CONGRESSIONAL RECORD—HOUSE

November 18, 1999

Mr. WELLER. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 393) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 393

Resolved, That the bill of the Senate (S. 4) entitled the “Soldiers’, Sailors’, Airmen’s, and Marines’ Bill of Rights Act of 1999”, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be re- dacted.

Mr. WELLER asked for the previous question. The previous question was agreed to

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is necessary to return to the Senate the bill, S. 4, which contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives.

Section 202 of the bill authorizes members of the Armed Forces to participate in the Federal Thrift Savings Plan and permits them to contribute any part of a special or incentive pay that they might receive. However, it also effectively provides that the limitations of Internal Revenue Code section 415 will not apply to those extra contributions of services to the Uniformed Services to avoid the negative tax consequences that would otherwise result in their extra contributions to the TSP. Accordingly, the provision is revenue-affecting in a constitutional sense.

There are numerous precedents for this action I am requesting.

I want to emphasize that this action speaks solely to the constitutional prerogatives of the House and not to the merits of the Senate bill. Proposed action today is procedural in nature, and it is necessary to preserve the prerogatives of the House to originate revenue measures, makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

This resolution is necessary to return to the Senate the bill, S. 4, which contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives.

S. 4 would provide a variety of benefits to members of the Armed Forces. I wholeheartedly support our Armed Forces and agree that we need to modernize our military and compensate our officers and enlisted personnel fairly. However, S. 4, as passed by the Senate, would not only increase the compensation of members of the Armed Forces. It would also impose tax treatment of some of their compensation. This change in tax treatment causes S. 4 to violate the Origination Clause of the United States Constitution.

Section 202 of the bill generally authorizes members of the Armed Forces to contribute up to 5 percent of their pay to the Thrift Savings Plan. In particular, section 202 of the bill adds a new section 8440e to Title 5 of the United States Code. New section 8440e generally permits members of the uniformed services or Ready Reserve who are authorized to participate in the Thrift Savings Plan to contribute any part of a special or incentive pay to the Thrift Savings Plan. In addition, subsection (d) of new section 8440e permits members of the uniformed services to contribute to the Thrift Savings Plan.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

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Mr. SKELTON. Mr. Speaker, the bill that we are considering today is the Continuing Appropriations Act, 2000. It is before us for its consideration on the House floor. 

Mr. WELLER. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. SKEHTON. Mr. WELLER, I yield to the gentleman from Missouri.

Mr. WELLER. I yield to the gentleman from Missouri.

Mr. SKEHTON. Mr. WELLER, I yield to the gentleman from Missouri.

Mr. WELLER. Mr. SKEHTON, the bill of which the gentleman speaks, has that been previously passed here in the House?

Mr. SKEHTON. Yes, Mr. Speaker.

Mr. SKEHTON. Mr. Speaker, the purpose of this is to comply with the Constitution to state that it originates in the House; is that correct?

Mr. WELLER. Yes. This resolution does not address the merits of the legislation, which many Members on both sides of the aisle support. It is whether the provisions of the House revenue-affecting measures originating in the House, under the Constitution.

Mr. SKEHTON. Mr. Speaker, I thank the gentleman.

Mr. WELLER. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the resolution. The resolution was agreed to. The motion to reconsider was laid on the table.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. YOUNG of Florida. Mr. Speaker, I mean, I have heard of continuing resolutions for a year, an hour, but not 10 minutes, which is what it has been since we passed the last one. How many more are we going to have to pass before we get our act together tonight?

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield further, my response to his question is rather simple. I have been advised that if we do not provide an extra vehicle for the Senate, it may be necessary for the House to either stay in session or reconvene tomorrow or the next day in order to complete legislative business. I am also advised that if they have a clean vehicle, it is very likely that we would not have to be back here sitting as the House.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I do not quarrel with that statement with respect to the committee, but I do think that this process, I have to say, has been the most chaotic that I have seen in the 31 years that I have been privileged to be a Member of this body. I do not think what is happening is the fault of the gentleman from Florida; it certainly is not mine, but I would hope that when we return in the first of the year in the next millennium, we will have a different set of arrangements that will enable us to do things in a quite different fashion.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. OBEY. Mr. Speaker, I have no objection.

Mr. Speaker, continuing under my reservation, I do not quarrel with that statement with respect to the committee, but I do think that this process, I have to say, has been the most chaotic that I have seen in the 31 years that I have been privileged to be a Member of this body. I do not think what is happening is the fault of the gentleman from Florida; it certainly is not mine, but I would hope that when we return in the first of the year in the next millennium, we will have a different set of arrangements that will enable us to do things in a quite different fashion.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H. J. Res. 84

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–62 is further amended by striking “November 18, 1999” in section 106(c) and inserting in lieu thereof “December 3, 1999”, and by striking “$346,483,754” in section 119 and inserting in lieu thereof “$418,655,814”, and by further amendment by striking “November 18, 1999” in section 119 and inserting in lieu thereof “$575,719,054”. Public Law 106–46 is amended by striking “November 18, 1999” and inserting in lieu thereof “December 3, 1999.”

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.