affirmative action or additional duties on the part of federal officials, it is in order on a general appropriation bill to deny funds to a non-federal recipient of a federal grant program unless he is in compliance with a provision of federal law; for such a requirement places no new duties on a federal official (who is already charged with responsibility for enforcing the law) but only on the non-federal grantee.

The Chair would also cite the related precedents appearing in Cannon's precedents, volume 7, sections 1661 and 1662.

For these reasons the Chair overrules the point of order.

§ 75. Foreign Relations

Nonmarket Economy Countries

§ 75.1 To a general appropriation bill containing funds for foreign assistance, an amendment prohibiting the availability of funds therein for nonmarket economy countries other than those eligible for certain preferential tariff treatment under existing law was held a proper limitation on the use of funds in the bill.

On Dec. 11, 1973,[3] during consideration in the Committee of the Whole of the foreign assistance appropriation bill (H.R. 11771), a point of order was raised against the following amendment:

MR. [RICHARD H.] ICHORD [of Missouri]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ichord: Page 18, line 10, strike out the period and insert in lieu thereof the following: "; except that no funds shall be obligated or expended under this paragraph, directly or indirectly, for the use or benefit of any nonmarket economy country (other than any such country whose products are eligible for column 1 tariff treatment on the date of the enactment of this Act)."

MR. [GARNER E.] SHRIVER [of Kansas]: Mr. Chairman, I raise a point of order on this amendment.

This amendment, like the other one, places additional responsibilities and additional duties. It is legislation on an appropriation bill; it requires considerable research and work in order to determine the nonmarket economy country. And then that is put just in parentheses in the bill. . . .

THE CHAIRMAN:[4] The Chair is prepared to rule.

The language, as contained in this amendment, appears to the Chair to be strictly a limitation on the manner in which the funds are to be expended. Almost any limitation requires some determination in order to establish the fact of whether or not the limitation would apply.

So the Chair is constrained to overrule the point of order.

Executive Agreements

§ 75.2 To a bill making appropriations for the mutual se-

3. 119 CONG. REC. 40871, 93d Cong. 1st Sess.

4. Charles M. Price (Ill.).

curity program, an amendment providing that no funds in the bill shall be used to implement certain executive agreements made under authority of the Atomic Energy Act of 1954 was held to be a limitation restricting the availability of funds and in order.

On July 28, 1959,[5] the Committee of the Whole was considering H.R. 8385. The Clerk read as follows:

Amendment offered by Mr. [Charles E.] Bennett of Florida: On page 5, immediately below line 25, insert the following:

"Sec. 103. No part of any appropriation contained in this Act shall be used to carry out any agreement for cooperation heretofore or hereafter entered into which is required to be submitted to the Joint Committee on Atomic Energy under section 123(d) of the Atomic Energy Act of 1954, as amended."

And renumber the following sections accordingly. . . .

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order that this is legislation on an appropriation bill. It is not a limitation because it provides that it shall affect any agreement for cooperation heretofore or hereafter entered into which is required to be submitted to the Joint Committee on Atomic Energy under section 123 of the Atomic Energy Act of 1954 as amended, and it imposes additional duties upon the administrators of that act.

MR. BENNETT of Florida: Mr. Chairman, does not the point of order come too late? The gentleman from New York did not reserve a point of order.

THE CHAIRMAN:[6] It did not.

. . . The Chair has had an opportunity to examine the amendment.

The Chair is of the opinion that the amendment is a simple limitation on an appropriation bill and points out the specific purposes for which funds in this bill cannot be used.

Therefore the Chair overrules the point of order.

Foreign Economic Assistance; Automobile Industry Abroad

§ 75.3 Where an amendment to a mutual security appropriation prohibited the use of funds to establish textile processing plants in any foreign country, an amendment thereto extending the prohibition to "automobile manufacturing plants or any other manufacturing industry now established in the United States" was held to be a limitation restricting the availability of funds.

On July 2, 1958,[7] The following proceedings took place:

5. 105 CONG. REC. 14524, 14525, 86th Cong. 1st Sess.

6. Wilbur D. Mills (Ark.).

7. 104 CONG. REC. 12967–73, 85th Cong. 2d Sess.

Amendment offered by Mr. [Gordon] Canfield [of New Jersey]: On page 7, after line 2, insert a new section as follows:

Sec. 106. None of the funds provided in this act shall be used to establish textile processing plants in any foreign country." . . .

MR. [ROBERT P.] GRIFFIN [of Michigan]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Griffin to the amendment offered by Mr. Canfield: After the words "textile processing plants" insert the words "automobile manufacturing plants or any other manufacturing industry now established in the United States."

MR. [HALE] BOGGS [of Louisiana]: Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation on an appropriation bill.

THE CHAIRMAN:[8] This is a limitation on an appropriation bill and the point of order is overruled.

Parliamentarian's Note: The amendment was not germane to the amendment to which offered, but this point of order was not raised.

Payments on Contracts to Former Government Employees

§ 75.4 Language in a proposed new section of an appropriation bill stating that none of the funds in title I of the bill, providing for the International Cooperation Administration, shall be used to enter into contracts with any concern which compensates employees or former employees of such administration, was held to be a limitation and in order.

On June 17, 1960,[9] The Committee of the Whole was considering H.R. 12619, a mutual security program appropriation bill. The Clerk read as follows, and proceedings ensued as indicated below:

Amendment offered by Mr. [Alfred E.] Santangelo [of New York]: On page 9, after line 11, add new section as follows:

"Sec. 114. None of the funds contained in title I of this Act may be used to enter into any contract with any person, organization, company, or concern or any of its affiliates who has offered or who offers to provide compensation to an employee of the International Cooperation Administration or who provides compensation to any former employee of the International Cooperation Administration whose annual salary exceeds $5,000 and who has left employment with the International Cooperation Administration within two years of the date of employment with said person, or organization, company, or concern, or any of its affiliates."

8. Wilbur D. Mills (Ark.).

9. 106 CONG. REC. 13143, 13144, 86th Cong. 2d Sess.

MR. [J. VAUGHAN] GARY [of Virginia]: Mr. Chairman, I make the point of order against the amendment on the ground that it is legislation on an appropriation bill. . . .

MR. SANTANGELO: Mr. Chairman, this amendment was offered to a bill last year. Similar language was objected to in a different type of bill, and the Chair, at the time the gentleman from New York [Mr. Keogh], overruled the point of order. This is a limitation upon expenditures. This in no wise is an authorization to do anything except a limitation on funds. I say it does not violate the parliamentary rules. . . .

THE CHAIRMAN:[10] The Chair has had an opportunity to examine the language of the amendment offered by the gentleman from New York [Mr. Santangelo] and has had an opportunity also to review what transpired in connection with a similar matter when it was offered as an amendment to an appropriation bill last year. This amendment seems to be similar to the amendment offered last year except for the $5,000 limitation in this amendment. Last year the present occupant of the Chair, when such an amendment was offered, pointed out that the amendment was in order at that time and overruled the point of order made then.

So, the Chair overrules the point of order made by the gentleman from Virginia.

The ruling here was based on a similar ruling on July 28, 1959. In the 1959 instance,[11] language in the bill[12] stated:

Sec. 113. None of the funds in this title may be used to enter into a contract with any person, organization, company, or concern or any of its affiliates, who has offered or who offers to provide compensation to an employee of the International Cooperation Administration or who provides compensation to any former employee of the International Cooperation Administration who has left employment with International Cooperation Administration within two years from the date of employment with said person, organization, company, or concern or any of its affiliates.

A point of order was made against the language:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I make a point of order against section 113, on page 8, extending from line 7 down to and including line 17.

Mr. Chairman, I make the point of order that section 113 incorporates a legislative provision in an appropriation bill. It does not retrench expenditure, but actually constitutes a new penal provision which is so broad that it could penalize innocent persons and even make it impossible for a concern to hire a janitor who had been employed by the ICA.

Mr. Chairman, I am fully in sympathy with the purpose of the Appropriations Committee in writing this section, but section 512 of the existing Mutual Security Act already contains stringent provisions against fraudulent or other improper practices by ICA employees. The proper approach to this problem is further study by the legislative committees concerned and any

10. Wilbur D. Mills (Ark.).

11. See 105 CONG. REC. 14529, 86th Cong. 1st Sess.

12. H.R. 8385, appropriations for the mutual security program.

modification that may be found desirable in existing law.

Mr. Chairman, I believe that in spite of the beginning phrase of this section it is clearly legislation in an appropriation bill and properly subject to a point of order, because it actually legislates penal provisions which may go far beyond the intent of the Appropriations Committee itself. I recommend a study of the existing penal provisions, section 512, and I wish to renew my point of order. . . .

MR. SANTANGELO: Mr. Chairman, I rise in opposition to the point of order. The language in the bill which is the subject of the point of order is an amendment which I offered in the full committee and which the full committee accepted.

Mr. Chairman, on June 3, I offered a similar amendment to the defense appropriation bill. The language of that amendment, which appears on page 9741 of the Congressional Record, is almost exactly the same as the language of the amendment before you now.

The amendment submitted on the defense bill attempted to prevent organizations which do business with the Pentagon from creating the possibility of undue influence and favoritism by employing retired military officers. The amendment before you today attempts to prevent organizations who get large contracts under the foreign aid program from influencing the awarding of such contracts by attempting to employ ICA employees or by putting them on their payrolls within 2 years of their separation from that agency.

A point of order was also made against the limitation offered previously. At that time the Chair stated as follows, and I quote from page 9742 of the Congressional Record:

> It is obvious that the intent of this amendment is to impose a limitation on the expenditure of the funds here appropriated, and while the point might be made that imposing limitations will impose additional burdens, it is nevertheless the opinion of the Chair clearly a limitation on expenditures, and therefore the Chair overrules the point of order.

Mr. Chairman, I submit that the ruling just quoted is equally applicable here. It is the intent of this amendment to impose a limitation on the expenditure of funds here appropriated. The wording of the two amendments is almost identical, except for the agencies and people involved. . . .

MR. [JAMES G.] FULTON [of Pennsylvania]: Mr. Chairman, the point should be made on this particular amendment that it does not refer to any time. So that the acts complained of, and which come under the purview of this amendment, can already have happened. That would be legislating on the effect of acts that have happened prior to this date. This is legislation in an appropriation bill. If the amendment had read, "after the passage of this act,"—the amendment would then apply to future acts only—this amendment is too broad because it refers to previous acts which have occurred as well as acts which can occur after the passage of this act.

THE CHAIRMAN [WILBUR D. MILLS, of Arkansas]: The Chair is ready to rule. The gentleman from Pennsylvania [Mr. Morgan] makes a point of order to the language in the bill on page 8, line 7 through line 17, on the ground that the

language is legislation in an appropriation bill. The Chair has had an opportunity to examine the language. The Chair is of the opinion that the language does constitute a valid limitation on an appropriation bill. The language does refer to the funds in this particular appropriation. In addition, the Chair is appreciative of the precedent called to the attention of the Chair by the gentleman from New York.

The Chair overrules the point of order.

Committee Requests for Information

§ 75.5 To a bill making appropriations for the mutual security program, an amendment providing that no funds in the bill shall be used for purposes of the International Cooperation Administration program where more than 20 days have elapsed between the submission of a request by the General Accounting Office or a committee of Congress for certain information and the furnishing of such information was held to be a limitation since the information was required by existing law to be furnished.

On July 28, 1959,[13] the Committee of the Whole was considering H.R. 8385. The Clerk read as follows:

Amendment offered by Mr. [Porter] Hardy [Jr., of Virginia]: On page 8, after line 17, insert the following:

Sec. 114. None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, during any period when more than twenty days have elapsed between the request for, and the furnishing of, any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration, to the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriation for or expenditures of the International Cooperation Administration and the Department of State." . . .

MR. [GERALD R.] FORD [of Michigan]: Mr. Chairman, on reading the proposed amendment offered by the gentleman from Virginia, it is my belief this amendment does impose on the executive branch of the Government additional burdens that are not required by any existing legislation. For that reason it is legislation on an appropriation bill. . . .

THE CHAIRMAN:[14] The Chair is prepared to rule. . . .

The Chair has had an opportunity to examine the amendment made in the act of 1959 to the Mutual Security Act amending section 534 of that act.

13. 105 CONG. REC. 14530, 85th Cong. 1st Sess.

14. Wilbur D. Mills (Ark.).

The Chair is of the opinion that there is legislative authorization for the furnishing of these documents and for that which is required within this amendment offered by the gentleman from Virginia.

The Chair, therefore, overrules the point of order.[15]

§ 75.6 To a general appropriation bill making appropriations for the Mutual Security Act program, an amendment providing that no funds in the bill shall be used for purposes of the International Cooperation Administration program where more than 20 days have elapsed between the submission of a request by the General Accounting Office or a committee of Congress for information required by existing law to be supplied relating to the administration of ICA and the furnishing of such information, was held to be a limitation and in order.

On June 17, 1960,[16] during consideration in the Committee of the Whole of the mutual security appropriation bill (H.R. 12619), a point of order was raised against the following amendment:

Amendment offered by Mr. [John S.] Monagan [of Connecticut]: On page 6, immediately below line 12, insert the following:

"Sec. 101. None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, during any period when more than twenty days have elapsed between the request for, and the furnishing of, any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration, to the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriation for or expenditures of the International Cooperation Administration and the Department of State."

MR. [GERALD R.] FORD [of Michigan]: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN:[17] The gentleman will state it.

MR. FORD: It is obvious to me, listening to the amendment which has been read, that it puts additional duties on individuals in the executive branch and therefore is subject to a point of order.

THE CHAIRMAN: Does the gentleman from Connecticut desire to be heard on the point of order?

MR. MONAGAN: Mr. Chairman, this same amendment was offered last

15. *Parliamentarian's Note:* The furnishing of such information was required by Pub. L. No. 86–108, § 534. Therefore, the provision for withholding of funds was a limitation and not legislation.

16. 106 CONG. REC. 13144, 13145, 86th Cong. 2d Sess.

17. Wilbur D. Mills (Ark.).

year. A point of order was raised against it at that time and the point of order was overruled. This is not legislation. It is merely a limitation on the appropriation.

THE CHAIRMAN: The Chair is ready to rule. The Chair has had an opportunity to examine the language of the amendment offered by the gentleman from Connecticut and finds that the language offered by the gentleman is similar, if not identical, with the language which was offered to the appropriation bill last year by the gentleman from Virginia (Mr. Hardy) on July 28, 1959.

MR. MONAGAN: It is identical.

THE CHAIRMAN: The amendment is set forth in the Congressional Record, volume 105, part 11, page 14530. The Chair on that occasion held that the language was a limitation and in order on the appropriation bill and overruled the point of order.

The Chair is constrained to overrule the point of order now.

United Nations Dues or Assessments

§ 75.7 To a general appropriation bill providing funds for the United States contribution to a United Nations assessment, an amendment limiting expenditures under the appropriation to 32.02 percent of the aggregate payments to the United Nations by all members was held to be a limitation and in order.

On Apr. 4, 1962,[18] during consideration in the Committee of the Whole of a general appropriation bill, a point of order was raised against the following amendment:

The Clerk read as follows:

> Amendment offered by Mr. [H.R.] GROSS [of Iowa]: Page 14 line 16, change the period to a comma and add the following: "but expenditures from this appropriation by the Department of State shall be limited to a sum not in excess of 32.02 per centum of the aggregate payments to the United Nations pursuant to the resolution (agenda item 55) adopted by the General Assembly thereof."

MR. [JOHN J.] ROONEY [of New York]: Mr. Chairman, I make the point of order that this is legislation on an appropriation bill.

THE CHAIRMAN:[19] Does the gentleman from Iowa wish to be heard on the point of order?

MR. GROSS: Mr. Chairman, a point of order against this amendment is not good, because this is strictly a limitation. It does not go to the scope of this bill. It does not disturb any agreement or any treaty. This is in conformance with the intent and the purpose of this appropriation. I challenge the gentleman to show wherein this amendment is legislation on an appropriation bill.

THE CHAIRMAN: Does the gentleman from New York desire to be heard on the point of order?

MR. ROONEY: Mr. Chairman, does not the amendment offered by the gentleman from Iowa [Mr. Gross] call

18. 108 CONG. REC. 5943, 5944, 87th Cong. 2d Sess.

19. Oren Harris (Ark.).

upon the executive department for extra duties; and does it not refer to outside matters? . . .

THE CHAIRMAN: The Chair is ready to rule.

The gentleman from Iowa [Mr. Gross] offers an amendment to this paragraph, to which the gentleman from New York [Mr. Rooney] has made the point of order that it is legislation on an appropriation bill. The Chair has carefully read the bill and observes that the very purpose of the amendment is a limitation. The Chair, therefore, overrules the point of order.

United Nations Dues in Arrears

§ 75.8 To a bill appropriating funds for foreign assistance programs, an amendment providing in part that none of the funds therein may be used to pay dues or assessments of members of the United Nations was held to be a proper limitation restricting the availability of funds and in order.

On Sept. 20, 1962,[20] the Committee of the Whole was considering H.R. 13172, a foreign assistance appropriation bill. The Clerk read as follows, and proceedings ensued as indicated below:

Amendment offered by Mr. [A. Paul] Kitchin [of North Carolina]: Add a new section to the title on page 8, after line 4, to read:

"Sec. 113. None of the funds appropriated or made available pursuant to this act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages or dues of any member of the United Nations.

Mr. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, I make the point of order that this is legislation on an appropriation bill. . . .

THE CHAIRMAN:[1] The Chair has had an opportunity to read the language of the amendment offered by the gentleman from North Carolina (Mr. Kitchin) to which the gentleman from Ohio (Mr. Hays) makes a point of order.

The language of the gentleman's amendment is a limitation upon the use of funds contained in the bill and is, therefore, in order as a limitation. The Chair overrules the point of order.

§ 76. Interior

Reclamation Projects; Equating Expenses to Repayments

§ 76.1 A provision that no part of an appropriation shall be available for operation and maintenance of any reclamation projects in excess of the amount of repayments made pursuant to law during a current fiscal year was held to be in order as a limitation

20. 108 CONG. REC. 20187, 20188, 87th Cong. 2d Sess.

1. Wilbur D. Mills (Ark.).