

have been told by the Parliamentarian, and I want to make sure that the Members know this as well, that a change in the Treasury, Postal bill will not be germane because the only germane amendment to change the bill will be to the legislative bill because that is the underlying bill. Am I correct on that?

The SPEAKER pro tempore. That question cannot be prejudged at this point in time.

Mr. HOYER. Why not? There is not an answer that exists to that, Mr. Speaker? It is not a theoretical question.

The SPEAKER pro tempore. At this point, the question is hypothetical.

Mr. HOYER. Mr. Speaker, let me suggest that it may not be hypothetical at all as it relates to how Members feel they can vote on this particular rule, because they will know if they vote on this rule that they may or may not be precluded from taking such action under the rules that they may want to take.

That is why I believe that it is a relevant question at this time, prior to the vote on the rule.

The SPEAKER pro tempore. That is a fair question on which to engage in debate but not for advisory opinion from the Chair. It is still hypothetical.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 1½ minutes.

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

I would once again want to try to correct some of the misstatements made by the distinguished majority whip. He indicated that those of us on the Democratic sides of the aisle had insisted that all 13 appropriation bills have a higher spending level than those produced by the majority. I would point out I wrote dissenting views to the Department of Defense bill that the majority brought to this House. That bill is \$19 billion over last year and it is \$5.1 billion above the President's request. Not with my vote, but with his.

The Labor HHS bill, at this point, the document being worked on in conference, is \$2.5 billion over the President's request.

The point we are trying to make is very simple. The majority party indicated earlier in this year that it was going to insist on its budget resolution. We made the point at that time that it was not realistic; that the Congress would wind up spending much more money than that, and that they ought to fess up earlier rather than later. Now what has happened is that on bill after bill the majority party is throwing away the budget limitations, but we have no idea what limitations are replacing them.

In other words, we are now acting in Congress the way the Congress acted

before 1974 with the passage of the Budget Act. For all practical purposes, whatever the Committee on the Budget has proposed is considered as being irrelevant. There are no rules except the rules designed on an ad hoc basis, anonymously, by the gentleman from Texas and his other fellow leaders, and that is no way to run a railroad much less run a legislative representative body.

1400

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

Mr. Speaker, a couple of days ago I was talking with a gentleman from the other side of the Capitol about the appropriation process, and he said that he was deeply involved in the Foreign Ops appropriations bill and that the Members on both sides had agreed on all the differences from the House to the Senate on Foreign Ops.

However, he could not get any Members on the minority party or the White House to meet with them. They refused to meet, including the White House. Because they have this strategy to drag it out, stretch it out, do not agree to anything, complain about everything; and then one day, as the Majority Whip said, we will be here in October with a huge appropriations bill that will take in several of these 13 appropriations bills and they will get to spend more money. We heard that throughout this process on 13 bills that we are not spending enough.

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

Mr. LINDER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I understand the proposition of the gentleman. The Majority Whip made that, as well.

If that is the case, why does not the majority, which controls both Houses, send the bills as they think they ought to be to the White House and let them veto them and let the American public see what is going on?

Mr. LINDER. Mr. Speaker, reclaiming my time, we would very much like to do that. But if 41 of the Democrats on the other side of the Capitol determine to filibuster, they can stop anything from happening.

As the gentleman knows, they have to have 60 votes in that body. They are determined not to let anything move at all, not even to let them bring it up without all kinds of amendments that are not germane to the process, which, in a body that has only two rules, unanimous consent and exhaustion, they can put anything on a bill. So they are slowing it down.

The fact of the matter is that this House has voted to pass all three of these provisions before. These provisions are before us again today. We are trying to get these passed and out of these bodies so that the President can veto them, because we expect that he will. Then we will be back in September dealing with the differences.

It would be easier if they would engage us today and help us with these

differences today and move forward with the process.

So I would say to my colleagues that this rule, while cumbersome, not pretty, is a rule that gets the process moving. It is not new to us. We remember when Speaker Wright did this some years ago. But it does get the process moving.

Let us get to the debate on the bills, the substance of the bills. Let us move this process. And let us get out of town for our district work period knowing that we passed, if not all of them, all but maybe one of them, hopefully all of them, before August, something that has not been done in modern times.

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

The previous question was ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair again must remind Members to avoid improper references to the Senate, including characterizations of their actions.

The question is on the resolution.

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

Mr. LINDER. 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. Pursuant to clause 8 of rule XX, further proceedings on the resolution are postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will now put the question on those resolutions on which further proceedings were postponed earlier today.

Votes will be taken in the following order: House Resolution 564, and House Resolution 565.

PROVIDING FOR CONSIDERATION OF H.R. 4865, SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

The SPEAKER pro tempore. The pending business is the vote de novo on House Resolution 564.

The Clerk read the title of the resolution.

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

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

Mr. FROST. 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 232, nays 194, not voting 9, as follows:

[Roll No. 447]

YEAS—232

Aderholt	Goodling	Peterson (PA)
Archer	Goss	Petri
Armey	Graham	Pickering
Bachus	Granger	Pitts
Baker	Green (TX)	Pombo
Ballenger	Green (WI)	Pomeroy
Barr	Greenwood	Porter
Barrett (NE)	Gutknecht	Portman
Bartlett	Hansen	Pryce (OH)
Bass	Hastert	Quinn
Bateman	Hastings (WA)	Radanovich
Bereuter	Hayes	Ramstad
Berkley	Hayworth	Regula
Biggert	Hefley	Reynolds
Bilbray	Herger	Riley
Bilirakis	Hill (MT)	Rogan
Bishop	Hilleary	Rogers
Bliley	Hobson	Rohrabacher
Blunt	Hoekstra	Ros-Lehtinen
Boehlert	Horn	Roukema
Boehner	Hostettler	Royce
Bonilla	Houghton	Ryan (WI)
Boswell	Hulshof	Ryun (KS)
Brady (TX)	Hunter	Salmon
Bryant	Hutchinson	Sanford
Burr	Hyde	Saxton
Burton	Inslee	Scarborough
Buyer	Isakson	Schaffer
Callahan	Istook	Sensenbrenner
Calvert	Johnson (CT)	Sessions
Camp	Johnson, Sam	Shadegg
Campbell	Jones (NC)	Shaw
Canady	Kasich	Shays
Cannon	Kelly	Sherwood
Castle	King (NY)	Shimkus
Chabot	Kingston	Shows
Chambliss	Knollenberg	Shuster
Chenoweth-Hage	Kolbe	Simpson
Coble	Kuykendall	Skeen
Coburn	LaHood	Smith (MI)
Collins	Largent	Smith (NJ)
Combust	Latham	Smith (TX)
Cook	LaTourette	Souder
Cooksey	Lazio	Spence
Cox	Leach	Stabenow
Crane	Lewis (CA)	Stearns
Cubin	Lewis (KY)	Stump
Cunningham	Linder	Sununu
Davis (VA)	LoBiondo	Sweeney
Deal	Lucas (KY)	Talent
DeLay	Lucas (OK)	Tancredo
DeMint	Maloney (CT)	Tauzin
Diaz-Balart	Manzullo	Taylor (NC)
Dickey	Martinez	Terry
Doolittle	McCarthy (NY)	Thomas
Dreier	McCollum	Thornberry
Duncan	McCrery	Thune
Dunn	McHugh	Tiahrt
Ehlers	McInnis	Toomey
Ehrlich	McKeon	Trafficant
Emerson	Metcalf	Upton
English	Mica	Vitter
Everett	Miller (FL)	Walden
Fletcher	Miller, Gary	Walsh
Foley	Moore	Wamp
Forbes	Moran (KS)	Watkins
Fossella	Morella	Watts (OK)
Fowler	Myrick	Weldon (FL)
Franks (NJ)	Nethercutt	Weldon (PA)
Frelinghuysen	Ney	Weller
Galleghy	Northup	Whitfield
Ganske	Norwood	Wicker
Gekas	Nussle	Wilson
Gibbons	Ose	Wolf
Gilchrest	Oxley	Young (AK)
Gillmor	Packard	Young (FL)
Goode	Paul	
Goodlatte	Pease	

NAYS—194

Abercrombie	Berman	Capuano
Ackerman	Berry	Cardin
Allen	Blagojevich	Carson
Andrews	Blumenauer	Clay
Baca	Bonior	Clayton
Baird	Borski	Clement
Baldacci	Boucher	Clyburn
Baldwin	Boyd	Condit
Barcia	Brady (PA)	Conyers
Barrett (WI)	Brown (FL)	Costello
Becerra	Brown (OH)	Coyne
Bentsen	Capps	Cramer

Crowley	Kildee	Phelps
Cummings	Kilpatrick	Pickett
Danner	Kind (WI)	Price (NC)
Davis (FL)	Klecicka	Rahall
Davis (IL)	Klink	Rangel
DeFazio	Kucinich	Reyes
DeGette	LaFalce	Rivers
Delahunt	Lampson	Rodriguez
DeLauro	Lantos	Roemer
Deutsch	Larson	Rothman
Dicks	Lee	Roybal-Allard
Dingell	Levin	Rush
Dixon	Lewis (GA)	Sabo
Doggett	Lipinski	Sanchez
Dooley	Lofgren	Sandlin
Doyle	Lowe	Sawyer
Edwards	Luther	Schakowsky
Engel	Maloney (NY)	Scott
Eshoo	Markey	Serrano
Etheridge	Mascara	Sherman
Evans	Matsui	Sisisky
Farr	McCarthy (MO)	Skelton
Fattah	McDermott	Slaughter
Filner	McGovern	Stupak
Ford	McIntyre	Spratt
Frank (MA)	McKinney	Stark
Frost	McNulty	Stenholm
Gejdenson	Meehan	Strickland
Gephardt	Meek (FL)	Stupak
Gonzalez	MEEKS (NY)	Tanner
Gordon	Menendez	Tauscher
Gutierrez	Millender-	Taylor (MS)
Hall (OH)	McDonald	Thompson (CA)
Hall (TX)	Miller, George	Thompson (MS)
Hastings (FL)	Minge	Thurman
Hill (IN)	Mink	Tierney
Hilliard	Moakley	Towns
Hinche	Mollohan	Turner
Hinojosa	Moran (VA)	Udall (CO)
Hoeffel	Murtha	Udall (NM)
Holden	Nadler	Velazquez
Holt	Napolitano	Visclosky
Hooley	Neal	Waters
Hoyer	Oberstar	Watt (NC)
Jackson (IL)	Obey	Waxman
Jackson-Lee	Olver	Weiner
(TX)	Ortiz	Wexler
Jefferson	Owens	Weygand
John	Pallone	Wise
Johnson, E. B.	Pascrell	Woolsey
Jones (OH)	Pastor	Wu
Kanjorski	Payne	Wynn
Kaptur	Pelosi	
Kennedy	Peterson (MN)	

NOT VOTING—9

Barton	Gilman	Sanders
Bono	Jenkins	Smith (WA)
Ewing	McIntosh	Vento

1424

Mrs. MALONEY of New York, Ms. SLAUGHTER and Mr. NADLER changed their vote from "yea" to "nay."

Ms. PRYCE of Ohio, Mrs. MCCARTHY of New York, Ms. BERKLEY and Mr. GREEN of Texas changed their vote from "nay" to "yea."

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.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question de novo on the resolution, House Resolution 565, on which further proceedings were postponed.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. 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. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 210, answered "present" 1, not voting 10, as follows:

[Roll No. 448]

AYES—214

Aderholt	Goodling	Pickering
Archer	Goss	Pitts
Armey	Graham	Pombo
Bachus	Granger	Porter
Baker	Green (WI)	Portman
Ballenger	Greenwood	Pryce (OH)
Barr	Gutknecht	Quinn
Barrett (NE)	Hansen	Radanovich
Bartlett	Hastert	Ramstad
Bass	Hastings (WA)	Regula
Bateman	Hayes	Reynolds
Bereuter	Hayworth	Riley
Biggert	Hefley	Rogan
Bilbray	Herger	Rogers
Bilirakis	Hill (MT)	Rohrabacher
Bliley	Hilleary	Ros-Lehtinen
Blunt	Hobson	Roukema
Boehlert	Hoekstra	Royce
Boehner	Horn	Ryan (WI)
Bonilla	Hostettler	Ryun (KS)
Bono	Houghton	Salmon
Brady (TX)	Hulshof	Saxton
Bryant	Hunter	Scarborough
Burr	Hutchinson	Schaffer
Burton	Hyde	Sensenbrenner
Buyer	Isakson	Sessions
Callahan	Istook	Shadegg
Calvert	Johnson (CT)	Shaw
Camp	Johnson, Sam	Shays
Campbell	Jones (NC)	Sherwood
Canady	Kasich	Shimkus
Cannon	Kelly	Shuster
Castle	King (NY)	Simpson
Chabot	Kingston	Skeen
Chambliss	Knollenberg	Smith (MI)
Chenoweth-Hage	Kolbe	Smith (NJ)
Coble	Kuykendall	Smith (TX)
Coburn	LaHood	Souder
Collins	Largent	Spence
Combust	Latham	Stearns
Cook	LaTourette	Stump
Cooksey	Lazio	Sununu
Crane	Leach	Sweeney
Cubin	Lewis (CA)	Talent
Cunningham	Lewis (KY)	Tancredo
Davis (VA)	Linder	Tauzin
Deal	LoBiondo	Taylor (NC)
DeLay	Lucas (OK)	Terry
DeMint	Martinez	Thomas
Diaz-Balart	McCollum	Thornberry
Dickey	McCrery	Thune
Doolittle	McHugh	Tiahrt
Dreier	McInnis	Toomey
Duncan	McKeon	Trafficant
Dunn	Metcalf	Upton
Ehlers	Mica	Vitter
Ehrlich	Miller (FL)	Walden
English	Miller, Gary	Walsh
Everett	Moran (KS)	Wamp
Fletcher	Morella	Watkins
Foley	Myrick	Watts (OK)
Fossella	Ney	Weldon (FL)
Fowler	Northup	Weldon (PA)
Franks (NJ)	Norwood	Weller
Frelinghuysen	Nussle	Whitfield
Galleghy	Ose	Wicker
Gekas	Oxley	Wilson
Gibbons	Packard	Wolf
Gilchrest	Paul	Young (AK)
Gillmor	Pease	Young (FL)
Goode	Peterson (PA)	
Goodlatte	Petri	

NOES—210

Abercrombie	Baldwin	Berry
Ackerman	Barcia	Bishop
Allen	Barrett (WI)	Blagojevich
Andrews	Becerra	Blumenauer
Baca	Bentsen	Bonior
Baird	Berkley	Borski
Baldacci	Berman	Boswell