

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise to support this rule and this bill which will finally bring reform to the Internal Revenue System.

In my recent campaign I spoke about taxes with thousands of residents of the central coast of California. They told me three things: First, get the IRS off the backs of innocent taxpayers; second, simplify the Tax Code; and, third, please let us keep a little more of our hard-earned money in our pockets.

This important bill does all three. No longer will American taxpayers be considered guilty until proven innocent. The capital gains tax has been simplified, which will bring welcome relief to everyone who has struggled with this complicated new Schedule D form, and the capital gains provision will allow working families to use more of their investment income for important needs like retirement or college education.

This is a good bill. It is long overdue. I urge my colleagues to support the IRS Restructuring and Reform Act.

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

Madam Speaker, I rise simply to associate myself with the very eloquent words of my very dear friend, the gentlewoman from Santa Barbara, California (Mrs. CAPPS).

Mr. HALL of Ohio. Madam Speaker, I yield two minutes to the gentleman from New Jersey (Mr. ROTHMAN).

(Mr. ROTHMAN asked and was given permission to revise and extend his remarks.)

Mr. ROTHMAN. Madam Speaker, I am pleased to see that we are finally taking up passage of legislation designed to rein in the IRS. We have all heard the stories about the worst IRS nightmares in the Nation, people committing suicide, families going bankrupt and losing their small businesses. Last October I walked door-to-door and business-to-business in my district and heard from taxpayers about their own battles with the IRS.

The IRS has an extremely important job to do, but today we are making their job a little bit easier, and we are making the IRS a more fair, more efficient, and more taxpayer-friendly agency. But my friends, this bill is only the beginning. Next we must repeal the marriage penalty, which punishes two-income married couples. A married couple pays more in income taxes than if they were unmarried. This is simply unfair and sends the wrong message about the importance of families in our country. We must repeal the marriage penalty now.

Finally, we must also make our Tax Code much simpler. Anyone who has spent long hours huddled over their 1040 with broken pencils and piles of

frustration knows that our tax system today is simply too complicated. We must simplify the Tax Code so that the average American does not need a Ph.D. in accounting to complete his or her taxes.

I urge support for this first step in IRS reform.

Mr. HALL of Ohio. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Madam Speaker, I rise to simply encourage my colleagues to support this rule. It is a very fair and balanced rule. It will finally bring about much needed reform of the Internal Revenue Service, which the American people are desperately seeking. It will provide truth in advertising by finally taking that MFN moniker and changing it to what it is, normal trade relations. I hope we can pass this overwhelmingly.

Of course, it will bring the very, very important end to that horrendous 18-month holding period on capital gains, which cannot be forgotten. I know my friend in the Chair was a cosponsor of H.R. 14 to cut that top rate on capital gains, and we are hoping to go further with that, but this is a very good first step.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. MCINNIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 485 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 485

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 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. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in part 1 of the report of the Committee on Rules accompanying

this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: page 104, line 14, through page 106, line 12. The amendments printed in part 2 of the report of the Committee on Rules may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1115

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for purposes of debate only.

Madam Speaker, this is an open rule that waives points of order against consideration of the bill for failing to comply with clause 2(l)(6) of rule XI requiring a 3-day layover of the committee report, or clause 7 of rule XXI, requiring printed hearings and reports to be available for 3 days prior to the consideration of general appropriation bills.

House Resolution 485 provides for 1 hour of general debate, equally divided between the chairman and ranking member of the Committee on Appropriations.

Madam Speaker, House Resolution 485 also provides that the amendments printed in part 1 of the report of the Committee on Rules accompanying the resolution be considered as adopted in the House and in the Committee of the Whole House.

House Resolution 485 waives points of order against provisions in the bill, as amended, which do not comply with clause 2 of rule XXI prohibiting unauthorized or legislative appropriations in a general appropriations bill, and clause 6 of rule XXI, prohibiting reappropriations in a general appropriations bill, except as specified by the rule.

Additionally, Madam Speaker, House Resolution 485 waives all points of order against the amendments printed in part 2 of the Committee on Rules report, and provides that such amendments shall be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time period specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

Furthermore, this rule provides for priority in recognition for those amendments that are preprinted in the CONGRESSIONAL RECORD, and provides that the chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the chairman may reduce voting time on postponed questions to 5 minutes, provided that the voting time on the first in a series of questions is not less than 15 minutes.

Finally, the rule provides for one motion to recommit with or without instructions. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted.

Finally, Madam Speaker, the rule provides 1 motion to recommit, with or without instructions. This rule was reported out by the Committee on Rules by voice vote.

Madam Speaker, the underlying legislation, which makes the appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for fiscal year 1999, is important legislation.

Nearly 90 percent of the activities funded under this bill are devoted to the salaries and expenses of approximately 163,000 employees who are responsible for administering programs such as drug interdiction, presidential protection, violent crime reduction, and Federal financial management.

Additionally, H.R. 4104 provides \$1.8 billion for drug-related activities, including a \$195 million national media campaign targeting youth drug use, and doubles the funding for the Drug-Free Communities Act of 1997. I encourage my colleagues to support the rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I reluctantly oppose this rule, because I would like to sup-

port it very much. It is an open rule, and it gives all Members of the House an opportunity to offer amendments that are germane and otherwise in compliance with House rules.

I also think that the underlying bill, for the most part, is fair and worthy of support. It provides \$13.2 billion in discretionary budget authority, which is a slight increase from last year's bill. It funds most programs at the levels requested, levels that will adequately support the programs and services covered by the bill.

But one major exception, however, is the Federal Election Commission, which is funded significantly below the level necessary for the FEC to do its job properly and effectively. Furthermore, authorizing language imposing term limits for the Commission's staff director and general counsel will also hamstring the FEC's ability to do its work in a fair and impartial manner.

The rule protects from a point of order critical legislative language to implement a new, fair, and reasonable pay system to adequately compensate Federal firefighters for overtime. Such a provision is necessary because of the unique and unusual pay system for these brave men and women. Currently, there is a pay inequity between the Federal firefighters and their municipal and civil service counterparts.

I strongly support this language and its protection in the rule. The measure has 153 bipartisan cosponsors, and is supported by the administration. We are currently experiencing devastating fires in Florida, and must ensure that those who risk their lives fighting fires are compensated fairly for their brave efforts.

I am disappointed that the rule did not protect from a point of order another provision in the bill to address a pay problem for Federal employees. We passed a bill to create a fairer pay system by a margin of 383 to 30, and President Bush signed it into law in 1990. Unfortunately, the bill lacked a definition of what constitutes an economic crisis, and without that definition, the new system will not be implemented.

Language in this bill would fix the problem, but unfortunately, the rule does not protect the language from a point of order. It is regrettable that efforts to reform Federal employees' pay continues to be ignored.

The bill contains and the rule protects a provision requiring all Federal health plans to provide prescription contraceptive coverage to Federal workers. Certainly anyone interested in reducing unintended pregnancies should support that language.

Having said all that, Madam Speaker, I would like to take a minute to address my concern with the rule and why I must oppose it. The bill reported out of the Committee on Appropriations contained \$2.25 billion to deal with an enormous computer problem that threatens to bring the country's computers to a halt when the campaign corks pop for the year 2000.

It is called Y2K, in the popular language, which is a small name for what is going to be a huge problem.

If left unchecked, this could result in major chaos and confusion throughout the country, ranging from serious threats to our national security, a crash in the stock market, failure of our Air Traffic Control system, and the inability to process Social Security checks, or any others, on time. And if it is not fixed on time, the two places I am told not to be are on an airplane or a patient in a hospital at midnight, December 31, 1999.

Experts on the so-called "millennium bug" have been warning us for years about this impending doom, and they have worked hard to warn the public, but they are frustrated by the lack of a timely response. It is up to us in Congress to step up to the plate and make certain that this matter gets the attention and financial support that it desperately needs. That is why we are elected, to take responsibility for the well-being of our people and our Nation.

The Committee on Appropriations, to their credit, did just this by putting emergency funding in this bill and the defense bill for the Y2K situation. But my Republican colleagues have decided that this can wait. They have decided to remove the emergency funds from both these bills.

This has the potential to be a crisis of major proportions, and it will not go away. We are wasting precious time with our finger-pointing and partisan squabbling. We need to get money in the pipeline immediately to begin addressing this extraordinarily complex and dangerous situation.

They said, we will do it later in another bill, but we do not see another bill on the schedule to address this major problem. After the House finishes its business today, we will adjourn for a 2-week recess.

Madam Speaker, I do not know do not know a lot about computers, but I do get the feeling that we do not have a lot of time to fix this problem. Every day we lose attempting to address the situation counts dearly. We are playing with fire by not dealing with the Y2K matter immediately.

I hope for all of our sakes that our colleagues are genuine in their promise to make this a top priority. This should not be a political issue, because we are failing in our duty to our constituents and our Nation if we do not act responsibly and take action immediately. It is far too important, not just in our country but worldwide as well. We must act now.

Because of this self-executing provision to remove this critical funding, I must oppose this rule, and I urge Members to join me in voting no on the rule.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I would just note at the very beginning of this conversation on the rule that my colleague, the gentlewoman from New York, makes the statement that this Y2K problem should not be political, but preceding that statement, the three paragraphs before, it was 100 percent political.

So I ask her, do not make the kind of statement that this should not be political when the gentlewoman talks like that. She is trying to make it political. The fact is, the money is going to be there. We are going to appropriate the money. I will make it political: The administration should have been addressing this a year and a half ago. They have not been doing it, and now the bell is beginning to toll. We realize we have a problem there.

Madam Speaker, I yield such time as he may consume to my good friend, the gentleman from the State of Louisiana (Mr. LIVINGSTON), the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Madam Speaker, I thank my friend from Colorado. On exactly that note, I just happened to walk in here and hear some phenomenal statements.

The fact is that this Congress is facing up to the funding demands for the Y2K problem. We are in the process of providing appropriations for them, even though, and I want to stress this, even though the administration has not requested enough money for the Y2K problem. We have been telling them, look, it is a big problem, for a long time. OMB, the Office of Management and Budget, has basically ignored it. They have taken the attitude, oh, we will worry about it manana; it is some ephemeral thing, let the Wizard of Oz take care of it.

We cannot afford to do that anymore. The fact is, the administration has not been realistic. The Vice President, Vice President GORE, has been the head of technology, the guru of technology, for the last 5 to 7 years, and has not paid a bit of attention to Y2K. Somebody walked up to him recently and said, what about Y2K? And he said, "I don't do Y2K," because it is too complex, evidently.

All I will say, we do not have a request from the President within his budget for any money to handle the emergencies that this Congress is going to have to handle within the coming months for Y2K, but we are going to step up to the plate, anyway. We are doing that within the appropriations process. I appreciate the gentleman yielding me the time.

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

Madam Speaker, I appreciate what the gentleman has had to say. We should know that while they have not asked for that, the Vice President has been very busy preparing for his telephone tax, the Gore tax, which goes in effect here in just a couple of days. I hope the consumers out there note that.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I thank the gentlewoman for yielding time to me.

Madam Speaker, I want to first of all respond to my chairman and my friend, the gentleman from Louisiana (Mr. LIVINGSTON), as well as to the gentleman from Colorado (Mr. MCINNIS).

The fact of the matter is that this administration did make a request that over \$1 billion specifically be included in a \$3.5 billion emergency request for Bosnia and for Y2K, so the representation that this administration did not address it is simply wrong. I hope it is wrong because of a lack of information, as opposed to an intent to mislead. I am sure the latter is not true. But it is nevertheless wrong. This administration has addressed this problem.

Now, as the private sector has experienced, the Federal Government has also experienced an emergency situation, an emergency that both in the public and private sector has grown exponentially, where the private sector, like the public sector, has experienced a growing scope of the problem and a growing expense to solving the problem.

There is no option to solving the problem, period. As has been said, no one wants to be on an airplane when FAA's computers decide that they cannot function because they have not contemplated the change of centuries.

I will tell the Members, Mr. Speaker, previous administrations and this administration have purchased a lot of information technology, as the private sector has purchased information technology, that does not contemplate the change of century. This is a great surprise to all of us, of course, that the century is changing.

But having said that, there is a reasonable explanation, of course. There was, in my opinion, a pennywise and pound-foolish, perhaps, judgment that was made in previous administrations, and as recently, perhaps, as this administration, which purchased technology which did not contemplate this change, knowing full well that there was absolutely no alternative but to solve this problem.

There is a lot of protestation on that side of the aisle, but in point of fact, the distinguished chairman of the Committee on Appropriations went to the Speaker and it was agreed, it was agreed between the Speaker and the chairman of the Committee on Appropriations, to do exactly what this committee recommended, to do exactly what the Committee on National Security yesterday had recommended, and that the gentleman from Pennsylvania (Mr. MURTHA) talked about. That was to fund a solution to this emergency, unavoidable expenditure that confronts us.

□ 1130

And so the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations, in conversation with the Speaker, agreed to recommend this. And the Republicans and Democrats in the Committee on Appropriations voted these bills out.

But lo and behold, there are some who would say, no, this is not an emergency, we will wait; just like with the BESTEA bill, that we are going to fund this at a later date. Ways and means to be announced. Vote with us now on faith.

Madam Speaker, we ought not to do that. We ought to reject this rule and we ought to go back to the drawing board. And, frankly, the Speaker and the chairman of the committee ought to again come to their conference and say the responsible thing to do is to make sure that we solve this problem, that we confront it honestly and we do it now. Now, if at some point in time later we want to fund that, we can do it. Nothing precludes that. The only thing that we are doing now is delaying the decision. We should not do that.

Madam Speaker, I regret that. And I want to say that the gentleman from Arizona (Mr. KOLBE), chairman of my subcommittee, and I agree on this. He believed this ought to be. I did not put it in. We do not have the votes on my subcommittee to put this in. It is 7-to-4 when we vote from a partisan standpoint and there was no dispute in the subcommittee, either from the seven Republicans or the four Democrats.

So I lament the fact that there has been some change because some Members of the Republican Conference felt this was not the way they wanted to proceed. That was not reflective of the Republican leadership of the Committee on Appropriations, nor for a period of time, at least, reflective of the Republican leadership of this House, including the Speaker.

Madam Speaker, I may speak at some greater length as well on this rule, because it is not just the Y2K problem that I think is unfortunate. And I want to say to the gentleman from Colorado (Mr. MCINNIS), I do not think the Committee on Rules made this determination, and I understand that as well.

Not that he would have disagreed with the solution that was effected; I do not mean to imply that. But I understand this decision was made by the leadership and not per se by the Committee on Rules, although the Committee on Rules obviously implemented in its rule that decision. So I do not quarrel with the Committee on Rules. I want to make that clear. What I quarrel with is the decision having been made to retreat from responsibly and immediately confronting this emergency situation.

Madam Speaker, I may also at some future time talk about the rule itself. I think, unfortunately, the rule did not do some of the things I think it should have. Other Members will discuss that,

and perhaps in concluding a couple of minute remarks I will discuss those items as well.

Mr. MCINNIS. Madam Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. TIAHRT).

(Mr. TIAHRT asked and was given permission to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, I thank the gentleman from Colorado (Mr. MCINNIS) for the generous amount of time he has yielded to me.

Madam Speaker, I want to rise today to support the rule and also to speak briefly about an amendment that I will offer to strike an amendment that was brought up in the full Committee on Appropriations last week and passed by a very narrow margin, a 28-to-26 vote.

The result of this amendment is that we are going to impose a Federal mandate on all insurance companies that contract with the Federal Employees Health Benefits. This Federal mandate that is now going to be imposed on health care coverage will cover all prescription contraceptive devices that are FDA approved.

This coverage is already available as an option for health care coverage for government workers, but today this bill mandates coverage which includes the following FDA approved drugs and devices: The pill, diaphragm, IUDs, Norplant, Depo-Provera and the Morning-After abortion pill. And some day it could include the latest abortion pill, RU-486.

Madam Speaker, it is important that Members understand that my amendment will not deny any Federal employee the opportunity to receive a full range of contraceptive devices currently allowed by the FDA. All my amendment will do is allow the Federal employees to continue the freedom that they now enjoy to choose the type of coverage that best meets their family's needs.

According to the Office of Personnel Management, every health care provider for Federal employees currently provides full prescription coverage for the pill, the predominant method of choice for women of childbearing age in this country. Furthermore, over 75 percent of all Federal employees currently have coverage which includes all FDA approved methods.

The only health care plans which specifically do not cover any contraceptive devices are Catholic health care plans, which are formed for that specific purpose for reasons of conscience. In other words, 10 percent of the Federal employees who do not have contraceptive coverage do so by choice. So, ironically, those who demand freedom of choice have, through this language, limited the choice through the current language.

Under the language the Catholic Federal employees will no longer have a choice. Instead, Catholics and others will be forced to choose between receiving no health care benefits or health care insurance or belong to a plan

which provides services which they believe are wrong.

This past Monday, The Washington Post reported incorrectly that the CBO had determined that this Federal mandate would not cost additional Federal funds. However, the CBO has reversed their decision and has determined that there will be costs associated with this new mandate. Once again we learn there is no free lunch.

Madam Speaker, when this bill comes to the floor, we will hear advocates of this provision argue that this mandate is about providing "parity between the coverage of family planning services and the coverages of other types of basic medical care in private insurance policies." Yet by their very nature, we know that contraceptives are elective and not medically necessary. This is what choice and freedom is all about, allowing the consumer to choose the health plan that best serves their needs.

We will also hear the proponents say that this mandate is about a woman's right to choose. Unfortunately, this mandate has nothing to do about choice and everything to do about forcing Federal employees to pay for services they may not need or want, with the result being higher priced health insurance for every Federal employee.

The bottom line is this mandate limits consumer choice. It provides nothing that is not already available to every Federal employee. If we adopt this provision and vote down my amendment, Congress will be saying to Federal employees, "We know what you want, and we know what you need, and you have no choice because we are going to provide it to you." And, Madam Speaker, the American public is going to get stuck with the bill, as are Federal workers.

In addition to the CBO stating that this is a mandate that will cost additional money, so has the Health Insurance Association of America in a letter to the gentleman from New York (Chairman SOLOMON).

Madam Speaker, I have listed reasons why we should support my amendment, and regrettably what we have is language that says there is one size that fits all. It is a Federal mandate.

I would also like to recognize in closing that this provision was legislation on an appropriations bill, which goes against our normal rules and it is not supported by the proper authorizing committee.

Mr. MCINNIS. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I think we have a serious problem facing us in this House. I see frankly what appears to be the politics of intimidation being practiced on a broad scale.

First of all, we have seen the majority leadership try to intimidate the Congressional Budget Office into bending their numbers so that their budget

estimates more neatly fit the political desires of the Republican majority in the Congress. That controversy is well-known. It has been reported in the newspapers.

We also have the politics of intimidation being practiced against the Federal Election Commission. We have the majority party trying to turn the Federal Election Commission, which is supposed to be the watchdog that keeps every politician honest, what they are trying to do in this bill is to say to the legal counsel of the commission, "If you are not careful, if you do not soft pedal what you are doing, if you do not play kissy-face with both parties, then one party is going to be able to block you from reappointment."

That is going to turn the Federal Election Commission into being even a less effective defender of the public interest than it is today.

Then we have an effort to intimidate the General Accounting Office. There was an amendment that a number of Members on that side of the aisle sought to have made in order to change the appointment of the Comptroller General from the President, where it has traditionally been, to the Congress, again because they wanted to send a message to the GAO that they did not like some of the investigations that the GAO was conducting.

Madam Speaker, now we have seen the Republicans who know the most about this computer problem, the Republicans on the Committee on Appropriations, the Republicans who are supposed to know the most about this problem, we have seen them bring to the House their recommendation that we include in the Defense bill and in the Treasury-Post Office bill the money that is needed so that this country does not have a range of super problems when our computers go out in the year 2000 and shut down our ability to send Social Security checks, shut down our ability to make certain this country is adequately defended militarily.

Yet what is happening? Now what is happening is, on the Defense bill yesterday and on this bill today, we now have a new call by the Republican leadership which says, "Take the money out, boys." And we do not see a single Republican who took the action that was necessary in the first place now coming to the floor to defend their original actions, and wonder why.

And then I notice an article in Roll Call which says, in the June 22 edition, quote, "House Speaker Newt Gingrich was one of the first Republicans to sign a petition demanding that the congressional Republicans punish high-ranking GOP Members who team with Democrats on certain votes."

Now that sounds like intimidation to me. I am wondering whether that does not in fact explain why many of the Republicans who are the most knowledgeable on this issue, and know that this money ought to be in this bill to solve this computer problem, I am wondering if that does not explain why

they are not coming here to the floor. I am wondering whether the thought police in this town are winning the argument once again.

The fact is this is the most serious mechanical problem faced by the government. I do not want to be around when Russians watching their computers in the year 2000 see their computers go blank and wonder whether America was responsible. I want to know whether they are going to understand that this is simply because of a computer accident. And I want them not to believe that somehow there is some game going on that requires them to urge that somebody push some buttons.

Madam Speaker, this is a very serious problem for our defense posture. It is a very serious problem for every person in America who expects the FAA to be able to regulate air traffic.

□ 1145

I, for the life of me, cannot see why this money is being taken out of this bill.

Some Members say: "well, it ought to be offset." I think it is the height of arrogance for Members of Congress to assume that God ought to have to comply with the budget process. There are going to be natural disasters that are emergencies, whether Republican or Democratic Members of Congress like it or not. And there are going to be other actions that are taken, such as computer companies screwing up computers which they sell to the government, which require us to take action without following the niceties of the Budget Act.

With all due respect, the nice, neat, green eyeshade accounting principles that govern the budget process are not nearly as important to this country as knowing that we can deliver quality service, deliver people's Social Security checks on time, protect the military interests of the United States effectively and do all the other things the government is supposed to do with the aid of these technological machines.

I think the gentleman from Maryland is exactly right. This rule is wrong. It ought to be defeated.

There are a number of things in the rule that I think are reasonable, but this is certainly not one of them. If we are interested in solving problems rather than having more political posturing, we will vote this rule down and allow the Republican majority on the Committee on Appropriations, who did the right thing the first time, to do what they know is right.

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

I should point out to the gentleman from Wisconsin (Mr. OBEY), who has probably the most partisan remarks we have heard yet this morning, not out of habit, but, again, we are trying to pass this open rule on a nonpartisan basis, and we protected one of the gentleman's amendments. He fails to mention that.

Second of all, anytime someone seems to question the position of the gentleman from Wisconsin (Mr. OBEY), it seems to elevate itself from a question to a level of intimidation. It is not intimidation. It is part of the checks and balances. Members ought to ask questions around here. He is not immune from those kind of questions.

Madam Speaker, I yield 6 minutes to the gentleman from Arizona (Mr. KOLBE), who is our in-house expert who can talk with some substance about the Y2K problem.

Mr. KOLBE. Madam Speaker, I thank the gentleman for yielding me the time.

I want to say that I rise in support of this Rule, open rule for the consideration of H.R. 4104, which is the fiscal year 1999 Treasury and general government appropriations bill.

I want to pay tribute to the Committee on Rules for crafting a Rule that I think is fair to everyone. I want to pay tribute to my ranking member, the gentleman from Maryland (Mr. HOYER) for the good work that he has done on the bill, and I will have more to say on that when we come to the consideration of the legislation.

I listened with interest to the debate that we had on the Rule yesterday on the National Security appropriations bill, and I have listened today to the debate that we have had, particularly the remarks of the gentleman from Wisconsin (Mr. OBEY).

With all due respect to my colleagues on the other side of the aisle, I think they have the facts wrong here. The rhetoric is nothing more than an attempt to shift the blame for the vulnerable state of the Federal computer systems and put it in the laps of the Republican Congress. I think that if there is blame, and I think there is some, I think it rests very clearly with the Administration.

Let us be clear about this. Our bill included \$2.25 billion for the unanticipated emergency requirements of ensuring Federal information technology systems will be compliant with the requirements of the Year 2000. By the rule, that will be taken out. The fact that it is going to move in a separate vehicle, in my opinion, is really a nonissue. The money is going to get to the Federal agencies. It is going to get there in a timely fashion. There is no one on either side of the aisle that does not understand that we have to have the money to make sure our Federal agencies are ready—whether we are talking about defense with its mission-critical issues, or whether we are talking about the FAA with its mission-critical issues, or whether we are talking about the Social Security Administration and the Financial Management Administration to make sure that the checks go out on time and the bills get paid on time, or whether we are talking about something as simple as the Congress to make sure the elevators move on January 1, 2000. We all understand that we have to do this. We are

going to make sure that the money is there.

The fact is, the Administration has consistently low-balled the true costs of the fiscal year 2000 efforts. In May of 1997, the Administration told us it would cost \$2.8 billion governmentwide to make Federal information systems compliant for the year 2000. The estimate has been rapidly going up. They now tell us it is going to cost \$5 billion. The reality is the Administration does not really know how much it will cost. And that may be fair. We do not really know. But they have not been aggressive enough, in my opinion, in their oversight. And that is part of the reason we do not know the cost; they have not been aggressive enough in their assessment of agency progress on this issue.

Governmentwide, the Administration has requested only \$1.3 billion in fiscal year 1999 for the Y2K issue. They are asking agencies to absorb the cost within their regular appropriations. Now we are told that \$1.3 billion just is not going to cut it. We know that the Department of Treasury is working on a budget amendment and anticipates that they will need an additional \$100 million. I know that because Treasury comes under the purview of my subcommittee.

For the Department of Treasury, the Administration has been asking for Y2K money bit by bit; the fiscal year 1998 supplemental included \$174 million. This was on top of the \$419 million made available through the regular appropriation bill.

The Administration has displayed what I think is a real lack of urgency and attention to this issue. This should not be a partisan issue. I do not intend to make it a partisan issue. I want to knock somebody over the head to get their attention down there and make sure that we are giving this issue the kind of attention that it needs. It is not being given the attention that it needs.

Up until the appointment of a Y2K coordinator in February of this year, 22 months prior to the time that the drop-dead date occurs, there has been no centralized Federal management structure in place to coordinate policy and oversight across agencies. There has been no coordinated management of this issue despite the fact that some agencies, going back as far as the Social Security Administration in 1989, recognized the seriousness of this problem and began to put some effort in to addressing it. But there has been no centralized, no coordinated effort. There will be other speakers who can speak even more directly to this, such as the gentlewoman from Maryland (Mrs. MORELLA) who has been very engaged in the oversight of this critical issue.

Mr. Speaker, the fact is, Republicans have acknowledged that Y2K is a true emergency. We are being up front. We are declaring it just as that. We are

going to put it into a supplemental appropriations bill. And whether we offset it or whether we do not offset it is a decision that can be made by this body and by the Senate at a later time. There are those who will argue it ought to be offset, that agencies should have seen this coming. They should have provided enough contingency funding for this. They should reduce other things. There are others who say this is a one-time shot, it is a true emergency, and it really should be paid for with the budget surplus.

There are good arguments on both sides. That is something that this body can debate and we can decide upon. But it is appropriate that we do it in a supplemental appropriation bill.

So we are not going to appropriate the money bit by bit. We need to provide this money up front and make it available as soon as possible. That means it has to be made available at the beginning of the next fiscal year. I believe that is the responsible way to proceed, and I believe that putting it into a separate supplemental emergency appropriation bill is the right way to go.

I support this rule which in every other way, I think, it meets the needs of all the Members on both sides of the aisle in terms of protecting legislative items that are in H.R. 4104 and giving opportunities to offer amendments.

I support this rule.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), ranking member on the Committee on Appropriations.

Mr. OBEY. Madam Speaker, let us talk about who is being partisan.

The fact is that when there was a vote in the committee to take this money out, 16 Republicans correctly voted against it, a majority. We are simply asking that we stick to that position on this vote.

Secondly, I would point out, if you want to attack the administration, if you look at their budget on page 253, you will see that in addition to the \$1.2 billion which the administration asked for on an agency-by-agency basis to deal with this problem, the administration also has \$3.25 billion set aside for contingencies, a major piece of which was supposed to be to deal with additional computer problems.

I would point out that also the subcommittee, the leadership of the gentleman from Arizona (Mr. KOLBE) cut \$400 million from the specific agencies in his bill because he was going to be providing the \$2.5 billion in another way. Now you are going to have both of those numbers gone. That leaves this country naked in dealing with this problem.

Mr. MCINNIS. Madam Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN).

(Mr. CALLAHAN asked and was given permission to revise and extend his remarks.)

Mr. CALLAHAN. Madam Speaker, I rise in support of the rule.

My intention today is not to in any way delay the implementation of this rule, because it is a good rule, and we should adopt it to get to the issue. However, I want to fire a warning shot across the bow of this bill because if, indeed, Customs does not do their statutory requirement, and that is exercise the law on the Canadian softwood lumber agreement, I intend to solicit the assistance of the Forestry 2000 Task Force members, which there are over 100 of us in this Congress, to vote against the final passage of this bill unless Customs does what they are supposed to do under the law.

We negotiated a free trade agreement with Canada. The Canadians found a loophole in a rule that Customs implemented. Since that time Customs has recognized their error and has published a revocation of that rule, an explanation of it.

What the Canadians are doing now, even though they have an agreement and a quota of Canadian lumber coming to the United States, they found if they drill a pinhole in a piece of lumber, that it gives them the authority to ship as much lumber to this country as they want to because of a ruling, not a treaty, but because of a ruling by Customs which Customs admits is wrong, yet refuses to implement their own revocation of the decision that they made.

This is costing American lumber companies a million dollars a day. During this recess we are going on, it is going to cost \$15 million. So while the rest of the country is experiencing a great economic prosperity, the lumber mills are just about to the position where they are going to have to close because of this unfair situation that is taking place.

My mission here today is to tell this committee, to tell this House and to tell Customs, if they do not implement the provisions according to the law, if they do not implement it by the time this bill comes to the floor, then I am going to encourage my colleagues to vote against this entire bill because this is an atrocity that has been placed upon people in Arizona. When George Wallace ran for President he said he wanted to stand up for the people of America. Well, I am here today standing up for the people of Alabama and also for the people of Arizona and for the people of Kansas and the people all over this country who are experiencing an unfair situation simply because Customs will not obey the law.

I want to support this bill. It has many good provisions in it. I want to support Customs because they do a lot of good things. But we have a few bureaucrats that are holding up the ability of American lumber manufacturers to be able to continue to survive in this period of prosperity.

I hope Members will pass this rule today, but I am here to tell my colleagues, if the bill comes up today or if it comes up the day we get back, I intend to filibuster this thing by using

the five-minute rule, getting the 100-plus members of the Forestry 2000 Task Force to indeed support me in the effort.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time. I believe I have 11 minutes remaining.

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman is correct.

Mr. MCINNIS. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, may I inquire how much time the gentleman from Colorado has remaining?

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) has 10 minutes remaining.

Mr. MCINNIS. Madam Speaker, I reserve the balance of my time.

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Ms. SLAUGHTER. Madam Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I thank the gentlewoman for yielding to me.

Madam Speaker, there has been a suggestion that the administration did not exercise its responsibilities with respect to the Y2K problem. The gentleman from Wisconsin (Mr. OBEY) has pointed out that that included the total of about almost \$5 billion for emergency and contingency spending in their budget, that \$1.2 billion was specifically requested for Y2K, and that another \$3.25 billion was requested for Bosnia contingency spending and also Y2K.

That is not described, so neither I nor anybody else can specifically say what figure one can apply. But the fact is the administration, as all governments and all private sectors, has been working this issue very hard.

But the issue is not who is to blame: Did the Reagan administration or the Bush administration or the Clinton administration purchase incorrect hardware or software. In fact, we had a hearing before the Committee on House Oversight that the new leadership, Republican leadership, came in and bought some new computerware in 1995, which is outdated. We are going to have to replace them. That is because technology is moving very quickly.

This is not to blame anybody. It is to say that that decision is in error, recognized in error yesterday before the committee in testimony by the administrator. With no criticism of that, we need to move on to make sure that, technologically, we can handle our information systems properly.

The fact of the matter is, the point we are making on this rule is that we have some 40 days, 40 legislative days left. We have not done much in this Congress to date. Everybody observes that. We have 40 days left. This country is confronted with an emergency. Everybody recognizes that on both sides of the aisle. There is no dispute about that. There is an emergency.

The dispute is whether we delay confronting that emergency. The Committee on Appropriations said no. The

Subcommittee on the Treasury, Postal Service, and General Government said no.

Let us address it now. Let us deal with this issue now. Let us responsibly say we are going to fund the solution and not delay. That is what this dispute is about.

You can go all you want and say, oh, well, it was the other guys, point fingers, and it was somebody yesterday or the day before or the day before that that caused this problem. What you cannot, however, say is that there is not an absolutely essential need for us to respond.

My distinguished chairman, the gentleman from Arizona (Mr. KOLBE) said, well, we can delay and we can decide later in a supplemental as to how we pay for it or we do not pay for it, whether it is emergency or not. That sounds good, but all of us know that the longer this is delayed, the longer agencies cannot plan for dollars available, the more problematic becomes the solution. As the gentleman from Missouri (Mr. GEPHARDT) likes to quote Ed Harris as saying in *Apollo 13*, "In this instance, failure is not an option."

This rule puts at risk solving this problem. It does not preclude it. I understand that. But it puts it at risk unnecessarily. This is an emergency. Far too often, frankly, in the last 3 years we have found emergencies by tornado, by flood, by other devices; and we have delayed the solution to the detriment of those who were injured. We ought not to do that in this instance.

Mr. McINNIS. Madam Speaker, first of all, I would note to the gentleman, hang around until 5 o'clock this evening, and we are going to pass the IRS reform which is the most major piece of reform. We are doing something today. It is going to be a very significant day.

Madam Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding the time.

Madam Speaker, I just wanted to set the record straight. I wanted to set the record straight in terms of the fact that we all know that on January 1 in the year 2000, we will launch the mother of all computer glitches which we hope will be remedied.

Congress, I want to affirm to my friends, Congress has been working on this problem for over 2 years in a bipartisan way. I chair the Subcommittee on Technology of the Committee on Science. The gentleman from California (Mr. HORN) chairs the appropriate subcommittee of the Committee on Government Reform and Oversight.

We have alerted our other colleagues who chair and who are ranking members of other committees to have hearings. We have had more than 26 hearings on this one issue.

Let me suggest that it was in February of 1997 that the estimate of remedying the Year 2000 computer glitch

was estimated at \$2.3 billion for its entirety. It has now gone up to, in May of this year, it has gone up to \$5 billion. I would submit that even that is not going to be enough.

We heard debate yesterday about why it was not in the DOD bill, today why it is not in Treasury-postal. It is because we know, by virtue of the hearings that we have had, by virtue of the quarterly reports we have required from agencies where they give a national strategy and milestones, now we are going to require monthly, we know that this money is going to be requested of each agency. We want to put it together so we can look at a supplemental appropriation for the Y2K problem.

Please do not think it will be delayed. It cannot be delayed. It will be part of the appropriations process. But we are putting it all together.

I just want to point out again how it has escalated, why there is the need for it, and the fact that Congress has put into the bills, and Treasury-postal has been a wonderful opportunity for us to, through the years, put within that bill the requirement that we have a national strategy and the requirement that agencies will respond to and that no information technology can be purchased if it is not totally compliant.

So I and the administration are aware of the problem, although we had to go to them to come out with an Executive order, to use the bully pulpit, and I think more can be done, and to appoint a Year 2000 czar. John Koskinen is working very hard. Sally Katzen is the vice chair.

We must move together. The American people demand it. All of our utilities, all of our agencies, the interoperability concept make it all so very important.

But, please, I want the American people to know that Congress has been working on this issue. We will have enough money to solve it. We have been in the lead in terms of making sure that it is remedied.

Ms. SLAUGHTER. Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I thank the gentlewoman for yielding to me, and I certainly am not going to use the balance of the time that remains.

The gentlewoman from Maryland is correct. Everybody has observed that this problem is coming. She also made, I think, a very valid point. The cost of the solution has escalated over the last 12 months, and I would say even over the last few months.

My point that I made before is this has happened in the private sector and the public sector. The reason for that is that the scope of the problem was not contemplated. There are computers in almost everything we use, including our automobile as we drive down the street, which apparently also has this glitch built into a number of the chips that control many of the systems in

the automobiles. That is how complicated this system is.

The Committee on Appropriations, I say to my friend from Maryland, did contemplate that. We have taken, as the gentleman from Wisconsin (Mr. OBEY) said, \$400 million out of the IRS. I say to my friend, the gentleman from Colorado, who got up and said we are going to pass an IRS reform bill today, it is an IRS reform bill with some tax provisions in it which are going to change the Tax Code. We are going to have to have computers amended. It is the same thing we do, on the one hand, we say reform; but on the other hand, we complicate the code.

But that aside, I will tell my friend, the gentleman from Colorado, if we do not do this emergency fix of the Y2K problem, IRS reform bill or not, IRS is going to crash in 2000, period. Then there will be no funds to do anything in the Federal Government, whether it is emergency or nonemergency, defense or domestic, Social Security, or Medicare.

All of those are going to come crashing down around America's head. They will not want to hear, very frankly, oh, well, we delayed. We washed our hands and said we are going to do it later. If it was going to be done later, it should have been done. We have heard a lot about later.

The gentleman from Louisiana (Mr. LIVINGSTON), the Speaker, all agreed some weeks ago that this was going to be an emergency and that we needed to fund it through emergency funding. They recommended that. The committee adopted that.

As the gentleman from Wisconsin (Mr. OBEY) pointed out, there were only 16 members of a 54 member committee that did not vote for that. Think of that. That is a pretty overwhelming bipartisan determination by the Committee on Appropriations that has the responsibility to make sure that we address this emergency to fund it.

We are now retreating from this; not retreating from it in the Committee on Appropriations. The Committee on Rules took it upon itself to strike it from the defense bill.

This is not a liberal/conservative issue. The gentleman from Pennsylvania (Mr. MURTHA) was up here on behalf of defense, one of the strongest advocates of defense in this Nation, saying this was a problem. He urged that we defeat the last bill specifically for that reason.

I am urging that we defeat this rule for the same reason that the gentleman from Pennsylvania (Mr. MURTHA) urged that we defeat the defense bill rule. I do not think we are going to do that. I understand that. I think the other side of the aisle has determined in a unanimous way that they are going to vote for this rule.

There is nothing I can do about that other than bring to my colleagues' attention that this does, in fact, place at risk solving what is one of the most



critical problems confronting our government today, was recognized as an emergency, is an emergency.

The gentlewoman from Maryland and I agree it is an emergency. We have got to address it. Lamenting the fact, however, that we have today said that we are going to pass IRS reform, but we are going to delay to some other day solving the emergency situation of the computer glitches that will occur in the Year 2000, thus placing at risk the very IRS reform procedures that we are going to adopt later today.

I urge the House to reject this rule so that the Committee on Rules can go back, there can be a reconsideration, calmer and cooler heads can prevail, and then we can move ahead with solving this Y2K problem.

Ms. SLAUGHTER. Madam Speaker, I yield back the balance of my time.

Mr. MCINNIS. Madam Speaker, I yield myself such time as I may consume, especially in consideration of the remarks made by the gentleman over there who, at times, tends to drift from substance to partisanship.

Nobody on the Republican side said we ought to do this later. We heard from the gentleman from Arizona (Mr. KOLBE). We heard from the gentlewoman from Maryland (Mrs. MORELLA). There are a lot of people over here who have a pretty good understanding of this issue and who are focusing a lot of resources on that.

The difference between you and the difference between me is the gentleman wants to do it; we want to do it right. That is exactly what is going to occur here.

No one is saying do not fund this thing. We heard the chairman, or if you did not hear the chairman from the Committee on Appropriations, the gentleman from Louisiana (Mr. LIVINGSTON), he was here, he addressed that issue.

I take issue with the fact that my colleagues stand up here and say, well, Republicans want to do this later. They do not realize it is an emergency. You would have to have fallen off the swing twice on your head to figure out this is not important. Clearly, it is important. Clearly, we have an understanding of the Year 2000.

I am not sure the administration understands the importance of this. But in these Chambers, I think both sides understand the importance of this, and that is why it is receiving the priority. It is going to get the funding. It is getting the kind of attention it needs. We have some of our very best minds, as reflected by the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Arizona (Mr. KOLBE) working on this.

So the gentleman is out of line, in my opinion, when he says, well, we are waiting till later. Again, the difference between that side of the aisle, the Democrats who want to do it, and this side of the aisle, is that we want to do it right. Madam Chairman, I urge the passage of the rule.

Mr. HALL of Ohio. Madam Speaker, this rule protects from a point of order a provision that would remove the U.S. Postal Service as the American representative to the Universal Postal Union and substitute the U.S. Trade Representative (USTR). The Universal Postal Union oversees the functioning of the international mail system.

Without the special protection of this rule, the provision violates the House rule against legislating in an appropriations bill. I believe the Rules Committee was wrong in granting a waiver for this ill-advised provision.

The USTR does not want the job and is not qualified for the job. The USTR fears that the new responsibilities would interfere with its principal mission of administering U.S. trade policies.

The State Department believes that the U.S. Postal Service is the proper agency to represent the United States because only the Postal Service has the necessary specialized expertise in mail operations.

Mr. GILMAN, the chairman of the House International Relations Committee, has concerns about the change because the USTR is not able to manage the new responsibility.

This provision is opposed by major businesses which depend on the mail system such as L.L. Bean, the J.C. Penney Company, Land's End, the Magazine Publishers of America, the Direct Marketing Association, Hammacher Schlemmer, and the Parcel Shippers Association.

It is opposed by the National Association of Letter Carriers, National Rural Letter Carriers Association, National Association of Postal Supervisors, National Association of Postmasters of the United States, National League of Postmasters, and American Postal Workers Union.

In fact, there is a question as to whether the Universal Postal Union would even accept the USTR as a member, since the regulations of the Universal Postal Union require representatives to be a "qualified official of the Postal Administration" of the member country and representatives to the organization's governing body must be "competent in postal matters."

For the benefit of my colleagues, I submit for the RECORD a letter from Susan G. Esserman, Acting U.S. Trade Representative; a statement from the State Department; a letter from BENJAMIN A. GILMAN, chairman of the House International Relations Committee; and a statement from the Coalition in Support of International Trade and Competition.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,

Washington, DC.

Hon. ROBERT LIVINGSTON,  
Chairman, House Appropriations Committee,  
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter states our disappointment with the approval yesterday of an amendment which would transfer responsibilities from the U.S. Postal Service to the U.S. Office of the U.S. Trade Representative (USTR) to represent the United States at meetings of the Universal Postal Union (UPU). We continue to oppose this amendment.

Our view is that assuming this responsibility would be a very substantial undertaking for our small agency, whose major activity is to formulate trade policy and negotiating strategies and to represent the United States in trade negotiations. The entire staff of the agency is about 180, including clerical and support staff.

USTR has no expertise in postal administration and lacks the capability of dealing

with operational aspects of the international exchange of mail and the setting of rates for international mail and settlement rates with other countries for the carriage of unequal volumes of mail. I understand the UPU handles a wide range of issues related to international mail, such as security, mail fraud, hazardous materials, and financial management. These matters are well outside USTR's expertise.

USTR's Service unit, which would have to assume this function, is preparing to engage in major new international trade negotiations that are of great importance to all U.S. services industries, including the delivery services industry. These rapidly approaching negotiations will occur in the World Trade Organization, bilaterally with the European Union, in the Free Trade Area of the Americas negotiation and in the Asia-Pacific Economic Cooperation forum. To meet these responsibilities, USTR will be required to pull away resources from preparations and involvement in these broader services negotiations affecting \$258 billion in exports in services.

Please feel free to contact me if I can be of further assistance.

Sincerely,

SUSAN G. ESSERMAN,  
Acting.

STATE DEPARTMENT POSITION ON NORTHUP  
DRAFT AMENDMENT TO THE TREASURY/POSTAL  
APPROPRIATIONS BILL

#### BACKGROUND

The United States Postal Service (USPS) represents the United States on subjects relating to international mail services, and ensures that our obligations under international treaties and conventions are carried out. The USPS is authorized by law (39 U.S.C. 407) to negotiate and conclude postal treaties or conventions with the consent of the President. The Postal Service currently heads U.S. government delegations to meetings of the Universal Postal Union (UPU), which oversees the functioning of the international mail system, and fills the post of U.S. Representative. The State Department actively participates in these delegations. The Department of State and the USPS work together closely to ensure coordination between policies on international postal issues and our broader foreign policy goals.

#### DEPARTMENT OF STATE POSITION

As the only U.S. entity with the necessary specialized expertise in all aspects of international and domestic mail operations, the USPS is the proper agency to represent the United States in negotiating and concluding international conventions and treaties on postal matters.

UPU practice and regulations virtually mandate USPS leadership on U.S. delegations. UPU regulations require that any Representative to the UPU Postal Operations Council be a "qualified official of the Postal Administration" of the member country. Similarly, Representatives to the UPU Council of Administration, the organization's governing body, must be "competent in postal matters." In practice, all other UPU member country delegations to UPU bodies are headed by postal officials from the member countries.

Responsibility for the conduct of international postal services and UPU representation would be misplaced with the Department of State or with any other federal agency. The Department of State conducts United States foreign policy. The UPU is a specialized agency of the United Nations responsible for coordinating the exchange of mail between all of the countries of the world; it is not a foreign policy body as such.

The State Department does not have the detailed subject expertise nor the substantial



personnel and support resources required to properly represent U.S. interests in the UPU. A look at the agenda of the April 1998 UPU Postal Operations Council—which included, inter alia, postal security, philately development, the direct mail advisory board, postal accounting, quality of service, and terminal dues sessions—underlines the fact that the USPS is the only U.S. entity capable of adequately representing U.S. interests with regard to the full range of UPU agenda items.

Finally, we note that the requirement in proposed Section 407 (a) raises serious constitutional concerns. The negotiation and conclusion of treaties and international agreements, including the content of such instruments, is a Constitutional responsibility vested solely in the President, and is therefore an area in which Congress may not intrude.

#### LEVEL PLAYING FIELD

Without resorting to new legislation, mechanisms exist to ensure that government and private sector interests are factored into any policies, or conventions on international mail services. State, Commerce, USTR and the Postal Service participate in an inter-agency process which can examine competing demands and make decisions based on maximum benefit to all parties, including private mail carriers.

USPS hosts meetings with representatives of the private sector to brief on UPU activities and get industry input for its policy formation (the most recent of these meetings was held on April 14, 1998) and State, Commerce, USTR and USPS participate in the interagency process when needed to discuss international mail issues.

#### SUMMARY

The Department of State believes the U.S. Postal Service is the most appropriate representative for the United States government in the Universal Postal Union, and it appears to us that sufficient mechanisms exist currently to ensure coordination of U.S. policy and the interests of other US government agencies and private industry under USPS leadership.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,

*Washington, DC, June 22, 1998.*

Hon. JERRY SOLOMON,

*Chairman, Rules Committee, Washington, DC.*

DEAR JERRY: I am writing regarding the Treasury Postal Appropriations bill for FY99. The bill contains an amendment offered by Representative Northup that revises how international postal service negotiations are conducted.

I have strong concerns about this provision, and the assigning the USTR with the broad responsibility for "the formulation, coordination, and oversight of foreign policy related to international postal services . . .". The USTR is not responsible for the conduct of US foreign policy. Moreover, this provision would dramatically change the way in which postal issues are managed in international fora and raises questions as to the rules governing the Universal Postal Union. It is my understanding that the UPU Postal Operations Council requires that a representative be a qualified official of the Postal Administration. The governing body of the UPU Council of Administration requires the representative to be competent in postal matters. This raises the question as to whether the USTR has the capacity to manage this new portfolio.

I would urge the Rules Committee not to waive points of order with respect to this provision.

With best wishes.

Sincerely,

BENJAMIN A. GILMAN,  
*Chairman.*

#### COALITION IN SUPPORT OF INTERNATIONAL TRADE AND COMPETITION,

*June 23, 1998.*

To the Members of the Committee on Rules:

The members of the COALITION IN SUPPORT OF INTERNATIONAL TRADE AND COMPETITION, listed below, strongly urge the Committee on Rules *not* to waive points of order against the amendment on International Postal and adopted by the Committee on Appropriations, Arrangements offered by Rep. Ann Northup included in the Treasury-Postal appropriations bill under consideration today as well as any changes to the amendment Rep. Northup desires to make.

The amendment would place all international postal negotiations and representation under the U.S. Trade Representative rather than the Postal Service. The USTR has opposed this amendment, and we believe that passage could be very harmful to our international postal services and the business that use them.

Advertising Mail Marketing Association, Washington, DC.

American Postal Workers Union, Washington, DC.

Ballard Designs, Atlanta, GA.

L.L. Bean, Freeport, ME.

Current, Inc., Colorado Springs, CO.

Damark International, Inc., Minneapolis, MN.

The Direct Marketing Association, Washington, DC.

Fingerhut Companies, Inc., Minnetonka, MN.

Frontgate, Lebanon, OH.

Garnet Hill, Lebanon, NH.

Hammacher Schlemmer, Chicago, IL.

J.C. Penney Company, Plano, TX.

Land's End, Dodgeville, WI.

Magazine Publishers of America, Washington, DC.

Mail Order Association of America, Washington, DC.

National Association of Letter Carriers, Washington, DC.

National Association of Postal Supervisors, Alexandria, VA.

National Association of Postmasters of the United States, Alexandria, VA.

National League of Postmasters, Alexandria, VA.

National Retail Federation, Washington, DC.

National Rural Letter Carriers Association, Arlington, VA.

Parcel Shippers Association, Washington, DC.

Performance Data TransUnion Corporation, Chicago, IL.

Territory Ahead, Santa Barbara, CA.

TravelSmith, Novato, CA.

Whispering Pines, Fairfield, CT.

Mr. MCINNIS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore (Mrs. EMERRSON) announced that the ayes appeared to have it.

Ms. SLAUGHTER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this resolution will be postponed until later today.

The point of no quorum is considered withdrawn.

#### PERSONAL EXPLANATION

Mr. GREEN (during consideration of H. Res. 489). Madam Speaker, on Thursday, June 18 and Friday, June 19, I was unavoidably detained in my district working on the House that Congress Built Project.

Had I been present I would have voted "yes" on rollcall 242; "no" on rollcall 243; "no" on rollcall 244; "yes" on rollcall 245; "no" on rollcalls 246, 247, 248 and 249; and "yes" on rollcalls 250 and 251.

□ 1215

#### PROVIDING FOR CONSIDERATION OF H.R. 4112, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 489 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 489

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 3 or 7 of rule XXI, or section 401 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: page 10, line 1 through line 10. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment maybe considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.