not a question of taxpayer money being used to subsidize abortion. That is not the issue here. The health insurance premiums are earned by the employees of our government every single bit as much as their paycheck. Those premiums, just like the paycheck, belong to the employee, not to the Government and not to the taxpayer.

The American Medical Association tells us that making it more difficult, more expensive for women to access needed abortion leads to more health complications for mothers. This is a question of allowing women to choose a health insurance plan which covers an important aspect of women's health. Under the language in the bill, health insurance plans are not permitted to cover an abortion when the doctor tells the patient that an abortion is needed to preserve the mother's health. This is unacceptable. I urge my colleagues, do not impose your own particular point of view on these good, hard-working public servants. Allow these women to choose for themselves.

Vote to strike this provision and preserve the right of these women to choose.

One final point, this is a bipartisan amendment. I thank my colleagues on both sides of the aisle for participating in this effort.

Mr. SCHUMER. Mr. Chairman, I rise in support of the DeLauro motion to strike. Last night, the House Republican leadership passed a rule that effectively blocked the Lowey provision on contraceptive coverage for federal employees. Today, Ms. DELAURO is attempting to strike the restriction on abortion coverage for those same employees.

This is simple logic. Federal employees should have access to a range of the most common methods of birth control. If we deny them access to contraception—the very means to preventing abortion—then the alternative is to provide access to abortion services.

Nearly 50 percent of pregnancies in this country are unintended—about 30 percent of those occur in marriages—and many of those unintended pregnancies will end in abortion.

To my colleagues who are opposed to abortion, I must ask you: Why prevent Federal employees from having coverage of a range of contraceptive methods? Why not work with us, as Americans want us to do, to be responsible? We should have protected the contraceptive coverage provision in the bill—not kowtowed to the National Right to Life Committee and other groups that equate contraception with abortion. They are extreme, and Americans are tired of their extremism. They, like many of us, are tired of this debate.

Americans want us to work together on solutions. Contraception works. It prevents the need for abortion. We failed the American people last night—let's not repeat that mistake today. Support the DeLauro motion to strike the abortion coverage restrictions. It's the responsible thing to do.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 498, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 515. The provision of section 514 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 515 on the grounds that it constitutes legislation on an appropriations bill.

The CHAIRMAN. Does any other Member wish to be heard on the point of order the gentleman is raising?

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I want to remind Members that this is the rape, incest, life of the mother exception that the distinguished gentleman is striking with the point of order.

Mr. OBEY. Mr. Chairman, are we taking editorials on points of order?

The CHAIRMAN. Section 515 has, in fact, been held to constitute legislation on an appropriations bill, and for that reason the point of order is sustained. Section 515 stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 516. (a) None of the funds appropriated by this Act may be expended by the Office of Personnel Management to enter into or renew any contract under section 8902 of title 5, United States Code, for a health benefits plan—

(1) which provides coverage for prescription drugs, unless such plan also provides equivalent coverage for all prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration; or

(2) which provides benefits for outpatient services provided by a health care professional, unless such plan also provides equivalent benefits for outpatient contraceptive services.

(b) For purposes of this section—

(1) the term ''contraceptive drug or device'' means a drug or device intended for preventing pregnancy; and

(2) the term ''outpatient contraceptive services'' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent pregnancy.

POINT OF ORDER

Mr. TIAHRT. Mr. Chairman, I rise to a point of order against section 516 of the bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TIAHRT. Mr. Chairman, this provision violates clause 2 of House rule XXI which prohibits of authorization on an appropriations bill, and I ask that the provision be stricken from the bill.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

The Chair recognizes the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, it is shameful and outrageous that this provision is being removed from the bill. It is shameful and outrageous that the Republican leadership will not allow an open and honest debate on the issue.

The CHAIRMAN. If the gentlewoman from New York (Mrs. LOWEY) would confine her remarks to the point of order being raised, the Chair would be appreciative.

Mrs. LOWEY. Mr. Chairman, it is shameful and outrageous that over a million women covered by the Federal Employee Health Benefit Program will not be covered for the payment of contraception.

The CHAIRMAN. Any other Member wishing to the heard on the point of order?

The Chair is prepared to rule.

The gentleman from Kansas (Mr. TIAHRT) makes a point of order that section 516 of the bill proposes to change existing law in violation of clause 2 of rule XXI. The provision is in the form of a limitation; that is, it proposes a negative restriction on funds in the bill for a specified object. That object is the entry or renewal of a contract lacking specified terms.

One such term is for the provision of benefits for outpatient contraceptive services that are equivalent to any benefits provided for outpatient services provided by a health care professional. As recorded in Deschler's Precedents, volume 8, chapter 26, section 52,

even though an amendment in the form of a negative restriction on funds in the bill might refrain from explicitly assigning new duties to officers of the government, if the putative limitation ''implicitly requires them to make investigations, compile evidence, or make judgments and determinations not otherwise required other than by law,'' then it assumes the character of legislation and is subject to a point of order under clause 2 of rule XXI.

The proponent of a limitation, in this instance, the bill originated by the Committee on Appropriations, assumes the burden of proving that any duties imposed by the provision are merely ministerial or are already required by law. The Chair, in this instance, must focus on the implicit requirement in section 516 that the officials who administer the contracts in question must judge the ''equivalence'' of benefits between specified classes of outpatient services. Absent a showing that those officials are already charged with that responsibility or possessed of that information under current law, the Chair is constrained to conclude that section 516 proposes to change existing law by imposing a new duty or requiring a new determination in violation of clause 2 of rule XXI.

Accordingly, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agencies, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 602 for the same reason that I cited earlier.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, section 602 applies to funds appropriated in other acts and imposes additional duties on Federal officials in violation of clause 2 of rule XXI. Accordingly, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department, or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may, in fiscal year 1999 and thereafter, reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 604 for the same reasons cited previously.

The CHAIRMAN. Is there any other Member wishing to be heard on the point of order being raised by the gentleman from Wisconsin? If not, the Chair is prepared to rule.

As the Chair ruled on June 18, 1991, this provision constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI. Accordingly, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I raise a point of order against section 605 for the same reason.

The CHAIRMAN. As the Chair ruled on June 18, 1991, this provision constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI. Accordingly, the point of order is sustained. The section is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 608 for the same reason cited before.

The CHAIRMAN. For the same reasons and, accordingly, as has been stated repeatedly, under the precedent that was established on June 18, 1991, the provision does constitute legislation on

an appropriation bill. Accordingly, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against this section on the same grounds as cited earlier.

The CHAIRMAN. Once again, a June 18, 1991 precedent has been established on this language and this constitutes legislation on an appropriation bill.

Accordingly, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 610 for the same reason.

The CHAIRMAN. As has been stated, June 18, 1991, the precedent has been established. Accordingly, the point of order is sustained, and this section will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 611 for the same reason as previously cited.

The CHAIRMAN. According to a precedent of June 18, 1991, the point of order is sustained, and this section of the bill will be stricken from the RECORD.

The Clerk will read.

The Clerk read as follows:

SEC. 612. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 1999 by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 614 of the Treasury, Postal Service and General Government Appropriations Act, 1998, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1999, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 614; and

(2) during the period consisting of the remainder of fiscal year 1999, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1999 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1999 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1998 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1998, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1998, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1998.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 615. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' includes the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 615 for reasons previously cited.

The CHAIRMAN. As the Chair has ruled on June 18, 1991, the precedent has been established and this constitutes legislation on an appropriation bill. Accordingly, the point of order is sustained, and this section will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 616. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 616 for reasons previously cited.

The CHAIRMAN. Any other Member wishing to be heard on the point of order raised by the gentleman from Wisconsin? If not, the Chair is prepared to rule.

This section waives existing law and constitutes legislation on an appropriation bill. Accordingly, the point of order is sustained and this section will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 617. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1999 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 617 for reasons previously cited.

The CHAIRMAN. According to the precedent set on June 18, 1991, the point of order is sustained. This section will be, therefore, stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 618. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 618 for the same reasons.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Section 618 applies to funds appropriated in other acts and imposes additional duties on Federal officials in violation of clause 2 of rule XXI. Therefore, the point of order is sustained, and that section will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 619. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 620. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided,* That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 621. Notwithstanding any provision of law, the President, or his designee, shall certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 621 for reasons previously cited.

The CHAIRMAN. Any other Member wishing to be heard on the point of order?

If not, the Chair finds that section 621 explicitly supersedes other law. Section 621, therefore, constitutes legislation. The point of order is sustained, and that section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 622. No funds appropriated in this or any other Act for fiscal year 1999 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided,* That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I again make a point of order against section 622 on grounds that it, indeed, constitutes legislation on an appropriation bill and violates clause 2 of rule XXI.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that section 622 addresses funds in other acts. Section 622, therefore, does, as the gentleman has stated, constitute legislation. The point of order is sustained, and this section will be stricken from the bill.

The Clerk will read.

□ 1600

The Clerk read as follows:

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 623 for reasons previously cited.

The CHAIRMAN. As was just stated, the Chair rules that this addresses funds in other acts, and section 623, therefore, does constitute legislation. The point of order is sustained and this portion will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 624. (a) IN GENERAL.—No later than September 30, 1999, the Director of the Office of Management and Budget shall submit to the Congress a report that provides—

(1) estimates of the total annual costs and benefits of Federal regulatory programs, including quantitative and nonquantitative measures of regulatory costs and benefits;

(2) estimates of the costs and benefits (including quantitative and nonquantitative measures) of each rule that is likely to have a gross annual effect on the economy of $100,000,000 or more in increased costs;

(3) an assessment of the direct and indirect impacts of Federal rules on the private sector, State and local government, and the Federal Government; and

(4) recommendations from the Director and a description of significant public comments to reform or eliminate any Federal regulatory program or program element that is inefficient, ineffective, or is not a sound use of the Nation's resources.

(b) NOTICE.—The Director shall provide public notice and an opportunity to comment on the report under subsection (a) before the report is issued in final form.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 624 for the same reasons.

The CHAIRMAN. Any other Members wishing to be heard on the point of order?

If not, the Chair finds that section 624 includes language imparting direction. Section 624, therefore, constitutes legislation. The point of order is sustained and the provision will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 625. None of the funds appropriated by this or any other Act, may be used by an

agency to provide a Federal employee's home address to any labor organization, unless the employee has authorized such disclosure or such disclosure has been ordered by a court of competent jurisdiction.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 625 for reasons previously cited.

The CHAIRMAN. Any other Members wishing to be heard?

If not, the Chair finds that section 625 addresses funds in other acts. Section 625, therefore, constitutes legislation. The point of order is sustained and this portion will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 626. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 626 for the same reasons.

The CHAIRMAN. Any other Members wishing to be heard?

If not, the Chair finds that section 626 includes language conferring authority. Section 626, therefore, constitutes legislation. The point of order is sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 627. None of the funds made available in this or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against section 627 for reasons previously cited.

The CHAIRMAN. Any Members wishing to be heard on the point of order?

If not, the Chair finds that section 627 addresses funds in other acts and, therefore, section 627 constitutes legislation. The point of order is sustained and that provision will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 628. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems.

AMENDMENT OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFNER:

On page 89, beginning on line 12, strike Section 628 in its entirety.

Mr. HEFNER. Mr. Chairman, last evening we had a very contentious debate on the previous question and on the rule on this legislation. It was pretty much of a stretch, but we had something that was passed out to Members from the National Republican Congressional Committee, the gentleman from Georgia (Mr. LINDER), to Democrats, saying:

''We will be watching whether you vote to increase your own pay. National Republican Congressional Committee chairman John Linder issued a strong warning to House Democrats: We will be watching how you vote tonight on the Treasury, Postal Service appropriation rule. Linder said anyone voting against a procedural motion is unequivocally voting to give themselves a pay raise. A raise, Linder noted, would not be taken well by constituents, too many of whom are juggling two jobs trying to make ends meet. If Democrats want to block this motion so they can get a raise, so be it, but tomorrow I guarantee every newspaper in their district will know about it.''

Now, I understand politics pretty good. I have been here some 24 years, and pay has always been a contentious issue in this body. We thought we had solved the problem a few years ago when we set in place a procedure that says we would get a cost of living like every other Federal employee. And when we had the last substantial pay raise, the gentleman from Georgia (Mr. NEWT GINGRICH) and Mr. Bob Michel stood in this well before the Democratic caucus and said, look, if everyone will all support this pay raise, it will not be a political issue; we will not bring it up in the elections. And guess what? Two weeks later, in my district, they were accusing me of being a big spender. But that is another story.

If we can make the stretch that voting for a procedural motion could be perceived as voting for a pay raise, I think it is only fair and fitting that Members in this House have a chance to express themselves as to whether they want to accept the raise, a cost of living raise that is in the bill, and take this section out of the bill. Then we will have the same stretch that we can make from the handout of the gentleman from Georgia (Mr. LINDER) that we had voted against a pay raise.

It is unfortunate that these kind of things take place in political campaigns. This, I would not say was hypocritical, but I would say that it is absolutely intellectually dishonest.

Mr. Chairman, I would like to point out another couple of things here. Last year the gentleman from Georgia (Mr. LINDER) voted for the conference report, which contained, incidentally, our cost of living last year. But he voted against the original bill. So he could have it both ways: He could be for it and against it.

So I think the Members should be entitled to have a vote on taking this portion out of this bill, where they can let people know where they stand on a pay raise. It is unfortunate that this has to be, with all the things that we are confronted with, that people have to apologize for what they are paid by the American people when we preside over the biggest corporation in the world. And we get paid far less than rock-and-roll performers, baseball players, or soccer players.

It is unfortunate that this has to be a political football but, Mr. Chairman, I would urge Members to vote for my amendment.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I understand the sentiments expressed by the gentleman from North Carolina. The gentleman from Maryland and I and others on both sides of the aisle in this body have worked very hard over the last couple of years to try to depoliticize the issue of Members' pay. This body did that, as a matter of fact, several years ago when we established a procedure whereby the increases, the cost of living adjustments in the salaries received by Members of this body, would be tied to that of other Federal employees, but with half a percent less than they would get. So we would never get the same amount as another Federal employee was getting.

The idea was to take it out of the process of forcing us to have votes on this one at a time, to have the gut-wrenching vote as to whether or not we should receive a pay increase. That process was established in law and we had, I believe, every hope that that process would work. Unfortunately, Members have realized that the rules of this House permit other ways of getting at a vote on the Members' pay raise, even when there is not really an increase in the pay; that we are talking simply about a cost of living adjustment.

So we have had this process, unfortunately, on this bill for too many years. It does not really belong at all on this legislation. We have had this provision added in on several years which would prevent Members from receiving the cost of living adjustment that other Federal employees have gotten.

In the strongest possible terms I deplore the use of this issue by anybody on either side of the aisle. Members ought to be allowed to consider this in the least politically obtrusive way possible. We ought to be able to consider this on its merits. Unfortunately, when we have Members and it has happened, I would remind the gentleman from North Carolina, on both sides of the aisle in the past who have attacked the cost of living adjustment for Members, it becomes, especially in an election year, a very difficult issue for Members to withstand what they perceive to be the heat that they will receive at home on this issue.

Therefore, this year, it was very clear from the statements that had been made in both the House and the Senate that there was going to be an

effort made to make sure that Members did not get a cost of living adjustment. It was the decision of the subcommittee that we simply put that decision into the bill before it got to the floor of the House. And that is why we see this provision in the legislation, and that is why the rule, which was adopted last night, protects this particular provision.

I wish that we did not have to go through this debate. I wish we did not have to have this kind of provision in the legislation but, nonetheless, it is there. It is, I think, the decision of the leadership on both sides of the aisle that we will not subject the Members to a vote on a cost of living adjustment, and I would certainly urge my colleagues to vote against the gentleman's amendment and leave this provision intact in the legislation when it leaves the House of Representatives.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I share the disdain of the gentleman from North Carolina for the scurrilous press release, the totally misleading press release which was issued last night by the Republican Congressional Campaign Committee. Everyone knows that the issue on the rule had nothing whatsoever to do with the congressional cost of living. It had everything to do with our disagreement about the abandoning of the effort to treat as an emergency the Year 2000 computer problems faced by virtually every agency of government, and it had everything to do with the decision of the Committee on Rules to, in effect, knock out the Lowey amendment on family planning.

I make no apology for the fact that the law provides that under normal circumstances, Members of Congress are entitled to a cost of living adjustment in their pay on an annual basis, minus one-half percent below the amount that has been given to other workers in this society in the previous year. That is what the formula provides. That formula provides that Members' salaries will be whatever private sector workers have received in the previous year minus one-half percent. That is simply a short COLA. I make no apology for that. I think that is a rational approach.

But to make clear how phony that press release was, I would urge Members to vote against the amendment offered by the gentleman from North Carolina. I appreciate the fact that he has given us the opportunity to make clear that that press release last night was totally off base and totally scurrilous, but I would simply say that those Members who are truly concerned about trying to prevent a COLA from taking place for Members, now is their chance; they can vote against this amendment and they will accomplish that fact.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I wish to say that the gentleman from Arizona (Mr. KOLBE) is one of the fairest in this Congress. I want to go on record saying that. But when he says the leadership made an agreement, the leadership went back on their agreement when they put out this press release threatening people that they are going to go to their local newspapers and say they voted for a pay raise when the pay raise was in the entire bill.

Let me urge my colleagues, if they want to vote against a pay raise, they should vote against my amendment. But if they think they are worth the money, and they think they are doing the business for their constituents, they should vote for my amendment. Those that we are talking about, that want to be on record as voting against a pay raise, they should vote against my amendment.

□ 1615

Mr. OBEY. Mr. Chairman, I simply want to say, this reminds me of an event that occurred a number of years ago when we were asked by the Reagan administration to vote for the IMF increase on this side of the aisle; and when we did, the Republican Congressional Campaign Committee then demagogued us and put out press releases attacking us for doing what the leader of their party asked us to do. I think the press release last night was just as unfair.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, to correct one thing that the gentleman from North Carolina (Mr. HEFNER) said I think in interpreting my remarks, my comment about the leadership agreement applied to the agreement that we reached last year.

There was an attempt made to reach an agreement this year on the issue of the COLA. Since it was not reached, we agreed to put in the prohibition. There was no other agreement beyond that about what would or would not be said this year by anybody on the other side.

Mr. OBEY. Mr. Chairman, reclaiming my time, I would simply again urge Members to make the situation and to make the facts as opposed to the propaganda perfectly clear, that we vote against the Hefner amendment. I thank the gentleman for offering it, and I thank the chairman of the subcommittee for accurately stating the situation.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from North Carolina (Mr. HEFNER) for offering this amendment. My experience has been, in the some 30-plus years that I have been in public office, that the constituents with whom I deal hate most hypocrisy. They can disagree with me from time to time, and they do, but it is when they know, and hopefully it does not happen very often, hopefully never, that I am saying something that I do not believe, that I am voting a way I do not act.

In 1989, this body, in a bipartisan way, with the leadership of the present Speaker, the then Speaker Tom Foley, the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. FAZIO), many others, Mr. Michael in particular, I think even the presiding officer presently came together and said that we need to have a system that we believe is fair and the public will believe is fair.

We, at that point in time, for those Members who are new and do not recall, could take 30 percent of our salary from private-sector interests to enhance our salary. It was called honoraria.

I did not think that was right. This body did not think it was right and good policy. And we changed that. And in changing that, we said, we are going to set in place a system that will attempt to fairly reflect a salary that will, in effect, stay level. Because that is what cost of living is, of course, staying level, staying even. So that costs increase and salaries increase across the board, we escalate Social Security by a cost-of-living adjustment so that the value of the receipt of Social Security is approximately the same.

And so we did that. But as the gentleman from Wisconsin (Mr. OBEY) has correctly pointed out, we said that we are going to take the economic cost index, ECI, the private-sector wage information, determine what that average salary increase is, and we will then deduct half a point from that so that we will be getting less than that average in the private sector and adjust our salaries by that number.

Now, is it a raise? Yes, of course it is an increase. But is it a real raise? No, it is not. It is a staying even with the economy. That was, in my opinion, an honest, rational, common-sense approach. Members voted on that reform on this floor in public on the record at 4 in the afternoon, full light of day. And we did it before an election. And we said that that would not go into effect until we were reelected. In other words, we did not take it at that point in time.

And, in fact, I believe that every Member who sought re-election that was reelected, or even defeated, was not done so because of that provision. That is to say, citizens understood that. They thought it was fair. In fact, they thought it was reform and common cause, and many other citizens organizations endorsed it.

Now, for a number of years after passing that, we did in fact follow without debates; and if Federal employees and if private sector got a cost-of-living adjustment, we got a cost-of-living adjustment. It was not a controversial item among the citizens in America. They understand that that is

what, for the most part, they would like in their jobs and, for the most part, they get in their jobs.

We have, however, always been inclined to demagogue the institution and demagogue one another on institutional issues. That is a shame. It is a shame because it brings disrespect on this institution and disrespect on the individual Members.

Now, is that bad for the individuals? Of course. But, much worse, it is bad for America to lose faith and trust in its Members, who somehow give the impression that they are taking something that is either undeserved or unearned.

I would hope that every Member on the majority side, as I will tell my colleagues on my side, will tell the gentleman from Georgia (Mr. LINDER), this is not good policy. It may be good politics. It may adopt the premise of the Speaker that politics is war. But it is lousy public policy. It is demagoguery of the worst type.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, in point of fact, it was also dishonest. Because, as the gentleman from Wisconsin (Mr. OBEY) has pointed out, the vote yesterday was not on this issue; it was, in fact, on issues of import which we have debated on this floor at some length and was on the issue of whether or not we were going to fund in this bill the fixing of computers in the Federal Government so that they would be compatible with the change of the century.

Those were substantive issues. They have both been struck on this floor today by one Member because of the rule we adopted. I regret that it appears that the rule was specifically fashioned to facilitate this kind of demagoguery, this kind of threat, this kind of intimidation on the Members of this House.

Now, as every Member knows, I have been for this process and have been sometimes among 20 people, 30 people voting for the cost-of-living adjustment because I thought the American public deserved an honest response. The American public is not surprised that when we vote on this, sometimes half, maybe sometimes two-thirds, vote against the cost-of-living. And the American public is not surprised when, guess what, almost every Member who voted no on the ECI takes the money, takes the money, leading to further disrespect for this institution and the individual Members who they thereby perceive as dishonest with them.

I love this institution and respect it. It is in fact the people's House. But if we do not respect ourselves, if we do not respect this institution, we cannot expect the American public to respect us or this institution.

I am going to vote no on this amendment, which will probably be the first time since I have served in this body that I have voted against the cost-of-living adjustment. The reason I am going to vote against it is because I do not want to flimflam the public. We reported this out because it was the perception of the chairman and mine that this issue had been so politicized and would be so politicized that it would lead to further undermining of this institution's credibility.

But I want everyone to know that I am for the ECI. I think it ought to go into effect. Because I believe that was a reform that was good for America and this institution and was fair and honest.

I thank the gentleman for offering this amendment so that no one will be confused by the gentleman from Georgia (Mr. LINDER) or anybody else.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. And I realize that very few other people will support this amendment today, but I think it is important that some do.

I want to first commend the author of the amendment, and I want to commend the gentleman from Maryland (Mr. HOYER) for the very elegant statement that he just made. This issue has called forth much lack of candor over the years. And it is easy in a campaign to go say, ''my opponent voted for a pay increase for himself.''

As the chairman of the subcommittee and the ranking member both said, back in 1989, with support from all groups in this House, from both parties, from the leadership, from the present Speaker, a decision was made to take this issue out of politics and to serve it in a responsible way so that Members of the House and the Senate would get paid responsibly so that future increases would only be cost-of-living increases; and then, in return for foregoing the opportunity of earning money outside the salary of the Members of the House, they would be guaranteed a cost-of-living increase like other Federal employees, like most employees of major corporations in this country, with one difference, a half a percent less than the actual cost-of-living increase that everybody else gets. And this would be done automatically so we would not have the demagogic attacks on votes every year.

For those last few years, we have had those demagogic attacks because people have figured out ways of getting votes to the floor.

Now, in the absence of this amendment, there would not be a vote on the floor. Yet we have a demagogic attack on a different vote as if it were a vote on this. The fact is, with every election cycle, a greater proportion of the membership of this House are millionaires.

If we want ordinary men and women to continue to serve in this House, we have to allow the salary to increase with the cost of living, as all other Federal salaries do, as most government salaries do, as we should certainly want all salaries in the private sector to do.

So I do not expect or ask that many people vote for this amendment today. Because the real purpose of this amendment is to undo the political mischief that was done by that dishonest and demagogic press release that was talked about a few minutes ago.

The real purpose of this amendment is to enable a straight up-or-down vote on this cost-of-living increase in which most Members, because the judgment has been made that the political atmosphere is too poisoned to permit it this year, most Members will vote no.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman yielding.

I was down in my office meeting with some constituents and I noticed that the gentleman from Maryland (Mr. HOYER) got up and spoke, and so I turned on my television.

I have got to tell my colleagues, I came down to the floor to associate myself with the comments of the gentleman from Maryland in many ways, maybe not all of them. But I do love this institution, as the gentleman from Maryland does.

I think that there is too much attack on this institution and its Members. It greatly disturbs me when Members and the media and otherwise claim that there is corruption in this Chamber. I have many times come down to this floor and challenged people that said there is corruption in this Chamber to show me and name the corruption that is in this Chamber.

And I, too, have voted for cost-of-living increases, and I am for them, and I think it is very important. In order to maintain the integrity of this body and making sure that Members can take care of their families in a reasonable way that reflects their abilities, we should be very, very careful when we attack this institution in this regard.

So I appreciate the gentleman from New York (Mr. NADLER), and I appreciate the gentleman from Maryland (Mr. HOYER).

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I simply would ask the gentleman from Texas (Mr. DELAY) who just spoke, I am happy to hear he loves this institution. My question is, does he love it enough to tell the chairman of his campaign committee that he ought to quit issuing misleading press releases about this issue?

□ 1630

Mr. NADLER. Reclaiming my time, Mr. Chairman, I would simply say that I would hope in the future, and, as I said, I plan to vote for this amendment, I do not expect to urge many

others to do so, but I think some of us should. But I hope in the future, whoever is in charge of the committee and the leadership of this House, that when this bill comes to the floor next year and the year after and the year after, and it provides for the cost of living increase.

The CHAIRMAN. The time of the gentleman from New York (Mr. NADLER) has expired.

(By unanimous consent, Mr. NADLER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to make it clear the gentleman said ''this bill.'' This bill does not provide for any pay raise or cost of living adjustment for Members, with or without this provision. This provision prohibits what is provided for in the law that was passed in 1989 from going into effect so that when the bill comes those who demagogue the bill for being a pay raise are absolutely incorrect.

I know what the gentleman meant; I just wanted to clarify that.

Mr. NADLER. Mr. Chairman, I appreciate the clarification.

Let me simply express the hope that next year and the year after the cost of living increase is permitted to go into effect in the way it was intended without a specific piece of legislation or a vote and that the rule provides that an amendment that would come on the floor should not be permitted because otherwise the entire purpose of the 1989 law is nullified, and if we want this House gradually to become the House of millionaires that ordinary men and women do not run for, that is a good way to do it, and we should not permit that.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words for just a moment.

Mr. Chairman, I must say that as I sat in my office watching this discussion on television, I could not help but be moved to come and at least have my voice be heard in connection with the proposal being made by my colleague, the gentleman from North Carolina (Mr. HEFNER).

I must say that in the years that I have been in this body, I have seen on more than one occasion on both sides of the aisle a propensity to demagogue both salary adjustments as well as benefits for the Members of this House. It is most disconcerting to me that people would, on either side of the aisle, ever play politics for the sake of politics on issues such as this.

I am particularly disconcerted by this pattern because it has dramatically impacted over the years a number of younger Members who are serving very well in this body, who, because upon arriving here with young children, otherwise unaware of the incredible cost of living in this region and maintaining residence at home, et cetera, found themselves leaving the body long before their service was well completed.

It does not serve the body well or the American public well to simply demagogue an issue like this because somebody thinks it may be votes at home for someone that they might choose. I have never seen this issue make a difference in a significant congressional race, but people love to demagogue it.

Mr. Chairman, I not only applaud my colleague, the gentleman from North Carolina (Mr. HEFNER), I intend to support his position. I would urge as many Members in the House on both sides of the aisle who can stand the heat to do so as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. HEFNER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. KOLBE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 498, further proceedings on the amendment offered by the gentleman from North Carolina (Mr. HEFNER) will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 629. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OBEY. Mr. Chairman, back to the old business, I make a point of order against section 629 for reasons previously cited, ad nauseam ad nauseam.

The CHAIRMAN. Does any Member wish to be heard on the point of order that has just been raised by the gentleman from Wisconsin (Mr. OBEY)?

If not, the Chair finds that section 629 addresses funds in other acts, and section 629, therefore, constitutes legislation.

The point of order is sustained, and section 629 will, therefore, be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 630. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 631. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 632. Notwithstanding any other provision of law, no part of any funds provided by this Act or any other Act beginning in fiscal year 1999 and thereafter shall be available for paying Sunday premium pay to any employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 633. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 634. Section 404(a) of the Government Management Reform Act of 1994 is amended by striking the period at the end of paragraph (2) and inserting ''; and'', and by adding at the end the following paragraph:

''(3) the Inspector General Act of 1978 (5 U.S.C. App.).''.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point or order.

Mr. OBEY. Mr. Chairman, I make a point of order against section 634 for reasons previously cited.

The CHAIRMAN. Is there any other Member wishing to be heard on the point of order that is being put forward by the gentleman from Wisconsin (Mr. OBEY)?

If not, the Chair finds that section 634 directly amends other law. Section 634, therefore, constitutes legislation, and the point of order is sustained, and section 634 will, therefore, be stricken from the bill.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rose a few weeks ago before we went on recess to give indication that I had a very serious problem with the Customs Department regarding a ruling that had to do with soft

lumber from Canada. I told the Customs Department that unless some action were taken, either yes or no, that I intended to offer an amendment reducing their appropriation.

Mr. Chairman, I am happy to tell those of my colleagues, especially the members of the Forestry 2000, who incidentally very generously had agreed each to give me 5 minutes to talk about the demerits of this bill unless Customs did something, so I was intending to speak for 8 hours on this bill, and thanks to the wisdom of the Customs Department who issued the ruling that very same day, no longer will my colleagues be subjected to that misfortune of having to listen to me for 8 hours.

So, as a result of Customs' brilliance and as a result of their decision, I am happy to tell my colleagues that I now support the bill, and I would urge my colleagues at the appropriate time to vote in favor of this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 635. Notwithstanding section 611 of this Act and notwithstanding section 1346 of title 31, United States Code, funds made available for fiscal year 1999, by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities.

POINT OF ORDER

Mr. SMITH of New Jersey. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point or order.

Mr. SMITH of New Jersey. Mr. Chairman, I make a point of order against section 635 of the bill. It violates clause 2 of rule XXI.

The CHAIRMAN. Does any other Member wish to be heard on section 635?

If not the Chair is prepared to rule.

Section 635 explicitly supersedes other law and applies to funds in other acts. The point of order is sustained, and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 636. Section 626(b) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in section 101(f) of Public Law 104–208 (110 Stat. 3009–360), the Omnibus Consolidated Appropriations Act, 1997, is amended to read as follows:

''(b) Until the end of the current FTS 2000 contracts, or September 30, 1999, whichever is sooner, subsection (a) shall continue to apply to the use of the funds appropriated by this or any other Act.''.

SEC. 637. (a) DEFINITIONS.—In this section—

(1) the term ''crime of violence'' has the meaning given that term in section 16 of title 18, United States Code; and

(2) the term ''law enforcement officer'' means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes any action, including the use of force, that is determined by the officer to be necessary to—

(1) protect an individual in the presence of the officer from a crime of violence;

(2) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(3) prevent the escape of any individual who the officer reasonably believes to have committed in the presence of the officer a crime of violence.

SEC. 638. The Administrator of General Services may provide, from government-wide credit card rebates, up to $3,000,000 in support of the Joint Financial Management Improvement Program as approved by the Chief Financial Officer's Council.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OBEY. Mr. Chairman, I make a point of order against section 638 for reasons previously cited.

The CHAIRMAN. Does any other Member wish to be heard on the point of order being raised by the distinguished gentleman from Wisconsin?

If not, the Chair is prepared to rule.

The Chair finds that section 638 includes language conferring authority. Therefore it constitutes legislation. The point of order is sustained, and section 638 is, therefore, stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 639. FEDERAL FIREFIGHTERS OVERTIME PAY REFORM ACT OF 1998.—(a) Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding the following new subsection at the end thereof:

''(f) In applying subsection (a) of this section with respect to a firefighter who is subject to section 5545b—

''(1) such subsection (a) shall be deemed to apply to hours of work officially ordered or approved in excess of 106 hours in a biweekly pay period, or, if the agency establishes a weekly basis for overtime pay computation, in excess of 53 hours in an administrative workweek; and

''(2) the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay under section 5545b (b)(1)(A) or (c)(1)(B), as applicable, and such overtime hourly rate of pay may not be less than such hourly rate of basic pay in applying the limitation on the overtime rate provided in paragraph (2) of such subsection (a).''; and

(2) by inserting after section 5545a the following new section:

''§ 5545b. Pay for firefighters

''(a) This section applies to an employee whose position is classified in the firefighter occupation in conformance with the GS–081 standard published by the Office of Personnel Management, and whose normal work schedule, as in effect throughout the year, consists of regular tours of duty which average at least 106 hours per biweekly pay period.

''(b)(1) If the regular tour of duty of a firefighter subject to this section generally consists of 24-hour shifts, rather than a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

''(A) paragraph (1) of such section shall be deemed to require that the annual rate be divided by 2756 to derive the hourly rate; and

''(B) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on the hourly rate under subparagraph (A).

''(2) For the purpose of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(A)) for all hours in such firefighter's regular tour of duty (including overtime hours).

''(c)(1) If the regular tour of duty of a firefighter subject to this section includes a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

''(A) the provisions of such section shall apply to the hours within the basic 40-hour workweek;

''(B) for hours outside the basic 40-hour workweek, such section shall be deemed to require that the hourly rate be derived by dividing the annual rate by 2756; and

''(C) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on subparagraphs (A) and (B), as each applies to the hours involved.

''(2) For purposes of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include—

''(A) an amount computed under paragraph (1)(A) for the hours within the basic 40-hour workweek; and

''(B) an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(B)) for all hours outside the basic 40-hour workweek that are within such firefighter's regular tour of duty (including overtime hours).

''(d)(1) A firefighter who is subject to this section shall receive overtime pay in accordance with section 5542, but shall not receive premium pay provided by other provisions of this subchapter.

''(2) For the purpose of applying section 7(k) of the Fair Labor Standards Act of 1938 to a firefighter who is subject to this section, no violation referred to in such section 7(k) shall be deemed to have occurred if the requirements of section 5542(a) are met, applying section 5542(a) as provided in subsection (f) of that section: *Provided*, That the overtime hourly rate of pay for such firefighter shall in all cases be an amount equal to one and one-half times the firefighter's hourly rate of basic pay under subsection (b)(1)(A) or (c)(1)(B) of this section, as applicable.

''(3) The Office of Personnel Management may prescribe regulations, with respect to firefighters subject to this section, that would permit an agency to reduce or eliminate the variation in the amount of firefighters' biweekly pay caused by work scheduling cycles that result in varying hours in the regular tours of duty from pay period to pay period. Under such regulations, the pay that a firefighter would otherwise receive for regular tours of duty over the work scheduling cycle shall, to the extent practicable, remain unaffected.''.

(b) The analysis for chapter 55 of title 5, United States Code, is amended by inserting

at the appropriate place the following new item:

''5545b. Pay for firefighters.''.

(c) Section 4109 of title 5, United States Code, is amended by adding the following new subsection at the end thereof:

''(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training.''.

(d) section 8331(3) of title 5, United States Code, is amended—

(1) by striking ''and'' after subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting the following:

''(E) with respect to a criminal investigator, availability pay under section 5545a of this title;

''(F) pay as provided in section 5545b (b)(2) and (c)(2); and ''; and

(4) by striking ''subparagraphs (B), (C), (D), and (E)'' and inserting ''subparagraphs (B)–(G)''.

(e) The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the later of October 1, 1998, or the 180th day following the date of enactment of this section.

(f) Under regulations prescribed by the Office of Personnel Management, a firefighter subject to section 5545b of title 5, United States Code, as added by this section, whose regular tours of duty average 60 hours or less per workweek and do not include a basic 40-hour workweek, shall, upon implementation of this section, be granted an increase in basic pay equal to 2 step-increases of the applicable General Schedule grade, and such increase shall not be an equivalent increase in pay. If such increase results in a change to a longer waiting period for the firefighter's next step increase, the firefighter shall be credited with an additional year of service for the purpose of such waiting period. If such increase results in a rate of basic pay which is above the maximum rate of the applicable grade, such resulting pay rate shall be treated as a retained rate of basic pay in accordance with section 5363 of title 5, United States Code.

(g) Under regulations prescribed by the Office of Personnel Management, the regular pay (over the established work scheduling cycle) of a firefighter subject to section 5545b of title 5, United States Code, as added by this section, shall not be reduced as a result of the implementation of this section.

COORDINATION OF SOUTHWEST BORDER COUNTERDRUG ACTIVITIES

SEC. 640.—(1) Not later than 180 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall conduct a review of Federal efforts and submit to the appropriate congressional committees, including the Committees on Appropriations, a plan to improve coordination among the Federal agencies with responsibility to protect the borders against drug trafficking. The review shall also include consideration of Federal agencies' coordination with State and local law enforcement agencies. The plan shall include an assessment and action plan, including the activities of the following departments and agencies:

(A) Department of the Treasury;

(B) Department of Justice;

(C) United States Coast Guard;

(D) Department of Defense;

(E) Department of Transportation;

(F) Department of State; and

(G) Department of Interior.

(2) The purpose of the plan under paragraph (1) is to maximize the effectiveness of the border control efforts in achieving the objectives of the national drug control strategy in a manner that is also consistent with the goal of facilitating trade. In order to maximize the effectiveness, the plan shall:

(A) specify the methods used to enhance cooperation, planning and accountability among the Federal, State, and local agencies with responsibilities along the Southwest border;

(B) specify mechanisms to ensure cooperation among the agencies, including State and local agencies, with responsibilities along the Southwest border;

(C) identify new technologies that will be used in protecting the borders including conclusions regarding appropriate deployment of technology;

(D) identify new initiatives for infrastructure improvements;

(E) recommend reinforcements in terms of resources, technology and personnel necessary to ensure capacity to maintain appropriate inspections;

(F) integrate findings of the White House Intelligence Architecture Review into the plan; and

(G) make recommendations for strengthening the HIDTA program along the Southwest border.

SEC. 641. (a) FLEXIPLACE WORK TELECOMMUTING PROGRAMS.—For fiscal year 1999 and each fiscal year thereafter, of the funds made available to each Executive agency for salaries and expenses, at a minimum $50,000 shall be available only for the necessary expenses of the Executive agency to carry out a flexiplace work telecommuting program.

(b) DEFINITIONS.—For purposes of this section:

(1) EXECUTIVE AGENCY.—The term ''Executive agency'' means the following list of departments and agencies: Department of State, Treasury, Defense, Justice, Interior, Labor, Health and Human Services, Agriculture, Commerce, Housing and Urban Development, Transportation, Energy, Education, Veterans' Affairs, General Service Administration, Office of Personnel Management, Small Business Administration, Smithsonian, Social Security Administration, Environmental Protection Agency, U.S. Postal Service.

(2) FLEXIPLACE WORK TELECOMMUTING PROGRAM.—The term ''flexiplace work telecommuting program'' means a program under which employees of an Executive agency are permitted to perform all or a portion of their duties at a flexiplace work telecommuting center established under section 210(l) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(l)) or other Federal law.

SEC. 642. (a) MERITORIOUS EXECUTIVE.—Section 4507(e)(1) of title 5, United States Code, is amended by striking ''$10,000'' and inserting ''an amount equal to 20 percent of annual basic pay''.

(b) DISTINGUISHED EXECUTIVE.—Section 4507(e)(2) of title 5, United States Code, is amended by striking ''$20,000'' and inserting ''an amount equal to 35 percent of annual basic pay''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, or the date of enactment of this Act, whichever is later.

SEC. 643. (a) CAREER SES PERFORMANCE AWARDS.—Section 5384(b)(3) of title 5, United States Code, is amended—

(1) by striking ''3 percent'' and inserting ''10 percent''; and

(2) by striking ''15 percent'' and inserting ''20 percent''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, or the date of enactment of this Act, whichever is later.

SEC. 644. (a)(1) Paragraph (1) of section 5303(b) of title 5, United States Code, is amended by striking ''If, because of national emergency or serious economic conditions affecting the general welfare,'' and inserting ''If, because of a declared state of war or severe economic conditions,''.

(2) Section 5303(b) of title 5, United States Code, is amended by adding at the end the following:

''(4) For purposes of applying this subsection with respect to any pay adjustment that is to take effect in any calendar year, 'severe economic conditions' shall be considered to exist if, during the 12-month period ending 2 calendar quarters before the date as of which such adjustment is scheduled to take effect (as determined under subsection (a)), there occur 2 consecutive quarters of negative growth in the real Gross Domestic Product.''.

(3) Paragraph (2) of section 5303(b) of title 5, United States Code, is amended by striking ''an economic condition affecting the general welfare under this subsection,'' and inserting ''economic conditions for purposes of this subsection,''.

(b)(1) Subsection (a) of section 5304a of title 5, United States Code, is amended by striking ''If, because of national emergency or serious economic conditions affecting the general welfare,'' and inserting ''If, because of a declared state of war or severe economic conditions,''.

(2) Section 5304a of title 5, United States Code, is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following:

''(b) For purposes of applying this section with respect to any comparability payments that are to become payable in any calendar year, 'severe economic conditions' shall be considered to exist if, during the 12-month period ending 2 calendar quarters before the date as of which such payments are scheduled to take effect (as determined under section 5304(d)(2)), there occur 2 consecutive quarters of negative growth in the real Gross Domestic Product.''.

(c) The amendments made by this section shall apply with respect to any alternative pay adjustments under section 5303(b) of title 5, United States Code, and any alternative level of comparability payments under section 5304a of such title 5, scheduled to take effect after 1999.

(d) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1999 under section 5303 of title 5, United States Code, shall be an increase of 3.1 percent, unless otherwise provided for under such section.

POINT OF ORDER

Mr. LARGENT. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LARGENT. Mr. Chairman, I make a point of order that section 644 violates clause 2 of rule XXI.

The CHAIRMAN. Does any other Member wish to be heard on the point of order being raised by the gentleman from Oklahoma (Mr. LARGENT)?

Mrs. MORELLA. Mr. Chairman, I object to the substance of the point of order. Federal employees deserve to be paid according to the Federal Employees Pay Comparability Act which we passed, signed into law. Striking this section would deny Federal employees their just pay.

The CHAIRMAN. Does the gentleman wish to be further heard on this? Anyone else wishing to be heard on the

point of order being raised by the gentleman from Oklahoma?

Mr. DAVIS of Virginia. Mr. Chairman, let me just ask my friend from Oklahoma who has raised this objection, Federal employees, as my colleague knows, have been on some very difficult times through the years, and the Federal Employee Pay Comparability Act which was signed into law by President Bush has called for annual cost of living allowances that can be waived by the administration under severe economic circumstances, and we find ourselves this year with a stock market at an all-time high, unemployment at a generation low.

The CHAIRMAN. The Chair requests the gentleman from Virginia (Mr. DAVIS) to address his remarks to the Chair and to the point of order that is being raised by the gentleman from Oklahoma.

Mr. DAVIS of Virginia. Mr. Chairman, it would seem under these circumstances that, if the gentleman could reconsider and allow perhaps this to move through to the conference where it could be more fully debated at this point, I think he would be doing all Federal employees a great service.

The CHAIRMAN. Is there any other Member wishing to be heard on the point of order being propounded by the gentleman from Oklahoma (Mr. LARGENT)?

Mr. HOYER. Mr. Chairman, I would hope, too, that the gentleman would withdraw his point of order, not because, as he knows, his point of order is not well taken, because the Committee on Rules failed, as it did on so many other instances amenably to protect items that were important but were technically not consistent with existing the rules.

The CHAIRMAN. Again the Chair would ask the gentleman to confine his remarks to the point of order that has been propounded by the gentleman from Oklahoma (Mr. LARGENT).

Mr. HOYER. Again I would reiterate I would hope that the gentleman would withdraw his point of order. This is, as the gentleman from Virginia said, an important effort that ought to be there for conference so that we can discuss it further.

The CHAIRMAN. Are there any other Members wishing to be heard on the point of order offered by the gentleman from Oklahoma (Mr. LARGENT)?

If not, the Chair is prepared to rule.

The Chair finds that section 644 directly amends existing law. It, therefore, constitutes legislation, and the point of order is sustained, and the section will be stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 645. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988;

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or

(6) includes content related to human immunodeficiency virus-acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

POINT OF ORDER.

Mr. OBEY. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OBEY. Mr. Chairman, I make a point of order against section 645 for reasons previously cited.

The CHAIRMAN. Does any other Member wish to be heard on the point of order that is being put forward by the gentleman from Wisconsin?

If not, the Chair is prepared to rule.

The Chair finds that section 645 addresses funds in other acts, and, therefore, it constitutes legislation, and the point of order is sustained, and that section 645 will, therefore, be stricken from the bill.

□ 1645

The Clerk will read.

The Clerk read as follows:

SEC. 646. (a) INTERNATIONAL POSTAL ARRANGEMENTS.—Section 407 of title 39, United States Code, is amended to read as follows:

''§ 407. International postal arrangements

''(a) The United States Trade Representative shall be responsible for the formulation, coordination, and oversight of foreign policy related to international postal services and international delivery services, except that the Trade Representative may not negotiate or conclude any treaty, convention, or other international agreement (including those regulating international postal service) if such treaty, convention, or agreement would, with respect to any class of mail or type of mail service, grant an undue or unreasonable preference to the Postal Service, a private provider of international postal services, or any other person.

''(b) In carrying out the responsibilities set forth in subsection (a), the Trade Representative—

''(1) shall coordinate with and give full consideration to the authority vested by law or Executive order in the Postal Rate Commission and the Department of Commerce; and

''(2) shall consult with the Postal Service, private providers of international postal services, users of international postal services, the general public, and such other persons as the Trade Representative considers appropriate.

''(c) The Postal Service may enter into such commercial and operational contracts relating to international postal services as it considers necessary, except that the Postal Service may not enter into any contract with an agency of a foreign government (whether under authority of this subsection or otherwise) if it would grant an undue or unreasonable preference to the Postal Service with respect to any class of mail or type of mail service.''.

(b) TRADE-IN-SERVICES PROGRAM.—The second sentence of paragraph (5) of section 306(a) of the Trade and Tariff Act of 1984 (19 U.S.C. 2114b(5)) is amended by inserting ''postal and delivery services,'' after ''transportation,''.

POINT OF ORDER

Mr. TORRES. Mr. Chairman, I make a point of order against section 646. I do so because it proposes to change existing law and constitutes legislation in an appropriations bill, and, therefore, violates clause 2 of rule XXI.

The CHAIRMAN. Are there any other Members wishing to be heard on the point of order being offered by the gentleman from California (Mr. TORRES)?

The Chair recognizes the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, I wish to be heard on the point of order. In fact, I want to urge my colleague to withdraw his point of order.

The provision the gentleman wants to strike is a step towards fairness. I want to just follow up by saying if the point of order is not withdrawn, I have an amendment at the desk that I am prepared to offer that will contain the language that was negotiated to try to create fairness. It will strictly prohibit the use of funds by the Post Office at the Universal Postal Union convention next year.

The CHAIRMAN. Are there any other Members wishing to be heard on the point of order of the gentleman from California (Mr. TORRES)?

If not, the Chair is prepared to rule. The Chair finds that section 646 directly amends existing law. It therefore constitutes legislation.

The point of order is sustained, and the provision is therefore stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 647. (a) LIMITATION.—No funds appropriated for the United States Postal Service under this or any other Act may be expended by the Postal Service to initiate new nonpostal commercial activities or pack and send services.

(b) DEFINITION.—For purposes of this section, the term ''nonpostal commercial activities'' includes services such as volume retail photocopying, notary public services, and the sale of office supplies or novelty items.

(c) RULES OF CONSTRUCTION.—Nothing in this section shall be considered—

(1) to affect any governmental function or any services in support of a governmental function;

(2) to be applicable to the extent contrary to statute or any treaty or international agreement; or

(3) to have any force or effect before October 1, 1998, or after September 30, 1999.

POINT OF ORDER

Mr. TORRES. Mr. Chairman, I make a point of order against section 647. Again, I do so because it proposes to change existing law and constitutes

legislation in an appropriations bill. Therefore, it violates clause 2 of rule XXI.

The CHAIRMAN. Are there any Members wishing to be heard on the point of order of the gentleman from California (Mr. TORRES)?

If not, the Chair is prepared to rule.

The Chair finds that section 647 addresses funds in other acts. The gentleman is correct, it therefore constitutes legislation. The point of order is sustained and that section of the bill will be stricken.

AMENDMENT OFFERED BY MRS. NORTHUP

Mrs. NORTHUP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. NORTHUP:

On Page 109, after line 24, insert the following:

SEC. 648. None of the funds appropriated by this or any other Act may be used to fund United States Postal Service participation in the Universal Postal Union.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentlewoman from Kentucky (Mrs. NORTHUP) is recognized for 5 minutes.

Mrs. NORTHUP. Mr. Chairman, I am offering this amendment mostly as a placeholder in order to allow the conference to reinsert the language that was stripped as a result of a point of order. The fact is that every 5 years the Universal Postal Union meets to negotiate international mail processes.

The United States Postal Service is right now in control of all of these negotiations. We all know what they want. They would want what any business wants, and that is special arrangements that would help them assume a monopoly in the services they wish to offer.

The problem is, these services are not a monopoly. They offer the same services that private carriers offer. Right now, because of these special arrangements that have been negotiated, Japan has 60 percent of the current package market. The fact is that this coming February there will be a new negotiation in which the Universal Postal Union will negotiate the next 5 years' mail processes. For that reason, I hope to reinsert the language that was stripped on a point of order.

Some people will try to claim that the Post Office should continue to have this role and use these services as a way to offset the cost of universal mail. Nothing could be further from the truth. The fact is that universal mail is a monopoly, and it is covered by all of first, second and third class rates. There is not 1 cent that is gotten in the competitive market that the Postal Service contributes to offset Americans' cost of stamps. In fact, there is more evidence that they use the revenues they get from the cost of stamps to offset the cost of their package delivery service in Japan.

The point is that in today's world, we may lose on a point of order what was just stricken, but what we will not lose is the fact that the American people believe in fairness, and they do not believe that the United States Government should be able to use a quasi-government organization to go and provide for them certain services that the competitive market, the private carriers, cannot provide.

In my district, Mr. Chairman, the UPS and the Teamsters work very hard. They pay taxes, they pay property taxes, they pay workers' compensation, they comply with OSHA requirements, and they are competing with the Post Office that has none of those things. Plus they donate millions of dollars into our schools and schools all across this country. All this amendment would have done, all the language in the bill would have done, was to make sure that when we go into this international organization to negotiation, that we have fairness.

Since that was stripped out, I ask that we pass an amendment that says that the Post Office cannot spend any money at this organization next year. I think then what we will find is in conference people will agree to the fair restrictions and the fair negotiating authority and will give everybody equality.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTHUP. I yield to the gentleman from California.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Chairman, I appreciate of the gentlewoman yielding. I asked her to yield simply to say it was my intention to give support to the gentlewoman's position regarding the language that has been stricken from the bill.

Indeed, there is little question that the Postal Service currently is in a very unusual position of paying no sales taxes, no income taxes, no property taxes, and, ofttimes, find themselves competing with organizations using that advantage to essentially take the marketplace away from that which could be served at least as well in the private sector.

I appreciate the gentlewoman's work in this connection, and look forward to continuing to work with her.

Mrs. NORTHUP. Mr. Chairman, reclaiming my time, I thank the gentleman from California.

I would conclude, Mr. Chairman, by saying that this is the only way in which we can ensure that we will have this negotiation in the conference committee. I have no intention to take away from anybody the ability for fairness, particularly not the postal employees in my district nor the postmasters. But I do believe that we can all find fair ground here so that every carrier that wishes to deliver packages overseas will all deal with the same fair rules. I think that the American people eventually will resent terribly if the Post Office is not held to the same rules.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, now that I have had a chance to see the amendment, I do make a point of order against the amendment, because it does, Mr. Chairman, propose to change existing law and constitutes legislation in an appropriation bill, and, therefore, violates clause 2 of rule XXI. The pertinent part of that rule says, ''No amendment to a general appropriation bill shall be in order if changing existing law.''

This amendment goes beyond funds in this act. It has the words ''none of the funds appropriated by this or any other act may be used to appropriate.'' Therefore, it violates clause 2 of rule XXI, and I would make the point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mrs. NORTHUP. Mr. Chairman, I would like to point out that the current law of the U.S. Code, section 2401, provides a permanent appropriation to the U.S. Postal Service, and, as such, this amendment is within the jurisdiction of the appropriations bill. The fact is that every dollar that the Postal Service collects for stamps comes into the U.S. Treasury and then is appropriated out by us.

The CHAIRMAN. Are there any other Members wishing to be heard on the point of order raised by the gentleman from Arizona?

If not, the Chair is prepared to rule.

The Chair finds that the amendment addresses funds in other acts, and it therefore does constitute legislation, and, therefore, the point of order is sustained, and the amendment is therefore out of order.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. LOWEY:

Page 109, after line 24, add the following:

SEC. 648. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with any of the following religious plans:

(1) SelectCare.
(2) PersonalCaresHMO.
(3) Care Choices.
(4) OSF Health Plans, Inc.
(5) Yellowstone Community Health Plan.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes in support of her amendment.

Mrs. LOWEY. Mr. Chairman, as my colleagues know, the Treasury-Postal bill originally contained the Lowey contraceptive coverage language providing Federal employees with contraceptive coverage. I offer now an amendment that allows this House a fair and open debate on contraceptives.

This amendment, if passed, will restore language providing contraceptive coverage for Federal employees. My amendment also respects the rights of religious plans that as a matter of conscience choose not to cover contraceptives. The amendment clearly exempts those plans.

Although all but one of the FEHBP plans covers sterilization, only 10 percent cover the five most basic, most widely used forms of contraception, and 81 percent only cover some of the five methods. Contraception, Mr. Chairman, is basic health care for women. It allows couples to plan families, have healthier babies when they choose to conceive, and it makes abortion less necessary.

Currently women of reproductive age spend 68 percent more in out-of-pocket costs than men, partly because of the cost of contraceptives. Plans refuse to cover contraceptives because they know that, if forced to, women will pay for it themselves. On average, women using the pill pay $25 a month. That is $300 a year for their prescriptions.

It is important to understand what we are talking about when we talk about contraceptive methods. We are not talking about abortion. We are not talking about RU–486 or any other abortion method. No abortions will be covered by this amendment. We are talking about the range of contraceptive options that women need.

It is crucial that plans cover the range of choices, because some methods do not work for some women. For example, many women cannot use any of the hormone-based methods, such as the oral contraceptive pill, because it causes migraines or because they have been advised not to by their physician because it may increase the risk of stroke or breast cancer. Let us be clear, my colleagues. This is not a mandate on private plans. What we are discussing here is what the United States as an employer should provide to its employees. The United States Government should be a model for other employers.

A myriad of health groups support the provision, including the American Medical Association, the American Academy of Family Physicians, the American Academy of Pediatrics. It is also supported by the AFL-CIO and the American Federation of Government Employees.

Finally, my colleagues, a recent Congressional Budget Office analysis determined that this improved coverage for Federal employees would not have any impact, no impact on the budget totals for fiscal year 1999.

I want to repeat that again. This will have no impact for fiscal year 1999 on the budget.

This issue is absolutely essential to millions of American women, Democrat and Republican, pro-life, pro-choice. I truly hope, my colleagues, that after many of the debates that are very difficult for all of us, we can come together now to support contraceptive coverage and prevent abortions. I would ask my colleagues to vote for the Lowey amendment.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

POINT OF ORDER

Mr. SMITH of New Jersey. Mr. Chairman, I would like to make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore, violates clause 2 of Rule XXI.

The rule states, in pertinent part, that ''No amendment to a general appropriations bill shall be in order, if changing existing law.''

Let me make it very clear that this gives affirmative direction, in effect, and very importantly, it does impose additional duties. Whether it be the OMB director or whoever makes the final decision, additional duties will be imposed as a result of this amendment.

So I hope the ruling of the Chair, as consistent with the other amendments, will rule this out of order.

Mr. KOLBE. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

The gentlewoman from New York (Mrs. LOWEY) is recognized.

Mrs. LOWEY. Mr. Chairman, the point of order raised by the gentleman is not well-founded. The amendment is a limitation on funds contained in the bill and does not place any duties upon Federal officials. The amendment merely limits the types of Federal Health Benefit Programs that can be funded in the bill to those that contain certain benefits. The programs exempted from the requirements under the limitation are currently known, and again, do not place additional affirmative duties on Federal officials.

The CHAIRMAN. Are there other Members wishing to be heard on the point of order raised by the gentleman from New Jersey (Mr. SMITH).

Mr. OBEY. Mr. Chairman, I would simply like to reiterate the last statement made by the gentlewoman from New York (Mrs. LOWEY), that all of the plans specified in this amendment are already known to the administration. There are no additional duties involved whatsoever in identifying them, and I think the amendment is clearly in order, under the rule.

The CHAIRMAN. Are there any other Members wishing to be heard on the point of order?

Mrs. MORELLA. Mr. Chairman, I just want to point out that I think that this amendment makes a great deal of sense. If we are, in fact, united in trying to reduce abortions, this is the way to do it, and the Federal Government should lead the way.

The CHAIRMAN. The Chair will state that that had nothing to do with the point of order; the Chair is now hearing arguments on the point of order.

Mrs. JOHNSON of Connecticut. Mr. Chairman, on the point of order, this amendment has been modeled precisely on the passage of the bill that says no funds basically shall be expended to cover abortions. This is no funds; none of the funds appropriated by this act may be used, and basically to pay for a health care plan that does not provide contraceptives.

So this is modeled exactly on the underlying bill, the language in the bill that has been acceptable, and so I would hope that the Chair would rule favorably.

Mr. SMITH of New Jersey. Mr. Chairman, just to point out that this would mandate, this would require, and as a precondition of receiving funds from the Federal Government, one would have to be provided services. Right now, this is permissible, this would make it mandatory. That certainly imposes a duty.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that the amendment is in the form of a limitation on the use of funds in the bill to pay for Federal health plans which do not cover contraceptive prescription drugs with certain exceptions for specified plans. The amendment does not affirmatively mandate coverage or require new determinations by the FDA of equivalency or of outpatient availability. This amendment is a proper negative limitation denying funding for contracts without specified terms.

The point of order is overruled on the amendment.

Are there any Members wishing to be heard on the Lowey amendment?

Mrs. TAUSCHER. Mr. Chairman, I rise in support of the Lowey amendment to this bill.

This language would require that Federal Employee Health Benefit Plans cover prescription contraception, just as they cover other prescription drugs.

Prescription contraception is like any other prescription medication or device that is now covered by Federal plans. It is taken or used under the guidance of a physician with the clear purpose of protecting and promoting women's health.

Contraception is absolutely essential if a woman wants to prevent unintended pregnancies, and if this Congress is truly committed to reducing the number of abortions in the United States, then the use of and affordable access to contraception is imperative in achieving that goal.

Prescription contraception methods have health benefits that go beyond preventing pregnancy. Birth control pills, for example, have been shown to be effective in reducing the risks of disease such as uterine cancer. Yet, despite the clear advantages that prescription contraception offers, women covered under Federal plans are not guaranteed affordable access to them.

Mr. Chairman, 81 percent of Federal employee plans do not cover all 5 of the widely used and effective methods of reversible contraception. Ten percent of FEHB plans do not cover any type of

contraception. The undue financial burden of preventing pregnancy through contraception is placed on women who now spend 68 percent more in out-of-pocket health care costs than men. This is largely due to the cost of purchasing prescription contraception, because most health insurance companies will not cover the 5 most effective methods of birth control.

The Federal Government health plan is a model for all other health plans. Because of the poor example set by this plan, less than 20 percent of traditional indemnity plans and PPOs cover all types of prescription contraception. Less than 40 percent of HMOs cover all types of contraception.

Recently, the administration ordered the Medicaid programs in all 50 States to cover the cost of Viagra. This drug has been hailed as the medical miracle for men who have suffered from impotency for years. But if we are going to cover the cost of medication that helps the reproductive functions of men, then it seems ironic that we are not willing to offer the same protection to women. By not requiring FEHB plans to cover prescription contraception, we are essentially placing it in the same category as a drug which has only cosmetic purposes.

Women should not be forced to assume total financial responsibility for contraception outside of these plans. We must support the Lowey amendment to this bill and require that all Federal health benefit plans cover the contraceptive methods that women need for their health and well-being.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in very strong opposition to this amendment.

I hope Members pay close attention in reading the amendment. This amendment does not define the term ''contraceptive.''

Now, one might think that the meaning of the term is self-evident, but this is not so. The term ''contraceptive'' is not defined in Federal law. Moreover, the debates on this very issue on the floor of this very body in recent times demonstrates that there is clearly a sharp disagreement, even among Members of this body and among groups promoting this type of amendment, regarding what the term actually means.

For example, the abortion pill RU46 is used to chemically induce abortions between 5 and 7 weeks into pregnancy, yet some groups refer to it as a contraceptive in their literature. The original Lowey amendment contained a definition which, in my view, is flawed, but this version contains no definition at all. Therefore, it imposes a complex and perhaps impossible new duty on the FDA officials, and so we have a situation where it will be in the eyes of the beholder.

Let me also point out to my colleagues that this is a mandate. Mr. Chairman, if we read the language of this legislation or of this amendment, an HMO or a provider of services under the Federal Employees Health Benefits Program would not even get reimbursed for an antibiotic that they wanted to write as a prescription, penicillin or any other kind of prescription, unless they provided a provision of contraceptive coverage, and again, that is not defined.

So I believe this does open up a Pandora's box. It leaves open the possibility of abortifacients, those chemicals that kill and destroy a newly formed human life, and will indeed be mandated if this legislation or this amendment becomes law.

So I hope that Members will vote ''no.'' It is certainly ambiguous; it does not define what the word ''contraceptive'' means, and while indeed a way has been found to get this offered today, there is not really a nickel's worth of difference between this and the other, except that it gained muster in terms of parliamentary procedure.

I urge Members to vote ''no.'' This mandates right now in the Federal Employees Health Benefits Program contraception, however one may define it, is permissible. It is up to the individual HMOs, and many of them provide it, but it is not mandated. If I as an HMO want to provide, or a provider of services, these kinds of things, one can do it, but one is not told that they have to do it, and they do not risk losing everything else in the prescription area as a result of not being willing to provide these methods of birth control, which also will include abortifacients.

So I hope Members will vote ''no'' on the amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise in strong support of the Lowey provision within the Treasury-Postal Appropriations bill. The vast majority of FEHB plans do not cover the full range of prescription contraceptives which prevent unintended pregnancies and 10 percent of the FEHB plans do not even cover any of the five major contraceptives.

We all know that the FEHB program serves as a model for the nation's private health insurance plans. If we do not even cover such basic and essential prescription drugs that can decrease the number of abortions in this country, then what kinds of message are we sending the American people?

Eighty-one percent of FEHB plans do not cover all five leading reversible methods of contraception. (Oral contraceptives, diaphragm, IUD's, Norplant, and Depo-Provera). Many women have medical conditions that prevent them from even having the option to use certain forms of contraception. Women deserve to be able to choose from all 5 of the major forms of contraception not only for their specific medical needs, but because she and her mate should be able to determine the form of birth control that is right for them. This should not and cannot be based on the lack of funds, which far too often results in unwanted pregnancies.

Currently, women of reproductive age spend 68% more in out-of-pocket health costs than men. We need to narrow the gender gap in insurance coverage—not widen the disparities between those who have and those have not, and further expand the chasm that has hurt far too many women and families throughout the country already.

The Lowey provision is a critical, yet basic necessity that has a ''negligible'' cost according to the Congressional Budget Office. I urge my colleagues to join me in making sure that we do all that we can to reduce the likelihood of abortion in this country, do all that we can to help women obtain the prescription drugs they need, and do all that we can to make this health care system more equal for women and men.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for the opportunity to speak today. I rise to strongly support the Lowey Amendment to the FY 1999 Treasury Postal Service general government appropriations bill. The Rules Committee voted not to protect Representative LOWEY's language on H.R. 4104.

Representative LOWEY's amendment required Federal employee health benefits to cover contraceptive drugs and related services to individuals and their families. However, with her amendment on the floor, I believe we cannot deny American women to select their own contraceptive methods.

Currently the Federal employee health benefit plan uniformly offers prescription drug coverage, but the majority of such health plans discriminate against women by failing to include coverage for the full range of prescription contraceptives. Such Federal health insurance must cover these FDA approved contraceptives.

In fact, 10% of Federal employee health plans fail to cover reversible contraceptives.

In some cases, plans only cover one method of prescription contraception. Overall, 81% of Federal employee health benefit plans do not cover all five leading reversible methods of contraception, which of course, prevent unintended pregnancy and reduce the need for abortion.

The Federal program should be a model for private plans, and as an employer, it is shocking that the Federal Government does not provide this basic health benefit for women and their families insured through FEHB.

Women of reproductive age spend 68% more of their own money for health care than men, with contraception and related health services accounting for much of the difference. If their Congress can include Medicaid coverage for Viagra—why should women be denied needed health coverage.

Making the full range of contraceptive options available to our Federal employees is not only an issue of fairness, but is an issue of women's health and reproductive choice.

We must remember that increased access to contraceptives is critical to the effort of reducing the number of unintended pregnancies. Contraceptive use is an appropriate family planning method.

Increasing access to contraceptives through insurance coverage will help Federal employees obtain the methods and services they need to plan their families. Poll show that 90% of the American voting public supports family planning.

I hope that my colleagues will take this opportunity to support family planning. Let's make sure every child is a wanted and cared for child.

I urge my colleagues to support Ms. LOWEY's amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Lowey amendment to include contraceptive coverage under all Federal Employee Health Benefit plans, allowing,

of course, exceptions based on religious beliefs.

It seems like the beginning of the appropriations process signals the beginning of hunting season on a women's reproductive rights.

Figure it out—contraception means prevention of pregnancy . . . rubbers, gels, pills, IUDs . . .

Unwanted pregnancy and abortion rates drop when women have access to the preventive reproductive health care they want and need.

Voluntary family planning gives mothers and families new choices and new hope . . . increasing child survival and safe motherhood by offering choice in their method of birth control . . . providing choice of contraceptive options.

Prohibiting Federal workers from using their health care coverage for prescription contraceptive coverage as they see fit discriminates against women just because they work for the Federal Government!

This is a disgrace!

Mr. Chairman, I urge a no vote on the rule.

Mr. FAZIO of California. Mr. Chairman, I rise today to set the record straight.

It's time for an open and honest dialogue regarding government's message to a couple's right to exercise choice.

My colleagues from the other side of the aisle argue that contraception shouldn't be included in the Federal Employees Healthcare Benefit Plan.

Why!? It's time that government takes responsibility about what we tell the American people.

On one hand you say no abortion and then hypocritically turn the cheek and say no contraception.

Well, we can't have it both ways.

Come-on. Let's level with the American people.

To refuse to provide basic medical service to a woman, what we are really saying is that we don't trust her to make a responsible choice.

The FEHB program should be a model for private plans.

We need to narrow the gender inequity with regards to women's health.

Abortion makes us all uneasy.

Voting to strike the Lowey language guarantees an increase in the practice of abortion—period.

Ensuring that the Lowey language stands reiterates Congress's commitment to make abortion less common and less necessary.

I urge my colleagues from both sides of the aisle to respect a woman's decision and maintain the FEHBP plans provide contraception.

Mr. POSHARD. Mr. Chairman, I rise today in support of Representative LOWEY's amendment, which would require Federal Employee Health Benefit Plans to cover prescription contraceptives as they cover other prescription drugs. This amendment will guarantee contraceptive coverage to more than a million women and will help bridge the unfortunate gap between the out-of-pocket health care expenses of women and men.

As I have stated in many occasions, it is my personal view that the miracle of procreation is the greatest gift we are given, and it should be accorded the utmost respect and protection. Although I am deeply committed to this belief, I have always recognized that certain exceptions exist where compassion and morality dictate that abortion is the only humane choice. For this reason, I have consistently favored an exception to abortion restrictions where it is necessary to save the life of the mother, and I have voted to allow states to use Medicaid funding to perform abortions in cases of rape or incest.

Furthermore, I have always believed that women should have access to contraception. I recognize that this is a critical component of comprehensive women's health care and is an important means of preventing unintended pregnancies. Perhaps most importantly, increasing the availability of contraceptives can reduce the need for abortion, a goal which I believe all of my colleagues join me in supporting. It would indeed be hypocritical to condemn abortion while simultaneously denying women access to methods of contraception which can help make this tragic practice a less common occurrence.

Mr. Speaker, I urge my colleagues on both sides of the abortion debate to join me in supporting the Lowey amendment. Despite the controversy surrounding this issue, I would hope that we might come together in support of improving women's health while reducing the need for abortions.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House resolution 498, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. LOWEY) will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MRS. NORTHUP

Mrs. NORTHUP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. NORTHUP:

Page 109, after line 24, insert the following:

SEC. 648. None of the funds appropriated by this Act may be used to fund United States Postal Service participation in the Universal Postal Union.

Mrs. NORTHUP. Mr. Chairman, I again rise to talk about the importance of fairness.

In this country we have given the United States Postal Service a monopoly on delivery of mail and universal mail service. None of us disagree with that. In fact, all of us appreciate the wonderful gains that have been made over the past years in terms of customer friendliness and in terms of efficiency, and we are not here to jeopardize that today.

But, in fact, the United States Postal Service has decided that they are going to expand their operations and get into services and provide services in which the private market already exists. As they do that, they have used, in the international forum, special prerogatives that they have to negotiate sweetheart deals with other countries in order to bypass Customs, both saving time and money.

What does that mean? That means that our hard-working Americans here in this country, members of the teamsters, that deliver the packages around this country and that depend on the solvency and the growth and the opportunities that our private carriers are providing, that their jobs are in jeopardy.

So as the Postal Service gets into competitive services, we ought to make sure that whoever negotiates the arrangements between this country and other countries, that all of those arrangements are the same, regardless of whether one is a private carrier bringing that package, or the United States Post Office.

□ 1715

All we ask is that the trade negotiator have an opportunity to be in that room and ensure that the same arrangements that are available to the postal service are available to the private carriers.

That is what the language was that was in the bill. It was struck on a point of order. So now I bring an amendment on which I have checked with the parliamentarian, and understand is not authorizing on appropriations. It is meant to hold a place so in the conference committee we can restore the very popular language that is supported by so many Members of this body to ensure that we have fairness.

It would be great if we could do it another year, but the fact is, these negotiations are going to go on this February, before we have another chance to pass a bill to bring this fairness. So if we do not put this in this bill, then all the Americans who have jobs in this country, all the union jobs for companies that provide package delivery service, all of those jobs and their ability for their companies to compete internationally will be in jeopardy.

It is important that we pass this amendment so that we have the fairness that all American employees deserve.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTHUP. I yield to the gentleman from California.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentlewoman yielding. I certainly would not repeat the exhilerating speech I gave earlier.

Because there is a possibility that when the gentlewoman's former amendment was stricken, our language might have been stricken, I would like to make sure that the world does not miss the opportunity of reading these wonderful remarks.

Mrs. NORTHUP. Those were remarks we would not want anybody to miss. They were very helpful. I thank the gentleman from California.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentlewoman is quite correct. As drafted, this amendment is quite germane, because it is

simply a funds limitation to this act, as I think she knows, and as is suggested by her comments that she is looking for a placeholder.

There are no funds appropriated in this act for the Postal Service for this purpose, or virtually any other purpose, for that matter, except for a very small appropriation that we give for the overseas mail and for mail for the blind.

Therefore, it does not have any real effect on the bill, but would certainly sustain or keep her position in the conference committee.

Mr. Chairman, I have no objection to the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not favor this amendment because I do not believe that the United States ought to be involved in this agency on terms that enable us to less effectively defend our national interests than we are under the present circumstances.

In substance, I think the amendment is wrong. I would say, however, that this amendment does absolutely ''nothing to nobody,'' as my friends in the old neighborhood used to say. It has no real effect.

It reminds me what Congress does on foreign policy sanctions. This Congress passes item after item which places sanctions on some foreign country on something that the Congress does not like, and then it gives the President a waiver so the President can waive the sanction limitations. That means Congress as an institution gets to pose for political holy pictures. We get to pretend that we have done something. Then the President has to wrestle with the real world.

That is sort of, in mini scale, what this amendment does. This amendment is simply an institutional press release which says that we want Federal Express and United Parcel Service to be cut in on the deal, rather than having the U.S. post office.

Because, as the chairman indicates, this bill carries no funds for that purpose, and because the post office has plenty of funds it gets elsewhere, the practical effect of this amendment is nil. So Members can pass this if they want, they can pretend they have done something if they want, but it has no real effect.

If it did have an effect, it would be negative, in my view, so I, for whatever good it will do, would oppose this amendment, but I recognize what is going to happen here.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Kentucky (Mrs. NORTHUP).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. SANDERS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 648. None of the funds made available in this Act may be used to make any loan or credit in excess of $250,000,000 to a foreign entity or government of a foreign country through the exchange stabilization fund under section 5302 of title 31, United States Code.

Mr. SANDERS. Mr. Chairman, this amendment aims to stop the Exchange Stabilization Fund from making loans to foreign countries without the approval of Congress.

This amendment has wide tripartisan support, and is being cosponsored by the gentleman from Alabama (Mr. BACHUS), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Florida (Mr. STEARNS), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Indiana (Mr. BURTON), the gentleman from California (Mr. GEORGE MILLER), the gentleman from California (Mr. ROHRABACHER), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Texas (Mr. PAUL), the gentleman from California (Mr. STARK), and the gentleman from New York (Mr. OWENS).

Mr. Chairman, the Exchange Stabilization Fund was created in 1934 to allow the government to buy and sell currency in order to stabilize the dollar. Unfortunately, it has become, in recent years, a slush fund for anything the Secretary of the Treasury considers necessary. This is wrong. It must be changed. That is what this tripartisan amendment is all about.

Mr. Chairman, in 1995 the House passed a very similar amendment to what I am offering today by a very strong vote of 245 to 183. It passed that amendment then for the same reason that I hope and believe the amendment today will pass. That is that Members of Congress do not believe that the President of the United States, any President, no matter what his or her politics might be, should unilaterally be able to commit billions of taxpayer dollars without congressional approval. That is the major issue that we are discussing today.

As a result of compromise within the conference committee in 1995, a diluted version of this original amendment was eventually passed into law prohibiting more than $1 billion for any future bailouts for longer than 6 months without congressional approval. That was the law up until a few months ago. Unfortunately, this provision expired after 2 years, which is why we are here today.

I should add that days after this legislation expired, President Clinton committed at least $3 billion to Indonesia and $5 billion to South Korea through the Exchange Stabilization Fund as part of the East Asian financial bailouts. These billions of dollars of taxpayers' money were, once again, placed at risk without any debate or any vote in the United States Congress.

My amendment will simply restore some limited and modest restraints on the ESF similar to restraints that have won congressional approval in the past, and have worked out well in practice.

Mr. Chairman, let me explain exactly what this amendment does, because there has been some confusion about this. This amendment will limit the use of the Exchange Stabilization Fund for loans and credits in excess of $250 million to foreign governments, banks, or investors unless authorized and approved by Congress. Our amendment will not, underlined, not, stop the Treasury Department from using the ESF for its original purpose, which is stabilizing U.S. currency.

For example, the recent $2 billion yen purchase would not be blocked by our amendment. This amendment will not affect over 90 percent of ESF loans, credit, and currency purchases.

What this amendment does address are the relatively rare but highly controversial multibillion dollar loans which put billions of dollars of taxpayer money at risk without one minute of debate on the floor of the Congress. Not until 1995 was this fund ever used for loans in excess of $1 billion to any one country, or for longer than 6 months.

Mr. Chairman, if the President of the United States wants to come before the Congress and propose a bailout of a foreign country, that is fine. Let him come. If the Congress wants to approve that appropriation, that is fine. But what this amendment says, very straightforwardly, is that the President of the United States may not unilaterally place at risk billions of taxpayer dollars without the approval of the Congress.

That is the right way to deal with these issues, and in fact, that is the constitutional way to address these issues, consistent with article 1 of the U.S. Constitution, which invests Congress with the power of the purse. The Exchange Stabilization Fund is a classic example of how powers granted to the executive for one purpose are perverted to other uses.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 2 additional minutes.)

Mr. SANDERS. Mr. Chairman, it is wrong and it was wrong for the President of the United States to put at risk $20 billion in the Mexican bailout, to put at risk $3 billion providing credit to Indonesia, and $5 billion to South Korea, without discussion, debate, or approval of the Congress.

Now, there are some Members here who thought that was a good idea. That is fine. But if we are here to represent the taxpayers of this country on major foreign policy and financial issues, we cannot simply sit back and allow a slush fund which is estimated to have $30 billion to be used whenever the President of the United States, any President, wants to do that.

I personally, for example, would have fought vigorously against the bailout to Indonesia, which went to General Suharto, a well-known dictator, who has the blood of hundreds of thousands of people on his hands. Should we have sat back and said, no problem, let Suharto have that money, or do we have a right to debate that issue?

In terms of Mexico, we have a letter that I will submit for the RECORD signed by the leader of the 126-member bloc in the congress of Mexico which says that the Exchange Stabilization Fund, plus the IMF, resulted in disastrous policies for Mexico, higher unemployment, lower wages, the collapse of small business.

Should that issue be discussed on the floor of the Congress? Of course it should. Some may say it was a good idea. That is fine. Some may have opposed it. That is fine. But we cannot abdicate our responsibility and sit back.

To conclude, Mr. Chairman, this amendment in many ways is similar to the amendment that was overwhelmingly passed several years ago, and I would urge my colleagues to support this concept once again.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my point of order.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I am not sure, quite frankly, in trying to read this amendment, whether it really has any impact at all, since it states that no funds in the act shall be made available or shall be used to make any loan or credit in excess of $250 million.

□ 1730

Since we do not appropriate money for the loans or credit in this act, it is not clear to me at all, without a further limitation on salaries of the personnel of the Department, whether or not this really has any impact. But on the assumption that it will indeed have an impact, let me just say that I am very opposed to putting such a sweeping and substantive amendment on this legislation.

If the gentleman's intent is correct and it is worded correctly, he would prevent them from administering funds for the Economic Stabilization Fund but it does not spell out any conditions for turning the funding back on. So it is just nothing in excess of $250 million which, as we know, in modern day times is not a lot of money when you are looking at trying to stabilize the currency of a country.

This is an overreaction, Mr. Chairman. It is an overreaction to the concerns about legislative oversight of the ESF, which is considerable, but it should not be a part of this bill.

The primary purpose of the fund is to give the Department of Treasury, which has the expertise, the training and the institutional knowledge to deal with an economic crisis, the ability to respond to unforeseen shifts in currency markets.

Now, this is not new. The ESF has been around for over 60 years as a vital tool for defending the American dollar and protecting U.S. economic and security issues. It was critical in stopping the dollar turbulence from 1987 to 1990, and the fund continues to be the Department of Treasury's main currency stabilizing force. It has been used again, as was mentioned by the gentleman from Vermont, in Mexico. It has been used again in the crisis in Asia.

While it is important that Congress continue its oversight function to ensure that taxpayer dollars are being properly administered, it is completely unrealistic and unworkable for the U.S. Congress to preapprove each and every use of this fund. Let me just give you an example of this.

At this time, we have 37,000 troops stationed in South Korea. The border area between the North and South is constantly on the verge of conflict. The North Koreans certainly want to take advantage of any weakness that they would see in South Korea, and that would include economic weaknesses. Our troops, our men and women who are stationed in Korea, would be in jeopardy from a national security standpoint if there was a complete financial breakdown, an economic breakdown in South Korea.

There is no way that Congress can convene to determine whether or not to stabilize that economic situation on the spur of the moment. Given the current economic crisis that we are seeing in Southeast Asia and the recent saber rattling between Pakistan and India, this is not the time to take away this important economic tool that the administration has.

I cannot think of anything that we would be more ill-advised to do on an appropriations bill, something as sweeping as this, as far-reaching as this, and one which would have such an enormous economic impact. I would hope this body would reject firmly and decisively the Sanders amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I want to thank my friend, the subcommittee chairman, for his very sober and realistic comments on this amendment.

Let me start by saying that I have a very high regard for the gentleman from Vermont. I am very fond of him personally. I think he is one of the few Members in this institution who really cares about poor people and working people. And if everybody had his heart in putting them first, this country would be a far better place.

But I have to say I think he is profoundly wrong on this amendment. I opposed NAFTA. I opposed GATT. Because I thought the way that they were structured made workers of this country cannon fodder in the way this country dealt with the pressures of globalization. But I have to say that to require the Congress to have to preapprove every single action taken by any executive before they could use the Exchange Stabilization Fund would be a profound recipe for disaster.

Let me explain why. All you have to do is take a look at this morning's newspaper, the first page of the business section, and you will see that our economy in the last quarter has slowed almost to zero. The reason for that is not because of anything that has happened in this country. The reason for that is because of something that has happened in a faraway place called Asia. And what we had there is a series of currency collapses which have resulted in our inability to export our goods to that market because they are in such a panic they cannot buy things. And it will also result in the future in underpriced goods coming into this country from those same countries, taking away American jobs.

The best way to deal with that is to try to stabilize currencies.

Now, when the administration did that a number of years ago with respect to Mexico, I had great doubts about it. At one point I even cast a vote on this floor expressing those doubts. But I was wrong. The fact is that even though I would have done it differently, we wound up making money on that transaction.

I would point out that there would have been no way that we could have responded to the emergency in South Korea if we had had to have the prior approval of Congress before we did that. And the Asian collapse and its effect on the U.S. economy today would have been far, far worse.

The gentleman mentioned Indonesia. I, for years, have wanted the United States to get rid of its relationship with the previous dictator in that country. I supported amendments on both the Republican and Democratic side of the aisle to eliminate military aid to Indonesia, because I thought that that army was nothing but a butcher's dream. But I would say that it is not wrong to try to stabilize the economy in that country before their instability washes over our workers and causes American workers to lose jobs.

I would make one further observation. I think anybody knows that if we had to preapprove every executive action on this issue, that decisions about the use of the Exchange Stabilization Fund would be made primarily on the basis of politics and not economics. I do not think that that would be a very great credit to this Congress or a very great contribution to the country.

The Great Depression was caused not by the collapse of the American stock market but by the fact that you had a successive collapse of banks and currencies around the world, and the result was that our Federal Reserve itself was frozen, as FDR said, in the ice of

its own indifference. And the result was a mess for years in this economy and the world economy.

I think the amendment is well meaning, but I think the amendment would be highly destructive if it were ever put into place. I would urge the rejection of the amendment so that our Treasury Department retains the capacity to move quickly to contain currency problems before they become major crises.

Mr. LAFALCE. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I know this amendment is well intentioned, but I think if it were to become the law of the land it would truly be disastrous. The only thing that gives me some consolation is that it would not become the law of the land because the President would veto any bill that would contain such a limiting amendment. So I stand with the chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH), in the strongest possible opposition to this amendment.

Rather than simply give my own words, what I would like to do is read from a recent letter from the Secretary of the Treasury, Robert Rubin. Secretary Rubin wrote to the Chairman of the Appropriations Committee with specific reference to this amendment.

He said,

> Such an amendment would constitute an unacceptable limitation on the Executive Branch's ability to protect critical United States economic interests, and I would be forced to recommend a presidential veto if the final bill contains such restrictions.

□ 1745

The original Economic Stabilization Fund statute deliberately provided the executive branch with the flexibility needed to respond expeditiously and effectively when justified by important national economic interests. Because the nature of financial crises sometimes requires urgent action to stabilize markets and protect the United States' economy, it is necessary to act more quickly than is permitted by the deliberative procedures of the legislative branch. This is particularly true in today's large, fast-moving financial markets.

To take just one recent example, the Economic Stabilization Fund permitted the United States, with broad international cooperation, to participate in a critical, highly time-sensitive Christmas Eve effort to forestall financial default in Korea, where 37,000 American troops are stationed. The economic and national security consequences of a Korean default were clearly unacceptable risks for the United States, and the availability and flexibility of Exchange Stabilization Fund resources were indispensable to our stabilization efforts.

Let me make clear that we fully accept our responsibility to account to Congress for our actions under the ESF statute. Treasury submits detailed monthly reports on ESF transactions to the banking committees, and the President submits an annual report to the Congress. We believe strongly that our past use of the ESF, as well as any potential use as intended in the Asian crisis, is prudent and consistent with the spirit and letter of the law.

He urges then the Congress to preserve the ESF statute and reject this amendment.

My colleagues, this is not only the position of this Secretary of the Treasury, this is the position of every single past Secretary of the Treasury, regardless whether conservative, Republican, or liberal Democrat, and every single President.

We are not talking about the IMF now, we are talking about the Exchange Stabilization Fund. This is an essential tool. We would no more send our troops into combat saying that they could not expend more than $250 million in a military action without congressional approval than we would say, when it comes to an economic crisis, the administration is prevented from acting unless there is prior congressional approval. That simply would not work. We would be the laughing stock of the world. But more than being the laughing stock of the world, we could precipitate an even worse international crisis than anything we have ever encountered.

We are the world's not only military superpower, we are the world's only economic superpower right now and we need the weaponry of the ESF, the Exchange Stabilization Fund, to fulfill this important role. Please reject this amendment.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

My good friend, the gentleman from New York (Mr. LAFALCE), should read the amendment. The amendment says that we cannot give $250 million in a giveaway or a loan. We can still go out and prop up the currency. So I do not know if the gentleman perhaps did not read the amendment, but what we are talking about is should our government have a slush fund and go out and give away money; make loans. That is what we are talking about. So I rise on behalf of the amendment, an enthusiastic cosponsor.

Basically, let us take this analogy. Let us say that tonight we decided to form a limited partnership or a corporation. We all sat down and we each put up $100. We elected a president and a secretary. And for tonight, that case would be President Clinton, would be our President, and our secretary would be Rubin. We would put all our money in a pot.

Well, after about 10 years we find that the President and the secretary have a slush fund beyond the money that was reported to us, and they want to use this money as a giveaway. Not only do we have the President and the Secretary of Treasury doing this, in terms of just giving the money as a loan, or giving it away as foreign aid without approval from us or Congress, they now have a slush fund which he accumulated to a point when it is $38 billion.

So the question we are talking about tonight, do we want our Congress, that represents the people, to control giving away more than $250 million? Do we want our Congress to control loans of more than $250 million? I submit the answer is yes.

That is all we are asking tonight. We are not saying that the Exchange Stabilization Fund cannot prop up currencies. Good Lord, the President has the IMF; he has the World Bank. Is it not proper for representatives of Congress, who are elected by the people, to control money as foreign aid; and as loans? Should we not, before we give away $300 million, a billion dollars, have the approval of the taxpayers; or in this case this little group of people that meets tonight to form this limited partnership or this corporation?

So I rise in strong support of this amendment. Our colleague here on our side offered this amendment in 1995. It passed overwhelmingly, and then, of course, it expired. So what we are asking tonight is not a big deal. We are just asking to reinforce our past policy and to extend this policy. This is what this amendment does.

I think it was mentioned earlier that the ESF was established in 1934. Let us go back to what its purpose was: to give the U.S. adequate financial resources to counteract the activities of the European fund. Now, the fund was established with $2 billion appropriated from profits realized from the revaluation of U.S. gold holdings. But slowly, through history, this limited partnership, this corporation, this country in this case, was successful, and they have more and more money, and they have perverted the original idea of just using it for stabilizing funds. They are now the supreme power today and now just give away our money. They have their own foreign aid slush fund. Their own bank which operates without U.S. citizens consent.

All we are saying is, listen, if we are going to give away money to a sovereign nation, or we are going to make a loan, just come back and ask the taxpayers for approval. Because this little group that meets, or these 260 million Americans, would like to know what you are doing. It is constitutional in fact. The Exchange Stabilization Fund, when it gets this big, $38 billion, its mission is going to change. It will be all over the park. It will be doing all kinds of things that are not in the original mission. We are just going to ask for a little control here tonight. It is an important principle.

And if the gentleman from New York (Mr. LAFALCE), and others, are really, really worried, what Mr. Rubin is able to do, he can still loan $250 million today, then a month later he can do another $250 million, and he can keep

doing this without coming back to Congress. Now, that is not the intent of this amendment, but he can skirt the process.

Now, the proponents will counter and they will say no nation has ever defaulted on such loans. Well, do we bail out nations in order to pay us back? Is that what we are trying to do tonight? Those nations go to other sources and borrow more money. Is this an effective means to help nations? The use of the ESF in this manner is truly unproductive and repetitive. Not only is there IMF funds to help nations, there is also the World Bank and, as I mentioned, the private sector. Most of us believe in the free market. Why can't the private sector make the loans and provide credits? Why does Secretary Rubin have to bail out nations with an illegal slush fund?

Tonight, I believe we have an opportunity to change this habitual practice, and I ask all my colleagues to support this amendment because, in so doing, they are going to put a little control in this slush fund so that no longer will the administration have their own foreign aid program where they give away money. They will have to come back to Congress. They can continue to balance the exchange rate in case of emergencies, like the gentleman from New York mentioned in Korea on Christmas Eve, but they cannot go out and just give money gratuitously hoping to influence policy.

So I urge my colleagues to support the amendment.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I strongly oppose this amendment. Many of my colleagues have pointed out in the process that the Economic Stabilization Fund has changed since 1934, and I think that that is true. The world has changed, and the role of the United States today, as the leading economic power in the global marketplace, is very important.

I would think that my colleagues would be looking at the global economy and looking at our mixed economy and the free enterprise system and marketplace values that we have advocated, and the success that they are having on a global basis, and have a very great interest in maintaining them. To adopt this amendment would be the military equivalent of a unilateral disarmament.

The fact is I understand that many of my colleagues would advocate such a free market situation that we would leave some of the countries that are experiencing these economic downturns and turmoil to proceed to economic ground zero. The fact is that almost anyplace we look at the utilization of the Economic Stabilization Fund, as exercised authority by the Treasury, with the approval of the President and past Presidents and past Secretaries of the Treasury, anyplace we look at that we find a lot of pain, economically, as is the case that has been pointed out with regards to Mexico and the bankruptcy and problems that have occurred. The ESF isn't loaning funds where it isn't needed.

But the question that one must ask themselves is what would it have been like if we had let the hand of sort of an Adam Smith level the entire country of Mexico and then start over. I am certain that none of my colleagues are so duty bound to the ideological proposition or theories of a free market that they want to see that type of suffering occur in Mexico.

The fact of the matter is we are not just doing this to help the Mexicans or the Korean government, as many of my colleagues talked about the U.S. and IMF intervention since last December, but, in fact, we are doing it to help ourselves that is the U.S.A. too. In other words, this is the evolution in terms of how the U.S.A. intervenes and how to assist a global economy and help our own exchange rates and help other economies that has also evolved since 1934. We have a better understanding of the global economy. And, of course, this Economic Stabilization Fund plays a key role, along with other multinational financial institutions that exist, which, of course, we are debating broadly.

And, of course, there is great debate over whether or not the IMF ought to receive the type of funding that has been requested by the President. But this amendment of ESF is not just a new funding. This attempt in this particular amendment is to renege, is to renege on the existing powers and the existing authority and the existing tools that the Secretary of the Treasury and that this President have in terms of trying to deal with a tumultuous economic circumstance that basically surrounds us in four different directions. That is what the effect of this amendment is to deny and frustrate the ability of the U.S.A. to play a vital economic role.

And, of course, to portray that we could deal with those particular problems in $250 million increments is, of course, not a serious effort. The fact of the matter is that countries right today, right this week, as we pick up the paper and read about the type of loans and the type of financial structure that had to be dealt with to prevent the default of the entire country of Russia, I would think would bring a little bit to reality; would bring us down to a little bit of terra firma, right down to the ground, to where we can feel and experience what is going on rather than being up here where we would pull the tools away and let the chips fall where they may.

Is this a perfect tool? Is the IMF a perfect tool? I think the answer is no. But the gentleman is offering to take this away and to substantially reduce it to the point of being ineffectual and not putting anything in its place. And, of course, I think one can point out that some employees used this for dinners or did other things that this money was not to be used for, but we get monthly reports on this now. There has been an accounting and is an accounting that needs to be the subject of our oversight committees.

But to pull this ESF down is to, in fact, set a course for an economic spiral, a downturn, that would greatly hurt this Nation. So the gentleman's amendment is not offering improvement, it is offering pulling the plug out. Stop the world, I want to get off. I want to stop this U.S. economy. We have to accept more responsibility than that, and we ought to exercise good judgment by resisting and soundly defeating this amendment.

□ 1800

This amendment deserves to be defeated. We should not let them unilaterally disarm our economic capacity. We ought to leave those tools in place. We ought to be debating the IMF and trying to improve on what the programs do and how they operate.

Yes, there is a lot of pain where the IMF is involved or where the economic stabilization fund is involved, but not because of it. These programs are the solutions to the economic difficulties, not the problem.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, and this has been said several times but let us say it one more time, this Exchange Stabilization Fund was created by this Congress, by an appropriation by this Congress in 1934. And our Nation, our Treasury, our taxpayer, that is taxpayer money, that is money that belongs to the citizens of the United States. It is not the Treasury's money. It is not the Congress's money. It is not the President's money. It is the people's money. And presently it is $38 billion.

What this amendment says to this money which we can oversee, it says that we will not loan more than $250 million of this money at any one time to a foreign country. It does not place any limitations on us using this fund for currency transactions. In fact, we had a currency transaction 2 weeks ago by the Treasury. This fund is a fund to strengthen the U.S. dollar.

And what did we use this fund for 2 weeks ago? We used it to drive down the U.S. dollar and drive up the yen to enable Japan to be able to export cheaper to the United States. That is what we used it for 2 weeks ago. We used it to help the Japanese economy and to help people that compete against our businesses.

I was told, in opposing this amendment, the chairman of the subcommittee said $250 million is not a lot of money. Well, let me say this about the economy. Let me say this about protecting our economy. And when the gentleman has time, I will let him yield to me and we will debate. Let me say this about our economy.

Senator E.B. McLean came to my office today. He and I served in the Alabama legislature. He told me that a company that had been in Birmingham for over 100 years, employed 400 people, had gone out of business 3 months ago, a coke plant. There were no Federal funds available to help this coke plant. Had it been in Korea, we could have taken money out of this fund I guess and propped it up because it would have helped the Korean economy and that would have helped our economy perhaps. But it failed. And he said it failed because of cheap coke coming into our country from the Pacific Basin.

So I am not saying that we should not use all this money to go around the country. And the President said we want to use $5 billion to loan to South Korea; we want to loan $3 billion of this money to Indonesia. I am simply saying, I do not think we ought to continue to loan this money. It is not strengthening the U.S. dollar. It is strengthening those economies. It strengthens their economies. And, yes, there is a residual of benefit for us. But what if we had gone to Birmingham, Alabama, and used some of that money to have assisted that coke plant with 400 people that worked there? Would that not have helped our economy? Would that not be a more direct way?

We can turn our backs on all this and we can say this is not under our control and this $38 billion can be loaned all over the world. Or, as representatives of the people, we can vote for this amendment and say, if they are going to loan this money to foreign countries, which was not the original intent of the Exchange Stabilization Fund, at least vote yes or no.

They are giving away money, billions of dollars. They are proposing it. If this amendment does not go on, the President has already announced $8 billion worth of loans out of the Treasury.

Somebody talked about the Constitution, what is appropriate and what is not. Let me quote section 9 of Article I of the Constitution. ''No money shall be drawn from the Treasury but by appropriation made by law by this Congress.''

What happened to the Constitution when we gave $20 billion to Mexico? I do not care whether it was paid back or not. It was given to Mexico. Did it help Mexico? No. Their GNP is worse than it was before the loan. They owe $160 billion today. They owed $40 billion then.

We can continue to loan money to every country around this world, Russia, China, Japan; and one day we are not going to have a fund to bail out our own dollar.

Mr. Chairman, let me say this in conclusion. I am saying let us vote on this. If we want to loan money to these foreign countries, take a stand, vote on it. Do not turn our backs and let the President do it without consent.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sanders amendment. I do so for many of the reasons that have already been articulated by some of our colleagues; and that is, simply, we are being told that this stabilization fund cannot do business if it has to get engaged in a little bit of democratic process. And that is that we have a fund here with $38 billion that was originally designed for the stabilization of currency. We have had interventions time and again, many of which have not been certainly questioned by the Congress, many of which have been unsuccessful, some of which have been successful when they are coordinated on a multilateral basis. But the fact of the matter is now what we have is we have a means by which we circumvent whether or not some of the activities that the IMF is able to do or not able to do or willing to do or not willing to do and we are now making investments of substantial amounts of the American taxpayer dollars. And we ought to have disclosure of that, we ought to have debate of that, and we ought to have approval of that.

Because we have moved out of the minor leagues in this day and age. We are moving into now the movement and the quick movement of billions of dollars. And depending upon the timing of that movement, sometimes it is wise and sometimes it is not. And sometimes, as we see, the early decisions about the commitment of those monies have turned out to be the wrong decision. I think that it is time that this Congress have some ability to have some say in this process.

This money is getting moved further and further away from the people that provide this money, the taxpayers of this country. It is getting moved further and further away from the decision-making process within the Congress of the United States, who should be making the decisions about the utilization of these funds.

That is what the Sanders amendment requests. This is not a unilateral economic disarmament. It is nothing of the sort. This is not surrendering. This is not recognizing that we do not have problems around the world in various economies, whether it is in Asia or Russia or elsewhere. All of that is still on the table.

What this suggests is that we ask people to come and be accountable to the Congress for the decisions they make about the commitments of these resources. Why do we do that? Why do we do that? Because if we do not do this properly, even as we look at Asia and as we look at Russia, if we do not look at this properly, what we become, we become the enablers, we become the enablers of the flow of capital for people who now go beyond reasonable risk, go beyond a reasonable return, go beyond speculation. They head deep into greed. They head deep into greed with the commitment of money by private sources; and then when it goes wrong, they come back to the IMF, they come back to the Economic Stabilization Fund, and they say they have got to bail them out. They have to take our private decisions, many of which in the late stages of these games in Indonesia or Malaysia or Korea or Russia were driven by greed. They were not driven by economics. They were not driven by cost-benefit studies. They were not driven by determination of market or cash flow. They were driven by greed.

Now they want to make those debts, those private decisions, public. But in order to do that, they need a partner, and that partner becomes the U.S. taxpayer. I think the U.S. taxpayer has a right to ask us, as though sitting on the board of directors, what the hell is going on and what do you know about this.

Now, there is private meetings. The Secretary of Treasury and others move through the corridors of Congress and they talk to this group and that group and they say this is what they are going to do. But what they do not do is they do not come out here and debate it on the floor.

Now maybe we are going to have that debate when the IMF comes up in the next appropriations. But the Economic Stabilization is part of that debate, because this fund has become something for which it was not originally intended.

I appreciate we can put a very expansive decision on currency stabilization. But most people understood that to be the kind of traditional interventions. We are going way beyond that at this stage. We are talking about loans being made to stabilize countries, many of which I appreciate money has not been lost, but there is also a great prospect that it will not be recovered on a timely basis for a considerable period of time.

And it is about our job as Members of Congress, as elected delegates of the people to have some say, to have some review, not just in reports submitted to us months afterwards, but up front and before the determinations are made about the commitment of money.

Maybe this fund should be reduced. Maybe there is another use for the billions of dollars here. That is part of the debate, too. Because this is about priorities. I think we all understand that we are going to have to have commitments around the world to help stabilize the world economy. But the size of that commitment, the timing of that commitment and whether or not that is a wise plan, we should be able to exercise some judgment, too.

That is part of democracy. That is part of democracy. They are going to have the debate in the Russian Duma whether or not they want to accept this plan and whether or not they think this is good for Russia or is not. But we are already going to commit the money. We already are going to commit the money. If we meet with enough people from the Russian Duma, we wonder if any of this would be possible.

So the Sanders amendment is about democratization of this process.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support this amendment. I would have to say this amendment is a very modest approach to a serious problem. I see no reason for the Exchange Stabilization Fund to exist. There is no constitutional authority for it. There is no economic benefit for it. It is detrimental to the people.

The reason why we have to support this amendment is it is a modest, just a small step in the direction of openness in government, a little bit of accountability, a little bit of oversight.

The idea that we can create a fund in 1934 and have essentially no oversight for all these years, I just wonder how many billions, probably hundreds of billions, of dollars that have come and gone in and out and all the mischief it has caused. It was originally set up to stabilize the dollar. And what does it do, as the gentleman from Alabama mentioned earlier, stabilizes the yen.

Where did the money come from? It came from confiscation, not through taxation, but confiscating gold from the American people, revaluing the gold, taking the net profits, putting it into the Exchange Stabilization Fund, as well as the initial financing of the IMF.

They tried to reassure us and say, well, this is not an injury to our appropriations process. We do not appropriate money. We do not lose money. Well, that is precisely the problem. We are supposed to have responsibility. It is not the kind of amendment I want.

We should be talking about this in terms of a free society. Certainly, if we had a sound currency, under a sound currency we do not have all this kind of mischief going on. And certainly, if we had a lot of respect for the Constitution and actually knew something about the Doctrine of Enumerated Powers, we would say, where do we get this authority to prop up other countries and other currencies at the expense of the American taxpayers?

This amendment, if we want to give a lot of foreign aid away, this does not preclude it, it just slows us up a little bit and makes us think about it.

Yes, we can get into the currency markets to the tune of billions of dollars. They say, well, there is only 38; they might not be able to do any mischief. But my strong suspicion is that the line of credit to the Federal Reserve is endless in the time of crisis.

This is why we need more openness. Because, ultimately, this is a threat to the dollar. The dollar, when it is devalued, it hurts the American taxpayer. It is a hidden tax. When we devalue the dollar, we are spending money indirectly. We take away wealth and purchasing power from the American people. And it is a sinister tax. It is the most sinister of all taxes.

That is why the Exchange Stabilization Fund should either be abolished or put on the appropriations process. If we cannot do that or will not do that, we have to at least pass this amendment. Pass this amendment and say, yes.

If we are going to give away $250 million per country for propping up a foreign currency or foreign country or propping up some banks that made loans overseas or propping up our competitors to our own industries, we have to at least know about it.

I do not think this is much of an amendment. The fact that the President threatens to veto this bill just because we are acting responsibly, this is just a small step in the right direction. I see no reason why we cannot pass this amendment.

We talk a lot about supporting the currency. On a day-to-day basis, $1.6 trillion are transferred over the wire service. There is not one reputable economist in this country that I know of that really defends currency intervention as being productive and being able to change the course of events. Because although $38 billion is a lot of money and intervention does cause sudden shocks, causes some bond traders, currency traders to lose money quickly, it has no long-term effect.

□ 1815

So the original purpose under fixed exchange rate no longer exists. There is no need to prop up a dollar under floating currencies. This is used precisely to bail out special privileged people who have made loans overseas, special corporations around the country, special countries that are our competitors, and it is a way of getting around the Congress, it is a way of devaluing the dollar, putting more pressure on the dollar and hurting the American people.

If for no other reason, if my colleagues disagree with all the economic arguments, there should be nobody that should disagree with the fact that we have a responsibility for open government. That is what this issue is all about, and that is what this amendment makes an attempt to do is try to at least get it back to where we will be responsible for our acts.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment and would like to try to get the debate back on the facts.

Let us remember for a moment that the original ESF statute deliberately provided the executive branch with the flexibility needed to respond expeditiously and effectively when justified by important national economic interests. That was done in 1934 for a very real purpose; it is just as valid today.

Two nights ago we in this body in 40 minutes time deliberated a bill that was critical to making a multi-million-dollar sale of benefit to American agriculture, wheat-producer-specific, yesterday. Forty minutes we debated it. Thank goodness we did. We expeditiously handled it. That is something that is getting overlooked now.

Many times, as we have heard the explanation of the international currency market, we do not have the time to respond. We can talk about our philosophical differences, which we are doing today, and I respect those. But since the law's enactment in 1934, this flexibility given to the President has served the United States well by enabling it to respond to emergencies.

Consistent with this original purpose there is no need to amend the statute because the nature of financial crisis sometimes requires urgent action to stabilize markets and protect the United States economy. It is almost always necessary to act more quickly than is permitted by a deliberative procedure of this legislative branch.

Now the slush fund language a moment ago, I wish we would not use terms like that unless colleagues are willing to say that the detailed monthly reports on ESF transactions which are submitted to our Committee on Banking and Financial Services monthly and the President's submission of an annual report to the Congress constitutes a slush fund. Do not use that kind of language unless searching for sound bites for 20-second commercials. It is not a slush fund. The appropriate committees are responsible for that. Mr. Chairman, I am not on the Committee on Banking and Financial Services, but I trust those on both sides who are.

U.S. pledges of second line of financial support during the Asian financial crisis have been an integral part of the international response to the region's financial instability. It mobilized billions of dollars in multilateral support, spreading the burden among many nations, not just us. Japan has committed well over twice what we have committed, for example, as the use of this ESF funding.

As in all such emergencies, the U.S. must be ready to act quickly and nimbly to protect our interests.

We have talked about Mexico for a moment. Let us talk again about Mexico. The use of the ESF during the Mexican financial crisis served critical U.S. national interests by containing a rapidly escalating financial meltdown that directly threatened the U.S. economy and the stability of international financial systems. The use of the ESF was not only instrumental in the ending of the crisis, but it resulted in a profit of $580 million for U.S. taxpayers.

Now U.S. agriculture has benefited from the recovery in Mexico, and I am here speaking primarily on behalf of U.S. agriculture, but it affects all of our national interest. In the wake of the recent peso devaluation and its aftermath, U.S. agricultural exports dropped by only 11 percent, and they surged back with a 34 percent gain. And we have heard all the anti-NAFTA et cetera, et cetera, but from the standpoint of the facts, from fiscal

year 1995 to 1996, U.S. farm and food exports to Mexico climbed by $1.3 billion.

So to characterize ESF as somehow being a slush fund, a boondoggle, as a benefit to everybody but the United States, I say to my colleagues who are making this argument they are not dealing with the facts.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Vermont.

Mr. SANDERS. What I would say to the gentleman from Texas (Mr. STENHOLM), Mr. Chairman, is that in terms of Mexico between 1995 and 1997, after the so-called bailout, more than a third of Mexico's businesses declared bankruptcy. We have one-third of the work force is unemployed or in imminent danger of unemployment, nearly 2 million peasants have been forced to migrate in search of work, real wages have fallen almost 25 percent. If my colleague went to the Mexican Congress today, they would not tell him that it has been a successful bailout. They would tell him it was a disaster.

Mr. STENHOLM. Mr. Chairman, I am happy for the point the gentleman makes. I am here on behalf of American interests. What he is saying is what Mexico should or should not be doing. That was a question for their legislative body to, in fact, address. I am talking about what we ought to be doing, and I am making the argument it is in our best interests to provide the President of the United States with the flexibility needed whenever crises are involved and need to be addressed; that is all that I am saying today. And I believe the facts, as they have pertained to Southeast Asia, to Mexico and to Korea last December all bear out the wisdom of the original congressional act of 1934, and I hope we continue that.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe the amendment is a mistake. Yes, we have the power to do this, but it is not sensible to exercise indirectly every ounce of power we have. There are times when we may decide to get our purposes accomplished better by some delegation.

One of the problems we have is we are talking here about emergency situations. In emergency situations it is useful for this government to have the power to react.

Now it could come to Congress, but let us be clear about one of the major principles of legislation. The ankle bone is connected to the shoulder bone. There is a pattern here of an important bill coming to this body, and even more to the other body, and remember, this amendment does not say the House will decide, it says Congress will decide. So this means that nothing will happen unless it has gone through this body and the other body. The fact is that it can then become tied up with all matter of other issues. If, in fact, we think there ought to be a capacity to act on the merits or not in the particular financial situation, then saying there has to be an issue-by-issue vote in both the House and the Senate makes that very unlikely.

Now we have heard all kinds of terrible things that could happen from this fund, but the opponents of the fund, the advocates of the amendment, have said noticeably we have had this since 1934. Well, where are the horror stories? Where are all the terrible things that happened? We have had people say, well, billions could have been taken, this could have happened. We got a lot of ''couldas'' and a lot of ''mightas'' and a lot of possibles, but we have no horror stories. And one thing that body is good at is giving the horror stories. If there had been abuses, we would have heard about them.

Now my friend from Texas, who is intellectually honest and coherent, says that he is against the whole fund, he is a supporter of the gold standard, he does not like this whole notion of currency. He is a logical proponent of the amendment. But I would suggest that others less fiercely devoted to the gold standard than he probably are not as on solid logical ground.

I will say my friend from Texas was, I thought, uncharacteristically a little inconsistent when he said on the one hand it is a terrible idea because it propped up other currencies, but then he also noted that according to him it is impossible to do that. So it may be guilty of trying to do the impossible, but it could not be guilty of having done the impossible.

The gentleman from Alabama complained because we use it to prop up the yen. We propped up the yen because we wanted to stop the drain on American exports. The yen was reaching such a dangerously low level that it was threatening American jobs and jobs elsewhere.

Yes, it was very much in America's interest to prop up the yen. Using the funds to prop up the yen was a very pro-American thing to do. And does anyone think that we could have done that by saying, oh, we have to have this emergency deal, and we are going to try and foil the speculators; I know what we will do, let us have a Senate hearing, and by the time we are through with this Senate hearing we will have foiled the speculators. Of course it would not work. We cannot do that.

And then we have the gentleman from Florida, and he gave what I thought was the strangest argument for an amendment I have ever heard: Vote for it because it will be meaningless. Remember the gentleman from Florida said, well, he can lend 250 today, and 250 next week, and 250 the week after. So that is a pretty odd argument for an amendment: Vote for this amendment, it will not mean anything. It will just be more game playing.

We are in a difficult world. I agree with my friend who pointed out that the aftermath in Mexico was bad. But, as my colleagues know, what we are forgetting when we deal particularly in the international world, the most important principle of a great philosopher, Henny Youngman:

''Whenever you are measuring the effect of any particular policy in this area, you have to remember the key question: Compared to what?''

Yes, there were terrible problems in Mexico after that problem when we responded, but would they have been worse or better without this? Is Kim Dae Jung and Boris Yeltzin, two men, and in one case there is some imperfections, but two men who I believe are great devotees of democracy, are they better off if we have to go through a Senate filibuster before we get through?

Mr. Chairman, I will yield if the gentleman from Vermont (Mr. SANDERS) is asking me to yield, or is he just going to look puzzled?.

Mr. SANDERS. Mr. Chairman, the gentleman from Massachusetts (Mr. FRANK) took the words out of my mouth. I appreciate his yielding.

Here is the point: The gentleman asks what might have happened. He does not know what might have happened, I do not know what might have happened. But this I do know; that the so-called global economy, of which the ESF is an integral part, has helped lower the standard of living of workers in the United States, lowered the standard of living of Mexican workers, lowered the standard of living of the people in Canada, has been disastrous.

Mr. FRANK of Massachusetts. Mr. Chairman, I take back my time. The gentleman was not responding to my question, and I have to say the gentleman is articulate and thoughtful, and I take his nonresponse as an example of the fact that no response is possible because my question was the gentleman cited the problems in Mexico. My question was would it have been worse or better? Yes, I am very critical of aspects of the global economy, but the question is does the existence of ESF make it worse or better, and I believe it helps.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Sanders amendment. This amendment prevents the President of the United States from using the Exchange Stabilization Fund to bail out corrupt and incompetent regimes throughout the world without so much as a vote of Congress.

We engage in this body in heated debates, heated debates, and we have votes that put us on the record as the elected representatives of the people of the United States on expenditures that just are in the millions of dollars, just in the millions. We expect that each and every one of us, because we are the elected representatives of the people, must accept the responsibility of where those millions of dollars are being

spent, and we will call for a vote to make sure that our colleagues are on the record and so that the American people can make their judgment about the job that we are doing in overseeing their resources, the American resources, the use of Federal resources. Those are the resources the American people.

That is the way it is supposed to be, that is what our Founding Fathers expected, that is what representative government is all about.

Those who oppose the Sanders amendment want the President of the United States to have, yes, a slush fund which he will be able to spend up to $38 billion, as much as he wants, to send that overseas to whatever regimes, whether they are corrupt or incompetent, whether they are friend or foe, whether we believe it is in the best interests of the United States or not, without so much as a vote in Congress by the elected representatives of the people. This is absurd. I am shocked, I think the American people should be shocked, to learn that we have given the President of the United States that power in the past.

This is the most antidemocratic element that I have discovered among the current procedures of our government, and I commend the gentleman from Vermont (Mr. SANDERS) for trying to do something to put accountability back in this democratic system and make it a democratic system.

□ 1830

What we have now with this stabilization fund is an invitation to corruption and sculduggery. No, I cannot give you specific examples, but I am sure they are there. But, often enough, we can rest assured that this bailout money that is going to foreign regimes does not even help the people of the countries who are in crisis.

Instead, like in Mexico, where billions of dollars were being spent to supposedly get them out of a crisis, instead it got them further and deeper in debt. And who was helped by that bailout? Much of that money went to very powerful financial interests in this country, perhaps a few powerful financial interests in Mexico as well. The victims are the Mexican people and the people of the United States, who are put on the hook without so much as a vote of the Members of Congress.

In recent years we have seen the stabilization fund, this stabilization fund that was meant to protect our currency, used to bail out Mexico to the tune of $12 to 20 billion, Indonesia, $3 billion, South Korea, $5 billion, and, now, how many billions of dollars will they want to take to bail out Russia? And where does this money go?

I am a member of the Committee on International Relations, and I can tell you in Russia alone, not to mention Indonesia, we are not talking about honest people over there. We are talking about people that would have a tough time getting elected and reelected here, with freedom of speech and freedom of press and some scrutiny. But, instead, we want to grant the President of the United States the ability to send billions of dollars over to those people, without so much as a vote in Congress? This is absurd.

This is a fund, as I say, that is supposed to protect the American dollar. It is not and was never intended to be a slush fund for the whims of the President, so he can send it to people across this world at his discretion.

This amendment makes sense. If the President is going to spend more than $250 million of our money, we should have to approve it. I hope the American people who are listening to this debate will take note of who in this body is suggesting that they do not want to have the responsibility to have a vote up and down on where billions of dollars of our money is being spent. And when it goes overseas, these billions of dollars, what does it do and who does it help? We are being told for the stabilization of the world, this global economy requires us to grant this power to the President, this power to give away billions of dollars and to loan billions of dollars without the approval of Congress. Who does it help? It does not help the American people.

I agree with the gentleman from Vermont (Mr. SANDERS). In the end, it has helped people who compete with the United States for jobs. This is a total violation and betrayal of the American people. Vote for the Sanders amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Sanders-Bachus-Miller-Stearns-Kaptur-Burton-DeFazio-Rohrabacher Kucinich-Paul-Stark-Owens amendment, and I do so for several reasons.

First of all, the amendment restores proper Congressional constitutional prerogatives over the spending of U.S. taxpayer dollars. These are our people's dollars. We have a legitimate role here to play in the Congress.

This is a eminently reasonable amendment, because it basically says the administration has latitude up to $250 million, not small change by anyone's measure, but when you go over that limit, then you have to come and seek approval by this Congress, simply because those dollars are then used in order to assist foreign governments, banks, investors, many who have no role in electing the Members here. There are serious issues that we may have with those who would benefit from this type of wealth exchanging hands.

Let me mention that this particular fund, the Economic Stabilization Fund, was established by law in 1934, and its purpose, its legislative purpose as written by Congress, is to buy or sell currency in order to stabilize our dollar in current short-term crises. The fund was never meant to be used for medium-term loans or long-term loans or to prop up foreign governments, which is what it has been doing of late, to the magnitude that is currently being used just in the last couple of years, $20 billion, into the billions. It was never, ever intended for that purpose. We have back-doored our way into this practice.

This amendment basically prohibits any administration from putting billions of taxpayer dollars at risk in loans to other countries without the explicit approval of this Congress. And we well know what has been going on, whether we are talking about Korea or Russia or Mexico. We are talking about speculative investment that has fueled export-led development in those nations that cannot be sustained over time.

I think the gentleman from Minnesota (Mr. VENTO) talked about the need for IMF reform. I completely agree, because we end up getting in these currency crises because the fundamental development policy is wrong. It is unsustainable internally in these countries, and it cannot be maintained.

We fight always to get a vote here on declarations of war, and it has been hard for the legislative branch over the decades to maintain its prerogatives under the Constitution. But that is not to say we should not do it. The same is true with economic policy. Yes, we may have to fight for our day in the sun, but, under our Constitution, we have that constitutional responsibility.

This amendment passed before in 1995 by a wide margin. Two hundred forty-five Members voted in favor of it. In fact, since that time it has not blocked any kind of assistance where it was essentially needed. So we are not trying to reinvent the wheel here.

I always wanted to say that it is very, very important that Members think about where these dollars go, and is it not as important for us to have oversight over billions of dollars that goes beyond our borders in the same way as we have oversight of millions that flow within these borders? We have GAO studies, and we have Congressional oversight committees, and we have all kinds of staff studies to take a look at where every single dollar goes in our health care financing programs and so forth, our food stamps, our defense spending. Why should we be any less rigorous when the money goes for foreign purposes?

We have received letters from leaders in the Parliament, for example, in Mexico City, talking about the serious financial problems Mexico currently faces because of the fact that the fundamental development policy was never changed. But we end up trying to bail out the speculators that prop up the real estate market and make investments that are not creditworthy. We then end up using the ESF fund to try to prop up a house of cards that cannot stands on its own.

In closing, I just want to read a couple lines from the letter that came

from this particular Secretary of Treasury.

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

(By unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Ms. KAPTUR. Mr. Chairman, I just wanted to say one of the arguments that the Secretary of Treasury uses in the materials he sent to us today say, ''The administration and any President needs these dollars because of today's large, fast-moving financial markets.''

I want to say that that is exactly the reason that this Congress should have oversight; that because in fact so many powerful global financial interests have an impact on this marketplace, we in Congress have got to be in tandem with those movements. We cannot absent ourself from that process, and, in fact, we have to gain some leverage over these major financial decisions that end up being political decisions in the end, when we end up supporting certain financial interests in other places.

The Secretary says, ''Treasury fully accepts its responsibility to account to Congress.'' I would say Congress ought to accept its responsibility to account to the American people. I urge the Members to support the Sanders-Bachus amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we arm wrestle every day back and forth across the aisle on domestic spending. We have got budget caps, and we have some serious problems in this country. Even though the economics are supposed to be good, as many of you believe, and I do, too, there is a big difference between Wall Street and Main Street. There is probably not a handful of times in the past 8 years that I have agreed with the gentleman from Vermont (Mr. SANDERS). Two times in one day, I am starting to question my own rationalization.

Mr. SANDERS. Mr. Chairman, if the gentleman will yield, me, too. We will not tell anybody.

Mr. CUNNINGHAM. We will not tell anybody outside of this.

But the gentleman's idea is good. I also agree with the gentlewoman on the fact concerning declaring war, there ought to be a limit, and this Congress needs to have its position based on the Constitution, and this is a good constitutional issue.

I thank the gentleman from Vermont. I think it is a very good amendment.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I will not talk about the merits of it, but earlier today we talked about a pay raise, and it gets so political. If you think that it is political for the pay raise and demagoguery, this amendment is tailor-made for demagoguery.

The gentleman from California just a moment ago said we are going to be looking at how people vote on this amendment. So there is room for a lot of mischief. I am not speaking to the merits of it, but this is something that could take forever if you had to go through the House and the Senate. It is just a cautionary observation.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I understand what the gentleman is saying. To me this is not demagoguery. This is good economic sense and good policy, as the gentlewoman from Ohio (Ms. KAPTUR) just said. I ask for support of the Sanders amendment.

Mr. LEVIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this proposed amendment, proposed proposition, puts its finger on the pulse of a problem, but it is at this juncture very much the wrong prescription.

We have a new set of problems in this world economically. Fifteen years ago globalization meant our trade with Europe and Japan. In the last decade it has meant our trade relations with developing economies, and that is increasingly so since we voted on this 3 years ago.

It has created all kinds of new issues. We do need new rules of competition. We are dealing with economies that are very different from our economy, and they have all kinds of subsidies, and they have all kinds of different labor market rules. They have all different kinds of rules, period. We need to face up to this, and we have not fully. But a piecemeal or potshot approach to these serious problems is not the answer.

We need a comprehensive set of policies, and we do not need slogans like ''slush funds'' or ''giveaways'' or ''loans'' thrown all together. The proposition with Mexico was not a slush fund or a giveaway, it was a loan, under certain strict conditions, and the loans were repaid. We made money on them.

We need to take a serious look at this. Three years ago we passed this, but a lot has changed since then. We have lots of currency problems with developing economies, a lot of them. Now Mexico is cited.

Look, we need more than just a few minutes of discussion here. I am not sure history is going to judge the Mexico loan one way or another, but I will tell you, I think there is a good chance it is going to be judged as having been a good move by the United States. This is coming from someone who feels deeply about the problems in terms of competition with Mexico and what was their rigged economy and rigged labor market conditions.

But to simply say we should not allow use of a stabilization fund when the currency of another country threatens to go whacky and undermine jobs in this country and because their currency becomes so weak it is tempting to export even more their way out of their problems, that is not the way to handle this. Contrary to some of the debate here, we acted on the yen to strengthen the value of the yen, not to weaken it; to make sure that they were less tempted to export their way and flood the American market with cars and other products.

One gentleman from Florida said, well, the Secretary of Treasury can skirt this by $200 million every week. What kind of an amendment is this that can be skirted by the Secretary doing the $250 million a week?

□ 1845

Now, we in Congress need to look at this seriously. This amendment is totally a piecemeal approach. It would handicap us when we need to act. Currency problems are serious problems, and this would handicap us.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, does my friend understand that this amendment has nothing to do and does not change in any way our ability to deal with stabilizing U.S. currency?

Mr. LEVIN. Mr. Chairman, reclaiming my time, that is not true. It does not limit all of our interventions in terms of the currency, but it does limit us. It would have limited us in terms of action on Mexico where there was a tremendous peso problem and there was a danger of such weakening of the peso that it was going to have major ramifications not only for the investors in Mexico, and I do not want them to come out without some pain, but people in America who were producing goods in competition with Mexico and did not want the peso to drop so much in value it would be impossible to compete.

We need new rules of competition, not amendments that are piecemeal, that are potshots, that may be good populist rhetoric, and I love the gentleman's motives, the gentleman is serious about this. This is not the way to attack the problem. I oppose this amendment.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would agree with the previous speaker in the well that we do need a comprehensive approach, but we are always told, this is not the time.

The IMF fund has been languishing without replenishment from this Congress because many of us have genuine concerns about the activities of the IMF, and now we are being told we are in a crisis, we have to fund it. We have been told that for months now. We are in a crisis, we must fund it, but do not worry, we will reform it after we give them another $18 billion when they do not need us for another couple of years. Well, we know what will happen. Nothing will happen. This has gone on time and time again.

The same thing here with the Economic Stabilization Fund. It is always the wrong time to deal with this issue, we are being told. The Secretary of the Treasury said, we are confronted with large, fast-moving financial markets. He is right, and we need to do something about hot money going around the globe, attacking everybody's currency and destroying economies so a few people on Wall Street or in London or some other financial center can get filthy, stinking rich. But we are not dealing with that. It is not time to deal with that. Just pump some more money into the existing system so that they can continue to become incredibly wealthy, but do not worry, some day we will deal with it.

There are things we could do immediately. The U.S. could take steps through the World Bank with conditions upon additional money to the IMF to deal with hot money, requiring other nations around the world to put in place steps to deal with hot money. The Tobin tax, a tiny tax on this hot money moving in and out of countries, billions of dollars in a single day, just putting a tiny tax on that could fund all of the activities of the IMF, all of the activities of the World Bank, dampen speculation, and stop tapping the taxpayers of the United States to pay for all of the bailouts of all of these wealthy people, these speculators around the world.

That is what this debate is about here on the floor. It is not about the stability of the United States dollar.

This amendment leaves the President total authority to use that $29 billion any way he wishes to support the United States dollar or to devalue the United States dollar, as was done recently by an intervention by the United States Treasury. That is still here. Although we have had people rise here on the floor and say, this would impinge upon the capability; it would not. All it says is one cannot lend the money directly, one cannot go around the Congress.

How did we get into this debate? Because the President was going to come to the Congress for $8 billion for Mexico, they counted heads and found out under those conditions there were not a majority of Members in the House of Representatives who wanted to use $8 billion of taxpayer money to bail out the Mexican speculators, both Mexican and U.S. speculators who were in there getting incredible rates of return; 50, 100 percent rate of return on short-term investments, and they wanted all of their capital back, too. They had already made 100 percent profit, but they wanted the capital back.

When Congress was a little reluctant to do that, concerned that we ask the speculators to take a hit, not just the people of Mexico and not just the taxpayers of the United States, the Secretary of the Treasury went and took the money out of the Economic Stabilization Fund, without the authority of the Congress. They say that they can do that.

We are just trying to say now that we want to renew the provisions we put in effect 3 years ago that says, if they are going to take more than $250 million out of the Economic Stabilization Fund, our money as United States citizens, that if it is going to be for purposes other than defending or supporting or weakening the United States dollar, as is seen fit by the Secretary of the Treasury and the President, that they get prior authorization from Congress. That is not going to threaten our troops in Korea. It is not going to threaten the stability of Israel in the case of a war. It is not going to cause all of this economic calamity. What it would do is begin to force people to reform this system.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DeFAZIO. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I would pick up on a point my friend made. Does my friend know what the interest rates in Russia right now are when people are buying Russian bonds?

Mr. DEFAZIO. Mr. Chairman, they went to 150. I do not know what they are now.

Mr. SANDERS. Mr. Chairman, they are over 100 percent. These people who are lending the money are running to the Congress and saying, fund the IMF. Give the money to Russia so that we can make sure we get back our money at 100, 125 percent. The gentleman is absolutely right.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I thank the gentleman.

I also have a letter from a member of the PRD party in Mexico, and he goes on at great length about the conditions that came out of the Mexican bailout and the disaster it has been for the people of Mexico; the fact that it did only bail out a few very wealthy people in Mexico and banking interests and wealthy people in the United States and yet has caused 20,000 small businesses to collapse and, I am told, economic calamity.

We need to change these policies. If we do not adopt this amendment tonight, we will never get them changed.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. The Exchange Stabilization Fund is being misused by Treasury to bail out foreign investment failures. When some aspect of corporate foreign investment policy fails, Treasury taps the ESF to cover over the failure.

Here is a recent example. In Indonesia, the International Monetary Fund caused a run on Indonesian banks when it directed the closure of 16 banks there. A confidential internal IMF memo even acknowledged the failure. The IMF caused the panic by making a bad situation worse.

So what does the ESF, Foreign Investment Failure Fund, do? Without congressional approval, Treasury dispatched a credit line of $3 billion to cover the mistake; $3 billion, without a vote of the Congress, and we have long debates here over $2 million, $2 million as opposed to $3 billion, and this is just one example.

NAFTA caused a flood of U.S. investors to abandon their investments in the U.S. for higher rates of return in Mexico. Then, the already overvalued Mexican currency collapsed. Guess what? The ESF's Foreign Investment Failure Fund was used again without congressional approval to cover the multibillion dollar failure. Indeed, the ESF was used in this way because Congress refused to pass a $20 billion package to benefit the Mexican few at the expense of the Mexican people. The use of the ESF by Treasury thwarted the will of the Congress.

What is this House all about, except being the government of the people? The Constitution puts the legislative power in our hands. The Constitution puts the power of the purse in our hands. The Founders could not have envisioned a condition where the Congress of the many would forfeit its constitutional power, its financial prerogatives to an elite few. We are the government of the people, and we have a constitutional responsibility to take control over a fund which is out of control, and the ESF billions are way out of control.

The ESF's Foreign Investment Failure Fund is used to accomplish policy changes that often make international financial conditions worse. In Korea, important consumer and labor standards and regulations were overturned as conditions for $5 billion in Exchange Stabilization Fund monies from the U.S.

Koreans now talk about IMF suicides to characterize the wave of suicide among jobless and hopeless Koreans. Korean labor unions are conducting massive protests and strikes. Without Congress's approval or involvement, global economic policy is being forged for the benefit of the few, with the funds of the American people as leverage.

This amendment, the Sanders amendment, will correct abuses, but it will not tie Treasury's hands. If Treasury needs to stabilize another country's currency, it will be able to use the ESF to do so, unilaterally and without Congress's approval. The amendment allows Treasury to do currency swaps and other currency stabilization aids without congressional approval, but if Treasury is making a large loan to another country, they will have to come to Congress, which is the only appropriate process, given the American system of checks and balances.

This amendment is nearly identical to one that Congress passed in 1995. Many of my fellow Democrats voted for that amendment then. Unfortunately, the authority of that provision lapsed in October, 1997. Today, we need to repeat the corrective action.

So long as the ESF is used to extend credit or to give loans to foreign nations without Congress's approval, these foreign investment failures will get larger, and they will become more frequent. More of the U.S. Treasury will be exposed to paper over them, benefit foreign elites, bail out global banks and underwrite austerity, joblessness and hopelessness for a majority of ordinary people around the globe.

Congress, take back your authority. Vote ''yes'' on the Sanders amendment.

Mr. BENTSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the opportunity to sit and listen to all of the debate this afternoon on this issue.

This has been a debate dealing with really two issues. One is process and the other is policy.

With respect to the process, it is really unworkable, but if we are going to apply it to this, we should apply it across the board. We should apply it to the Federal Reserve, which my colleague may actually support, and what they do to enter the market to support the dollar and to effect interest rates, and the excess funds of the Federal Reserve, which is an entity of the U.S. Government and thus the taxpayers. So perhaps we should do it with that.

Perhaps we should look at every loan guarantee made by OPIC and the Eximbank and have every single loan guarantee approved by Congress; every action taken by the commodity credit corporation approved by Congress.

The fact is, it would be unworkable; and the fact is that we already have the process in place. As a member of the authorizing committee, along with the sponsor of the amendment, we have the opportunity to review what the Exchange Stabilization Fund is doing, or what the Treasury Department is doing, what the ESF, just as the appropriators do, just as we do with every other type of function that we have.

With respect to policy, this was a bad idea in 1995, and it is a bad idea today.

I think we need to also clear up some of the rhetoric that has been said on the floor. Some of it has bordered on xenophobia, but I think that the sponsor of the amendment is very sincere in his approach, and while we disagree on this, I think that his is a question of policy over global economics and where we are going, some of which is in our control and some of which is not.

□ 1900

Let me address some of the rhetoric that was said. Our colleague, one of our colleagues from California, talked about corruption in the ESF program. Here is a report dated July 1, 1998, from the Congressional Research Service. That is part of our operation here.

It says that there is no evidence to suggest that the Economic Stabilization Fund has abused its authority. Previous ESF loans to foreign governments were all repaid in a timely way, which goes to a second piece of rhetoric that was stated about slush fund and giveaways. It is very clear that always the process that has been used, particularly in terms of loans, it has been loans. There have been no giveaways to any countries, and in fact, if anything, the loans have been above market.

There is a complaint as to why the interest rates are so high on some of these loans. It is because these countries cannot get loans in the private market because they have no liquidity, because there is no confidence in their currency. That is why their loans are above market, because it is the lender of last resort.

Then the question comes, why should we be doing this in the first place? Why should we not be more concerned about a coke factory in Alabama? I think we are concerned about the coke factory in Alabama, because we are concerned about whether or not that factory is going to be able to sell our product overseas.

Right now we have a situation in Asia which represents more than a quarter of our exports. The fact that the GDP for the second quarter is probably around zero, and potentially a contraction, is because we have had a dropoff in our export business, and we have seen an increase in our trade imbalance. So the last thing we want to do is to cut our clients off.

If there is a currency crisis anywhere in the world, it affects the value of the dollar. What is done with the ESF fund through the loans that are made is part of exchange stabilization. It either directly, through market intervention in supporting the dollar, or indirectly, through market intervention in supporting the world economy and how that affects of the dollar, moves in helping the American worker.

So this is really a bad idea. I think that it will probably pass because it sounds good. It makes good politics, and the closer we get to November, good politics tends to be more important than good policy. But if the House was wise, it would reject this amendment, because imposing this type of policy on the administration, the only thing that we would be doing is saying that we are going to erect a mercantilist policy in the United States at the expense of the American work force.

Mr. DOOLEY of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to bring this debate down to one which I think is very simple. The reason we need to oppose the Sanders amendment and maintain the flexibility with the Exchange Stabilization Fund is because it is important to protect U.S. working men and women.

It is without contention that in our economy, so many more of our jobs in this country are becoming more dependent on international market opportunities. We only have 4 percent of the world's population in the United States. Ninety-six percent live outside our borders. Yet, we produce 26 percent of the world's gross domestic product. It is very clear that we are becoming increasingly dependent on the ability to export our products, export the labor of the working men and women of this country.

The Exchange Stabilization Fund plays a very important and critical role there, because it can move rapidly to respond to financial crises, which can restore confidence in those international markets, which can restore confidence to those currencies and maintain their values.

That is important, because when we see the decline in the value of the yen, that has the potential to make their exports more competitive with U.S. exports. If we do not find ways to stabilize the yen and other currencies, we are in fact jeopardizing the ability of the product of the labors of U.S. men and women to be competitive in the international marketplace.

I would also state that here we have a program that has played a critical role, again, in protecting jobs in this country. It is one that has not cost taxpayers one dime. We have not lost money on utilization of the Exchange Stabilization Fund. In fact, when it responded to the crisis in Mexico, it contributed to our budget by adding $500 million that we derived from interest on those loans.

I ask Members to please oppose this amendment, in the interests of the U.S. working men and women.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I would just like to take this opportunity to thank all of those people who have supported this amendment, and show my respect for those people who have been in opposition. It has been a good debate. It has been an important debate. We need more debates like this.

It seems to me, Mr. Chairman, there are three basic points that I would like to make. Number one, I hope everybody understands that this amendment does not stop the Treasury Department from stabilizing U.S. currency. That remains, absolutely, as has been the case for so many years.

Number two, I think there is an important constitutional issue. That is, should we sit back and allow tens and tens of billions of dollars from U.S. taxpayers being placed at risk without debate, without discussion?

The third point that I would make is that if we pass this amendment, it allows the Congress to become more involved in debates over the global economy that my friend, the gentleman from California (Mr. DOOLEY) has touched on.

I would simply suggest that if we look at the global economy, the standard of living of American workers has declined over the last 20 years. People are working longer hours for lower wages. We have lost millions of decent jobs.

Mr. DOOLEY of California. Reclaiming my time, Mr. Chairman, just to bring my comments to a close on my own time, it is clear that this amendment would work against the interests of the working men and women of this country.

When people talk about the standard of the working men and women in this country declining, that is wrong. When we start evaluating in terms of how many hours an average worker has to spend in order to afford a house, to afford a car, to afford a college education, it is much less today than it has ever been in the history of this country. In part it is because of our ability to access international markets.

This measure, if it is successful in passing, will reduce our ability to ensure that U.S. workers have the ability to be as competitive as possible in the international marketplace, because it will allow this country the tools to maintain currency values, which is absolutely critical to our economic interest.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in listening to the proponents of this amendment, Members would think that we were a self-sufficient economy; that it does not really matter what happens to other economies around the world, whether it be Asia or Latin America or even Europe, and that, in fact, our leadership role, such as it is, is dispensable, not necessary.

Nothing could be further from the truth. We are all enjoying the benefits of a booming economy, an unparalleled level of prosperity. But how many people understand that at least a third of the economic growth that we are benefiting from is due to international trade, and that international trade is dependent upon the confidence of capital investors in our global economy?

If they are not confident in the economies of other nations, they are not going to invest, they are not going to put their money into those economies in such a way that those economies will be strong and stable. If those economies are not strong and stable, they will not be able to buy our products. In fact, they could fall into such a desperate situation that they will be forced to dump their products on our marketplace.

If there is anything that could jeopardize the strength of our current prosperity, it is an international currency crisis. If that happens, it will be because we did not sufficiently respect and appreciate the role that the United States is currently playing in the global economy.

We are the leaders of the global economy. One of the reasons that we are the leaders of the global economy is precisely because we have these kinds of stabilization funds. Investors all over the world understand that before an economy is allowed to collapse, the United States is going to take the lead to stabilize their currency, to build up their economy, to ensure that the rest of the international economy does not collapse, because we understand our own vested interest.

I hope they are not giving us too much credit. I would hope that the Congress of these United States fully understands what is at stake; how important, how dependent the welfare of our constituents is on a healthy global economy. If we vote for this amendment, it will reflect a lack of understanding, truly an ignorance, of the role the United States must play as the leaders of this global economy.

This is a terribly important amendment, not just because of the specifics of the amendment itself, but because of the signal it sends to the rest of the world. We have to send that signal. We have to be the leaders of the global economy. We have to assume our responsibility.

Not only have we the strongest military, a military greater than all the other militaries in the world combined, but the principal reason we are the global leader is because of the strength of our economy, and the fact that we are prepared to do what is necessary to ensure the sustained prosperity of the rest of the world, which is the marketplace for our products today and whose economic stability will be the source of our security tomorrow.

Ms. STABENOW. Mr. Chairman, I rise in favor of the Sanders' amendment to earmark $6 million of the appropriation in this bill for the National Archives and Records Administration for the National Personnel Records Center.

I am particularly pleased that this amendment is going to address an issue that has been brought to my attention by the county Veterans Affairs offices in my district. The issue relates to the timely processing of medal requests which are critically dependant upon documentation for military service. The National Personnel Records Center is part of the National Archives and Records Administration and houses all veterans records.

My office has been contacted by several veterans requesting an original or a replacement set of medals, who have had to wait in excess of two years for their request to be answered. The county offices have had similar experiences. While my office advocates on behalf of individual veterans and their families, and is happy to do so, there appears to be a general pattern of problems in this area. Those providing direct services to veterans on a daily basis in my district are very frustrated and feel very strongly about the need to address this unacceptable delay.

Let me give you three examples: (1) Wells E. Elston has been waiting 3 years for assistance from the National Records Center. (2) Edward Hendy has been waiting for 4 years for assistance from the Records Center. He is a World War II Veteran in poor health, and is entitled to a Good Conduct Medal, an American Theatre Service Medal, and a European-African-Middle East Service Medal with 5 bronze stars. (3) Randy Marwede, Director of Ingham County Veterans Affairs, sent in a request for a copy of his DD 214 and has yet to hear back—the request was dated July 1996.

Our veterans gave us far better service than this—and risked their lives to do it. They deserve far better from this country and the government agencies who serve them. I urge my colleagues to join me in supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 498, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

AMENDMENT OFFERED BY MR. WICKER

Mr. WICKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WICKER:

At the appropriate place in the bill, insert the following:

SEC. ___. LIMITATION.

No funds appropriated for the United States Postal Service under this Act may be expended by the Postal Service to initiate new nonpostal commercial activities or pack and send services.

Mr. WICKER. Mr. Chairman, I will be brief. The chairman of the subcommittee has advised me that he will accept the amendment if I am brief, and I intend to comply with that request.

Mr. Chairman, this amendment deals with competition by the Postal Service in nonpostal commercial activities, such as the pack and send activities. The gentlewoman from Kentucky (Mrs. NORTHUP) had an amendment that was closely related to it that was accepted by the Committee of the Whole a few hours ago now. It dealt with fairness globally.

This amendment, Mr. Chairman, deals with fairness as it relates between the Postal Service and small business, where, for example, a small business has taken out a loan, it is a mom and pop operation, they are raising their kids, paying their taxes, and here comes the big behemoth Postal Service coming in to compete with them.

This certainly is not as strong as the committee language which was stricken by a point of order, but it does send a message. It does say that no funds under this act shall be used to initiate new commercial non-postal services. I urge the adoption of the amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be very, very brief on this. The gentleman is correct, I do accept this. As he knows, and he and I have had considerable discussions, I have considerable concerns about the substance of his amendment, which was adopted in Committee. He did win that fair and square.

This amendment has no real effect because it only effects funds in this bill

dealing with the Postal Service. It simply maintains its place for the conference. But I do have real concerns about the substance of the amendment, and the gentleman knows that. But I accept this amendment.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a proponent of the United States Postal Service it would be, I think, unseemly to oppose sending a message, and I will not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WICKER).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. SAXTON:

Page 109, after line 24, add the following:

SEC. 648. (a) EXCEPTION TO IMMUNITY FROM ATTACHMENT OR EXECUTION.—Section 1610 of title 28, United States Code, is amended by adding at the end of the following new subsection:

''(f)(1)(A) Notwithstanding any other provision of law, including but not limited to section 208(f) of the State Department Basic Authorities Act (22 U.S.C. 4308(f), and except as provided in subparagraph (B), any property with respect to which financial transactions are prohibited or regulated pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), or any other proclamation, order, regulation, or license issued pursuant thereto, shall be subject to execution or attachment in aid of execution of any judgment relating to a claim for which a foreign state (including any agency or instrumentality of such State) is not immune under section 1605(a)(7).

''(B) Subparagraph (A) shall not apply if, at the time the property is expropriated or seized by the foreign state, the property has been held in title by a natural person or, if held in trust, has been held for the benefit of a natural person or persons.

''(2)(A) At the request of any party in whose favor a judgment has been issued with respect to a claim for which the foreign state is not immune under section 1605(a)(7), the Secretary of the Treasury and the Secretary of State shall fully, promptly, and effectively assist any judgment creditor or any court that has issued any such judgment in identifying, locating, and executing against the property of that foreign state or any agency or instrumentality of such State.

''(B) In providing such assistance, the Secretaries—

''(i) may provide such information to the court under seal; and

''(ii) shall provide the information in a manner sufficient to allow the court to direct the United States Marshall's office to promptly and effectively execute against that property.''.

(b) CONFORMING AMENDMENT.—Section 1606 of title 28, United States Code, is amended by inserting after ''punitive damages'' the following: '', except in any action under section 1605(a)(7) or 1610(f)''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

□ 1915

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I rise to a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OBEY. Mr. Chairman, the amendment is clearly legislation on an appropriation bill. It violates the same rule that I referred to so many times today. While this may be a meritorious issue, it needs to be dealt with in conference by Members who understand it, and it does not fit the rule under which we are operating today.

The CHAIRMAN. Are there any other Members who wish to be heard on the point of order?

Mr. SAXTON. Mr. Chairman, would it be in order for me to request the gentleman to reserve a point of order in order that the gentleman from New Jersey (Mr. PASCRELL) and I, who offer this amendment together, might at least have the opportunity to explain the provisions of the amendment?

Mr. OBEY. Mr. Chairman, with all due respect, under ordinary circumstances I would agree with that, but we have gone on this bill for most of the day. We still have another bill tonight. Many Members are going to be home. We are still going to be here dealing with legislation until the wee hours. Under the circumstances, I feel constrained to insist on my point of order.

Mr. SAXTON. Mr. Chairman, we can deal with it in a very short order tonight or, having talked to leadership about this, we can go into a series of hearings on this measure to try and determine why it is that the administration is taking a position against the American people and in favor of the government Iran.

Mr. OBEY. Regular order, Mr. Chairman.

The CHAIRMAN. Are there any other Members who wish to be heard on the point of order? If not, the Chair is prepared to rule.

The amendment offered by the gentleman from New Jersey directly amends existing law. As such, the amendment constitutes legislation in violation of clause 2 of rule XXI.

Accordingly, the point of order is sustained.

Are there further amendments to the bill?

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment that I would have offered, which I would have done in a more substantive way, is an amendment which is intended to correct a grave injustice that is being carried out by this administration.

Mr. Chairman, on April 9, 1995, a terrorist act took place against an American family in which an American lady died in Israel. Her name was Alisa Flatow. She was an American student studying in Israel. She was riding in a bus on a holiday in Israel. This wonderful lady is no longer with us.

This is the vehicle in which she road. Hardly recognizable as a vehicle of mass transit today.

The Flatow family came to me and to the gentleman from New Jersey (Mr. PASCRELL) and to the gentleman from New York (Mr. ENGEL) and to others and asked for help, because the American statute that governs the activities of the Federal courts did not permit the latitude for them to seek redress in court.

Due to the great cooperation of the chairman of the Committee on the Judiciary and the chairman of the Committee on International Affairs, we changed the statute to give the Flatow family the ability to sue. Subsequently they did, and subsequently the Federal district court here in Washington granted them a judgment in the amount of $247 million against the Islamic Republic of Iran.

That was step one. It was important, but it was step one. And it said to the Islamic Republic of Iran, if you commit acts of terrorism, there is a price to pay. The Flatow family went back to court to perfect their judgment, identified three Iranian-owned properties in Washington, D.C. owned by the Iranian government, began to perfect the judgment and get liens against the properties. And along came our own State Department and our own Treasury and said to the judge, stop. You cannot perfect this judgment in the form of liens against those properties because there is another statute that gives us the ability to stop you and we will.

And so this administration, in acting against the Flatow family and for the government of Iran, is standing in the way of the will of this body, which just a year or so ago amended the statute to give the Flatow family the ability to sue, and is protecting the assets of the State sponsor, proven in court to be the State sponsor of the death of Alisa Flatow.

Now, the amendment, Mr. Chairman, that I would have offered would have quietly taken care of this whole deal. As a matter of fact, the Senate has already made it part of their Treasury, Postal appropriations bill. And for the life of me, I cannot imagine why the minority ranking member of the Committee on Appropriations would want to side with the administration on the side of Iran against the Flatow family in complete and utter defiance of the law that this body passed and the President of the United States signed known as the Effective Death Penalty and Anti-terrorism Act.

If it seems as though I am unappreciative of the treatment that we have received here tonight, it is so. I believe this administration is creating a grave injustice, and to some extent, at least by the actions of the minority member, that injustice has been carried through here in this body tonight.

I will have more to say on this in the days ahead.

Mr. PASCRELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when I looked at the government's response to this particular case in July of 1998, where lawyers for the Department of State and the Treasury advised the court that the government would file motions to quash each of the writs of attachment, we must rise against the injustice.

In April of 1995, Alisa Flatow, who was then a student at Brandeis University, from my district of West Orange, New Jersey took a semester off to study at Jerusalem Seminary. She was driving on a bus, riding on a bus in the Gaza strip when a militant suicide bomber drove a van loaded with explosives into the side of the crowded vehicle. Sadly, Alisa and eight other innocent people were killed by this act of terrorism.

Alisa was a woman of great character, both in life and in death. And those who received her organs can attest to the kind of generous woman she was. Her heart was transplanted to a 56-year-old man who had been waiting more than a year for one. Her liver was donated to a 23-year-old man. Her lungs, her pancreas, her kidneys to four different patients. Her corneas were donated to an eye bank.

We will not forget Alisa Flatow or the struggle and trauma her family have gone through as a result of this heinous act. State-sponsored terrorism cannot be tolerated. Not just in words we speak, but in action. That is what the gentleman from New Jersey (Mr. SAXTON) was talking about. It simply requires that the Secretary of the Treasury help victims locate assets of the Nation that sponsored the terrorist act, whomever they are. It entitles victims to seize property so that they can be liquidated in order to pay any judgments issued by a U.S. court, and we have a judgment here, do we not? We have a judgment.

The measure is a good first step we took in 1996. We need to build upon it so we can wage a real war on terrorism, not just of words.

In 1997, we passed another law that allowed victims of terrorism or their families to sue for punitive damages, another step, another action taken; not just words.

We heard the gentleman from New Jersey (Mr. SAXTON) speak about the rule that Iran must pay $247.5 million. Frankly, I would say to the gentleman from New Jersey (Mr. SAXTON) I am not interested on this side of the aisle in kowtowing and boot licking those people who we think some day will be our friends while they tolerate acts of terrorism and do not do anything about it. Frankly, I am not interested in that. I am interested in now, to send a clear message to the administration, to the courts, to our friends and those who are not our friends, that we mean business.

These are our citizens. These are our brothers and sisters. These are our relatives we are talking about here.

This amendment, whatever form it takes, and it will take form, will allow the Flatows to seize Iranian property, as the courts have decided.

Those nations who sponsor terrorism must know that if they are found guilty in a U.S. court, their assets will be liquidated in order to serve justice.

Mr. Chairman, let justice be served today.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, since the proponents of an amendment that is not even before us choose to discuss why they want to offer it, I want to explain with all due respect why I objected to their offering it in violation of House rules.

The story that they tell is a very disconcerting one, and there is not a member of this body who would not like to do something about it, but the fact is that this proposal has already been added to the Senate bill. That means the opportunity to deal with this issue will be fully present in conference and that means that there is no need to have it added to this bill in the House in order to have this problem considered.

There is a serious problem, however, if we had chosen to add it in the House. It would have then been in both bills. It would not have been subject to conference, and the problem is that there are significant national security problems associated with providing this amendment.

I would point out, for instance, that in a letter from the administration, the letter indicates that this amendment would substantially undermine the President's ability to use such assets as leverage when economic sanctions are being used to modify the behavior of a foreign state or in negotiations with that state. It said, for instance, that if private claims were allowed to execute judgments ahead of these assets, the President would be deprived of their use as leverage to gain concessions from the North Koreans in the negotiating process, because in their judgment this amendment does not just apply to Iran. It applies to all kinds of other countries, including Cuba.

The administration also points out that the Supreme Court has recognized the importance of the administration retaining this authority in states. Quote, ''Such blocking orders permit the President to maintain the foreign assets at his disposal for use in negotiating the resolution of a declared national emergency.''

□ 1930

They also point out that with respect to Cuba there are 5,911 claims totaling $1.9 billion, but there are only $148.3 million in Cuban government assets available to justify those claims. This proposal would contribute to a first-come, first-serve approach, which would not be equitable to those people who are left out.

So I would say that despite the distressing story that these gentlemen are telling tonight, the responsible thing to do, since this is already in the Senate bill, is to simply deal with it in conference, when we will have an opportunity to measure whether or not the administration's claims are in the national interest or not, and whether or not it is wise to proceed to do what the gentlemen want to do or whether we ought to do something else.

That is why I objected, because I think that is the most responsible way to deal with it. I defy any other Member of this House to tell me whether they have sufficient information to deal with all of the legal questions involved in this issue. Obviously, they do not. And given that fact, this is the time-honored way that we have to make certain that if we make a foreign policy decision, we make it in a considered way.

Besides that, I would simply point out that if the gentleman did have an urgent request, he could have gone to the Committee on Rules and asked the Committee on Rules to make this amendment in order under House rules. It is not in order under House rules, and I did not vote for the rule today, which made a lot of other legitimate issues beyond the ability of this House to deal with at this point.

So for those reasons, I did the responsible thing and I make no apology for it.

Mr. ENGEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank my friend and colleague for deferring to me, and I just wanted to rise in support of what the gentleman from New Jersey (Mr. SAXTON) was attempting to do. I very much regret that we will not have an opportunity to have his amendment on the floor.

I listened intently to my friend from Wisconsin saying that it is in the Senate bill and, therefore, we will have ample opportunity in the conference to debate that. I would hope that in the conference we would have ample opportunity and that we would adopt the Senate version and bring it back to this floor with the Senate version so that the Flatows can get what is rightfully due to them.

I am, frankly, not impressed with the language that this would undermine the President's ability to use the assets as leverage. This is the same sort of gobbledygook we hear all the time from many different administrations or from the State Department whenever they want to throw cold water on an idea. They always say it somehow undermines the ability to have the President do this or that, or undermines the ability of anybody to do anything.

We are the United States Congress and we make policy. We decide what is right. And I certainly think that it is right that the Flatows, who have gotten a judgment, I mean absolutely they

have gotten a judgment, this is not some theoretical thing that has happened, they have gotten a judgment, and it is a disgrace that somebody would prevent them from getting the judgment fulfilled.

As was pointed out by the gentleman from New Jersey (Mr. SAXTON), we changed the law so that the Flatows would have the right to sue. We did that. They sued and they won. There are three Iranian owned properties in D.C. And I do not want to hear State Department gobbledygook or any kind of gobbledygook. I want to deal in the real world. The real world is that there was a terrible injustice that happened.

We say we are against state-sponsored terrorism. This is a chance to put our money where our mouths are. It is all very nice to talk about platitudes and just say things, but here is where we can make a concrete difference. So I do support my colleague, the gentleman from New Jersey (Mr. SAXTON), in his amendment and what he is trying to do. And I want to commend him for doing it, because it takes a lot of courage to do this, and he is doing the right thing.

I would hope that when we sit down with the Senate at the conference and iron this out, that on both sides of the aisle, Democrats and Republicans, we will agree that that Senate language ought to be in so that the Flatows can go after that judgment and go after the Iranian owned properties. We should not be protecting the Iranians. This Congress has spoken a number of times in terms of Iranian assets and the types of things that the Iranians have been doing, and there is no way that we should condone this kind of nonsense.

So, again, I do not want to hear gobbledygook, I do not want to hear nonsense, I do not want to hear about undermining the President's ability. We are the Congress. We have the ability to pass laws and say what is right, and we are not undermining anyone if we are saying simply that a judgment has been declared and these people have the right to exercise that judgment, which they won based on the right to sue, which we in the Congress gave them.

So, again, I hope that on both sides of the aisle we can agree that the gentleman from New Jersey (Mr. SAXTON), and what he is trying to do, should prevail if the Senate language is in, and I hope we will all agree to it.

Legislating on an appropriation bill. We hear that all the time, and all of us know, on both sides of the aisle, that there is a lot of legislating on appropriation bills. Sometimes we look the other way and everyone is quiet and nobody says anything, and other times, when we want to use that to get legislation out, to get language out, we use it. It is very, very selective. It is not very uniform. And as far as I am concerned, it is a bunch of nonsense. So we ought to put it back in after we negotiate with the Senate so that the Flatows can get their justice. And I want to commend my friend New Jersey for bringing this to the floor.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

I want to say to the gentleman from New Jersey (Mr. SAXTON), and the gentleman from New Jersey (Mr. PASCRELL), and the gentleman from New York (Mr. ENGEL), and others who have worked on this case, that this is a compelling case. There is no doubt about it. And I have spent substantial time talking about it. I have in turned talked with the Treasury Department about it tonight very briefly, and not fully, but I want to say that we are all agreed that this is a compelling case. And although the language is not finally in the Senate yet, it is in the committee reported bill.

There are some other issues involved. However, I am hopeful, and I have talked to the chairman about this, I am hopeful that we can, as the gentleman from New York said, and the gentleman from New Jersey (Mr. PASCRELL) said, and the gentleman from New Jersey (Mr. SAXTON) said, resolve this so that the family, who has been grievously injured, will have redress of that grievance. And I look forward to working with the gentlemen from New Jersey over the next few weeks and the gentleman from New York and the chairman toward that end.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I also rise with my colleagues to again discuss the fact that we are unified in our bipartisan support in opposition to state-sponsored terrorism. It is consistent with the Anti-terrorism and Effective Death Penalty Act of 1996, as amended by the Foreign Service Immunities Act, that we move ahead and make sure the verdict in favor of the Flatow family moves forward.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I would just take a minute to say that the arguments brought forward by the ranking member relative to negotiations and relative to equity to perhaps other future litigants are nice to talk about but have very little real meaning in this situation.

With regard to negotiations by the administration, the administration never was negotiating for these families. The negotiations that have been taking place may have some other broader meaning, but they have nothing whatsoever to do with the law we passed nor with the families that have been affected by terrorist actions.

With regard to equity, unfortunately, in our system of jurisprudence, as various types of cases come forward, whether they be bankruptcy or other types of liability cases, there are people who choose to enter into litigation early and there are people who do not. And those who enter into litigation early, in our court system, are granted awards. And perhaps assets are used up and are, therefore, not available to others. So there is nothing unusual about this.

I would just like to conclude by saying this issue is not going to go away. And I am speaking, yes, in terms of the Flatow case, but I am also speaking in terms of the statute we passed which this State Department is not enforcing and, in fact, is standing in the way of the courts who wish to enforce it.

At the earliest opportunity, I intend to introduce a freestanding bill to take care of this problem. I obviously intend to work with Senator LAUTENBERG from the other body and Senator STEVENS, who agree with our position and have included it in their appropriation bill. And I intend to take whatever other actions we may deem as necessary and appropriate to affect the action that is just and due the Flatow family.

In addition to that, I would just conclude by making one final point. Terrorists operate around this world, and there is seldom a price to pay. I thought in 1996, when we passed this law, we took a step in the right direction in creating a price to pay. Whether it is the Khobar Towers, explosions that occur in England or France or in the Middle East or in this country, terrorists walk away scot-free in most instances. This is a tool for us to use as a civilized society to prevent acts of terrorism by letting would-be terrorists know that there is a price to pay.

I regret deeply that the administration is standing in the way of the law we passed and not permitting it to work. And I regret just as deeply that we have not been able to affect a step in the direction of correcting that inequity here tonight.

AMENDMENT NO. 6 OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mrs. MORELLA:

At the appropriate place in the bill, insert the following:

SEC. __. (a) An Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) The Office of Personnel Management shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) For purposes of this section, the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

Mr. OBEY. Mr. Chairman, reserving the right to object, this amendment is clearly, again, legislating on an appropriation bill, and I am reluctant to do so, but I do not feel that I have any choice under the same rule I cited many times today on legislating on an appropriation bill.

The CHAIRMAN. Does the gentleman insist on making his point of order at this time?

Mr. OBEY. Mr. Chairman, I will reserve the point of order, but, again, we are going to be a long time tonight. And if we are going to spend hours debating amendments that the majority has helped make nongermane in the first place, I do not see much sense in it. So I would reserve for 5 minutes a point of order.

The CHAIRMAN. The point of order is reserved.

The gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes in support of her amendment.

Mrs. MORELLA. Mr. Chairman, I respectfully note that when we talk about debating issues, I have waited 6 hours because I think this is important, this particular amendment, which is at the desk. It is very simple and I would like to explain it. It would allow agencies to use their own salary, their own expense accounts, to help Federal employees pay for child care.

I have worked with the Office of Personnel Management to develop this legislation, and I have been requested to do that because several agencies, including the Social Security Administration, the Department of Justice, the Department of Defense and the Office of Personnel Management, have requested such authority from OPM. OPM cannot grant this authority so we must legislate this very simple change.

Now, this amendment does not require any additional appropriation. It would be up to individual agencies to determine whether or not to use funds from their salary and expense appropriations to help to provide child care. Agencies, and not the employees, would make payments to child care providers to help lower-income Federal employees pay for their child care.

□ 1945

Such child care benefits are already being provided to military employees with a separate line item, which is more than what my amendment would provide.

The Department of Defense, one of the agencies seeking such authority to help its employees with child care costs, has pointed out that they can provide child care benefits to their military employees but not the civil servant working side by side with them.

Many Federal employees are caught in a serious child care crunch. A recent study showed that one-quarter of all Federal workers had children under the age of 6 that need care at some time during the workday. And during a recent hearing in the subcommittee of the gentleman from California (Mr. HORN), testimony revealed that some Federal child care facilities charge up to $10,000 or more per child per year. Many Federal employees just cannot afford that kind of quality child care, and yet the demands we make on them are enormous.

So by giving the agencies simply the flexibility to help their workers meet their child care needs, we will be encouraging family-friendly workplaces and higher productivity. I hope that that will not be ruled out or order.

This is an amendment that has been approved by the chairman of the Subcommittee on Civil Service as well as the chairman of the Committee on Government Reform and Oversight. I went to both of them. They both feel that this is an appropriate opportunity to simply put in an authority that is so important.

Decisions have been made today about what is in order and what is not in order. To me this is a very simple, noncontroversial amendment that is very important, that really is going to help in this country with the productivity of our Federal employees. I hope that we not rule it out of order.

Mr. GILMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of the Morella amendment. I think it is a worthy cause to give our Federal employees the opportunity to use funds that have not been depleted in our Federal budgets, to use it for tuition, for day-care, for our Federal employees who find it very difficult on many occasions to find credible day-care facilities. And I think that this is an outstanding method for helping our Federal employees, and I want to urge my colleagues to support it. I hope the chair will not rule it out of order.

Mr. Chairman, I rise today in support of the amendment proposed by my colleague, the gentlelady from Maryland, Ms. MORELLA. This amendment allows funds appropriated to executive, legislative, or judicial agencies which provide child care, to establish a tuition subsidy program for Federal employees whose dependents are enrolled in child care.

I have been working on a legislation that would require Federal child care centers to at least meet the standards of the State in which they are located. Representative MORELLA's amendment is a significant step in the positive direction toward increasing the availability of quality child care for Federal employees.

If the already appropriated funds are not fully depleted, there is no better way to use the excess money than in assistance for Federal employees. Many Federal employees find themselves in a difficult situation when it comes to finding affordable day care, especially when some Federal child care centers charge up to $10,000 or more per child per year. Many categories of workers simply cannot afford to send their children to an accredited center and this puts their children at serious risk.

There have been too many incidents of injury and death due to inadequate child care. A subsidy program would allow the dependents of Federal employees to be in a safe, affordable environment in accredited centers, while staying within the financial parameters established by the already appropriated funds.

The Department of Defense already has a similar program. Military employees are provided child care benefits, but the civil employees working beside them cannot receive these same benefits. We should provide a model for private industry by enabling our Federal agencies to assist their employees with the evergrowing costs of child care. This amendment will send a clear message to families, businesses, and day care providers across the country that we are committed to protecting our children and providing them with safe, affordable, and quality day care. Accordingly, I urge my colleagues to support the Morella amendment.

Mrs. MORELLA. Mr. Chairman, I would like to comment, the gentleman from New York (Mr. GILMAN) has been here all afternoon also because he feels this is such an important amendment.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) insist on his point of order?

Mr. OBEY. Mr. Chairman, I continue to reserve my point of order.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

I am sure that there are some people who are being hoisted on their own petard when they insist on points of order only to subsequently realize that there are some things that they really want added to an appropriation bill and are not able to add due to the same point of order problem.

The gentlewoman from Maryland (Mrs. MORELLA), however, voted against the restrictive rule on this bill and I know has consistently supported child care, I doubt she has ever voted to cut child care. And I strongly agree with the intent of this amendment. I think we should allow Federal agencies the discretion to use their administrative expense money to provide child care for their employees.

Between 1975 and 1994, over the last 20 years, the number of women in the labor force with children under the age of 6 increased from 39 percent to 60 percent. And more than half of all the children in this country under 1 year of age and more than 12 million children under the age of 5 are regularly in the care of someone other than their parents. Think about that. Most of the children in this country under 1 year of age do not have their parent at home because their parents need to be in the workforce.

A recent study shows that one out of every four Federal employees needs child care daily. Access to quality, affordable child care has become a number one issue for many parents across the country, including Federal employees. As a responsible employer, the Federal Government should be working to improve access to, and the affordability of, child care for its employees.

In Congress, we have been working to find ways to encourage private businesses to do just that. If we look at our

own record, we are doing a pretty good job. There are 1,400 private-employer-provided child care centers throughout the United States. But, by comparison, the Department of Defense has 850 centers for its enlisted employees, another 200 more for DOD civilian employees. But we can do much better by allowing all Federal agencies to provide child care assistance to all their employees.

In exchange for being a responsible employer, we have the added bonus of increased productivity because available child care will decrease the number of missed work hours that are lost due to child care crises. We also have the lure of quality, affordable child care that we can use in acquiring and retaining the best possible employees to work for our Federal Government.

DOD has been successful in providing sliding-scale fee care on location to parent employees. But other Federal agencies have been strictly prohibited from funding such a program even by simply providing an on-site facility with electricity and furnishings. They are prohibited.

That is the reason for this amendment. The Morella amendment would not force agencies to provide child care but would allow agencies to use their own administrative funds at their own discretion to provide care or tuition assistance. Because the amendment does not require an additional appropriation, it does not impact the budget at all.

In addition, any profits that a facility might be able to acquire could be used to make child care more affordable for lower-income employees. Over the past several years, we have made tough choices, along with great progress, in cutting Federal expenditures and achieving fiscal responsibility in the budget. But along with this responsibility, we have asked the private sector to do their part in being responsible citizens, particularly as employers, by providing benefits such as health care and child care to their employees.

It is time for the Federal Government to step up to our responsibility as employers by allowing Federal agencies the discretion to provide child care to their employees. And, for that reason, this is a good amendment, and I would hope that we could find a way to make it in order to allow Federal agencies to exercise their discretion for the benefit not only of their employees but for all the people who will be better served by their Federal employees.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) insist on his point of order?

Mr. OBEY. Mr. Chairman, I continue to reserve my point of order, and I move to strike the requisite number of words.

Mr. Chairman, I would very much like to support this amendment. I happen to agree with the substance of it. And I very much would like to have had a rule on this bill today which would have allowed us to consider many issues that were in the interest of the country to consider.

The rule that was adopted today on this bill eliminated our ability to deal with one of the most serious emergencies we have had domestically in a long time, the computer problem in the year 2000, which threatens the ability of the Government to deliver Social Security checks, Medicare checks, veterans checks to millions of deserving and entitled Americans.

The rule that was adopted by the majority today is a lousy way to do business. It meant that 80 percent of the dollars in this bill were made vulnerable to points of order. It meant that we could not consider in a fair way the amendment that the committee had adopted on a bipartisan basis on family planning.

Every Member has an amendment which they think is so important it ought to be an exception to the rule. But I would simply say to my friends on the majority side of the aisle, when you live by the sword, you die by the sword.

It just seems to me that it is not fair, after the majority has imposed on this House a rule which has precluded us from dealing with many serious issues that should have been dealt with today, it is not fair for Members to then get up and say, oh, but I have one that should be made an exception.

Now, I wish I could support this amendment, but the fact is that, under the rule adopted by the majority, this amendment violates the rules of the House. And I would say that at the same time that this offers token support for expanded child care, the majority has largely ignored the President's entire child care initiative, which would have greatly expanded the affordability and the quality of child care for all working families, not just Federal employees.

The Subcommittee on Labor, Health and Human Services, and Education, the majority in that subcommittee, did not provide any of the President's funds requested to improve child care quality under the child care block grant program. They funded only one-quarter of the Head Start slots of the President's requested program. And they level-funded the child care development block grant, despite the fact that only one in eight eligible children are served.

So, I take a back seat to no one in my concern about child care. But if I am to be consistent, I have to apply the rules to all Members. I did not make this rule. I asked the House not to adopt it. But they did, and now it seems to me they have no choice but to live with the consequences.

Even in the United States Congress, people need to occasionally have to live with the consequences of their own actions. And while I recognize that the gentlewoman from Maryland (Mrs. MORELLA) did not vote for that ill-advised rule, it was imposed on us by her party.

And under those circumstances, Mr. Chairman, I do make a point of order against this amendment. I continue to reserve the point of order momentarily.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is a good amendment. I wish that it were in order, and I would vote for it. And I wish perhaps that we were not going to object. But we are. And I understand the ranking member's position. I, too, was adamantly opposed to this rule.

I am concerned, as I know the gentlewoman from Maryland (Mrs. MORELLA) is concerned, that we are designating salaries as the funding source here because we are squeezing salaries. And the gentlewoman from Maryland and I regretted that we lost a very important part of this bill as a result of an objection from one of the Members, over her objection and mine.

But we need to pursue this issue. We need to make sure that the Federal Government, as the gentleman from Virginia and the gentlewoman from Maryland have pointed out, is in fact a model employer.

My district is, I do not know the most but one of the most child-care-dependent districts in America because we have a lot of parents with a number of children who are either a single mother working or a single dad working or both parents working, so that child care is a necessity. And, of course, the Federal Government is the largest employer in our area.

So this is a critical necessity, not a luxury, not an optional requirement for families not just in this area but around the country. So that I congratulate the initiative that has been shown here, regret that I cannot vote for it at this point in time and hope that we will be able to support it and have it on the floor as soon as possible, and certainly we will support it at that time.

Mr. OBEY. Mr. Chairman, I regrettably, but nonetheless, continue to reserve my point of order.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support this amendment. Let me just say that one of the most important parts of raising my two sons to become productive young men was the ability to find affordable and quality child care. But let me tell my colleagues, it was very, very difficult to find such services. The waiting lists were too long. The child care facilities were so far away from school or work, and the costs were barely affordable.

□ 2000

Now this was in the 1960s and in the 1970s. Here we are in 1998, and rather than improving the availability of child care, it has become very, very difficult because, of course, wages have not kept up with inflation. We still have not figured out a way to ensure good and affordable child care for our Nation's children.

It is a truism and a cliche, but nevertheless it is an universal truth, that our children are our future. Treat them well, treat them with love, attention and respect, and they have an excellent chance to become solid citizens of tomorrow.

When we abandon our children to inadequate and substandard child care because we cannot obtain or pay for the appropriate care, we disadvantage and even incapacitate young people. We also run the high probable risk that we raise adults who have little commitment to their parents and to their society.

It is a persistent national problem that continuing low wages, especially for child-bearing-age women, coupled with understandably high cost of child care, quality child care, produces a terrible dilemma within which mothers and fathers are too often caught. In 1996, 62 percent of mothers with young children were in the work force; in 1990 it was 58 percent; in 1980 it was 47 percent; in 1970 it was 32 percent, and these numbers will continue to grow. But reliable professional teachers and nurturers of young children are not available for the substandard wages that we pay our child care providers, nor should they be.

So this amendment is a significant step that we can take to really help begin to alleviate this pressing need. It is an all-around winner. It matches the willingness of the Social Security Administration, the Department of Justice, the Department of Defense and the Office of Personnel Management to use their salary and expense accounts to help Federal employees to pay for child care. It is very simple.

So I ask my colleagues, Mr. Chairman, to vote yes on this amendment.

Mr. Chairman, I rise in support of the Morella amendment to the FY 99 Treasury-Postal appropriations bill. I commend the gentlewoman from Maryland, Representative MORELLA, for her efforts here today in assisting our Nation's Federal employees with the high cost of quality child care. Although the amendment has been stripped on a point of order I hope that the final version of the bill will contain the childcare provisions.

Currently, child care costs for the average family can range between $4,000 and $10,000 a year—the same amount as college tuition at some public universities. In fact, some Federal child care facilities charge up to $10,000 or more per child per year. Most Federal employees simply cannot afford child care at these high prices.

The Morella amendment would allow Federal agencies to make payments to child care providers to help lower income Federal employees meet their child care needs. Since it is the decision of the individual agency to determine whether to use funds from their salary and expense accounts, this amendment does not require any additional appropriation. These same child care benefits are already being provided to military employees.

While finding affordable, quality daycare is a basic concern and serious dilemma for most working families, it is of special concern to Federal employees, who often work in service to the public for low pay and long or unusual hours. I urge my colleagues to vote "Yes" on the Morella amendment.

Ms. DEGETTE. Mr. Chairman, the Denver Federal Center is situated comfortably at the foot of the Rocky Mountains, about one-half hour away from downtown Denver, Colorado. Roughly 5,500 federal employees are employed at this facility, many of whom are raising small children. The Morella amendment would make a simple but profound change in the lives of these individuals—it would make quality child care for their children more affordable.

The amendment before us today would permit the Office of Personnel Management to redraw its regulations so that all federal agencies could use existing funds to subsidize child care costs for federal employees. In the case of this amendment, a little would truly go a long way. Lower-income employees all around the country could get the necessary assistance to seek out and pay for local area child care programs. At a time when child care costs often exceed $10,000 per child per year, and at a time when employers are fast becoming aware that good child care means higher productivity on the job, this amendment is good government. By passing this measure, we not only recognize the importance of quality child care to the positive development of our children, but we also encourage productive, family-friendly government.

This amendment does not legislate new child care programs or require new appropriations. It is simply an opportunity for Congress to make a straight-forward, administrative change to government practice. It's a small, but important change.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, for the fifth time, I think, now, I regrettably renew my objection and simply make the point of order against this provision on the same grounds that I have raised all day, that it is legislation on an appropriation bill, it is not in order under House rules and, therefore, should not be before us.

The CHAIRMAN. Are there any other Members wishing to be heard on the point of order?

If not, the Chair will rule.

The amendment offered by the gentlewoman from Maryland (Mrs. MORELLA) places new duties on the Office of Personnel Management that are not contemplated in existing law. As such, the amendment does constitute legislating in violation of clause 2 of rule XXI.

Accordingly, the point of order is sustained.

AMENDMENT OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANZULLO:

Page 109, after line 24, insert the following new section:

SEC. 648. INFORMATION REPORTING REQUIREMENTS RELATING TO HOPE SCHOLARSHIP AND LIFETIME LEARNING TAX CREDITS.

(a) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be used to enforce section 6050S of the Internal Revenue Code of 1986 (relating to returns relating to higher education tuition and related expenses).

(b) WAIVER OF LIABILITY.—

(1) IN GENERAL.—No person shall be liable under part II of subchapter B of chapter 68 of such Code (relating to failure to comply with certain information reporting requirements) for failing to file an information return or payee statement required by section 6050S of such Code.

(2) PERIOD OF APPLICABILITY.—Paragraph (1) shall apply only with respect to information returns and payee statements required to be filed after September 30, 1998, and before October 1, 1999.

Mr. MANZULLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

Mr. MANZULLO. Mr. Chairman, I will take my 5 minutes and then withdraw the amendment.

Mr. Chairman, I rise today to offer an amendment to the Treasury appropriations bill that would simply delay for 1 year the implementation of the reporting requirements related to the HOPE Scholarship and lifetime learning credits. There is a strong need to pass this amendment.

As part of last year's Taxpayers Relief Act, Congress rightfully included the HOPE Scholarship and lifetime learning tax credits. These credits represent an opportunity to expand much needed access to higher education. By helping make college more affordable for eligible students, the tax credits lower the burden on families sending children to school. But while students apply to receive this tuition assistance, the new law unfortunately imposes costly reporting requirements on colleges and universities.

What do these reporting requirements entail? Colleges and universities and trade schools, 7,000 in number across this country, must collect the name, address, Social Security number of the student. However, under the new reporting requirements colleges and universities must now collect and report to the IRS for each student, regardless of whether the student takes advantage of the credit, the name, address and Social Security numbers of anyone claiming the student as a dependent for tax purposes; the name, address and employer identification number of the educational institution; contact name and phone number; whether the student was in attendance at least half the time for any academic period beginning in 1998; the gross amount of tuition the student is expected to cover in a calendar year from any other source except tuition remission; and whether the student has completed 2 years of schooling prior to January 1 of 1998.

This is very disheartening. This is a very costly unfunded mandate that has been placed upon our 7,000 trade colleges, community colleges and universities in this country.

We have stipulated that schools must collect all sorts of very personal information, not only for students that want the credit, but on all students. We have been working with six national organizations that represent these 7,000 higher learning institutions, and it is expected that this unfunded mandate by Congress will cost these higher institutions upwards of $150 million to implement alone. Public and private higher education institution in Illinois will have to spend $18 million. Northern Illinois University will pay 200,000. The college community system of California has 107 schools and 2½ million students, and their unfunded mandate share is $20 million a year.

Now the Senate passed a form of relief, holding back many of the reporting requirements for at least a year. However, Mr. Chairman, the reporting requirements are still going to require a tremendous amount of money to be spend by the universities in this country. These institutions enroll 23 million students with expenditures that exceed $200 billion a year.

Mr. Chairman, what we are trying to do here is to simply make available to the IRS a form similar to the child dependent care expense form for 1040 filers. It is called Schedule 2 that is formed on 1040 A, and what this does, it says the taxpayer that claims the credit has the onus of responsibility to fill in the documentation necessary as opposed to this horrible mandate that is placed upon our 7,000 schools.

I have a letter here from the Eastern Connecticut State University talking about how much it is going to cost; from the Allegany College of Maryland; and the letter I have also, Northern Arizona University; McHenry County College; and a letter from John LaTourette of Northern Illinois University where he says, ''Let the schools be in the business of educating students as opposed to being in the business of furnishing IRS different types of information.''

Mr. HOYER. Mr. Chairman, would the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to thank the gentleman. I know he is going to withdraw this amendment, and I know it is subject, as well as he knows, to a point of order.

But I know he has done a lot of work on that. He and I have discussed the concerns that University of Maryland system has with respect to this matter, and I thank the gentleman for all the work he has done on this and look forward to looking at this with him. I am sure that the distinguished gentlewoman from Connecticut who chairs the committee, I suppose, that has jurisdiction over this will also be looking at this closely, and I look forward to working with the gentleman on that.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words. I, too, would like to comment on the gentleman's proposal.

It is appropriate that it be struck at this time, but I appreciate the seriousness of his concern, the amount of research he has done on this issue and the significant problems that our universities could face if this legislation is implemented poorly. However, it is also true that this Congress is going to inject $40 billion through the HOPE Scholarship credit and the lifetime learning credit into our universities and colleges and other educational institutions, and indeed we do have to be sure that that money does go for the cost of education.

I have had a number of discussions with the gentleman now about this, and, as chairman of the Subcommittee on Oversight of the Committee on Ways and Means, which has jurisdiction over the Tax Code and works closely with the IRS on many issues, we will look forward to working closely with him and the universities to straighten out these problems. I believe we can do it without legislation.

We did put some clear direction in the conference report on the IRS reform bill, but we will be tracking it very carefully with the gentleman and using the input and the ideas that he has had to make sure that the process is as simple as it can be and yet assure the accountability for the expenditure of what is going to be billions and billions of dollars in support of an educated America.

Mr. MANZULLO. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Illinois (Mr. MANZULLO) is withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 498, proceedings will not resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO), the amendment offered by the gentleman from North Carolina (Mr. HEFNER), the amendment offered by the gentlewoman from New York (Mrs. LOWEY), the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. DELAURO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote followed by three 5-minute votes.

The vote was taken by electronic device, and there were—ayes 183, noes 239, not voting 12, as follows:

[Roll No. 288]

AYES—183

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Foley
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kolbe
Lantos
Lazio
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran (VA)
Morella
Nadler
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
White
Wise
Woolsey
Wynn
Yates

NOES—239

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonior
Bono
Borski
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle

Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Everett
Ewing
Forbes
Fossella
Fowler
Fox
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Clayton
Filner
Ford
Gonzalez
Hill
John
Kennelly
Lewis (GA)
McNulty
Ortiz
Parker
Roybal-Allard

□ 2032

The Clerk announced the following pairs:

On this vote:

Mr. Filner for, with Mr. Ortiz against.

Mrs. Kennelly of Connecticut for, with Mr. Hill against.

Messrs. QUINN, OBERSTAR and MCDADE changed their vote from ''aye'' to ''no.''

Mr. THOMAS and Mr. POMEROY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

the result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 498, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

PARLIAMENTARY INQUIRY

Mr. OBEY. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OBEY. Mr. Chairman, I state a parliamentary inquiry so that no Member is mousetrapped on the next vote.

Is the next vote the vote on the Hefner amendment, and would a vote for the Hefner amendment eliminate the cap on congressional pay, and would a vote against the Hefner amendment prevent the congressional COLA from proceeding?

The CHAIRMAN. That is not a parliamentary inquiry, but the Chair will state that the Hefner amendment strikes section 628.

AMENDMENT OFFERED BY MR. HEFNER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. HEFNER), on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 79, noes 342, not voting 13, as follows:

[Roll No 289]

AYES—79

Ackerman
Berman
Boehlert
Burton
Campbell
Cannon
Clay
Conyers
Cubin
Delahunt
DeLay
Dingell
Dixon
Doolittle
Engel
Fattah
Fawell
Fazio
Fowler
Frank (MA)
Furse
Harman
Hastings (FL)
Hefner
Hilliard
Hunter
Hyde
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kennedy (MA)
Kim
King (NY)
Knollenberg
Kolbe
Lee
Lewis (CA)
Livingston
Manton
Martinez
McCollum
McCrery
McDade
McDermott
McHale
McKeon
Meek (FL)
Meeks (NY)
Miller (CA)
Mollohan
Moran (VA)
Murtha
Nadler
Owens
Packard
Paxon
Payne
Pelosi
Porter
Rahall
Rangel
Riggs
Ros-Lehtinen
Sabo
Schaefer, Dan
Scott
Serrano
Skaggs
Stark
Stokes
Thomas
Towns
Waters
Watt (NC)
Waxman
Wexler
Wynn
Yates

NOES—342

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Morella
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Oxley
Pallone
Pappas
Pascrell
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—13

Clayton
Filner
Ford
Gonzalez
Hill
John
Kennelly
Lewis (GA)
McNulty
Myrick
Ortiz
Parker
Roybal-Allard

□ 2042

Mr. MCINTYRE and Mr. DICKEY changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 198, not voting 12, as follows:

[Roll No. 290]

AYES—224

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Calvert
Campbell
Capps
Cardin
Carson
Castle
Clay
Clement
Clyburn
Condit
Conyers
Cook
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Ehrlich
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Foley
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gordon
Granger
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klug
Kolbe
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rothman
Roukema
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wilson
Wise
Woolsey
Wynn
Yates

NOES—198

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ewing
Forbes
Fossella
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kildee
Kim
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Clayton
Filner
Ford
Gonzalez
Hill
John
Kennelly
Lewis (GA)
McNulty
Ortiz
Parker
Roybal-Allard

□ 2052

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Ortiz against.

Messrs. MOAKLEY, GALLEGLY, and EHRLICH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 16 offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 226, not voting 13, as follows:

[Roll No. 291]

AYES—195

Aderholt
Andrews
Armey
Bachus
Baesler
Barcia
Barr
Bartlett
Bass
Bilbray
Bilirakis
Bishop
Blunt
Bono
Brown (OH)
Bryant
Bunning
Burr
Burton
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Deal
DeFazio
Delahunt
Diaz-Balart
Doolittle
Doyle
Duncan
Emerson
English
Ensign
Evans
Everett
Foley
Forbes
Fossella
Fowler
Fox
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Gutierrez
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Johnson, Sam
Jones
Kaptur
Kennedy (RI)
Kingston
Klink
Klug
Kucinich
LaHood
Largent
Lee
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McGovern
McIntosh
McIntyre
McKinney
Metcalf
Mica
Miller (CA)
Mink
Mollohan
Moran (KS)
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Owens
Pappas
Pascrell
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rangel
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Rush
Ryun
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stark
Stearns
Strickland
Stupak
Sununu

Talent
Tauzin
Taylor (MS)
Thornberry
Tiahrt
Traficant
Turner
Upton
Velazquez
Visclosky
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wolf
Woolsey
Young (AK)
Young (FL)

NOES—226

Abercrombie
Ackerman
Allen
Archer
Baker
Baldacci
Ballenger
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Buyer
Callahan
Calvert
Camp
Capps
Cardin
Castle
Clay
Clement
Clyburn
Coburn
Combest
Coyne
Davis (FL)
Davis (VA)
DeGette
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Ewing
Farr
Fattah
Fawell
Fazio
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Granger
Green
Greenwood
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Minge
Moakley
Moran (VA)
Morella
Murtha
Neal
Northup
Nussle
Oberstar
Obey
Olver
Oxley
Packard
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Redmond
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rothman
Roukema
Sabo
Sanchez
Sandlin
Sawyer
Schumer
Scott
Shaw
Shays
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Stump
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Vento
Walsh
Watt (NC)
Waxman
Wexler
Weygand
White
Wicker
Wilson
Wise
Wynn
Yates

NOT VOTING—13

Clayton
Filner
Ford
Gonzalez
Hill
John
Kennelly
Lewis (GA)
McNulty
Ortiz
Parker
Roybal-Allard
Waters

□ 2101

Messrs. MOLLOHAN, WELLER, YOUNG of Alaska, and CHRISTENSEN, Mrs. LINDA SMITH of Washington, Mr. HOBSON, and Ms. LEE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

Add at the end of the bill:

Notwithstanding any provision of this Act, no funds in this Act may be used to require any contract to include a term for coverage of abortifacients.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) reserves a point of order.

Mr. SMITH of New Jersey. Mr. Chairman, due to the lateness of the hour, I do not intend on taking the full 5 minutes.

Let me make it very clear that part of the problem with the Lowey amendment was that it did not define contraception. Many of us have been concerned that the pro-abortion lobby and the pro-abortion organizations over the years have tried to fudge the line of demarcation between fertilization post- and pre-fertilization. Many of the chemicals, many of the devices that are now employed that are permitted under the Federal Employees Health Benefits Program do indeed result in many abortions, newly created human lives that are not permitted to implant in their mother's womb.

In a nutshell, my amendment is designed to clarify that if we are indeed going to force all of the Federal providers of medical care, the HMOs and all the providers as a condition of receiving reimbursement for all of their prescriptions, whether it be for penicillin or any other drug, that they have, to provide ''a provision for contraceptive coverage'', let us at least make it clear that the gentlelady's language excludes abortion-inducing chemicals. That is what my amendment very simply seeks to do.

Earlier in the day we pointed out during the debate, that while RU–486 isn't legal and, hopefully, never will be there are officials of Planned Parenthood who are already talking about it as a morning after pill. RU486 is baby pesticide and destroys life, the newly created life, somewhere along the line up to the 7th week. This is a Federal funding of early abortion but many Members of Congress remain uninformed of that fact. I say with regret, that safe abortifacients like IUDs can be provided by the health care providers under the Federal Employees Health Benefits Program. The question is should they be forced to. This says no one is going to be forced to do it. It is a conscience type amendment. Still the plain language of Mrs. LOWEY'S amendment only stipulates ''a provision for contraceptive coverage''—a much, much, weaker version than the amendment she offered in her Appropriations Committee. Clearly, under her amendment, if a plan merely provided condoms or birth control pills, that would satisfy the obligation created by the amendment.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, can the gentleman clarify for me and for others, when he says to include ''a term for coverage,'' what does that phrase mean?

Mr. SMITH of New Jersey. I thank the gentleman for asking the question. It says very simply that a health care plan would not have to include those devices and chemicals that may have the effect of an abortifacient. Under my amendment it will not be mandatory. it will not be forced upon the HMOs and upon the health care providers even though the language of Mrs. LOWEY's amendment require only ''a provision for contraceptive coverage'' to satisfy the requirement.

Mr. HOYER. Am I correct then that the amendment means, ''a term for coverage'' would mean the term that refers to the abortifacients?

Mr. SMITH of New Jersey. If I understand the gentleman's question that is correct.

Mr. HOYER. I thank the gentleman for his clarification.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw the point of order.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word, and I rise to engage the gentleman from New Jersey in a colloquy.

I would like to ask the gentleman to define further his amendment. Based upon the information that we have, the FDA has approved five methods of contraception. This is the established definition of contraception. It has nothing to do with RU–486 although, unfortunately, there were some letters sent out saying it did. RU–486 is not included among the five methods of contraception. It has nothing to do with abortion. There have been debates that have been going on among us, in the country, about when does life begin.

This takes some serious discussion, and I am sure that we can have some serious debates about this issue, but today what we are talking about very simply is the five established methods of contraception that have been improved by the FDA, nothing to do with abortion, nothing to do with RU–486.

Mr. SMITH of New Jersey. If the gentlewoman would yield, let me just ask the gentlewoman, because this will help me in responding, her definition of contraception. Is it before fertilization occurs or is it before implantation in the uterus?

Mrs. LOWEY. I am sorry. Will the gentleman repeat?

Mr. SMITH of New Jersey. Part of the problem we have with the gentlewoman's first amendment, as well as the amendment that was offered and just passed, is a definitional one. How do you define contraception? How do define pregnancy?

For some, it is implantation. For some, it is fertilization.

Mrs. LOWEY. Reclaiming my time.

Mr. SMITH of New Jersey. Contraception by definition should mean before a new life has come into being. There are many who want to blue that line and say that chemicals affect the implementation or even after that.

Mrs. LOWEY. If I may reclaim my time, could the gentleman explain whether this includes the pill?

Mr. SMITH of New Jersey. This will have to be determined. There is a body of evidence suggesting that IUDs, for example, may have the impact, and many women are unaware of this, may have the impact of preventing implantation.

What my amendment says, that is still permissible under Federal Employees Health Benefit Program but not mandated.

Mrs. LOWEY. Reclaiming my time, if I might ask the gentleman, I believe in response to my question as to whether the pill would be included, since the pill is one of the five methods of approving contraception from the FDA, you seem to be questioning this and I would ask the gentleman, if you are not sure whether the pill is an established method of contraception, what would the plans determine?

Mr. SMITH of New Jersey. Let me just respond that there are several schools of thought as to what the operation is as to what actually occurs.

Mrs. LOWEY. Reclaiming my time, would the gentleman consider the IUD a form of contraception? This is and approved method of contraception. Or would you consider the IUD as abortifacient?

Mr. SMITH of New Jersey. Let me make it very clear there has to be a determination made, and maybe it is about time, with all of the resources at our disposal, we really came to a firm conclusion as to how some of these chemicals and how the IUD actually works, because, again, even Planned Parenthood and others will say on their web page that one of the consequences of the IUD may indeed be preventative of implantation .

Mrs. LOWEY. Reclaiming my time, does the gentleman include the diaphragm as a form of contraception?

Mrs. SMith of New Jersey. No. As far as I know, that is not included.

Mrs. LOWEY. I seems to me the gentleman has questions about the pill, questions about the diaphragm, questions abut the IUD, and I assume the gentleman has questions about Depo—Provera and Norplant.

Let me say this, there are five established methods of contraception. If the gentleman supports the amendment to not cover abortion, then you are saying that contraception cannot be covered; no method of contraception can be covered.

□ 2115

Mr. SMITH of New Jersey. Not at all. Right now the HMOs, and all of the health care providers under the Federal Employees Health Benefits program, if they choose, can provide any of those methods that you mentioned, from IUDs to Depo-Provera. What your amendment, or what the thrust of your original amendment was to force them to do it.

Mrs. LOWEY. Reclaiming my time, I just want to make it clear to my colleague that the gentleman from New Jersey, it appears to me from your statement, is trying to make every method of contraception an abortifacient; is that correct?

Mr. SMITH of New Jersey. Not at all, and that is putting words in my mouth, and I think that is unfortunate.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 2 additional minutes.)

Mrs. LOWEY. Mr. Chairman, if I can make it clear, I think it is very important, my colleagues, that we realize what the gentleman is attempting to achieve with this amendment. He is stating that there is no form of contraception that may not be considered an abortifacient and, therefore, the American women have to understand——

Mr. SMITH of New Jersey. If the gentlewoman will yield, I did not say that at all.

Mrs. LOWEY. No, I will not yield. I will not yield. That the American people who are listening to this debate have to understand that this Congress wants to tell women that all forms of contraception are abortifacients and they cannot be considered.

I would like to make that point again. The majority of American women do support the use of contraceptives. These are very personal decisions, we understand that, and each person has to make it for themselves. But the majority of American women understands that.

Now, it seems to me from this discussion, that the gentleman from New Jersey is saying to every woman who may take a birth control pill or use another one of the five accepted methods of contraception that they are abortionists.

Mr. SMITH of New Jersey. Not at all.

Mrs. LOWEY. I think it is important to clarify what we are talking about because the FDA has approved five methods of contraception.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to rise in support of the amendment of the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from New Jersey to explain his amendment and to answer any questions he may have.

Mr. SMITH of New Jersey. Mr. Chairman, I want to make it clear to my colleagues that birth control pills and diaphragms are not abortifacients. IUDs and post-coital pills have the capability of that. That is where there has been very little conversation, especially with women, as to what might be happening when they think they are preventing fertilization when, indeed, implantation is what is being prevented.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I understand that there is confusion about this issue, and if I may, from my experience, please lend some of that to our body, one; and, number two, also relay that I had a conversation with the gentlewoman from New York, and I do understand what her intention is and I do understand the intention of the gentleman from New Jersey (Mr. SMITH). She has an honorable request. She won that in her committee, and it should be honored in that way.

But let me clarify for this body that, in fact, the diaphragm is not an abortifacient; that oral contraceptives are not an abortifacient; that morning-after pills, in fact, are; that IUDs are, in fact, abortifacients.

Now, there is not a medical question about how they work, and there is not a medical question about how oral contraceptives work. Their intention is to prevent ovulation or to prevent penetration of a sperm. That is not an abortifacient. And there is no question in the medical community about how they work.

So I would ask this body that if, in fact, we feel we want to make a decision based on what the request of gentlewoman from New York really is, that we supply oral contraceptives to women in this country, that we accept the Smith amendment to that, and we can qualify and solve this problem and this will go through. If, in fact, not, then we will see we will have an extended debate on whether or not the bill will make it.

An honorable amendment was brought forth in the committee. An honorable amendment to the gentlewoman's amendment is now offered. The clarity cannot be any clearer than what I have stated. The Smith amendment does not limit oral contraceptives, it only limits those things that are considered abortifacients.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose this amendment, and I think that Members have to be very sensitive to what my colleague from New Jersey is attempting to do here today.

Is there no limit to my colleague's willingness to impose his concept of

when life begins on others? Conception is a process. Fertilization of the egg is part of that process. But if that fertilized egg does not get implanted, it does not grow. And so on throughout the course of pregnancy.

For those who do not believe that life begins upon fertilization, but believes, in fact, that that fertilized egg has to be implanted, the gentleman is imposing his judgment as to when life begins on that person and, in so doing, denying them what might be the safest means of contraception available to them.

Some women cannot take the pill. It is too disruptive to them. Some women depend on intrauterine devices and other such contracptives. When we get to the point where we have the courage to do more research in contraception, we will have many other options to offer women so that they can have safe contraception.

For us to make the decision that that woman must choose a means of contraception that reflects any one individual's determination as to when in that process of conception life actually begins is a level of intrusion into conscience, into independence, into freedom that, frankly, I have never witnessed. Even the issue of being for or against abortion is a different issue than we debate here tonight. We have never, ever intruded to this depth.

When I talk to my friends who are obstetricians, because all my colleagues know my husband is a retired obstetrician, how the pills work is not simple. In some women they have one effect, and they may have first effects and secondary effects. They prevent ovulation in general but not absolutely. And if there is a fertilization while on the pill, the pill prevents implantation.

So this is a complex process. And for us to imagine here tonight that it is either right or proper or possible for the gentleman to impose his determination on others at this level is extraordinary. As a Republican who believes that government should stay out of our lives, I oppose this amendment with everything in me. And I would ask my colleagues, those who are pro life—and I honor that position. And I would say that the pro-life members of our Nation have changed the issue of abortion over these years. People take it far more seriously. It is not as casual. They have made an enormous difference for the good in our Nation. But that does not make it right for them to step, then, into this level and try to make definitions that, frankly, are not nearly so simple as my friend and respected colleague, the gentleman from Oklahoma (Mr. COBURN), implies.

The lines are not clear. They are not simple. I would ask my colleague to respect that we are a Nation founded on the belief that we should have freedom of conscience and freedom of religion, and this amendment deeply, deeply compromises those liberties.

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 222, not voting 14, as follows:

[Roll No. 292]

AYES—198

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Forbes
Fossella
Gekas
Gillmor
Goode
Goodlatte
Goodling
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McHale
McHugh
McKeon
Metcalf
Mica
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Redmond
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—222

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Calvert
Campbell
Capps
Cardin
Carson
Castle
Clay
Clement
Clyburn
Condit
Conyers
Cook
Cooksey
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kim
Kind (WI)
Kleczka
Klug
Kolbe
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Rothman
Roukema
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Clayton
Filner
Ford
Gonzalez
Hill
John
Kennelly
Lewis (GA)
McDade
McIntosh
McNulty
Ortiz
Parker
Roybal-Allard

□ 2145

The Clerk announced the following pair:

On this vote:

Mr. Ortiz for, with Mr. Filner against.

Mr. THOMAS changed his vote from ''aye'' to ''no.''

Mr. BALLENGER and Mr. COBURN changed their votes from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

If not, the Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Treasury and General Government Appropriations Act, 1999''.

Mr. MORAN of Virginia. Mr. Chairman, in the last four years I can't count the number of

times I have been here on the House floor voting on bills, amendments, appropriations riders, and every possible vehicle for so-called anti-abortion legislation. The reality is, every member of Congress is anti-abortion. Every member of Congress wants to make abortion less necessary and eventually unnecessary. By improving access to affordable contraception, the Lowey amendment is an excellent way to achieve this goal.

As a founding co-chair of the Congressional Prevention Caucus, I am a strong proponent of using preventive methods to improve the length and quality of human life and also to reduce the skyrocketing costs of health care. On average, women spend 68% more on health care costs than men. Much of these additional costs can be attributed to reproductive health care costs. The use of contraception can help to reduce these costs for women by preventing unplanned pregnancy, an expensive and potentially life threatening condition.

Opponents of this amendment argue that 81% of FEHB plans already cover at least one form of contraception and that women federal employees already have a choice of plans. The one form is generally oral hormonal contraception known as ''the pill.'' Oral contraceptives are one of the five most common forms of contraceptive but it is not always recommended to some women who experience negative side effects or may be a higher risk of breast cancer or stroke. Alternatives should be accessible to women who decide in consultation with their doctor that it is a safer option. Ten percent of plans cover no forms of contraception at all.

Regardless of the percentage of plans that cover this option and don't cover that option, contraception should be considered basic health care for women of reproductive age. As employers, we have a responsibility to choose what kind of health care we want to provide for our employees. We should be providing this basic preventive care and not forcing our employees to choose a plan that may not be the best plan for them because none of the other plans provide contraceptive coverage.

Furthermore, if we are denying federal employees coverage of abortion services in their health plans, as we have since 1995, it would be hypocritical not to make methods to prevent the necessity of abortion as accessible as possible to federal employees. Contraception is a proven method in reducing the number of abortions. A recent study of the use of contraception in the former Soviet republics shows that preventing pregnancy with contraception reduces the number of abortions. In Kazakstan for example, abortion rates have fallen by more than 40% since the change in contraception policy by the government and widespread access to contraception was implemented.

As adversaries of the ''abortion issue'' continue to disagree over pro-choice, pro-life semantics, we should be working together on policies that we can agree reduce the necessity of abortion. I urge my colleagues to work together where we can on this terribly divisive issue by supporting the Lowey amendment to provide comprehensive contraceptive health care coverage for federal employees.

Ms. BROWN of Florida. Mr. Chairman, I rise in strong support of this Treasury Postal Appropriations bill. In this bill, there is funding for courthouse projects across the country, and I thank Chairman KOLBE and Ranking Member, Congressman HOYER, for their great leadership in this issue.

The situation of aging courthouses across this nation must not be tolerated any longer. We must ensure a safe and fair judicial process for all Americans. I am very familiar with older courthouses, particularly the ones in Jacksonville and Orlando, which I represent. In addition to not having the space to properly handle the increasing judicial caseload, these older courthouses have serious security risks for judges, juries, and litigants. Often times judges must pass through corridors with prisoners and defendants lined up along the walls. Additionally, these older courthouses do not have the necessary security measures that they should have in the this day and age.

This is a very serious situation, and I am glad that we have the leadership here to recognize it and address it.

We must keep the judicial branch of government viable, particularly, as we task it with more federal laws and caseloads. I thank my colleagues from Maryland and Arizona for their commitment to this issue, and urge all of my colleagues to support this legislation.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration 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, pursuant to House Resolution 498, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

PARLIAMENTARY INQUIRY

Mr. UPTON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. UPTON. Mr. Speaker, is this the appropriate time to offer a tobacco amendment?

The SPEAKER pro tempore. The gentleman is definitely out of order.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

Without objection, there will be a vote on H.R. 3731 immediately following this vote.

There was no objection.

The SPEAKER pro tempore. This will be a 17-minute vote followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 203, not voting 14, as follows:

[Roll No. 293]

YEAS—218

Archer
Armey
Bachus
Baesler
Ballenger
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Graham
Granger
Greenwood
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hobson
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lowey
Lucas
Maloney (NY)
Manzullo
McCollum
McCrery
McHale
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Oxley
Packard
Pastor
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schumer
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baker
Baldacci
Barcia
Barr
Barrett (WI)
Barton
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Campbell
Capps
Cardin
Carson
Clay
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crane
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doyle
Duncan
Edwards
Engel
Eshoo

Evans
Farr
Fattah
Fazio
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Goodlatte
Gordon
Green
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hastings (FL)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hostettler
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
LaTourette
Lee
Levin
Lipinski
Lofgren
Luther
Maloney (CT)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—14

Clayton
Filner
Ford
Gonzalez
Hill
John
Kennelly
Lewis (GA)
McDade
McNulty
Ortiz
Parker
Roybal-Allard
Yates

□ 2216

The Clerk announced the following pair:

On this vote:

Mr. ORTIZ for, with Mr. FILNER against.

Messrs. EVANS, LEVIN, McINTYRE, GEPHARDT, HINOJOSA, Mrs. MEEK of Florida, Ms. FURSE, Messrs. CUMMINGS, STRICKLAND, MORAN of Virginia, Ms. BROWN of Florida, Messrs. TANNER, HEFNER, SPRATT, CLEMENT, CARDIN and WYNN changed their vote from ''yea'' to ''nay.''

Messrs. PITTS, SAM JOHNSON of Texas, BACHUS, CUNNINGHAM, COLLINS, HYDE, SOLOMON, SOUDER, EVERETT, REDMOND, BURTON of Indiana, KING, HOEKSTRA, CHRISTENSEN, ENSIGN, BILIRAKIS, METCALF, LAHOOD, BUYER, FOSSELLA, HUNTER, PORTMAN, HALL of Texas, Mrs. CHENOWETH, Messrs. RYUN, LEWIS of Kentucky, CHABOT, WELDON of Pennsylvania, DAN SCHAEFER of Colorado, SCARBOROUGH, ROGAN, SHADEGG, CRAPO, STEARNS, CANNON, RILEY, MCINTOSH and Mr. CANADY of Florida changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 4104, the Clerk be authorized to correct section numbers, punctuation, cross-references, and make other conforming changes as may be necessary to reflect the actions of the House today.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Arizona?

There was no objection.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 283 through 287 yesterday and today. Had I been present, I would have voted ''aye'' on rollcall votes 286 and 287, and voted ''nay'' on rollcall votes 283, 284 and 285.

□ 2215

STEVE SCHIFF AUDITORIUM

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of passage of the bill, H.R. 3731 on which further proceedings were postponed on Wednesday, July 15, 1998.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 26, as follows:

[Roll No 294]

YEAS—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez