

gift of life goes to the person who needs it the most rather than someone who happens to have the good fortune to live in the right state, county or city. Its about helping at least 300 people each year to continue to live.

The fact is that the current system discriminates against people who live near the highly regarded centers with the longer waiting lists. It's not their fault that their local center is willing to take the harder and sicker patients when other centers avoid the sicker patients in favor of patients who may be still able to work, go to school, or even play golf while patients elsewhere are near death without any opportunity to receive that organ because they have the misfortune of being on the wrong side of the Pennsylvania—Ohio line.

All HHS wants to do is: (1) require UNOS to develop policies that would standardize its criteria for listing patients and for determining their medical status, and (2) ensure that medical urgency, not geography, is the main determinant for allocating organs.

HHS should be allowed to proceed. The longer we delay the more lives are at risk. In this day of modern air travel and communications there is no good reason for an organ to stop at the border. There is no good reason why if I passed away while attending the Superbowl in New Orleans that my liver should go to a golfer in Louisiana when I may have a loved one who is in desperate need of a transplant at home.

People are dying because they happen to live in the wrong zip code and because states do not want to share their organs. Nowhere else in society would we allow a monopoly like this to continue. We must put an end to this craziness. There is no room in this country for politics to affect who lives and dies. The patients who need the organs the most should get them. Period.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. ARCHER. 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 418, nays 2, not voting 15, as follows:

[Roll No. 611]

YEAS—418

Abercrombie	Baldwin	Bentsen
Ackerman	Ballenger	Bereuter
Aderholt	Barcia	Berkley
Allen	Barr	Berman
Andrews	Barrett (NE)	Biggart
Archer	Barrett (WI)	Billbray
Armey	Bartlett	Bilirakis
Baca	Barton	Bishop
Bachus	Bass	Blagojevich
Baird	Bateman	Bliley
Baldacci	Becerra	Blumenauer

Blunt	Gibbons	Luther
Boehkert	Gilchrest	Maloney (CT)
Boehner	Gillmor	Maloney (NY)
Bonilla	Gilman	Manzullo
Bonior	Gonzalez	Markey
Bono	Goode	Martinez
Borski	Goodlatte	Mascara
Boswell	Goodling	Matsui
Boucher	Gordon	McCarthy (MO)
Boyd	Goss	McCarthy (NY)
Brady (PA)	Graham	McCollum
Brown (FL)	Granger	McCrery
Brown (OH)	Green (TX)	McDermott
Bryant	Green (WI)	McGovern
Burr	Greenwood	McHugh
Burton	Gutierrez	McInnis
Buyer	Gutknecht	McIntyre
Calvert	Hall (OH)	McKeon
Camp	Hall (TX)	McKinney
Campbell	Hansen	McNulty
Canady	Hastert	Meehan
Cannon	Hastings (FL)	Meek (FL)
Capuano	Hastings (WA)	Meeks (NY)
Cardin	Hayes	Menendez
Carson	Hayworth	Metcalf
Castle	Hefley	Mica
Chabot	Herger	Millender-
Chambliss	Hill (IN)	McDonald
Chenoweth-Hage	Hill (MT)	Miller (FL)
Clay	Hillery	Miller, Gary
Clayton	Hilliard	Miller, George
Clement	Hinchee	Minge
Clyburn	Hinojosa	Mink
Coble	Hobson	Moakley
Coburn	Hoefel	Mollohan
Collins	Hoekstra	Moore
Combest	Holden	Moran (KS)
Condit	Holt	Moran (VA)
Cook	Hooley	Morella
Cooksey	Horn	Murtha
Costello	Hostettler	Myrick
Cox	Houghton	Nadler
Coyne	Hoyer	Napolitano
Cramer	Hulshof	Neal
Crane	Hunter	Ney
Crowley	Hutchinson	Northup
Cubin	Hyde	Norwood
Cummings	Inslee	Nussle
Cunningham	Isakson	Oberstar
Danner	Istook	Obey
Davis (FL)	Jackson (IL)	Olver
Davis (IL)	Jackson-Lee	Ortiz
Davis (VA)	(TX)	Ose
Deal	Jefferson	Owens
DeFazio	Jenkins	Oxley
DeGette	John	Packard
Delahunt	Johnson (CT)	Pallone
DeLauro	Johnson, E. B.	Pascrell
DeLay	Johnson, Sam	Pastor
DeMint	Jones (NC)	Paul
Deutsch	Jones (OH)	Payne
Diaz-Balart	Kanjorski	Pease
Dickey	Kaptur	Pelosi
Dicks	Kasich	Peterson (MN)
Dingell	Kelly	Peterson (PA)
Dixon	Kennedy	Petri
Doggett	Kildee	Phelps
Dooley	Kilpatrick	Pickering
Doolittle	Kind (WI)	Pickett
Doyle	King (NY)	Pitts
Dreier	Kingston	Pombo
Duncan	Klecza	Pomeroy
Dunn	Klink	Porter
Edwards	Knollenberg	Portman
Ehlers	Kolbe	Price (NC)
Ehrlich	Kucinich	Pryce (OH)
Emerson	Kuykendall	Quinn
Engel	LaFalce	Rahall
English	LaHood	Ramstad
Eshoo	Lampson	Rangel
Etheridge	Lantos	Regula
Evans	Largent	Reyes
Ewing	Larson	Reynolds
Farr	Latham	Riley
Fattah	LaTourette	Rivers
Filner	Lazio	Rodriguez
Foley	Leach	Roemer
Forbes	Lee	Rogan
Ford	Levin	Rogers
Fossella	Lewis (CA)	Rohrabacher
Fowler	Lewis (GA)	Ros-Lehtinen
Franks (NJ)	Lewis (KY)	Rothman
Frelinghuysen	Linder	Roukema
Frost	Lipinski	Roybal-Allard
Galleghy	LoBiondo	Royce
Ganske	Lofgren	Rush
Gedensson	Lowe	Ryan (WI)
Gekas	Lucas (KY)	Ryun (KS)
Gephardt	Lucas (OK)	Sabo

Salmon	Souder	Turner
Sanchez	Spence	Udall (CO)
Sanders	Spratt	Udall (NM)
Sandlin	Stabenow	Upton
Sanford	Stearns	Velazquez
Sawyer	Stenholm	Vento
Saxton	Strickland	Visclosky
Scarborough	Stump	Vitter
Schaffer	Stupak	Walden
Schakowsky	Sununu	Walsh
Scott	Sweeney	Wamp
Sensenbrenner	Talent	Waters
Sessions	Tancredo	Watkins
Shadegg	Tanner	Watt (NC)
Shaw	Tauscher	Watts (OK)
Shays	Tauzin	Waxman
Sherman	Taylor (MS)	Weiner
Sherwood	Taylor (NC)	Weldon (FL)
Shimkus	Terry	Weldon (PA)
Shows	Thomas	Weller
Simpson	Thompson (CA)	Weygand
Sisisky	Thompson (MS)	Whitfield
Skeen	Thornberry	Wicker
Skelton	Thune	Wise
Slaughter	Thurman	Wolf
Smith (MI)	Tierney	Woolsey
Smith (NJ)	Tiahrt	Wu
Smith (TX)	Toomey	Wynn
Smith (WA)	Towns	Young (AK)
Snyder	Trafficant	Young (FL)

NAYS—2

Berry Stark

NOT VOTING—15

Baker	Everett	Radanovich
Brady (TX)	Fletcher	Serrano
Callahan	Frank (MA)	Shuster
Capps	McIntosh	Wexler
Conyers	Nethercutt	Wilson

□ 1903

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, due to a family illness I was unable to attend votes today. Had I been here I would have made the following votes:

Rollcall No. 598—"no"; 599—"yes"; 600—"yes"; 601—"yes"; 602—"yes"; 603—"no"; 604—"no"; 605—"no"; 606—"no"; 607—"yes"; 608—"no"; 609—"yes"; 610—"yes"; 611—"yes".

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 4, SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

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

The Clerk read the resolution, as follows:

H. RES. 393

Resolved, That the bill of the Senate (S. 4) entitled the "Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United

States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. PEASE). In the opinion of the Chair, the resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Illinois (Mr. WELLER) is recognized for 30 minutes.

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

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

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

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

There are numerous precedents for this action I am requesting.

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

This resolution is necessary to return to the Senate the bill S. 4, the "Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999." S. 4 contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives.

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

Section 202 of the bill generally authorizes members of the Armed Forces to participate in the Federal Thrift Savings Plan. In particular, section 202 of the bill adds a new section 8440e to Title 5 of the United States Code. New section 8440e generally permits members of the uniformed services or Ready Re-

serve who are authorized to participate in the Thrift Savings Plan to contribute up to 5 percent of their basic pay to the Thrift Savings Plan. In addition, subsection (d) of new section 8440e permits members of the uniformed services to contribute to the Thrift Savings Plan any part of their special or incentive pay they receive under section 308, 308a through 308h, or 318 of title 37. The subsection further provides in effect that the limitations of Internal Revenue Code section 415 will not apply to such contribution. Code section 415 generally provides limitations on benefits and contributions under qualified employee benefit plans.

Thus, the effect of subsection (d) of new section 8440e is to override the limits on the Thrift Savings Plan contribution imposed by Internal Revenue Code section 415. By overriding Code section 415, the provision allows certain members of the uniformed services to avoid the negative tax consequences that would result from such contributions. Accordingly, the provision is revenue-affecting in a constitutional sense.

Plainly, allowing members of the Armed Forces to participate in the Thrift Savings Plan causes a reduction in revenues as a budget scorekeeping matter, since contributions to the Thrift Savings Plan reduce the taxable incomes of participants by operation of the existing tax laws, and therefore their tax liabilities. However, the reduction in Federal revenues is viewed as an indirect effect of the provision since the provision does not attempt to specify or modify the tax rules that would otherwise apply to the provision, and therefore does not offend the constitutional requirement. Rather, new subsection (d) offends the Origination Clause because it directly amends the internal revenue laws. Subsection (d) overrides the limitations imposed by Code section 415, thereby directly modifying the tax liability of individuals who would otherwise be subject to its limits. Such a provision is plainly revenue-affecting and therefore constitutes a revenue measure in the constitutional sense. Accordingly, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on July 21, 1994, the House returned to the Senate S. 1030, containing a provision exempting certain veteran payments from taxation. On October 7, 1994, the House returned to the Senate S. 1216, containing provisions exempting certain settlement income from taxation. On September 27, 1996, the House returned to the Senate S. 1311, containing a provision that overrode the Federal income tax rules governing recognition of tax-exempt status.

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

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

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

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

Mr. WELLER. Yes, Mr. Speaker.

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

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

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

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to consider and pass House Joint Resolution 84, making further continuing appropriations for fiscal year 2000.

The Clerk read the title of the joint resolution.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I think the House needs to understand exactly what it is we are doing, and I yield to the gentleman for the purpose of explaining what is happening again.

Mr. YOUNG of Florida. Mr. Speaker, I thank my friend for yielding.

Earlier this afternoon, we passed a continuing resolution taking us to December 2, 1999. Our colleagues in the Senate have asked that we extend that by one day, mainly because they need a clean vehicle over there, and that is exactly what this is, it extends continuing spending authority from December 2 to December 3, and it gives our colleagues in the Senate a clean vehicle that they need to conduct their business.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I would simply note two things and then ask a question.

When we were debating how dairy would be handled, we were told that it had to be on the budget because we did not have any other vehicles. Now, in the space of about 15 minutes, the House has created two additional vehicles. I am beginning to think that we are making the keystone cops look like Barishnikov.

Mr. Speaker, I do not understand what the magic difference is between December 2 and December 3. Perhaps we could reach a compromise on December 2½. I do not know what is going on.

I mean, I have heard of continuing resolutions for a year, an hour, but not