

□ 1923

Mr. WELLER, Mrs. CUBIN, Mr. LAZIO of New York, and Mr. BLUNT changed their vote from "yea" to "nay."

Mr. WEXLER changed his vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. WEYGAND. Mr. Speaker, just a few minutes ago, as I was returning from the White House, I missed rollcall vote 281. Had I been present, I would have voted "aye" on the Miller substitute.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 500, the previous question is ordered on the bill, as amended.

The question is on the 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.

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

Mrs. BONO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 13, as follows:

[Roll No. 282]

## YEAS—221

Aderholt	Davis (VA)	Horn
Archer	Deal	Hostettler
Army	DeLay	Houghton
Bachus	Diaz-Balart	Hulshof
Baker	Dickey	Hunter
Ballenger	Dooley	Hutchinson
Barrett (NE)	Doolittle	Hyde
Bartlett	Dreier	Istook
Barton	Dunn	Jenkins
Bass	Ehrlich	Johnson (CT)
Bateman	Emerson	Johnson, Sam
Bereuter	English	Jones
Bilbray	Ensign	Kaptur
Bilirakis	Everett	Kasich
Bliley	Ewing	Kelly
Blunt	Fawell	Kennedy (MA)
Boehlert	Fazio	Kim
Boehner	Foley	King (NY)
Bonilla	Fossella	Knollenberg
Bono	Fowler	Kolbe
Brady (TX)	Fox	LaHood
Brown (CA)	Frank (MA)	Largent
Bryant	Franks (NJ)	Latham
Bunning	Frelinghuysen	LaTourette
Burr	Frost	Lazio
Burton	Galleghy	Leach
Buyer	Ganske	Lewis (CA)
Callahan	Gekas	Lewis (KY)
Calvert	Gibbons	Lipinski
Canady	Gilchrest	Livingston
Cannon	Gillmor	Lucas
Capps	Gilman	Manzullo
Castle	Goodling	Martinez
Chambliss	Goss	McCarthy (NY)
Chenoweth	Graham	McCollum
Christensen	Granger	McCrery
Clayton	Green	McDade
Coburn	Greenwood	McHugh
Collins	Gutknecht	McInnis
Combest	Hall (TX)	McIntosh
Condit	Hansen	McKeon
Cook	Harman	Metcalf
Cooksey	Hastert	Mica
Cox	Hastings (WA)	Millender-
Crane	Hayworth	McDonald
Crapo	Herger	Moran (KS)
Cubin	Hilleary	Morella
Cunningham	Hobson	Myrick

Nethercutt	Roemer
Neumann	Rogan
Ney	Rogers
Northup	Rohrabacher
Norwood	Ros-Lehtinen
Nussle	Roukema
Ortiz	Royce
Packard	Ryun
Pappas	Saxton
Parker	Schaefer, Dan
Paxon	Schaffer, Bob
Pease	Sessions
Peterson (PA)	Shadegg
Pickering	Shaw
Pickett	Shimkus
Pitts	Shuster
Pombo	Sisisky
Pomeroy	Skeen
Portman	Skelton
Pryce (OH)	Smith (MI)
Quinn	Smith (NJ)
Radanovich	Smith (OR)
Redmond	Smith (TX)
Regula	Smith, Linda
Riggs	Snowbarger
Riley	Solomon

## NAYS—200

Abercrombie	Gutierrez	Oberstar
Ackerman	Hall (OH)	Obey
Allen	Hamilton	Olver
Andrews	Hastings (FL)	Owens
Baessler	Hefley	Pallone
Baldacci	Hefner	Pascrell
Barcia	Hilliard	Pastor
Barr	Hinchey	Paul
Barrett (WI)	Hinojosa	Payne
Bentsen	Hoekstra	Pelosi
Berman	Holden	Peterson (MN)
Berry	Hooley	Petri
Bishop	Hoyer	Porter
Blagojevich	Inglis	Poshard
Blumenauer	Jackson (IL)	Price (NC)
Bonior	Jackson-Lee	Rahall
Borski	(TX)	Ramstad
Boswell	Jefferson	Rivers
Boucher	John	Rodriguez
Boyd	Johnson (WI)	Rothman
Brady (PA)	Johnson, E. B.	Rush
Brown (FL)	Kanjorski	Sabo
Brown (OH)	Kennedy (RI)	Salmon
Camp	Kennelly	Sanchez
Campbell	Kildee	Sanders
Cardin	Kilpatrick	Sandlin
Carson	Kind (WI)	Sanford
Chabot	Kingston	Sawyer
Clay	Klecza	Scarborough
Clement	Klink	Scott
Clyburn	Klug	Sensenbrenner
Coble	Kucinich	Serrano
Conyers	LaFalce	Shays
Costello	Lampson	Sherman
Coyne	Lantos	Skaggs
Cramer	Lee	Slaughter
Cummings	Levin	Smith, Adam
Danner	Lewis (GA)	Snyder
Davis (FL)	LoBiondo	Spratt
Davis (IL)	Lofgren	Stabenow
DeFazio	Lowey	Stark
DeGette	Luther	Stenholm
Delahunt	Maloney (CT)	Stokes
DeLauro	Maloney (NY)	Strickland
Deutsch	Manton	Stump
Dicks	Markay	Stupak
Dixon	Mascara	Tanner
Doggett	Matsui	Tauscher
Doyle	McCarthy (MO)	Thompson
Duncan	McDermott	Tierney
Edwards	McGovern	Torres
Ehlers	McHale	Towns
Engel	McIntyre	Turner
Eshoo	McKinney	Upton
Etheridge	Meehan	Velazquez
Evans	Meek (FL)	Vento
Farr	Meeks (NY)	Visclosky
Fattah	Menendez	Wamp
Filner	Miller (CA)	Waters
Forbes	Minge	Watkins
Ford	Mink	Watt (NC)
Furse	Moakley	Waxman
Gejdenson	Mollohan	Wexler
Gephardt	Moran (VA)	Weygand
Goode	Murtha	Wise
Goodlatte	Nadler	Woolsey
Gordon	Neal	Wynn

## NOT VOTING—13

Becerra	Gonzalez	Linder
Dingell	Hill	McNulty

Miller (FL)	Reyes	Yates
Oxley	Roybal-Allard	
Rangel	Schumer	

## □ 1941

Messrs. GOODLATTE, KINGSTON, EHLERS and HEFNER changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## □ 1945

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

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 498 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 498

*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 section 306 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. Points of order against section 628 for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for 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 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.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), pending which I will yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H.Res. 498 is a second attempt by our Committee on Rules to bring forward H.R. 4104, the Treasury, Postal Service and General Government appropriation bills for fiscal year 1999.

As Members may recall, on June 25, before the break, this House rather resoundingly defeated the first rule we brought forward, a rule that attempted to balance all the competing demands of the many Members with interest in this bill. We worked long hours at that time and jumped through a series of complicated hoops, making every effort to iron out the problems while remaining as faithful as possible to our commitment to fiscal and legislative discipline. Given the wide margin of defeat for that rule, however, we went back to the drawing board and decided to let the chips fall where they may on the host of controversial issues in this bill, finding our guide in the normal standing rules and procedures of the House for consideration of annual spending bills.

So this evening, Mr. Speaker, we bring H.Res. 498, a rule which, with one exception, presents this appropriation bill for House consideration under the normal process by which appropriation bills may come to the floor.

Members who have been around here for a while may remember our esteemed former colleague, in fact legend, the late Bill Natcher, a wonderful gentleman and appropriations cardinal who prided himself on bringing forward his annual spending bills without a rule. He willingly subjected himself and his legislative product to the standing procedures of House rules, letting the chips fall where they may and making his case directly to the Members through open debate. Not only was he respected, he was successful.

What we are doing here today, Mr. Speaker, comes very close to that type of effort. H.Res. 498 is an open rule providing for the traditional 1 hour debate equally divided between the chairman and ranking minority member of the Committee on Appropriations with one exception. The rule is silent on the many controversial provisions within this bill that constitute legislating on an appropriation bill or that provide funding for programs and activities that are not authorized. I am told by the subcommittee chairman that, in fact, there is something like 80 percent of the bill that would fall in that category.

As Members know, Mr. Speaker, both of those things are violations of rule XXI of House rules. We do not legislate on appropriation bills normally, and without protection from the House

Committee on Rules any provision of the bill that falls into those categories is vulnerable to being stricken by a point of order raised on this floor, should Members wish to do that.

The only provision within this bill that this Committee on Rules has felt compelled to protect from that fate of being stricken is the one which precludes Members of Congress from receiving an automatic cost of living increase, the congressional COLA. We all know that, without action by the Congress, a COLA for Members would automatically take effect. This year, as in the past, the Committee on Appropriations erected a barrier to that COLA in this bill so that there would be no such automatic increase for Members' pay. By waiving the point of order under House rule XXI that otherwise would lie against Section 628 of H.R. 4104, that is, the provision relating to the COLA, the Committee on Rules has insured that a procedural maneuver cannot be used to bring back to life the Members' COLA salary adjustment.

As one who continues to believe that the voters have not determined that we in this Congress deserve a raise, I support this action.

Mr. Speaker, this rule also waives points of order against consideration of the bill for failure to comply with Section 306 of the Congressional Budget Act regarding the prohibition on consideration of legislation within the Committee on the Budget's jurisdiction unless reported by that committee. This is necessary because the appropriators included within this bill funding for the year 2000 problem, affectionately known as Y2K, under an emergency designation, which is something traditionally in the province of the Committee on the Budget. This whole Y2K issue and whether to call it an emergency or to find offsets for the additional funding has been the subject of much debate in this body, as Members will recall. This rule ensures that this debate can continue allowing the matter to come to the floor while allowing Members an opportunity to strike the emergency designation, should they wish.

Mr. Speaker, the rule does several additional standard things:

Providing priority and recognition to those amendments that are preprinted in the CONGRESSIONAL RECORD and providing that the chairman of the Committee of the Whole may postpone recorded votes on any amendment. It also allows the chairman to 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. Lastly, the rule provides for 1 motion to recommit with or without instructions.

Mr. Speaker, there may be some Members who wish this rule had come out differently, and some of those Members probably did not like our first rule much either. But I would say to my colleagues that with this rule we have come very close to approximating

the standing rules of the House in bringing forth a spending bill that actually meets the requirements we have set out for ourselves in our normal government procedures. In my view, that is a bit of a breath of fresh air, and I urge Members to support the rule so we can get on with the business of funding the agencies covered by H.R. 4104, Postal Treasury.

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

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

I thank my colleague, the gentleman from Florida (Mr. GOSS), my dear friend, for yielding this time to me; and, Mr. Speaker, I must again oppose this rule. I would like to support the rule because it is open and it does give Members an opportunity to offer amendments that are germane and otherwise in compliance with the rules. However, Mr. Speaker, the rest of the rule is even more egregious than the first rule for the bill, and that rule was defeated by this House only 3 legislative days ago by an overwhelming vote of 291 to 125. The changes from the previous rule certainly do not fix the problems that caused the rule to fail, so presuming, in fact, I think it even makes the problems worse.

The bill itself is not the problem, Mr. Speaker. As before, I think the underlying bill is generally fair, and it is worthy of support. It provides \$13.2 billion in discretionary budget authority, a slight increase from last year's bill. This level of funds should adequately support most of the programs and services that are covered by the bill. The major exceptions, however, continue to be the Federal Election Commission, which is funded significantly below the level necessary to do its job properly and effectively; and, furthermore, Mr. Speaker, the bill contains authorizing language imposing term limits for the Commission's staff directors and general counsel which will further impede the FEC's ability to do its work objectively and impartially.

Mr. Speaker, I wish those in their offices would listen. This rule would expose nearly all of this bill to a point of order including the Office of Inspector General of the Treasury, the Federal Law Enforcement Training Center, the Bureau of Alcohol, Tobacco and Firearms, and most of the Customs Service, the Mint, the Bureau of Public Debt, the Secret Service, the Federal Election Commission and the General Services Administration.

Mr. Speaker, the rule also exposes to a point of order critical legislative language to implement a new, fair and reasonable pay system to adequately compensate the Federal firefighters for overtime. This provision is necessary to correct a pay inequity between Federal firefighters and their municipal and civil service counterparts. I strongly support this language, and I am disappointed that it is not protected in this rule.

We all saw the incredible work done by those firefighters, those courageous

firefighters, to stop those terrible fires that plagued Florida in recent weeks. We must ensure that those who risk their lives in fighting fires are compensated fairly for their valiant efforts.

Mr. Speaker, I am also disappointed that this rule did not protect from a point of order another provision in this bill that would have helped implement Federal employee's pay reform which was in accordance with legislation signed into law in 1990. Language in this bill, Mr. Speaker, would have fixed the problems that have prevented this law from being implemented.

Also, Mr. Speaker, one of the main reasons that the first rule failed is still a problem in the second rule. That is, of course, the failure to protect the \$2.25 billion in emergency designation that is desperately needed to address the massive computer failure known as Y2K. If we do not immediately begin efforts to fix this problem, it could cripple our Nation's computers on January 1 in the year of 2000, and, Mr. Speaker, that is less than 18 months away. If we continue to ignore this problem, if we put it off for another day, we may well run out of enough time to prevent the major chaos and confusion that is certain to compromise our Nation's economic well-being and our national security. Whether it is a crash in the stock market or a failure of our traffic control system or a lapse of our Nation's defense systems, the consequences are likely to be very, very grave.

We just cannot take this risk, Mr. Speaker. We must put aside partisan squabbling and take the action and take that action now.

The Committee on Appropriations wisely included emergency funding for the Y2K in this bill and in the defense bill also, but my Republican colleagues have decided that this crisis just has to wait. They have decided to remove the emergency funds from both of these bills. The majority continues to say they will do it later, they will do it in another bill. Well, it has been almost 3 weeks since the House leadership decided to delete the emergency designation for Y2K first from the defense bill and then from this bill. I still do not see any action that any legislation will be on the schedule shortly.

□ 2000

This problem is not going to go away, and we are wasting very, very precious time.

Mr. Speaker, we are playing with fire by not dealing with the Y2K matter immediately, and I hope, for all of our sakes, that my Republican colleagues are genuine in their promise to make this a top priority. This should not be a political issue, and we must act now.

Mr. Speaker, I oppose the rule because it fails to protect this critical funding and subjects much of the bill to being struck on a point of order. I urge Members to join with me in voting no on this rule.

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

Mr. GOSS. Mr. Speaker, I am privileged to yield such time as he may consume to the distinguished gentleman from Glens Falls, New York (Mr. SOLOMON), the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, when I hear my good friend, the gentleman from Massachusetts (Mr. MOAKLEY), who is the ranking member of the Committee on Rules, stand up here and make the absolute opposite argument that he has made in the past, I do not know whether to lose my temper or just to smile. I guess I will just smile.

But I am just looking at the vote that took place several weeks ago on June 25 when we brought a rule to the floor that fits the exact description that the gentleman just outlined that he would vote for. Now, as I look down at the vote that took place, I see my good friend, the gentleman from Massachusetts (Mr. MOAKLEY), did not vote. I do not know why. He did not cast his vote. But I see that 135 Democrats voted "no" on that rule that the gentleman just described. The rule was defeated with 125 yes votes and 291 no votes. The House overwhelmingly spoke against it.

Now, what normally happens in a situation like that? If you are on the floor and the rule does not pass, you generally bring these appropriation bills back to the floor.

I remember Mr. Natcher from Kentucky, one of the most respected Members of this body, a perfect southern gentleman, and he often sat in that chair where you are, Mr. Speaker, and let me tell you, he knew how to run this House. He ran it fairly. He also was the chairman of a subcommittee on appropriations, and he did not bother coming to the Committee on Rules. He brought his bill right to the floor.

Mr. Speaker, the point I am trying to make is that once this rule was defeated, protecting all of these issues the gentleman has just outlined, and there are a lot of them in there that I support. We have a gun issue in there that is very important to those of us that stand up for property rights and for gun rights of people. We have the Federal firemen's pay issue. We have some FEC language in there. We have some currency language. All of these things I support very strongly.

But the truth of the matter is, there is no way to put together a rule that anybody is going to support, because if we protected the Lowey amendment, we are going to have all of the pro-lifers vote against it. If we do not protect it, we will have another group vote against it.

So what we have done is said, okay, let us bring this bill to the floor without a rule, and then let the chips fall where they may, with one exception, and that one exception is that in this bill is a ban on a pay raise for Members of Congress going into effect.

Now, we cannot bring this bill to the floor under these circumstances and allow that provision to be knocked out.

That means that Members of Congress are going to get their pay raise. I happen to be for pay raises, but the point is that we cannot allow that to happen here.

So we have simply brought this bill to the floor without a rule, except that we are saying that the ban on the pay raise from going into effect shall be protected. Otherwise, the bill stands as is.

So for Members that want to come over here and vote this time, let me just say once and for all: You come over here and you vote against this rule and you are voting for a Member's pay raise. There is absolutely no question about it. Because that is the only issue at stake here, other than regular order, regular procedure, of bringing this rule to the floor. Members ought to know that. So I want to make that perfectly clear.

Mr. Speaker, I would be glad to discuss this at any time with other Members for the next hour.

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

Mr. Speaker, I enjoyed my chairman's dissertation, but most of the rules on appropriations that come out of the Committee on Rules, they protect most everything. In fact, we just voted a rule today that protected everything but two issues. This was beaten 3 weeks ago, Mr. Speaker, because of some of these items that are not protected today. We are just doing exactly what we did a couple of weeks ago. I am sure this is going to meet the same fate.

About the pay raise being blocked, we could correct that in 1 minute, and the chairman knows that. We could go back, on any rule coming out, we could put that in there, we could stop it. So that is really a red herring on this bill. This rule should not be passed.

Mr. Speaker, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member on the Subcommittee on Treasury, Postal Service and General Government.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Massachusetts, the ranking member of the Committee on Rules, for yielding.

Mr. Speaker, I rise in opposition to the rule.

At the outset, let me say that it is unfortunate that we find ourselves in this position. The chairman of the Treasury Postal Subcommittee, the gentleman from Arizona (Mr. KOLBE), as I said in the committee markup, has forged a fair bill as it came out of subcommittee. It was a bill that sought to address the problems that confront the agencies that are our responsibility. It was a bill as well that sought to fund a critical situation that confronts not just our agencies but almost every agency of government other than defense, and that critical crisis was, as we refer to it, the Y2K problem, ensuring that computers would be compatible with the change of century.

Because if they are not, we will not be able to fly airplanes. Indeed, we will

not be able to collect revenues. We will not be able to pay Social Security. We will not be able to pay Medicare. The fact of the matter is, government will come to a screeching halt, and commerce will come to a screeching halt. That is not an acceptable alternative.

As a result, the gentleman from Louisiana (Mr. LIVINGSTON), and it is my understanding the Speaker, the gentleman from Missouri (Mr. GEPHARDT), the minority leader, and the Committee on Appropriations, all agreed that we would confront this issue forthrightly and designate it for what it is, an emergency, one that cannot be delayed, one that must be solved on behalf of every American, young and old. We did not do that.

I tell my friend, the chairman of the Committee on Rules, that his rule does not protect that issue. It does not allow us to proceed as we should. And the ranking member of the Committee on Rules is absolutely correct, on this floor, on the debate, when this rule was last considered 3 weeks ago on the 25th of June, it was represented that by the time we got back, we will know how to solve this problem. We will know where to get the \$2.3 billion. That was represented to us on this floor by the leadership on the other side of the aisle. As the gentleman from Massachusetts (Mr. MOAKLEY) has correctly pointed out, that has not happened.

Substantively, this was a good bill, as I said, as it came out of subcommittee. It was not a perfect bill as it came out of the full Committee on Appropriations from my perspective. There were matters in it that I had concerns about, but they would not have led me to oppose the rule. But as it came out of the Committee on Rules last time, it was not acceptable.

Now, I say to my friend, the chairman of the Committee on Rules, this is not about a pay raise. Like the chairman, I am for a pay raise, because it is effectively simply a cost of living adjustment, less half a point that every other Federal employee gets, less a half a point. So we get a half a point less, because we did not want to take a full pay raise. We wanted to respect the American public's concern on that issue.

I say to my friend, the chairman of the Committee on Rules, our committee reported out, as he well knows, the preclusion of the acceptance of that pay raise, and that is the only matter the gentleman has protected in his rule.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

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

Mr. SOLOMON. Mr. Speaker, if the gentleman would help clarify something in my own mind. The gentleman knows that he and I have worked together on many issues dealing with Federal employees, and I have the greatest respect for them, as does the gentleman, but the committee of jurisdiction, the authorizing committee, as

the gentleman knows, has not dealt with this issue. There is a \$7 billion price tag.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am talking about the Members. The gentleman brought up the Members' pay raise. The gentleman said this was about a Members' pay raise. My representation to the gentleman is that, in fact, the committee included the preclusion, the prohibition on the receipt by Members of a pay raise.

There is nothing in this bill about employees' pay raises, as the gentleman knows, so that what I am saying to the gentleman is whether this rule fails or whether this rule passes, Members will not get pay raises, the reason being because, if we have to go back to the drawing board, we will come back with the same provision. The gentleman knows that, and Members ought to know that.

Mr. Speaker, if I might therefore conclude, I say to my friend, the chairman of the Committee on Rules, his representation about a Members' pay raise vote is, frankly, political tactics, not substance. It is political tactics to try to scare Members into voting for or against this rule.

What this is about is the failure of the Committee on Rules to protect what are democratically adopted in the Committee on Appropriations provisions, some of which I like, some of which I did not like.

Now I will tell my friend, he says if he protects the Lowey amendment, for instance, which provides for access to contraception, which I believe the overwhelming majority of Americans believe is good policy and good family practice, the overwhelming majority of Americans in my opinion believe that, he says that people will vote against the rule to prohibit a vote in the people's House on that issue. It does not make sure that it happens. What it says is that the representatives of the American public will be able to vote on that issue.

The gentleman has provided for a procedure, as the Chair well knows, where one Member can come and strike out what the Committee on Appropriations adopted in a democratic process.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield further, the gentleman is moving from one subject to the other so fast it is hard to stay concentrated.

Mr. HOYER. One has so little time, one needs to deal with all the subjects at one time.

Mr. SOLOMON. One Member can rise and strike, and that is under regular rules of the House, so we do not want to change those rules.

Mr. HOYER. Mr. Speaker, reclaiming my time, with all due respect, as the gentleman from Massachusetts said, the gentleman changed it yesterday on the rule. The gentleman protected everything except two items that were in that bill.

Mr. GOSS. Mr. Speaker, I think it is most important that this debate con-

tinue, and I am pleased to yield such time as he may consume to the distinguished gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, let me be very, very brief. What the gentleman has been complaining about that this rule does not take care of is the fact that we did not protect a change in the locality pay for Federal workers. That is very important, and I agree with the gentleman. But the truth is, there is a \$7 billion price tag, which is not paid for in this bill. Now, true, it does not take place until next year, but we just cannot allow this kind of legislation to go through without it being paid for. We are going to blow the balanced budget deal that we have had.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield briefly to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I have not mentioned that issue.

Mr. SOLOMON. Well, the gentleman mentioned it to me on many occasions, including up in the Committee on Rules.

Mr. HOYER. That is correct. But I have not mentioned that as the rationale for this opposition to the rule.

The gentleman mentioned that if the Lowey amendment was left protected, that the gentleman could not get the votes of right-to-lifers on his side of the aisle. My proposition to the gentleman is that what the gentleman is saying is they would not want to bring to the floor for a democratic vote up or down a resolution of that issue.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, let me just say I do not understand why, when we brought the rule to the floor which protected the Lowey amendment, 135 Democrats voted against it. We could have passed that rule and this bill would already be over at the Senate where it belongs. Now we are here today under a regular rule process, and Members ought to come over here and vote for the rule.

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Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I must oppose this rule. Under this rule, any Member can strip funding from this bill by raising a point of order.

I am particularly concerned about the appropriations to repair the year 2000 problem. Numerous computer programs will either crash or generate errors when computing dates for the year 2000. People should know that date-sensitive computer programs are everywhere. In desktop and mainframe computers, in machines used in manufacturing, in simple devices such as the computer chips in coffeemakers which have timers.

Consumers everywhere are going to be watching what we do here. Since computers are so widespread, since software is time-sensitive, since computer chips are in all kinds of devices, failures cause serious repercussions.

In government, many areas are vulnerable to failure. Many government agencies have made progress on the Y2K problem, and that is thanks to the gentleman from California (Mr. HORN) and also thanks to President Clinton and Vice President GORE. It has been bipartisan, but we have a lot of progress that needs to be made. Removing the Y2K appropriations from this bill cripples the agencies' ability to cope with this problem.

Now, the President asked for \$234 million for year 2000 conversion. We will need another \$138 million next year. If the IRS does not get funding to clean up the Y2K problem, we are looking at failures in customer service, failure to refund taxpayers' money, problems with the Taxpayer Relief Act of 1997, implications for the IRS restructuring bill, delays in the 1999 filing season, effects on the 2000 filing season, effects on the processing of refunds. The processing of refunds will be delayed.

The IRS has 127 mission-critical systems. So far, 59 of these systems have been repaired. The Customs Service is making progress on Y2K repairs. Currently, only 25 percent of the mission-critical systems are in the testing phase. The Financial Management Service in the Treasury Department has not completed the assessment of all of their systems yet. The Postal Service has many repairs to make. They expect to have 21 percent of their mission-critical systems ready for funding by this September.

Sufficient Y2K funding is critical to ensure that our law enforcement can operate, that government can collect taxes, write refund, tax refund checks and deliver the mail. The Y2K problem is a management challenge and a programming challenge. It must not become a political football.

Again, I will say the progress that has been made so far I will credit Chairman HORN, I will credit the President and Vice President for moving quickly on this, but we cannot let this become a political football. The American people are depending on us to make sure they receive government services on and after January 1, the year 2000. Let us not let them down.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to this rule. It pains me to do so since we defeated it a few days ago, but I believe there is a good rule that can protect the excellent work of this subcommittee, and I do believe that the subcommittee reported a fair and sound and thoughtful piece of legislation that would have served the appropriations process very well and would have done honor to this body.

This is a rule that exposes all parts of this bill with a small exception of one section to points of order. It is also a unique appropriations bill in the sense that most of the sections have

not been authorized, and for many years we have protected them against points of order.

So it is true that under this rule the funding for the IRS could be knocked out. We just spent months and months and months passing the most significant reform of the IRS passed in the history of this body. And why would we then want to bring this to the floor under an appropriations bill that is not going to actually fund this important agency?

Now, there is no need for this kind of rule. Honestly, we need to get ourselves together, come back with a rule that addresses the critical snarly areas of this bill that have caused the controversy.

I regret that the passage of an amendment in the subcommittee that guaranteed Federal employees full access to contraceptives has caused such a hullabaloo in this body. Frankly, this same bill denies Federal employees access to abortion, which is a medical, legal procedure in America. But we have made the decision that Federal employees should not have access to this legal medical procedure.

Well, it is perfectly rational then to at least guarantee that our own employees have access to the full range of contraceptives so that they do not get pregnant unintentionally, that is all. If we disagree with that, fine. Have a rule that allows a vote on that. We have offered, have a rule that protects everything except the Lowey amendment. Let that be struck on a point of order; just let that rule allow us to offer an amendment to reinstate access to contraceptives for Federal employees, and we will argue it here on the floor. Let it take its course.

There is this controversy about the funding of the Y2K resources. Let that be up or down. Let us talk about it. Let us debate it. I am for how the bill does it. I think it is irrational to take the funding for Y2K compliance for the whole government out of one budget and thereby disadvantage all of the other important programs that that budget provides for all the people of America and for our important Federal functions.

So let us have a rule that brings the primary controversies to the floor. My colleagues, vote down this rule. This is an overreaction to an unfortunate lack of communication that caused the defeat of the first rule. I urge a "no" vote.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this rule. As my colleagues know, this rule leaves unprotected the Lowey contraceptive coverage language in the bill, language which provides that Federal employees must have their contraceptives prescriptions covered if, in fact, other prescription drugs are covered.

This language passed in the full Committee on Appropriations with support

from Democrats and Republicans, pro-life and prochoice Members, but the Committee on Rules has denied Members a chance to have a debate and a vote on this critical issue and on the amendment of the gentleman from Wisconsin (Mr. OBEY) which will give religiously-based plans an opt-out from covering the plans of contraceptives if it conflicts with their religious beliefs.

We have had vote after vote after vote on legislation that would restrict women's access to abortion, but we are not allowed to have even one vote on improving women's access to contraception, which will prevent abortion.

The rule we are considering is a clear infringement on the rights of Members to offer amendments in the House, and it is a slap in the face, frankly, to more than 1 million American women who are covered by the Federal Health Benefits Plan who stand to benefit if Federal health benefit plans that cover prescription drugs are required then to cover contraceptives as well.

Why is this language so important? We are all in agreement that we want to reduce the number of abortions. Close to half of all unintended pregnancies end in abortions, and although all but one of the FEHBP plans cover sterilization, all but one cover sterilization, only 10 percent cover the five most basic, widely-used forms of contraception, and over 80 percent of the plans do not cover all five methods.

Contraception, my colleagues, is basic health care for women. It allows couples to plan families and have healthier babies when they choose to conceive, and it makes abortion less necessary, which is a goal we all share.

Currently, women of reproductive age spend 68 percent more in out-of-pocket health costs than men, and part of the reason for this gender gap in health care costs is the failure of health plans to cover contraception. Plans refuse to cover contraceptives because they know that this is a necessity for women and 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, my colleagues, 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 abortion method. No abortions will be covered by this amendment. We are talking about the range of contraceptive options that women need, including the five most popular methods, the oral contraceptive pill, the diaphragm, the IUDs, Depo-Provera and Norplant.

It is crucial that plans cover the full 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 because it may increase their risk of stroke or any other

reason that is peculiar to them and the advice from their physician.

Now, some of my colleagues may think that we should not be telling FEHBP plans what they have to cover, that this is an insurance mandate. Let us be clear. 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 employee. The United States Government should be a model for other employers.

There was strong support for this provision in the Committee on Appropriations. It has the support of the subcommittee chairman, the gentleman from Arizona (Mr. KOLBE); it has the support of several prolife Democrats on the Committee on Appropriations, and, in fact, 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, the AFGE.

Let me say in closing that a recent Congressional Budget Office analysis determined that this improved coverage for Federal employees would not have any impact on the budget totals for fiscal year 1999, no budgetary impact for fiscal year 1999.

This issue is absolutely essential. I would hope that the Congress could come together to support contraceptive coverage and defeat this rule.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise all Members that the gentleman from Florida has 15 minutes remaining, and the gentleman from Massachusetts has 7 minutes remaining.

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

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I very reluctantly rise in opposition to this rule. I rise in opposition because it endangers many provisions that are important to Federal employees and their families, many of whom I have the honor of representing.

□ 2030

But before I give the reasons why, I do want to say that it is not because of the fact that the money for the Y2K problem is not put into this bill, because it is going to be put into a separate appropriations bill, so we do not have division, one agency versus another agency. So that is certainly not the reason I oppose the rule.

This rule actually does not protect an important provision regarding insurance coverage of contraceptives for women. It requires Federal Employees Health Benefit plans to cover prescription contraception, just as they cover other prescriptions. The vast majority of FEHB plans offer prescription drug coverage, but they fail to cover the full range of prescription contraceptives which prevent unintended pregnancies and reduce the need for abortion.

Congress has repeatedly voted to exclude abortion coverage from FEHB plans. Contraceptives help couples plan wanted pregnancies and reduce the need for abortion. Close to half of all pregnancies are unintended. Currently, women of reproductive age spend 68 percent more in out-of-pocket health costs than men. Treating prescription contraceptives the same as all other covered drugs would help to achieve parity between the benefits offered to male participants in FEHB plans and those offered to female participants.

I also want to point out that the rule does not protect an important provision affecting Federal employee pay. The bill would close a loophole in the Federal Employees Compensation Act of 1990 that has allowed the President to deny Federal employees their just raises because of a severe economic condition, despite our booming economy.

The FEPCA was enacted to ensure fair pay raises for Federal employees, but according to CRS, it has never been implemented as originally enacted. The bill closes this loophole by defining a severe economic condition as two consecutive quarters of negative growth in the real Gross Domestic Product, which was the generally accepted definition of a recession.

The rule also leaves vulnerable an important provision to bolster firefighter pay, something for which I have been working for many years. Within the Federal work force firefighters are paid less than other Federal employees. A GS-5, Step 5, Federal Government worker makes 44 percent more per hour than a GS-5, Step 5, Federal Government firefighter.

The pay gap between Federal and non-Federal firefighters is largely due to an unfair and convoluted method of calculating Federal firefighter pay. They are dedicated civil servants, we have certainly seen that with the disasters that have occurred in Florida and other parts of the country, constantly risking their lives so our communities can sleep at night with confidence that our safety and the safety of our loved ones is protected.

I encourage my colleagues to join me in opposing this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

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

Mr. Speaker, I rise in strong opposition to this rule. This rule strips the Lowey Federal employee family planning provision from the bill so we cannot even debate this deeply important issue.

As a nurse, I believe that contraception is, first and foremost, a health issue. The fact that close to half of all pregnancies in the United States are unintended is astounding. The decision to have children should be made by individuals in a family setting and in consultation with doctors and within a

religious belief context. We need to support that in this House.

I believe that the Federal Government must set an example for the rest of this country by providing our employees with full access for health care for women. This includes opportunities for the whole range of contraception methods. We in Congress must demonstrate that we consider family planning a key health issue.

I urge my colleagues to vote against this rule, and provide our Federal employees with fundamental health care coverage, including contraception, according to the Lowey provision.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I hate to see a good bill sacrificed on the altar of contraception. That is what this rule does. We are seeing many important provisions of this bill go up in smoke because of one provision.

The notion that plans could pick and choose what contraceptive a woman or man should use is or should be anathema to this House. I warn this House, the Lowey amendment is one of seven priorities of the Bipartisan Women's Caucus. We have chosen seven bills on which, Democrats and Republicans alike, as women we regard as must-pass provisions for this Congress. The Lowey amendment is one of those. We had an entire hearing on contraceptive research because of the neglect of contraception and what that has done to women over the past decade.

We have gotten to the point where if you are in service to your country as a member of the Armed Forces or as a Federal employee, you can guarantee to have your privacy invaded. We are talking about grown women, and plans, health plans choosing what contraceptives they should use.

The last thing a woman or a man should be subject to is somebody else choosing or advising them which contraception is best for them. Some do not work, some are absolutely harmful, some have side effects. We have to have a choice here, because one size absolutely does not fit all, and indeed, one size clearly endangers the health of many.

I am looking for anti-choice allies on this one. If we cannot come together on this one, I am not sure where we will come together. Members cannot go home and say they are against abortion, and also go home and say they are against preventing abortion. Defeat this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me the time. Mr. Speaker, this rule allows the bipartisan Lowey amendment on contraceptives and the funding to fix the

year 2000 computer problem to be struck by a point of order. What does that mean? That means without even a recorded vote. The Lowey amendment was adopted in committee. She did it fairly, she did it squarely, and now the Republican leadership is ready to knock her out of the bill without a vote.

We have heard just a second ago how important this is on expanding insurance coverage on contraception. We also heard, Mr. Speaker, about how important this is to prevent abortions. This process is a sham. It is unfair. We will oppose this rule.

Because some on this side of the aisle want to play games with us now and politicize the issue of Members' pay, they want to cover up and hide their extreme proposals with respect to contraceptive insurance coverage, so we are not going to let that happen.

We are going to move to defeat the previous question on this rule, and if successful, we will do three things, three things. Number one, we will make in order the Lowey and the Obey amendments on contraception, we will preserve funding for the year 2000 computer problems, and we will stop any increase in pay for Members of Congress.

I urge my colleagues to vote no on the previous question and to vote no on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the great gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, I want to explain what procedure we are going to pursue. I believe it is very important to have every Member understand what we are going to ask for. We are going to ask that the previous question be defeated. That will then allow us to offer an alternative rule.

I want to represent to every Member in this Chamber and listening in their offices what that rule will be comprised of. First of all, we will continue the provision reported out of subcommittee, reported out of full committee, that will preclude Members' pay from going into effect.

Secondly, we will provide for the consideration of the Lowey amendment, which was democratically adopted in the committee and reported to this floor, but is unprotected. Not only would it be not subjected to a vote, yea or nay, but one Member under the rules that were proposed will be able to exclude that or any other item.

Thirdly, we will protect in our rule the Y2K funding, which everybody in this House and in this Nation knows is an emergency, and which the Committee on Appropriations, with the leadership of the gentleman from Louisiana (Mr. LIVINGSTON), designated an emergency, to his credit, and frankly, to the credit of the Republican leadership that initially agreed with that procedure.

So to remind Members, if they vote no on the previous question, they will then be able to vote yes on a rule which will preclude a pay raise, which will take it out of a political demagoguery situation; that will allow a democratic vote in the people's House on whether or not we ought to allow for access to contraception so we can preclude more abortions; and thirdly, if Members vote no on the previous question, they will be able to protect the provision which provides for funding of the solution to the Y2K problem, and ensure the effective operations of our computers and our governmental programs, as well as commerce in this country in the next century.

I urge Members to vote no on the previous question to accomplish these three objectives.

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

Mr. Speaker, we have heard a lot of inconsistent comment this evening relative to just three legislative days ago, as our friends across the aisle said, actually it was a little more than that, because it was on the calendar a couple of weeks ago when we tried to come up with a rule to protect the Lowey amendment, do the things they asked, and lo and behold, 135 Democrats took a hike on us and did not support the bill.

We listened to them before, we tried to work it out in a deliberative and I think nonpartisan way, and we did not get their support. So now we are trying to do our job faithfully, and we have come back for what is one of the important appropriations bills, and we have tried to craft a way to let the deliberative body work its will.

There has been some mischaracterization, if not misrepresentation, of the fact that the sky is going to fall automatically if we pass this rule. That is not the case. If somebody, some Member, wishes to get up and strike on a point of order, that is a privilege. That happens to be a House rule. If somebody says that is unfair, what they are really saying is the House rules are unfair.

If Members are saying that the rules that have served this House so well for so long are unfair, then come on up to the Committee on Rules and let us talk about changing them, and why Members think they are unfair. But that is not something that is done lightly.

So I think there has been a series of mischaracterizations going on, as I have listened to the concern about the people who have failed to get the authorizations of measures that they want enacted. We all know that we are not supposed to do a lot of authorization on appropriations bills.

The failure of the authorizations process to get the work done now has been picked up by the appropriators, trying to pick up what pieces they could to do a good faith job, and the Committee on Rules tried to do a good faith job to bring a rule forward that would get enough votes to pass so we

could have a debate. That went down by a big number. That went down 291 to 125 three legislative days ago, so I remind Members of that.

Now we are coming back with a different one and saying okay, let the body work its will in a different way. We will have what is basically an open rule. Now, open rules used to be something we spoke of around here with a certain degree of reverence, that that is something we all strive to achieve is the open rule. I know the number of times that the gentleman from Massachusetts (Mr. MOAKLEY), when he was Chairman MOAKLEY of the Committee on Rules, we brought him to task because he did not have enough open rules.

I know his colleagues on the other side regularly tried to do that to Chairman Solomon and the rest of us in the majority. We understand that. But we do strive for open rules and we do it in a good-natured way.

The only thing that is different is that we did protect the issue of the pay raise, so if Members are trying to shoot this rule down, they are basically saying, let us get the pay raise back on the floor.

□ 2045

At least some will characterize it that way. I think there is much more at stake than the pay raise issue obviously. We had the contraception question. We have had the question of Y2K.

On the contraception question, again, we had our chance, 135 Members on the other side voted against the Lowey provision apparently because it was protected in that rule.

We had the Y2K. It surprises me a little bit that we are talking about Y2K as an emergency. It is not an emergency to those of us who understand the consequences of Y2K. We have been for some time trying to encourage the Clinton administration to get a grip on the fact that the calendar is real, that the year 2000 is coming and that we do have a problem. Most people in the world know that the year 2000 is on the calendar, and they have a fairly approximate idea of when it is coming. Even if one does not know much about the computer problem, one can at least understand the calendar.

We have not done well with the Clinton administration. Some agencies are ahead of others. Again, I will join with my colleague who congratulated the gentleman from California (Mr. HORN) for the work he has done trying to bring attention to that and trying to stimulate some interest in the administration to get that job done.

The debate about whether or not is it an emergency payment or not an emergency payment, therefore, if it is an emergency, we all know we do not have to figure out a way to pay for it. If it is not an emergency, then we have to figure out a way to pay for it. It is a little extra harder because we have to actually designate the money from some revenue source. So I would say



that that is a secondary debate to the debate that Y2K is very serious. We all agree on that. We are not going to put off the solution because we cannot decide whether to pay for it from here and designate what the source of payment is going to be. I think that is a bit of a red herring before us.

I think what is, frankly, out here is this, that the authorizers did not get that their job done. The appropriators tried to pick it up. The Committee on Rules has tried to work with everybody. Apparently it has not happened.

The next step is, we can go the other route and say, fine. We can bring a rule out here with no protection at all on it and let it go to the floor.

I would urge all those listening to understand that this is a good faith effort to try and bring forth some kind of a workable rule to get this legislative appropriations bill on the floor. It is a legislative appropriations bill, because it is about 80 percent legislation. We know that. It is way overburdened. That is wrong, but that is what we are presented with. We are presented with a schedule. We are presented with a calendar of our own. We are presented with a budget we have to deal with.

So if the question is, shall we go forward and deal with the business of getting these agencies funded, the answer is yes. Vote for the rule. Yes, vote for the previous question.

Voting no on the previous question, throwing this thing into a controversy which is sure to destine it to another defeat, another round of this, is not going to get this appropriations bill passed. Some of those Members who live in the area and represent workers in the area have a great concern, naturally, doing good jobs of representing their districts, and the people in their districts are going to be very, very concerned, if this thing goes down a couple of more times because we cannot get it together.

I can guarantee Members that the provision that has been suggested with regard to the motion on the previous question on Members pay and the Lowey amendment and Y2K will appeal to some Members but it will not appeal to enough because we did that. We already did that a couple of days ago, three legislative days ago. We did some other things as well. But you will not be allowed to bring a rule forth that will get necessary majority support with just those provisions. It is not going to happen.

The final point I would make on this is, there is not going to be a better offer right now than voting yes on the previous question and voting yes on the rule to get this piece of legislation on the floor. If we do not pass it, it goes home.

Mr. Speaker, I include for the RECORD the following:

#### HOUSE RULES COMMITTEE

#### THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

The previous question is a motion made in order under House Rule XVII and is the only parliamentary device in the House used for

closing debate and preventing amendment. The effect of adopting the previous question is to bring the resolution to an immediate, final vote. The motion is most often made at the conclusion of debate on a rule or any motion or piece of legislation considered in the House prior to final passage. A Member might think about ordering the previous question in terms of answering the question: Is the House ready to vote on the bill or amendment before it?

In order to amend a rule (other than by using those procedures previously mentioned), the House must vote against ordering the previous question. If the previous question is defeated, the House is in effect, turning control of the Floor over to the Minority party.

If the previous question is defeated, the Speaker then recognizes the Member who led the opposition to the previous question (usually a Member of the Minority party) to control an additional hour of debate during which a germane amendment may be offered to the rule. The Member controlling the Floor then moves the previous question on the amendment and the rule. If the previous question is ordered, the next vote occurs on the amendment followed by a vote on the rule as amended.

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to this rule. Earlier today, we debated abortion again—for the 87th time since 1995—and this House passed a bill to criminalize abortion in yet another way.

Now, we learn that this rule does not protect language already included in this Treasury Appropriations bill to provide for contraceptive coverage equity for federal employees.

Later today, we will vote once again on the issue of whether a federal employee's health plan can choose to cover abortion. I find this very contradictory.

If you want to prevent abortion, why not do everything we can to make contraceptives more available and affordable.

The language left unprotected by this rule simply requires Federal Employee Health Benefit plans that currently cover prescription drugs, to also cover FDA-approved prescription contraceptives and related services to individuals and their families.

Mr. Speaker, women of reproductive age spend approximately 68% more than men in out-of-pocket health care costs.

Much of this disparity can be attributed to the lack of coverage of reproductive health care costs.

By improving insurance coverage of contraceptive care, we can reduce or eliminate this unfair financial cost to women.

More than half of all pregnancies in the United States are unintended, and half of these pregnancies end in abortion.

Currently, 10% of FEHB plans offer no coverage of reversible contraceptives and, in some cases, plans cover only one method of prescription contraception.

This lack of insurance coverage leads many women to choose less expensive and less reliable methods of contraception.

So why not allow a vote on this provision? It won a bipartisan victory in committee, and now this rule will make it easy to strip this language.

That is unfair and undemocratic. We have a real opportunity today to decrease the number of unintended pregnancies and the number of abortions. And, the Republican majority says no. It is shameful. I urge a "no" vote on this rule.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for the opportunity to speak today. I strongly oppose the Rule Committee's decision not to protect Representative LOWEY's amendment in the FY 1999 Treasury Postal Service General Government Appropriations bill, H.R. 4101. Representative LOWEY's amendment required Federal employee health benefits to cover contraceptive drugs and related services to individuals and their families.

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.

In fact, 10 percent of Federal employee health plans fail to include reversible contraceptive. In some cases, plans only cover one method of prescription contraception. Overall, 81 percent 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 percent more of their own money for health care than men, with contraception and related health services accounting for much of the difference.

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. Close to half of all pregnancies in the United States are unintended. Increasing access to contraceptives through insurance coverage will help Federal employees obtain the methods and services they need to plan their families.

Polls show that 90 percent 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 oppose this rule.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

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

Mr. MOAKLEY. Mr. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 185, not voting 18, as follows:



[Roll No. 283]

## YEAS—231

Aderholt Gibbons Packard  
 Archer Gilchrist Pappas  
 Arney Gillmor Parker  
 Bachus Gilman Paul  
 Baker Goode Paxton  
 Ballenger Goodlatte Pease  
 Barcia Goodling Peterson (MN)  
 Barr Goss Peterson (PA)  
 Barrett (NE) Graham Petri  
 Bartlett Granger Pickering  
 Barton Greenwood Pitts  
 Bass Gutknecht Pombo  
 Bateman Hall (TX) Porter  
 Bereuter Hansen Portman  
 Bilbray Hastert Pryce (OH)  
 Billirakis Hastings (WA) Quinn  
 Bliley Hayworth Radanovich  
 Blunt Hefley Ramstad  
 Boehlert Herger Redmond  
 Boehner Hilleary Regula  
 Bonilla Hobson Riggs  
 Bono Hoekstra Riley  
 Brady (TX) Horn Rogan  
 Bryant Hostettler Rogers  
 Bunning Houghton Rohrabacher  
 Burr Hulshof Ros-Lehtinen  
 Burton Hunter Roukema  
 Buyer Hutchinson Royce  
 Callahan Hyde Ryun  
 Calvert Inglis Salmon  
 Camp Istook Sanford  
 Campbell Jenkins Saxton  
 Canady Johnson (CT) Scarborough  
 Cannon Johnson, Sam Schaefer, Dan  
 Castle Jones Schaffer, Bob  
 Chabot Kasich Sensenbrenner  
 Chambliss Kelly Sessions  
 Chenoweth Kildee Shadegg  
 Christensen Kim Shaw  
 Coble King (NY) Shays  
 Coburn Kingston Shimkus  
 Collins Klug Skeen  
 Combest Knollenberg Skelton  
 Cook Kolbe Smith (MI)  
 Cooksey LaHood Smith (NJ)  
 Cox Largent Smith (TX)  
 Crane Latham Smith, Linda  
 Crapo LaTourette Snowbarger  
 Cubin Lazio Solomon  
 Cunningham Leach Souder  
 Davis (VA) Lewis (CA) Spence  
 Deal Lewis (KY) Stearns  
 DeLay Linder Stenholm  
 Diaz-Balart Livingston Stump  
 Dickey LoBiondo Talent  
 Doolittle Lucas Tauzin  
 Dreier Manzullo Taylor (NC)  
 Duncan McCollum Thomas  
 Dunn McCrery Thornberry  
 Ehlers McHugh Thune  
 Ehrlich McInnis Tiahrt  
 Emerson McIntosh Trafficant  
 English McKeon Upton  
 Ensign Metcalf Walsh  
 Everett Metcalf Wamp  
 Ewing Mica Watkins  
 Fawell Miller (FL) Watts (OK)  
 Foley Moran (KS) Weldon (FL)  
 Forbes Morella Weldon (PA)  
 Fossella Myrick Weller  
 Fowler Nethercutt White  
 Fox Neumann Whitfield  
 Franks (NJ) Ney Wicker  
 Frelinghuysen Northup Wilson  
 Gallegly Norwood Wolf  
 Ganske Nussle Young (AK)  
 Gekas Oxley Young (FL)

## NAYS—185

Abercrombie Boyd Danner  
 Ackerman Brady (PA) Davis (FL)  
 Andrews Brown (CA) Davis (IL)  
 Baesler Brown (FL) DeFazio  
 Baldacci Brown (OH) DeGette  
 Barrett (WI) Capps Delahunt  
 Becerra Cardin DeLauro  
 Bentsen Carson Deutsch  
 Berman Clay Dicks  
 Berry Clayton Dixon  
 Bishop Clyburn Doggett  
 Blagojevich Condit Dooley  
 Blumenauer Conyers Doyle  
 Bonior Costello Edwards  
 Borski Coyne Engel  
 Boswell Cramer Eshoo  
 Boucher Cummings Etheridge

Evans Farr  
 Fattah Lowey  
 Fazio Luther  
 Filner Maloney (CT)  
 Ford Maloney (NY)  
 Frank (MA) Manton  
 Frost Markey  
 Furse Martinez  
 Gejdenson Mascara  
 Gephardt Matsui  
 Gordon McCarthy (MO)  
 Green McCarthy (NY)  
 Gutierrez McDermott  
 Hall (OH) McGovern  
 Hamilton McHale  
 Harman McKinney  
 Hastings (FL) Meehan  
 Hefner Meek (FL)  
 Hilliard Menendez  
 Hinchey Millender  
 Hinojosa McDonald  
 Holden Miller (CA)  
 Hooley Minge  
 Hoyer Mink  
 Jackson (IL) Moakley  
 Jackson-Lee Mollohan  
 (TX) Murtha  
 Jefferson Nadler  
 John Neal  
 Johnson (WI) Oberstar  
 Johnson, E.B. Obey  
 Kanjorski Oliver  
 Kaptur Ortiz  
 Kennedy (MA) Owens  
 Kennedy (RI) Pallone  
 Kilpatrick Pascarell  
 Kleczka Pastor  
 Klink Payne  
 Kucinich Pelosi  
 LaFalce Pickett  
 Lampson Pomeroy  
 Lantos Poshard  
 Lee Price (NC)  
 Levin Rahall  
 Lewis (GA) Rangel

## NOT VOTING—18

Allen Kind (WI)  
 Clement McDade  
 Dingell McNulty  
 Gonzalez Meeks (NY)  
 Hill Moran (VA)  
 Kennelly Roybal-Allard  
 Schumer  
 Shuster  
 Slaughter  
 Smith (OR)  
 Sununu  
 Yates

## □ 2106

Mr. MOLLOHAN and Mr. KLINK changed their vote from “yea” to “nay.”

Mr. Foley changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

## RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 201, answered “present” 1, not voting 14, as follows:

[Roll No. 284]

## AYES—218

Abercrombie Bateman Burr  
 Aderholt Bereuter Burton  
 Billirakis Buyer  
 Bliley Callahan  
 Blunt Calvert  
 Boehner Camp  
 Bonilla Campbell  
 Bono Canady  
 Barr Brady (TX)  
 Bartlett Bryant  
 Barton Bunning  
 Chambliss

Chenoweth  
 Christensen  
 Coble  
 Coburn  
 Collins  
 Combest  
 Cook  
 Cooksey  
 Costello  
 Cox  
 Crane  
 Crapo  
 Cubin  
 Cunningham  
 Danner  
 Davis (VA)  
 Deal  
 DeLay  
 Diaz-Balart  
 Dickey  
 Doolittle  
 Dreier  
 Duncan  
 Dunn  
 Ehlers  
 Ehrlich  
 Emerson  
 English  
 Ensign  
 Everett  
 Ewing  
 Fawell  
 Foley  
 Forbes  
 Fossella  
 Fowler  
 Gallegly  
 Gekas  
 Gibbons  
 Gillmor  
 Goode  
 Goodlatte  
 Goodling  
 Goss  
 Graham  
 Granger  
 Gutknecht  
 Hall (TX)  
 Hansen  
 Hastert  
 Hastings (WA)  
 Hayworth  
 Hefley  
 Herger  
 Hilleary  
 Hobson  
 Hoekstra  
 Holden  
 Hostettler  
 Houghton  
 Hulshof  
 Hunter

## NOES—201

Ackerman  
 Allen  
 Andrews  
 Bachus  
 Baesler  
 Baldacci  
 Barrett (WI)  
 Bass  
 Becerra  
 Bentsen  
 Berman  
 Berry  
 Bilbray  
 Bishop  
 Blagojevich  
 Blumenauer  
 Boehlert  
 Bonior  
 Borski  
 Boswell  
 Boucher  
 Boyd  
 Brady (PA)  
 Brown (CA)  
 Brown (FL)  
 Brown (OH)  
 Capps  
 Cardin  
 Carson  
 Carson  
 Castle  
 Clay  
 Clayton  
 Clyburn  
 Condit  
 Conyers  
 Costello  
 Coyne  
 Cramer  
 Cummings  
 Gilman  
 Gordon  
 Green  
 Greenwood  
 Gutierrez  
 Hall (OH)  
 Hamilton  
 Harman  
 Hastings (FL)  
 Hefner  
 Hilliard  
 Hinchey  
 Hinojosa  
 Hooley  
 Horn  
 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  
 Klink  
 Klug  
 Kucinich  
 LaFalce

Lampson	Murtha	Serrano
Lantos	Nadler	Shays
Leach	Neal	Sherman
Lee	Oberstar	Sisisky
Levin	Obey	Skaggs
Lewis (GA)	Olver	Smith, Adam
Lofgren	Ortiz	Snyder
Lowey	Owens	Spratt
Luther	Pallone	Stabenow
Maloney (NY)	Pascrell	Stark
Manton	Pastor	Stokes
Markey	Payne	Strickland
Martinez	Pelosi	Tanner
Mascara	Pickett	Tauscher
Matsui	Pomeroy	Thompson
McCarthy (MO)	Porter	Thurman
McCarthy (NY)	Poshard	Tierney
McDermott	Price (NC)	Torres
McGovern	Ramstad	Towns
McHale	Rangel	Turner
McKinney	Reyes	Upton
Meehan	Rivers	Velazquez
Meek (FL)	Rodriguez	Vento
Meeks (NY)	Roemer	Visclosky
Menendez	Rothman	Waters
Millender-	Roukema	Watt (NC)
McDonald	Rush	Waxman
Miller (CA)	Sabo	Wexler
Minge	Sanchez	Weygand
Mink	Sanders	Wise
Moakley	Sandlin	Woolsey
Moran (VA)	Sawyer	Wynn
Morella	Scott	

## ANSWERED "PRESENT"—1

Kolbe

## NOT VOTING—14

Clement	McDade	Slaughter
Dingell	McNulty	Smith (OR)
Gonzalez	Roybal-Allard	Whitfield
Hill	Schumer	Yates
Kennelly	Shuster	

□ 2123

Mrs. NORTUP changed her vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4194, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. GOSS, from the Committee on Rules, submitted a privilege report (Rept. No. 105-628) on the resolution (H. Res. 501) providing for consideration of the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REQUEST TO WAIVE CERTAIN POINTS OF ORDER AGAINST PROVISIONS OF H.R. 4104, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the House waive all

points of order under clause 2 or 6 of rule XXI against the Y2K provisions of H.R. 4104, to wit: the provisions on page 37, line 12, through page 38, line 14.

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

Mr. KOLBE. Mr. Speaker, reserving the right to object, and I would object, Mr. Speaker, I would have to object on the grounds that this unanimous consent agreement is contrary to the rule which was just adopted by the House of Representatives, and for that reason I do object.

The SPEAKER pro tempore. Objection is heard.

#### CHEAP POLITICS AT THEIR VERY WORST

(Mr. HEFNER asked and was given permission to address the House for 1 minute.)

Mr. HEFNER. Mr. Speaker, I have been in politics for a long, long while and I have been in tough campaigns when the rhetoric was very, very high but there is something that came to my attention tonight that was issued by the Republican National Committee, and the last paragraph says if Democrats want to block this motion so they can get a raise, so be it, said the gentleman from Georgia (Mr. LINDER), but by tomorrow I guarantee every newspaper in their district will know about it.

I would not even bring this up but a few months ago my sister-in-law died after a 3-year battle with cancer, and I had an excused absence from this House, and there was a vote that was taking place and a press release sent to my district accusing me of making a bad vote, it was bad for my constituents.

It only takes 10 seconds to check this computer to see if people are here. You have no guarantee that there will not be a press release in your newspaper whether you are even here or voting or not. This is cheap politics at its very, very worst, and I abhor it to the nth degree.

□ 1930

#### 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 H.R. 4104 and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). 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 consideration of the bill, H.R. 4104.

□ 2131

#### 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 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. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

#### PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Chairman?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, I do not know that anybody has made an announcement, but am I correct that the only thing we will be doing for the balance of the evening will be general debate? There will be no votes?

Mr. KOLBE. Mr. Chairman, will the gentleman yield? I would be happy to respond to that.

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

Mr. KOLBE. Mr. Chairman, yes, it is our intention to proceed through the hour of general debate, which will include a number of colloquies that we have, but not yet to open the bill at any point, not to begin the reading of the bill.

The CHAIRMAN. The Chair will anxiously look forward to a motion to rise and will certainly recognize a Member who might choose to make that proposal.

Mr. HOYER. So, Mr. Chairman, the Members should know that they have no need to be here if they wanted to object or make any other suggestions in the body of the bill itself?

Mr. KOLBE. Mr. Chairman, if the gentleman would continue to yield, any provisions dealing with the bill itself, amendments or motions to strike, would not be in order tonight because we will not begin the reading of the bill this evening.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Arizona for his clarification.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, tonight I am pleased that we have gotten to the point where we are and that I can bring to the floor H.R. 4104 which is the fiscal year 1999 Treasury, Postal Service and General