

§ 6.42 A member who has shown due diligence is recognized to make a point of order against a proposed amendment even though the sponsor of the amendment had commenced his remarks.

On June 23, 1945,⁽¹⁾ Chairman Jere Cooper, of Tennessee, allowed Mr. Brent Spence, of Kentucky, to make a late point of order because Mr. Spence had been on his feet seeking recognition when the Chair recognized Mr. Francis H. Case, of South Dakota, to explain the amendment which he had proposed.

MR. CASE of South Dakota: Mr. Chairman, this amendment proposes—

MR. SPENCE: Mr. Chairman, a point of order. . . .

MR. CASE of South Dakota: Mr. Chairman, I think the gentleman's point of order comes too late, because I had been recognized and started to debate the amendment.

THE CHAIRMAN: The gentleman from Kentucky was on his feet, and the point of order does not come too late.

§ 7. Debate

The Chair allows debate on a point of order at his discretion

1. 91 CONG. REC. 6597, 79th Cong. 1st Sess. Under consideration was H.J. Res. 101, extending the Price Control and Stabilization Acts.

and the Chair normally refuses to allow Members to yield to other Members during arguments on points of order.⁽²⁾

It is clear from the precedents that debate on a point of order is limited to it and may not go to the merits of the legislative proposition involved.⁽³⁾

Although a Member, even one sponsoring an amendment against which a point of order has been raised, may concede a point of order, the Chair still rules on the point of order.⁽⁴⁾

The time consumed in argument on a point of order is not charged against that allotted to the proponent of an amendment,⁽⁵⁾ but where a limitation is imposed on total debate time, or time is fixed "by the clock," argument on a point of order may reduce the time an individual Member may be allotted.⁽⁶⁾

The Chair does not permit Members to "revise and extend" their remarks on a point of order,⁽⁷⁾ and since the 104th Congress, the Chair's ability to edit his own ruling has been curtailed.⁽⁸⁾

2. See §§ 7.1, 7.2, 7.4–7.7, *infra*.

3. See §§ 7.9–7.11, *infra*.

4. See § 7.20, *infra*.

5. See §§ 7.12, 7.20, *infra*.

6. See § 7.19, *infra*.

7. See § 7.22, *infra*.

8. See Rule XIV clause 9(a) *House Rules and Manual* §§ 764a, 764b (1997); and see § 7.23, *infra*.

Discretion of the Chair**§ 7.1 Debate on a point of order is within the discretion of the Chair.**

On Apr. 13, 1951,⁽⁹⁾ there was an exchange in the Committee of the Whole, which exemplifies the discretionary power of the Chair in permitting debate on a point of order.

THE CHAIRMAN:⁽¹⁰⁾ Does the gentleman from Connecticut desire to be heard on the point of order?

MR. [ANTONI N.] SADLAK [of Connecticut]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. SADLAK: Mr. Chairman, how much time will be allotted to me for that purpose?

THE CHAIRMAN: That is in the discretion of the Chair. The gentleman's argument must be confined to the point of order.⁽¹¹⁾

§ 7.2 Recognition and time for debate on a point of order are within the discretion of the Chair, and a Member speaking on a point of order does not control a fixed amount of time which he can reserve or yield.

9. 97 CONG. REC. 3910, 82d Cong. 1st Sess.

10. Jere Cooper (Tenn.).

11. See also 102 CONG. REC. 6891, 84th Cong. 2d Sess., Apr. 24, 1956.

On Sept. 30, 1976,⁽¹²⁾ during consideration of the conference report on H.R. 13367, to extend the State and Local Fiscal Assistance Act of 1972, a point of order was made, as follows:

MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, I raise a point of order against the conference agreement on H.R. 13367, to extend the State and Local Fiscal Assistance Act of 1972. The conference agreement contains a provision, not included in the House bill, which provides new spending authority for fiscal years 1978 and 1979 over the amounts provided for fiscal year 1977. This new entitlement increment for succeeding fiscal years violates section 303(a) of the Congressional Budget Act. . . .

After some debate on the point of order, the following exchange occurred:

MR. ADAMS: I yield to the gentleman from Ohio (Mr. Brown).

MR. [CLARENCE J.] BROWN of Ohio: I thank the gentleman for yielding.

Mr. Speaker, I refer to Public Law 93-344, the language that exists on page 22(d)(2).

MR. ADAMS: Would the gentleman refer to the motion, please? I am using both the conference report and the statute.

MR. BROWN of Ohio: Section 401.

MR. ADAMS: Is the gentleman referring to the statute or the conference report?

12. 122 CONG. REC. 34075, 94th Cong. 2d Sess. See also 124 CONG. REC. 4451, 95th Cong. 2d Sess., Feb. 23, 1978.

MR. BROWN of Ohio: Section 401 of the statute.

THE SPEAKER:⁽¹³⁾ The Chair has been liberal in enforcing the rules on arguing on a point of order. The Chair controls the time and each individual Member desiring to be heard should address the Chair and not yield to other Members.

Securing Time To Oppose Point of Order

§ 7.3 The proper method for opposing a point of order is for a Member to seek recognition from the Chair for that purpose at the proper time, not by making a point of order against the point of order.

On Sept. 18, 1975,⁽¹⁴⁾ during consideration under the five-minute rule of the Energy Conservation and Oil Policy Act of 1975, two points of order were reserved immediately after an amendment was read. The proceedings and inquiries were as indicated below:

THE CHAIRMAN:⁽¹⁵⁾ Are there further amendments to title VI?

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

13. Carl Albert (Okla.).
14. 121 CONG. REC. 29333, 29334, 29335, 94th Cong. 1st Sess.
15. Richard Bolling (Mo.).

Amendment offered by Mr. Gonzalez: On page 338, after line 25, insert a new section.

“Sec. 507. An additional \$100,000,000 is authorized for the Energy Research and Development Administration for a high priority program exclusively geared to the practical application of fusion energy.”

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to reserve a point of order.

THE CHAIRMAN: The gentleman from Michigan reserves a point of order.

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, I rise to reserve a point of order.

THE CHAIRMAN: The gentleman from Washington reserves a point of order.

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

MR. GONZALEZ: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GONZALEZ: Mr. Chairman, is there such a thing as a point of order against a point of order?

THE CHAIRMAN: The gentleman can oppose the point of order when it is made for any proper reason. The gentleman could insist that the point of order be made now.

MR. GONZALEZ: Mr. Chairman, I would like to have my say that I have been recognized for. . . .

THE CHAIRMAN: Does the gentleman from Washington (Mr. McCormack) insist on his point of order?

MR. MCCORMACK: I do insist on my point of order, Mr. Chairman. May I speak on my point of order at this time?

THE CHAIRMAN: The Chair will hear the gentleman on his point of order.

MR. MCCORMACK: Mr. Chairman, my point of order is that the amendment comes to the wrong bill and to the wrong committee. The authorization for nuclear research should come to the Joint Committee on Atomic Energy and the Energy Research and Development Administration. . . .

THE CHAIRMAN: The gentleman from Michigan (Mr. Dingell) also reserved a point of order against the amendment.

Does the gentleman wish to be heard on his point of order?

MR. DINGELL: Mr. Chairman, I do wish to be heard.

I would like to commend my good friend, the gentleman from Texas (Mr. Gonzalez) for offering what I think is a very well written amendment. Unfortunately, no hearings have been held on it, and it has not been considered. . . .

THE CHAIRMAN: The Chair will hear the gentleman from Texas (Mr. Gonzalez) on the points of order.

MR. GONZALEZ: Mr. Chairman, it is almost getting monotonous. Almost exactly 24 hours ago I heard the same trite argument in the name of germaneness.

In arguing the point of germaneness, I will address myself first to the remarks of the gentleman from Washington (Mr. McCormack).

I in no way intended to transgress on the jurisdiction of his committee. I know he has developed and he wants to have these 10,000 little electric cars running around, but what I am saying is that we need more than that. That is not what the country needs.

If we are going to debate on a point of order the merits of the amendment,

it is contrary to the clear indication in Deschler's Procedure, one of which decisions I quoted yesterday, on page 73, which says that one does not look to the material content of the general purposes of the bill to determine the specificity—there is a good Watergate word—the specificity of the pending amendment. . . .

THE CHAIRMAN: The Chair is ready to rule.

The title of title VI is exceptionally broad, in the opinion of the Chair.

If the content of title VI were as broad as the title, the Chair believes that the arguments of the eloquent gentleman from Texas (Mr. Gonzalez) might bear more weight. But it is the content of the pending title and not its heading against which the germaneness of the amendment must be weighed.

The Chair has had the opportunity to examine with some care all of title VI and also language on pages 17 and 18 of the committee report which deals with title VI. The Chair will not read from those words except to say that the Chair only refers to those words in that they support his view that title VI actually deals with the conversion from oil or gas to coal and thus the scope of the title is quite narrow. The amendment therefore does not fit the rule of germaneness despite the eloquence of the gentleman from Texas and the Chair feels compelled to rule that the amendment is not germane to title VI and therefore sustains the various points of order.

Controlling Argument on Point of Order

§ 7.4 Recognition and time for debate on a point of order

are within the discretion of the Chair, and a Member speaking on a point of order can neither yield or reserve time.

During consideration of a bill providing supplementary financing for the International Monetary Fund, on Feb. 23, 1978,⁽¹⁶⁾ under the five-minute rule there were several amendments offered. Some of the amendments were adopted which had the effect of narrowing the scope of the measure, thus making it possible to challenge some anticipated amendments as not germane. When an amendment was offered by Mr. Tom Harkin, of Iowa, a point of order was in fact raised on this basis. A portion of the amendment process is shown below, as well as the argument on the point of order.

COMMITTEE AMENDMENT

THE CHAIRMAN:⁽¹⁷⁾ The Clerk will report the next committee amendment. The Clerk read as follows:

Committee amendment: On page 2, after line 15, insert:

SEC. 2. Section 3(c) of the Bretton Woods Agreements Act (22 U.S.C. 286a(c)) is amended by inserting "(1)" immediately after "(c)" and by adding at the end thereof the following:

16. 124 CONG. REC. 4426, 4427, 4451, 4452, 95th Cong. 2d Sess.

17. Lucien N. Nedzi (Mich.).

(2) The United States executive director to the Fund shall not be compensated by the Fund at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code. The United States alternate executive director to the Fund shall not be compensated by the Fund at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(3) The Secretary of the Treasury shall instruct the United States executive director to the Fund to present to the Fund's Executive Board a comprehensive set of proposals, consistent with maintaining high levels of competence of Fund personnel and consistent with the Articles of Agreements with the objective of assuring that salaries of Fund employees are consistent with levels of similar responsibility within national government service or private industry. The Secretary shall report these proposals together with any measures adopted by the Fund's Executive Board to the relevant committees of the Congress prior to July 1, 1978.

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Neal to the committee amendment:

Page 2, strike out line 20 and insert in lieu thereof "The individual who represents the United States in matters concerning the Supplementary Financing Facility".

Page 2, lines 24 and 25, strike out "The United States alternate executive director to the Fund" and insert in lieu thereof "The alternate to the individual who represents the

United States in matters concerning the Supplementary Financing Facility”.

Page 3, line 5, strike “United States executive director to the Fund” and insert in lieu thereof “individual who represents the United States in matters concerning the Supplementary Financing Facility”.

MR. [M. DAWSON] MATHIS [of Georgia]: Mr. Chairman, I rise in opposition to the amendment to the committee amendment. . . .

So the amendment to the committee amendment was agreed to.

The result of the vote was announced as above recorded.

THE CHAIRMAN: The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

MR. [JOHN J.] CAVANAUGH [of Nebraska]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cavanaugh: At the end of the bill add the following:

The Bretton Woods Agreements Act (22 U.S.C. 286-286k-2), as amended, is further amended by adding at the end thereof the following new section:

SEC. 29. The Secretary of the Treasury shall instruct the United States Executive Director to seek to assure that no decision by the International Monetary Fund on use of the Facility undermines or departs from United States policy regarding the comparability of treatment of public and private creditors in cases of debt rescheduling where official United States credits are involved. . . .

THE CHAIRMAN: The question is on the amendment offered by the gen-

tleman from Nebraska (Mr. Cavanaugh).

The amendment was agreed to.

MR. HARKIN: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harkin: Page 3, immediately after line 14, insert the following:

SEC. 3. The Bretton Woods Agreements Act (22 USC 286-286k-2), as amended, is further amended by adding at the end thereof the following new section:

“SEC. 29. (a) The Secretary of the Treasury shall instruct the United States Executive Director on the Executive Board of the International Monetary Fund to initiate a wide consultation with the Managing Director of the Fund and other member country Executive Directors with regard to encouraging the IMF staff to formulate stabilization programs which, to the maximum feasible extent, foster a broader base of productive investment and employment, especially in those productive activities which are designed to meet basic human needs.

“(b) In accordance with the unique character of the International Monetary Fund, the Secretary of the Treasury shall direct the U.S. Executive Director to take all possible steps to the end that all Fund transactions, including economic programs developed in connection with the utilization of Fund resources, do not contribute to the deprivation of basic human needs, nor to the violation of basic human rights, such as torture, cruel or inhumane treatment or degrading punishment, prolonged detention without charge, or other flagrant denials of life, liberty and the security of person; and to oppose all such transactions which would contribute to such deprivations or violations.

“(c) In order to gain a better understanding of the social, political

and economic impact of the Fund's stabilization programs on borrowing countries, especially as it relates to the poor majority within those countries, the U.S. Governor of the Fund shall prepare and submit, not later than 180 days after the close of each calendar year, a report to the Congress. Such report shall evaluate, with respect to countries to which loans are made by the Fund during the year, the effects of the policies of those countries which result from the standby agreement(s) on the ability of the poor in such countries to obtain:

"(1) an adequate supply of food with sufficient nutritional value to avoid the debilitating effects of malnutrition;

"(2) shelter and clothing;

"(3) public services, including health care, education, clean water, energy resources, and transportation;

"(4) productive employment that provides a reasonable and adequate wage." . . .

MR. NEAL: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN: The Chair will hear the gentleman.

MR. NEAL: Mr. Chairman, we have just established that we are only considering the so-called Witteveen Facility of the International Monetary Fund, and this amendment goes far beyond that.

THE CHAIRMAN: Does the gentleman from Iowa (Mr. Harkin) desire to be heard on the point of order?

MR. HARKIN: Yes, I do, Mr. Chairman.

I would respond to that argument by saying that my amendment is entirely in order because, if we look at the different sections, the first section of my amendment goes toward instructing

the U.S. Executive Director of the IMF to do certain positive things about initiating wide consultations, and so forth, which would help to promote those kinds of programs that would help meet the basic human needs in other countries. This is a directive to our Director on the Board of the International Monetary Fund.

The last part of my amendment, subparagraph (c) also mandates that the Executive Director do other positive things by submitting a report to the Congress not later than 180 days after the close of each calendar year outlining the effects of the policies that were followed on the Fund which were designed to meet these basic human needs of people in other countries.

As far as the Fund or the Witteveen Facility itself is concerned, by subparagraph (b), which is the human rights section, speaks directly to the Witteveen Facility and directs the U.S. Executive Director to make sure that the basic human rights of people are not violated.

MR. MATHIS: Mr. Chairman, will the gentleman yield to me on the point of order?

MR. HARKIN: Yes, I yield to the gentleman from Georgia.

MR. MATHIS: Mr. Chairman, I thank the gentleman for yielding, and I would like very much to have the attention of the Chair while the point of order is being argued.

The gentleman from North Carolina (Mr. Neal) is attempting now to say that the legislation before us has been narrowed in scope to the point where it only deals with the Witteveen Facility, and that has been the thrust of the previous committee amendments that I

have argued against, because I knew we were going to arrive at a point where the gentleman was going to raise this point of order.

Mr. Chairman, the clumsy attempt to do that has obviously failed in this fashion because subsection (3) of section 2 of the bill still deals with the question of the Secretary of the Treasury instructing the Executive Director of the Fund to present a comprehensive set of proposals that do not deal with that issue. So the committee amendment, which has already been adopted, very clearly deals with the original Bretton Woods Act, and it is not restrictive in its scope.

MR. [HENRY S.] REUSS [of Wisconsin]: Mr. Chairman, will the gentleman yield on his point of order?

THE CHAIRMAN: The Chair will recognize the gentleman on the point of order.

Has the gentleman from Iowa (Mr. Harkin) concluded?

MR. HARKIN: Mr. Chairman, I have not concluded. I would like to reserve the balance of my time to speak further on the point of order.

THE CHAIRMAN: It is not in order to reserve debate time on a point of order. The gentleman has no dock of time to reserve.

MR. HARKIN: Then I would like to continue, Mr. Chairman.

THE CHAIRMAN: The Chair is hearing arguments on the point of order at the present time. The gentleman from Iowa (Mr. Harkin) will be recognized in support of his amendment at a subsequent time if the point of order is not sustained.

MR. HARKIN: Then, Mr. Chairman, do I understand I will be recognized further?

THE CHAIRMAN: Yes. The gentleman will be recognized to debate his amendment if the point of order is not sustained.

MR. HARKIN: No. Mr. Chairman, I want to speak further before the Chair rules on the point of order.

THE CHAIRMAN: The Chair will hear the gentleman.

MR. HARKIN: Mr. Chairman, I think the gentleman from Georgia (Mr. Mathis) has raised an interesting point. In the bill, under paragraph (3) on page 3, it does in fact provide that the U.S. Executive Director to the Fund has to do a certain positive thing. He has to present to the Fund's Executive Board a comprehensive set of proposals, et cetera. So it does not speak simply about the Witteveen Facility.

I think that my amendment, which mandates that the Executive Director do other positive things, fits in very nicely with subparagraph (3).

I am not making any kind of argument for any other amendments that might be offered or I am not speaking about any other amendments that might go beyond the scope of instructing the Executive Director of the IMF to do certain things. That would be for the Chair to rule later on, on the germaneness of those. In terms of instructing the Executive Director to do certain things, my amendment is quite germane.

MR. MATHIS: Mr. Chairman, will the gentleman from Iowa yield further on the point of order?

THE CHAIRMAN: Has the gentleman from Iowa (Mr. Harkin) concluded his statement on the point of order?

MR. HARKIN: Mr. Chairman, I would like to yield to the gentleman.

THE CHAIRMAN: There is no yielding on a point of order.

MR. HARKIN: Mr. Chairman, I yield back the balance of my time.

THE CHAIRMAN: The Chair recognizes the gentleman from Georgia (Mr. Mathis).

MR. MATHIS: Mr. Chairman, I think, after consultation with the Parliamentarian, I am now told that the amendment that was offered by the gentleman from North Carolina (Mr. Neal) has been changed beyond what was read into the Record to go to page 3, line 5, where the language of the amendment very clearly says page 2, line 5, as it was read by the Clerk at the time.

THE CHAIRMAN: That is the gentleman's copy and not the copy which was handed to the desk.

MR. MATHIS: Mr. Chairman, I do not know what the procedure is for having words read back. But I think this is an attempt to try to close off amendments which are going to be offered. The Parliamentarian now explains to me that changing the words "Executive Director" can preclude this amendment on the basis of germaneness.

If that is so, I would point out that this House has just adopted an amendment offered by the gentleman from Nebraska (Mr. Cavanaugh) that contains the words "Executive Director." So we are still talking about the Executive Director to the Fund.

It is a clumsy attempt to try to prevent the Members of this House from offering amendments.

Very clearly, Mr. Chairman, the amendment offered by the gentleman from Iowa is germane to the bill, just as much as the Cavanaugh amend-

ment. If the distinguished chairman of the committee is going to make a point of order, he should have made it on the Cavanaugh amendment, because that went back to the Executive Director of the Fund.

MR. NEAL: Mr. Chairman, I would say that the amendment before us is not germane because it is not germane to the fundamental purpose of the bill nor does it relate exclusively to the subject matter under consideration.

Under the Rules of the House, no motion or proposition on a subject different from that under consideration shall be admitted under disguise of an amendment.

MR. HARKIN: Mr. Chairman, will the gentleman yield?

THE CHAIRMAN: The gentleman from Iowa is recognized.

MR. HARKIN: Mr. Chairman, I am interested in why there was not a point of order raised against the amendment offered by the gentleman from Nebraska (Mr. Cavanaugh). He speaks of "Executive Director," just as I do.

THE CHAIRMAN: The Chair is prepared to rule and perhaps clarify that question for the gentleman from Iowa.

The gentleman from North Carolina (Mr. Neal) made a point of order that the amendment offered by the gentleman from Iowa (Mr. Harkin) is not germane to the bill H.R. 9214 in its perfected form. In its perfected form the bill, while amending the Bretton Woods Agreement Act, relates only to the authority of the United States to participate in the supplementary financing facility of the International Monetary Fund and to the salaries of the IMF employees who are employees who administer that supplemental fi-

nancing facility, the so-called Witteveen Facility, but it does not deal with the other operations of the International Monetary Fund.

The precedents indicate:

To a bill amending one section of existing law to accomplish a particular purpose, an amendment proposing changes in another section of that law in a matter not within the terms of the bill is not germane. (Deschler's Procedure, chapter 28, section 32.1, section 32.14.)

In passing on the germaneness of an amendment, the Chairman considers the relationship of the amendment to the bill as modified by the Committee of the Whole. (Deschler's Procedure, chapter 28, section 2.4.)

The bill as modified by the Committee of the Whole is not sufficiently broad, in the opinion of the Chair, to permit amendments affecting operations of the IMF which are not directly and solely related to the Witteveen Facility. As indicated throughout the report on the bill, that special function of the IMF is separate and distinct from other operations of the IMF, both from the standpoint of qualification for participation in the facility and from the point of view of disposition of assets and the liabilities of participating nations.

Let the Chair just add that the Cavanaugh amendment to H.R. 9214 reserved itself to decisions by the IMF on the use of the facility, referring to the Witteveen Facility, thereby confining itself to that narrow aspect of the bill and not amending the entire act.

Accordingly, the Chair sustains the point of order.

Argument on Points of Order; Chair's Discretion

§ 7.5 Discussion on a point of order is within the discretion of the Chair, and a Member recognized to argue on a point of order may not yield to other Members.

Where a point of order is raised against consideration of a conference report, the Chair may entertain debate, in the nature of argument on the point of order, before making a decision to sustain or overrule it. If a Member recognized for this purpose attempts to yield to another, the Chair may intervene to reassert his control of this debate. The proceedings of Sept. 30, 1976,⁽¹⁸⁾ are illustrative.

MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I call up the conference report on the bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.⁽¹⁹⁾ . . .

MR. [BROOK] ADAMS [of Washington]: Mr. Speaker, I raise a point of order against the conference agreement.

18. 122 CONG. REC. 34074, 34075, 94th Cong. 2d Sess.

19. For provisions of the conference report, see 122 CONG. REC. 33132-44, 94th Cong. 2d Sess., legislative day Sept. 28, 1976.

THE SPEAKER: ⁽²⁰⁾ The gentleman will state the point of order.

MR. ADAMS: Mr. Speaker, I raise a point of order against the conference agreement on H.R. 13367, to extend the State and Local Fiscal Assistance Act of 1972. The conference agreement contains a provision, not included in the House bill, which provides new spending authority for fiscal years 1978 and 1979 over the amounts provided for fiscal year 1977. This new entitlement increment for succeeding fiscal years violates section 303(a) of the Congressional Budget Act which provides in part:

It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) which provides— . . . new spending authority described in section 401(c)(2)(C) to become effective during a fiscal year . . . until the first concurrent resolution on the budget for such year has been agreed to pursuant to section 301.

By increasing the fiscal year 1978 entitlement by \$200 million over the amounts for fiscal year 1977, H.R. 13367 does provide new spending authority to become effective for a fiscal year for which a budget resolution has not been adopted. It would thereby allow that new spending increment to escape the scrutiny of the fiscal year 1978 budget process. While section 303 provides an exception for new budget authority and revenue changes for a succeeding fiscal year, entitlement programs were expressly omitted from the exception by the House-Senate conference on the Congressional Budget Act.

20. Carl Albert (Okla.).

MR. [FRANK] HORTON [of New York]: Mr. Speaker, I rise in opposition to the point of order.

The applicable provision of the Budget Act in this matter concerns section 303(d)(1). This provision provides an exception for any bills on the full fiscal year for which the current resolution applies. The \$200 million increase contained in the conference report begins in fiscal year 1978, the next fiscal year beyond 1977, the year for which our present budget resolution applies.

The \$200 million increase, since it begins in fiscal year 1978, technically conforms with the Budget Act and deserves to be retained in the conference report. I might say to the membership that in making this point of order, this was brought up in the conference and we purposely did not provide for any increase in fiscal year 1977. We purposely skipped the first three-quarters. We agreed upon a term of 3¾ years for the Revenue Sharing Act to be in effect, but we skipped the first three-quarter year and applied a \$200 million increment for the first fiscal year thereafter, namely, 1978, and for each of the 3 years subsequent thereto; or a total of \$600 million. So, we purposely skipped this fiscal year 1977 so that we would not violate the budget resolution.

Accordingly, I believe that the point of order should be overruled.

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, I also would like to be heard on the point of order.

THE SPEAKER: The gentleman is recognized. . . .

THE SPEAKER: The Chair recognizes the gentleman from Washington (Mr. Adams).

MR. ADAMS: Mr. Speaker, in response to the comments made by the gentleman from New York (Mr. Horton), the provision that he refers to regards new budget authority, not entitlement programs where there is a reference over to the Committee on Appropriations and it is controlled in that fashion. . . .

I would say to the Members that the same amount of money will go in fiscal year 1977 to the cities, regardless of what happens, so long as the bill is passed this year. There is no dispute about the amount for this year. It is the violation of the budget process for fiscal year 1978, fiscal year 1979, and fiscal year 1980.

Mr. Speaker, I ask that my point of order be sustained.

MR. HORTON: Mr. Speaker, will the gentleman yield?

MR. ADAMS: I yield to the gentleman from New York (Mr. Horton).

MR. HORTON: I thank the gentleman for yielding.

Mr. Speaker, the gentleman understands, does he not, there is no additional amount in fiscal year 1977?

MR. ADAMS: That is correct.

MR. HORTON: The amount involved, \$200 million, would not be applicable until fiscal year 1978. And in the next Congress, the next session, the Budget Committee would at that time have an opportunity to act on that budget.

MR. ADAMS: No, the gentleman is not correct, because this represents one of the worst kinds of problems in budgeting. . . .

MR. BROWN of Ohio: Mr. Speaker, will the gentleman yield?

MR. ADAMS: I yield to the gentleman from Ohio (Mr. Brown).

MR. BROWN of Ohio: I thank the gentleman for yielding.

Mr. Speaker, I refer to Public Law 93-344, the language that exists on page 22(d)(2).

MR. ADAMS: Would the gentleman refer to the motion, please? I am using both the conference report and the statute.

MR. BROWN of Ohio: Section 401.

MR. ADAMS: Is the gentleman referring to the statute or the conference report?

MR. BROWN of Ohio: Section 401 of the statute.

THE SPEAKER: The Chair has been liberal in enforcing the rules on arguing on a point of order. The Chair controls the time and each individual Member desiring to be heard should address the Chair and not yield to other Members.

Does the gentleman from Ohio (Mr. Brown) desire to be heard?

MR. BROWN of Ohio: Yes, Mr. Speaker, I do desire to be heard.

Mr. Speaker, I refer to Public Law 93-344 of the 93d Congress which was enacted July 12, 1974, and I refer to page 22 of that legislation, section 401(d)(2). Section 401(d) is entitled "Exceptions." Subsection (d)(2), under "Exceptions," says as follows: . . .

THE SPEAKER: The Chair is prepared to rule. The Chair thinks he has heard about all the arguments he needs to hear.

MR. BROWN of Ohio: Mr. Speaker, may I make one final comment in response to the statement of the gentleman from Washington (Mr. Adams)?

THE SPEAKER: The Chair will hear the gentleman briefly. . . .

THE SPEAKER: The Chair is ready to rule.

The gentleman from Washington (Mr. Adams) makes a point of order against the conference report on the bill H.R. 13367 on the ground that section 5(a) of the conference report provides new spending authority and entitlement increment for fiscal years 1978 and 1979 over the amounts provided for in fiscal year 1977, in violation of section 303(a) of the Congressional Budget Act of 1974.

The gentleman from New York (Mr. Horton) and the gentleman from Ohio (Mr. Brown) rebut this argument by contending that a mere incremental increase in an entitlement for subsequent fiscal years is not new spending authority as prescribed in section 401(c)(2)(C) to become effective during the subsequent fiscal years, but rather, a continuation of the spending authority for fiscal year 1977, which is permitted under section 303(a).

The Chair has examined the conference report, and section 5(a) is structured so as to provide separate authorization for entitlement payments for each of the fiscal years 1977, 1978, and 1979, with a higher authorization for 1978 and 1979 than for 1977.

In the opinion of the Chair, such a separate increase in entitlement authorizations is new spending authority to become effective during those subsequent fiscal years, which may not be included in a bill or an amendment prior to the adoption of the first concurrent resolution for fiscal years 1978 and 1979, which does not come within the exception contained in section 303(b) for new budget authority, and which does not come within the section 401(d) revenue-sharing exception—applicable only to . . . spending authority as defined in subsections (a) and (b)

of section 401(c)—cited by the gentleman from Ohio.

The Chair therefore sustains the point of order against the conference report.

AMENDMENT IN DISAGREEMENT

THE SPEAKER: The Clerk will report the Senate amendment in disagreement.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Fiscal Assistance Amendments of 1976".

Controlling Debate on Point of Order

§ 7.6 Debate on a point of order is within the discretion of the Chair, and Members recognized on a point of order may not yield to other Members.

The Chair has a responsibility to control the argument on a point of order, and within his discretion, he can recognize Members who wish to argue the point before the Chair renders his decision. The following excerpt from the proceedings of Nov. 14, 1980,⁽¹⁾ are illustrative:

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I offer an amendment.

1. 126 CONG. REC. 29615-17, 96th Cong. 2d Sess.

The Clerk read as follows:

Amendment offered by Mr. AuCoin: On page 69, after line 17, insert:

(n)(1) The Administrator may not acquire any resource derived from a new nuclear generating facility until such time as the Nuclear Regulatory Commission has licensed the operation of a permanent storage facility for high level nuclear waste and spent fuel from commercial nuclear generating facilities.

(2) For purposes of this subsection, the term "new nuclear generating facility" shall not include any nuclear generating facility for which a construction permit was issued by the Nuclear Regulatory Commission before the date of enactment of this Act.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I reserve a point of order on the amendment. . . .

THE CHAIRMAN:⁽²⁾ Does the gentleman from Michigan (Mr. Dingell) insist upon his point of order?

MR. DINGELL: I do, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. DINGELL: Mr. Chairman, the bill before us establishes a planning council. It provides for a planning council. It provides for a program for conservation and for a fish and wildlife program. It provides for the sale of power. It provides for the establishing of rates, and it provides for the acquisition of resources to produce power. . . .

These nuclear generating facilities are not within the Bonneville Power market area but are anywhere in the United States. And it could include those in the Northeast, the Southeast,

the Southwest, in Alaska, or in Hawaii—none of them within the area served. The amendment is much more broad than the bill and deals with quite different matters.

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, will the gentleman yield?

THE CHAIRMAN: The Chair controls the time. Does the gentleman from Ohio wish to be heard on the point of order?

MR. BROWN of Ohio: Mr. Chairman, I would like to be heard on the point of order, but I would like to exchange a view with the gentleman from Michigan to reinforce the point of order.

MR. JOHN L. BURTON [of California]: Regular order, Mr. Chairman.

THE CHAIRMAN: There is no colloquy on a point of order.

MR. BROWN of Ohio: Mr. Chairman, I would be happy to speak on the point of order, to reinforce the position of the gentleman from Michigan. . . .

THE CHAIRMAN: Does the gentleman from Oregon (Mr. AuCoin) wish to be heard on the point of order?

MR. AUCOIN: I do, Mr. Chairman.

THE CHAIRMAN: The Chair recognizes the gentleman from Oregon.

MR. AUCOIN: Mr. Chairman, I am somewhat surprised to hear suggestions in defending the point of order that the people of the Pacific Northwest ought to be inflicted with a burden of building additional nuclear powerplants without safeguards. It is the people in the region who will have to live with the consequences of cooling towers in the Pacific Northwest. . . .

THE CHAIRMAN: Does the gentleman from California wish to be heard on the point of order?

2. Matthew F. McHugh (N.J.).

MR. JOHN L. BURTON: I would like to speak in opposition to the point of order.

THE CHAIRMAN: The Chair recognizes the gentleman from California (Mr. John L. Burton).

MR. JOHN L. BURTON: Mr. Chairman, I do not believe that the statement of the distinguished gentleman from Texas saying that the NRC cannot license nuclear powerplants without safeguarding the people by dealing with the hazardous waste that is involved is a horrendous task placed on the NRC. I think that the point of order should be overruled. And I think that the bill is the biggest rape and ripoff of the public that I have ever seen in my life.

MR. AU COIN: Mr. Chairman, could I be heard on one additional point?

THE CHAIRMAN: The Chair recognizes the gentleman from Oregon (Mr. AuCoin).

MR. AU COIN: Mr. Chairman, my friend from Texas, the subcommittee chairman, for whom I have a great deal of respect, has, I think, confused, momentarily, the difference between an amendment that would force the Nuclear Regulatory Commission to take an action as opposed to imposing on the Nuclear Regulatory Commission a new responsibility. . . .

THE CHAIRMAN: The Chair is prepared to rule.

In the opinion of the Chair, the amendment offered by the gentleman from Oregon would impose a contingency which is not solely related to the issue of purchase and transmission of power in the Northwest region and which addresses potentially new NRC licensing authority for all Government

and privately owned storage facilities on a national basis.

The Chair would cite, specifically, chapter 28 of Deschler's Procedures, section 24.15:

An amendment delaying the effectiveness of a bill pending the enactment of other legislation and requiring actions by committees and agencies not involved in the administration of the program affected by the bill was ruled out as not germane.

On that basis, the Chair is constrained to sustain the point of order.

The Chair Controls Debate or Argument on a Point of Order

§ 7.7 A Member may not yield for purposes of debate under a reservation of a point of order; the Chair controls the debate by recognizing Members to speak in favor of or in opposition to the point of order.

On Oct. 1, 1985,⁽³⁾ during the reading for amendment of the Food Security Act of 1985, Chairman David E. Bonior, of Michigan, invited amendments to the title of the bill which was open to amendment. An amendment was then offered which went to the pending title and the next. A point of order was first reserved, then pressed, against the amendment for this reason.

THE CHAIRMAN: When the Committee of the Whole rose on Thursday, September 26, title IV was open to amendment at any point to amend-

3. 131 CONG. REC. 25418-20, 99th Cong. 1st Sess.

ments printed in the Congressional Record before September 24, 1985.

Are there amendments to title IV?

AMENDMENT OFFERED BY MR. GLICKMAN

MR. [DANIEL R.] GLICKMAN [of Kansas]: Mr. Chairman, I offer an amendment.

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I reserve a point of order on the amendment.

The Clerk read as follows:

Amendment offered by Mr. Glickman: Title IV of H.R. 2100 is amended by—

On page 65, after line 8, striking all through “shall” on line 11 and inserting in lieu thereof the following:

“(2) If the Secretary determines that the availability of nonrecourse loans and purchases will not have an adverse effect on the program provided for in paragraph (3), the Secretary may”;

On page 67, after line 5, striking “The Secretary may” and inserting in lieu thereof the following:

“(3)(A) Unless the Secretary, at the Secretary’s discretion, makes available nonrecourse loans and purchases to producers under paragraph (2) for a crop of wheat, the Secretary shall”;

On page 68, line 23 before the “.” inserting the following: “, except that the Secretary shall not make available payments under this paragraph to any producer with a wheat acreage base of less than 15 acres for the crop.”;

On page 70, after line 11, striking all through line 12, page 71 and inserting in lieu thereof the following:

“(C) For each crop of wheat, the established price shall not be less than the following levels for each farm:

“(i) \$4.50 per bushel for any portion of the crop produced on each

farm that does not exceed fifteen thousand bushels and

“(ii) \$4.00 per bushel for any portion of the crop produced on each farm that exceeds fifteen thousand bushels.”;

On page 86, line 15 striking “may not” and inserting in lieu thereof the following: “shall”;

On page 86, line 18 striking “may” and inserting in lieu thereof the following: “shall”; and

Title V of H.R. 2100 is amended by—

On page 87, after line 15, striking all through “shall” on line 18 and inserting in lieu thereof the following— . . .

There was no objection.

MR. GLICKMAN: Mr. Chairman, rather than taking the time of the full House, rather than talking about the substance of the amendment, in order to expedite the process, I wonder if we might deal with the point of order right now, and if the Chair rules that it is out of order, there is no reason why I have to spend 5 or 10 minutes explaining the amendment.

POINTS OF ORDER

THE CHAIRMAN: Does the gentleman from Illinois insist on his point of order?

MR. MADIGAN: Mr. Chairman, under my reservation, I yield to the gentleman from Oregon [Mr. Robert F. Smith].

THE CHAIRMAN: The gentleman will suspend. Under a reservation of a point of order, the gentleman cannot yield time. If other Members have points of order, they can make them and they will be so recognized.

MR. MADIGAN: Mr. Chairman, I believe a point of order would lie against

the amendment offered by the gentleman from Kansas [Mr. Glickman] because the amendment, if I understand the amendment that is being offered, goes to more than one title of the bill, and I think that because it goes to more than one title of the bill, it would not be in order at this point.

MR. GLICKMAN: Mr. Chairman, may I speak to the point of order?

THE CHAIRMAN: The gentleman from Kansas [Mr. Glickman] is recognized.

MR. GLICKMAN: Mr. Chairman, the amendment amends two titles of the bill. To be frank with the Chair, it was submitted as one amendment, but the intention of the author of this amendment as well as the other authors was to deal with the issues as they affected title IV and then title V. I put it in one title of the bill, but, to be honest with the Chair, the issues are divisible, they are separate. I could have amended it and put it in two separate amendments. I did not because that is not the way the issue came up in the Committee on Agriculture.

The issues relating to the issue of targeting deficiency payments to small and medium-sized farmers and utilizing a device called the marketing loan as a way to deal with our exports; they are in the wheat section, title IV, and there is a separate matter, deals with it separately in the feed grains section, title V.

The amendments are divisible. The language is divisible, and I would hope that the Chair would understand that it was the intent of the author of the amendment to really consider these two as two separate concepts, but I put them together for the ease of putting them in one amendment, since feed

grains in the committee were dealt with as one basic issue.

MR. ROBERT F. SMITH [of Oregon]: Mr. Chairman, I make a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. ROBERT F. SMITH: I thank the Chair.

Mr. Chairman, rule III of the rules provides that considerations can only be by title, not by section. I think the point remains that there is no question that this amendment does affect two titles. There are several other amendments, Mr. Chairman, that I will rise on this same issue affecting both sides of the aisle. I think to keep this whole discussion clean, we should follow the rule. The rule clearly states that you cannot amend two titles in one amendment.

THE CHAIRMAN: Are there others who wish to be heard?

Does the gentleman from Minnesota [Mr. Stangeland] make a point of order on this?

MR. [ARLAN] STANGELAND [of Minnesota]: Mr. Chairman, I reserve the right to make a point of order. I reserve the point of order.

THE CHAIRMAN: Is the gentleman making a point of order on this amendment?

MR. STANGELAND: Mr. Chairman, I am arguing against the point of order.

THE CHAIRMAN: The Chair will hear the gentleman.

The gentleman from Minnesota is recognized.

MR. STANGELAND: I thank the Chair. I just want to make the point that the amendment was printed in two distinctly separate sections. One portion of the amendment dealt with wheat

and target prices and marketing loans. The second section of the amendment deals with title V, the feed grain section. Two distinctly different amendments but introduced in the Record as, unfortunately, one amendment. But they deal with the two sections separately. I would just appeal to the Chair that the intent of the authors was that because they were handled en bloc in committee, we would run that way, but they are divisible, they can be addressed to title IV and title V very distinctly in the amendment.

I thank the Chair.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair would state that the Chair can only look at the form in which the amendment has been submitted for printing in the Record. According to the rule, the substitute shall be considered for amendment by title instead of by sections, and only amendments to the bill which have been printed in the Record by September 24 may be offered.

Therefore, the only way in which the amendment that the gentleman from Kansas [Mr. Glickman] wishes to offer could be considered is by unanimous consent.

The Chair sustains the point of order.

Parliamentary Inquiry; Who Gets Charged for Time

§ 7.8 While time for a parliamentary inquiry is normally charged to the Member controlling time who yields for such an inquiry, the

Chair may exercise his discretion to recognize for an inquiry between speakers when time is not running against any Member.

Time for general debate on the concurrent resolution on the budget, fiscal 1994–1998, having been fixed by a special rule, and placed by that rule in the control of certain named Members, the Committee of the Whole, by unanimous consent, reconstituted the time used in a colloquy and did not deduct it from the Member controlling time. On another point during the debate, the Chair recognized for a parliamentary inquiry before recognizing a Member to control a block of two hours time. The pertinent proceedings of Mar. 17, 1993,⁽⁴⁾ are set out below:

THE CHAIRMAN:⁽⁵⁾ The gentleman from New York [Mr. Solomon] reserves the balance of his time.

PARLIAMENTARY INQUIRY

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WALKER: Mr. Chairman, is the process now that we are going to the discussion of another budget, the Black Caucus budget?

4. 139 CONG. REC. 5394–96, 103d Cong. 1st Sess.

5. José E. Serrano (N.Y.).

THE CHAIRMAN: The process is that the gentleman from Maryland [Mr. Mfume] is going to be recognized for 2 hours.

MR. WALKER: And that would be pursuant to the rule, House Resolution 131; is that correct?

THE CHAIRMAN: The gentleman is correct.

MR. WALKER: And this is the 2 hours of time controlled by the gentleman from Maryland [Mr. Mfume] under that rule; is that correct?

THE CHAIRMAN: Those 2 hours have not changed. . . .

The Chair clarifies that the gentleman from Maryland [Mr. Mfume] controls the 2 hours.

MR. WALKER: But it is permissible for him to yield that time to the opposition if he so wishes?

THE CHAIRMAN: The gentleman can do with his 2 hours whatever he wishes.

MR. WALKER: I thank the Chair for that, and, if in fact he were to do that, that would, in fact, even up the time between the majority and minority where right now there is a disparity of about an hour of time between the majority and minority as a result of the way the rule was structured, thereby leaving the minority short of its time to present its case.

So, it would have that impact; is that correct?

THE CHAIRMAN: The gentleman is drawing a conclusion, and that is not part of an inquiry.

The gentleman from Maryland [Mr. Mfume] will be recognized for 2 hours.

MR. WALKER: Mr. Chairman, will the gentleman yield?

MR. [KWEISI] MFUME [of Maryland]: I yield to the gentleman from Pennsylvania.

MR. WALKER: Mr. Chairman, I thank the gentleman from Maryland [Mr. Mfume] for yielding to me. . . .

MR. MFUME: Mr. Chairman, reclaiming my time, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MFUME: I would like to ask the Chair whether or not the time for the colloquy was counted against the time allotted.

THE CHAIRMAN: Yes. That colloquy consumed 6 minutes.

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Chairman, that is really not in order. I mean this was a colloquy. We were not propounding parliamentary procedures, but we were speaking out of order.

THE CHAIRMAN: The gentleman from New York [Mr. Solomon] did ask the gentleman from Maryland [Mr. Mfume] to yield, and he yielded three times to three different Members.

MR. SOLOMON: Mr. Chairman, I do not think that is fair. I understand why it is being done, but I ask unanimous consent that the gentleman from Maryland [Mr. Mfume] be given an extra 6 minutes to restore his 2 hours. That is only fair in this body.

THE CHAIRMAN: Without objection, so ordered.

There was no objection.

Scope of Debate

§ 7.9 Debate on a point of order is limited to the question of order and may not go to the merits of the legislative proposition.

On July 19, 1967,⁽⁶⁾ during consideration of a bill prescribing penalties for interstate travel to incite riots, a Member, Richard D. McCarthy, of New York, proposed an amendment dealing with gun control, particularly mail order guns. This amendment was challenged as being not germane.

THE CHAIRMAN:⁽⁷⁾ Does the gentleman from New York [Mr. McCarthy] wish to be heard on the point of order?

MR. MCCARTHY: Yes, Mr. Chairman.

Mr. Chairman, I think this amendment is germane. There is no doubt about it in my mind.

Let me explain that H.R. 421 would become section 2 of that bill, and with this amendment added it would create a new section 1, which is essentially, with a very slight change at the beginning, the administration's firearms bill, which would prohibit the mail-order sales of firearms and require anyone dealing in, manufacturing, or importing firearms to have a Federal license.

Mr. Chairman, this amendment is germane because the pattern of these riots is clear. Guerrilla warfare in the streets with snipers pouring deadly gunfire from roofs and windows above at ambulances with children in them. In Newark killing a fire captain. There was the shooting of firearms and even the shooting up of a hospital.

Friday a tired Governor Hughes said this.

6. 113 CONG. REC. 19412, 90th Cong. 1st Sess. Under consideration was H.R. 421, prescribing penalties for travel in interstate commerce to incite riots.

7. Joseph L. Evins (Tenn.).

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I would hope that the gentleman would confine his remarks to the point of order.

THE CHAIRMAN: The gentleman from New York will confine himself to the point of order.

MR. MCCARTHY: I am trying to point out, Mr. Chairman, that in my view this amendment is germane to the intent of this legislation.

The Governor said that the riots and the sniping, with the use of even automatic weapons and machineguns, pointed to the need for an interstate firearms law. It can be said that New Jersey already has a strict law. I say to that it is 1 year old. Many of these guns were in possession of these people before that. Second, we have ample evidence——

MR. GROSS: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. GROSS: I submit that the gentleman is not directing his argument to the point of order.

THE CHAIRMAN: The gentleman must confine his remarks to the point of order.

MR. GROSS: There is no relevancy of the law in the State of New Jersey.

THE CHAIRMAN: The gentleman will confine himself to the merits of the point of order and not the substance of the bill.

Argument on Point of Order Should Not Address Merits of Amendment

§ 7.10 Argument on a point of order must be confined to

the point of order and should not go to the merits of the proposition being challenged.

During consideration of the Labor and Health, Education, and Welfare appropriation bill for fiscal 1977, on June 24, 1976,⁽⁸⁾ Mrs. Millicent Fenwick, of New Jersey, offered an amendment. Two Members sought recognition to speak to a point of order raised against the amendment. Another raised the issue of whether their debate was directed to the point of order. Proceedings were as shown below:

MRS. FENWICK: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Kansas (Mr. Skubitz).

The Clerk read as follows:

Amendment offered by Mrs. Fenwick as a substitute for the amendment offered by Mr. Skubitz: On page 7, strike the period at the end of line 25, and insert in lieu thereof: “: *Provided* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which employs five or fewer employees.” . . .

MR. [GARY] MYERS of Pennsylvania: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

8. 122 CONG. REC. 20370, 20371, 94th Cong. 2d Sess.

The Clerk read as follows:

Amendment offered by Mr. Myers of Pennsylvania to the amendment offered by Mrs. Fenwick as a substitute for the amendment offered by Mr. Skubitz: At the end of the amendment offered by Mrs. Fenwick strike the period and add the following: “*Provided further*, That the funds appropriated under this paragraph shall be obligated or expended to assure full compliance of the Occupational Safety and Health Act of 1970 by Members of Congress and their staffs.”

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

THE CHAIRMAN:⁽⁹⁾ The Chair recognizes the gentleman from Michigan.

MR. FORD of Michigan: Mr. Chairman, the amendment is not germane. It is also in violation of the rule against legislating on an appropriation bill.

THE CHAIRMAN: Does the gentleman from Pennsylvania (Mr. Myers) desire to be heard on the point of order?

MR. MYERS of Pennsylvania: I do, Mr. Chairman.

THE CHAIRMAN: The Chair recognizes the gentleman from Pennsylvania (Mr. Myers).

MR. MYERS of Pennsylvania: Mr. Chairman, because of my great concern for the safety of all workers and because of the fact that Members of Congress are allowed in fact to have several offices and up to 18 full-time employees, some of those who travel vehicular equipment on the highways are exposed to extreme hazards, and because of my background and experience in the steel industry, knowing

9. James C. Wright, Jr. (Tex.).

what the regulations are, I see a non-compliance in many of the offices, such as boards across walkways, people standing on chairs instead of ladders, storage facilities not properly put in place. I have a concern about industry and for those people who work in industry.

It applies also to employees in our offices.

The objective of this bill is to appropriate money to see that OSHA is bringing under compliance all workers who work in an environment such as an industrial office or similar facilities.

MR. [RONALD A.] SARASIN [of Connecticut]: Mr. Chairman, I make a point of order.

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Myers) is being heard on a point of order.

MR. SARASIN: Mr. Chairman, it would appear that the gentleman is not addressing himself to the point of order, but he is addressing himself to the amendment.

THE CHAIRMAN: The gentleman is correct.

The gentleman from Pennsylvania (Mr. Myers), at this point, should address his comments to the point of order made by the gentleman from Michigan (Mr. Ford), to—wit, that the amendment offered by the gentleman from Pennsylvania (Mr. Myers) would not be germane to the language of the substitute which it would seek to amend and, further, that it would constitute legislation on an appropriation bill.

Does the gentleman desire to touch on that?

MR. MYERS of Pennsylvania: Mr. Chairman, I was simply laying the

groundwork for my response to the point of order.

It simply is that in this bill we are communicating to OSHA their commitments, and it is simply that message I want to address and require that they do set aside funds for this compliance.

THE CHAIRMAN: The Chair is prepared to rule.

The gentlewoman from New Jersey (Mrs. Fenwick) has offered a substitute for an amendment offered by the gentleman from Kansas (Mr. Skubitz).

Both the amendment offered by the gentleman from Kansas (Mr. Skubitz) and the proposed substitute offered by the gentlewoman from New Jersey (Mrs. Fenwick) are applicable to farmworkers and have a precise reference to the number of employees engaged by a farmer.

The gentleman from Pennsylvania (Mr. Myers) would add to the substitute additional provisions requiring that funds appropriated under the program shall be obligated and expended to assure compliance with the Occupational Safety and Health Act by Members of Congress and their staffs.

Manifestly, this does constitute legislation on an appropriation bill; and, beyond that, it would not be germane, in the opinion of the Chair, to the pending substitute.

For those reasons, the Chair sustains the point of order.

MR. MYERS of Pennsylvania: I thank the Chairman for his even-handed evaluation of the situation.

§ 7.11 Debate on a point of order against an amendment is limited to the question of order and may not go to the merits of the amendment.

On Nov. 25, 1970,⁽¹⁰⁾ during discussion of the provisions of a federal highway bill, Mr. Samuel S. Stratton, of New York, introduced an amendment dealing with the plight of prisoners of war. A point of order was then raised against the amendment. In the ensuing debate on the point of order, the Member repeatedly referred to the amendment, not the point of order. This in turn provoked another point of order, with the ultimate result that Chairman Chet Holifield, of California, had to rule the Member out of order.

THE CHAIRMAN: A point of order is made against the amendment by the gentleman from Ohio (Mr. Harsha).

MR. STRATTON: Mr. Chairman, I desire to be heard on the point of order.

THE CHAIRMAN: The Chair will hear the gentleman from New York on the point of order. . . .

MR. STRATTON: Mr. Chairman, this amendment seeks to enlist the support of this House for action taken in an effort to rescue these prisoners. This is a resolution which the gentleman from Illinois (Mr. Findley) and I have introduced and on which we are seeking support. I think it is appropriate for two reasons.

This is an amendment—

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman from Iowa will state the point of order.

MR. GROSS: Mr. Chairman, the gentleman is not addressing himself to the point of order.

MR. STRATTON: I am addressing myself to the point of order, if the gentleman from Iowa will allow me to continue.

Mr. Chairman, this amendment—

THE CHAIRMAN: The gentleman from New York will suspend. This bill is a bill having to do with the highway system of the United States. The Chair regrets to rule that the gentleman—

MR. STRATTON: Mr. Chairman, allow me to make my point. I have a couple of very valid points.

THE CHAIRMAN: The gentleman has not addressed himself to the point of order and the Chair is constrained to rule that the gentleman is out of order.

§ 7.12 Debate on a point of order is confined to the question of order, may not extend to the merits of the bill, and is for the edification of the Chair who may decline to hear further argument.

On June 13, 1991,⁽¹¹⁾ while the Committee of the Whole was debating amendments under the five-minute rule during consideration of a general appropriation measure, Mr. Richard K. Arme, of Texas, raised a point of order against an amendment offered by Mr. Byron L. Dorgan, of North Dakota. Several Members seemed inclined to discuss not the amendment or the

10. 116 CONG. REC. 38971, 38972, 91st Cong. 2d Sess. Under consideration was H.R. 19504, the Federal Highway Act.

11. 137 CONG. REC. 14690, 14691, 102d Cong. 1st Sess.

point of order but the broader “savings and loan” crisis. The following colloquy illustrates the efforts of the Chair to confine the debate to the question of order.

MR. ARMEY: Mr. Chairman, I desire to be heard on my point of order.

THE CHAIRMAN:⁽¹²⁾ The gentleman will state his point of order.

MR. ARMEY: Mr. Chairman, I make the point of order that this amendment violates clause 2 of rule XXI which prohibits this in appropriations bills.

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

MR. DORGAN of North Dakota: Mr. Chairman, my understanding is the gentleman has not asserted a point of order at this moment, is that correct?

PARLIAMENTARY INQUIRY

MR. ARMEY: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. ARMEY: Mr. Chairman, it is my understanding that once I stipulate the point of order, I have an opportunity to discuss my point of order.

THE CHAIRMAN: The gentleman has stated his point of order. He does have the opportunity to be heard. The Chair thought that he had expressed it.

MR. ARMEY: Mr. Chairman, I had intended to discuss my point of order and my reasons for holding that.

THE CHAIRMAN: The gentleman may proceed.

MR. ARMEY: Mr. Chairman, let me say first of all I have enormous respect not only for the gentleman from North

Dakota, but in particular, for what it is he is attempting to do.

I have a concern, on the other hand, Mr. Chairman, that we would be doing it in this matter with respect to legislative procedure, encumber the work of the Committee on Appropriations and circumvent the work of several committees, including the Committee on the Judiciary, the Committee on Banking, Finance and Urban Affairs, and his own Committee on Ways and Means. . . .

THE CHAIRMAN: The Chair would just like to state that the gentleman should speak rather narrowly to the point of order, not to the merits of the proposal.

MR. ARMEY: Mr. Chairman, I appreciate the Chair’s advice.

Mr. Chairman, very narrowly, let me say I hold a point of order that the gentleman from North Dakota [Mr. Dorgan], for all his good work, all his good intentions, violates clause 2 of rule XXI.

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

MR. DORGAN of North Dakota: Mr. Chairman, I indicated in my opening remarks that I understood a point of order could lie on this provision. The gentleman from Texas fully understands the conditions under which this legislation is being discussed on the floor today. . . .

MR. [HAROLD] ROGERS [of Kentucky]: Mr. Chairman, I wish to be heard on the point of order.

The question is, whether or not there is legislative procedure on an appropriations bill. That is the object of my discussion in these 5 minutes, or the time the Chair allows me.

12. George E. Brown (Calif.).

Mr. Chairman, there is already established in the current law in the Department of Justice a financial institutions fraud unit. It is already there. It is in the law. We appropriate money to it in this bill.

Now, they want to call it a savings and loan criminal fraud unit.

THE CHAIRMAN: Would the gentleman merely talk to the merits of the point of order?

MR. ROGERS: Mr. Chairman, the gentleman from North Dakota spoke broadly about the merits.

THE CHAIRMAN: He did, and the Chair is trying to discourage others from making his mistake.

MR. ROGERS: I insist upon the privilege of doing so.

THE CHAIRMAN: The Chair will recognize the gentleman to speak to the point of order. . . .

Are there additional Members who desire to be heard on the point of order?

MR. [DENNIS E.] ECKART [of Ohio]: Mr. Chairman, I would like to be heard on the point of order.

THE CHAIRMAN: The Chair would like to advise the gentleman to stick to the point of order. . . .

PARLIAMENTARY INQUIRY

MR. ARMEY: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ARMEY: Mr. Chairman, is there something in the rules of the House that I have not found that says that there is more latitude granted to Members who speak in opposition to a point of order than the person who makes the point of order?

THE CHAIRMAN: There is nothing in the rules that states that.

MR. ARMEY: Then, Mr. Chairman, may I be heard on the point of order with as much latitude to speak about the crime bill?

THE CHAIRMAN: The gentleman has already been heard on the point of order. The Chair thinks enough Members have been heard.

MR. ARMEY: Mr. Chairman, may I be heard to speak on the crime bill?

THE CHAIRMAN: The Chair is ready to rule.

A point of order has been raised by the gentleman from Texas [Mr. Arme] against the proposed amendment of the gentleman from North Dakota on the grounds that it violates clause 2 of rule XXI in that it constitutes legislation on an appropriation bill.

For the reasons stated by the gentleman from Texas and others, the Chair agrees with the point of order and rules that the amendment violates the rules of the House and is therefore not in order.

Debate on Point of Order Does Not Come Out of Time to Which the Proponent of an Amendment Is Entitled Under the Five-minute Rule.

§ 7.13 The proponent of an amendment against which a point of order has been reserved may not reserve a portion of his time under the five-minute rule to oppose any points of order, if made, since the Chair has discre-

tion to recognize for separate debate time on any point of order.

Where points of order are reserved against an offered amendment, the proponent may proceed under the five-minute rule to discuss the merits of his amendment and need not reserve time to refute any point of order which is pressed. The proceedings of Aug. 1, 1975,⁽¹³⁾ illustrate how the Chair differentiates between debate on the merits and argument on a point of order.

THE CHAIRMAN:⁽¹⁴⁾ Are there further amendments to title III?

AMENDMENT OFFERED BY MR. BROWN
OF OHIO

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Brown of Ohio: Strike out Title III, as amended, and reinsert all except for Section 301, as amended.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I reserve a point of order against the amendment.

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I also reserve a point of order.

MR. BROWN of Ohio: Mr. Chairman, the thrust of this amendment is to strike from the bill the provisions of the Stagers pricing amendment, sec-

tion 301, by revising title III to strike the whole title and to reinsert all in the title, except section 301.

Mr. Chairman, may I speak on the amendment?

THE CHAIRMAN: The gentleman has been recognized for 5 minutes, so the gentleman may proceed.

MR. BROWN of Ohio: Mr. Chairman, may I reserve 2 minutes of my time to speak on the points of order?

THE CHAIRMAN: The Chair will recognize the gentleman to speak on the points of order at the appropriate time.

MR. DINGELL: Mr. Chairman, I have not yet made the point of order. I reserved it.

THE CHAIRMAN: The Chair has recognized the gentleman from Ohio to speak on the gentleman's amendment for 5 minutes. Then the gentlemen who reserved the points of order may press them or they may not.

MR. BROWN of Ohio: Mr. Chairman, the purpose of this amendment, as I said, is to strike section 301, the pricing section, from the bill.

Time Consumed on Point of Order When Overall Time Is Limited

§ 7.14 Where debate under the five-minute rule has been limited to a time certain, time consumed in argument on a point of order comes out of the total time under the limitation, thus reducing the time which can be allotted to other Members seeking recognition. The time is not

13. 121 CONG. REC. 26945, 94th Cong. 1st Sess.

14. Richard Bolling (Mo.).

charged only against the proponent of the amendment against which the point of order is made.

On Apr. 26, 1978,⁽¹⁵⁾ debate under the five-minute rule was proceeding the Public Disclosure of Lobbying Act of 1978. Mr. George E. Danielson, of California, moved that all debate on the bill and amendments end at 7:30 that evening. The events following the imposition of this limitation were as follows.

MR. DANIELSON: Mr. Chairman, I move that all debate on this bill and all amendments thereto be terminated at the hour of 7:30 o'clock p.m. tonight.

THE CHAIRMAN:⁽¹⁶⁾ The question is on the motion offered by the gentleman from California (Mr. Danielson).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 22, noes 20.

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gary A. Myers: Page 39, insert the following after line 7:

(g) If any lobbying communication was made on the floor of the House of Representatives or adjoining rooms thereof, or on the floor of the Senate or adjoining rooms thereof, a statement that such lobbying communication was made.

MR. DANIELSON: Mr. Chairman, I have a point of order on the amendment.

THE CHAIRMAN: The gentleman will state his point of order.

MR. DANIELSON: Mr. Chairman, I make the point of order that this amendment is not germane to the bill. The bill calls for disclosure of lobbying activities under the terms of expenditure and the like, and related lobbying activities as to influencing the conduct and disposition of legislation. This has to do with activities within the Capitol Building and is not necessarily within the purview of the bill.

THE CHAIRMAN: Does the gentleman from Pennsylvania (Mr. Gary A. Myers) desire to be heard on the point of order?

MR. GARY A. MYERS: I do, Mr. Chairman. I would like to be heard on the point of order.

THE CHAIRMAN: The gentleman may proceed.

MR. GARY A. MYERS: Mr. Chairman, I would like to point out that the amendment is more narrowly drafted than the amendment which I offered last year. It only requires an item of disclosure by those individuals who otherwise would have to be reporting. This bill does not in any way define the geographical location in which lobbying activity would not be reported. Nowhere in the bill does it say that if the lobbyist speaks to a House Member in the Capitol that that is not a reportable item. The only thing this amendment would do would require the reporting of any specific activity discussed on the floor of the House. In last year's amendment there was a point of order raised about the invasion of the House rules. It would seem to me that article I, section 5 of the Constitution clearly states that:

15. 124 CONG. REC. 11641, 11642, 95th Cong. 2d Sess.

16. Lloyd Meeds (Wash.).

. . . each House may determine the rules of its proceedings.

Numerous precedents have held that the power to make rules is not impaired by rules of previous Congresses or by laws passed by previous Congresses. So that this amendment in no way adds to or impairs the rules of the House.

It has been recognized that a law passed by an existing Congress can bind that Congress in matters of procedure—and I refer to Hinds' Precedents, volume 5, sections 6767 and 6768. However, this amendment does not even go that far since it in no way binds this or any other Congress. It merely makes available information to the Congress and to the general public. If the Congress chooses to act on that information it can do so according to its rules and procedures.

Mr. Chairman, it seems to me the amendment is germane, it is simply another item of reporting.

I also believe it would be inappropriate for this House to object to this type of reporting.

THE CHAIRMAN: The Chair is prepared to rule.

For the reasons stated by the gentleman from Pennsylvania (Mr. Gary A. Myers), and in addition, since this amendment does not seek to restrain or regulate conduct but only requires disclosure, the Chair will rule that the point of order is not well taken and the amendment is germane as adding a further reporting requirement to those contained in the bill. . . .

The Chair will notify the members of the committee that time taken from the allotted time for the discussion of the point of order was not allotted to

the gentleman from Pennsylvania but will come out of the general time and will reduce everyone's time to 5 minutes each.

Are there further amendments?

§ 7.15 Time consumed on a point of order that debate is not relevant does not come out of that allotted to the Member holding the floor under the five-minute rule.

On June 15, 1983,⁽¹⁷⁾ the House had under consideration the Defense Department Authorization Act of 1984 (H.R. 2969). The following exchange occurred during the five-minute rule:

MR. [ED] BETHUNE [of Arkansas]: . . . Nineteen years they have been working on this bomb, and they finally decided to test it under something similar to what they might actually face in the modern combat world, and it blew up on them.

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I wish to make a point of order.

THE CHAIRMAN PRO TEMPORE:⁽¹⁸⁾ The gentleman will state it.

MR. STRATTON: Mr. Chairman, I make a point of order against the gentleman from Arkansas. The gentleman is discussing a munition that is not funded in this section of the bill, and he is spending considerable time of the Committee in discussing that, although there are no funds for the production

17. 129 CONG. REC. 15818, 98th Cong. 1st Sess.

18. John P. Murtha, Jr. (Pa.).

of the weapon that he refers to. I think he is proceeding out of order.

THE CHAIRMAN PRO TEMPORE: The gentleman from Arkansas is discussing chemical weapons, and it is difficult to restrict the gentleman to a narrow interpretation of that in the comments he is making.

MR. STRATTON: Mr. Chairman, if I may be heard further on the point of order, there are a number of things that are funded in the bill. Binary systems is the basic issue which the gentleman from Wisconsin addressed himself to. But the particular one that the gentleman from Arkansas is debating is something that is not funded in this portion of the bill, and it seems to me that this is a proceeding out of order and abusing the time of the Committee.

THE CHAIRMAN PRO TEMPORE: Does the gentleman from Arkansas (Mr. Bethune) wish to be heard on the point of order?

MR. BETHUNE: Mr. Chairman, is my time protected while the gentleman from New York makes his point of order?

THE CHAIRMAN PRO TEMPORE: The gentleman's time is protected.

MR. BETHUNE: I thank the Chair.

Mr. Chairman, I would just simply say that the bill does ask for moneys to build buildings, facilities, to do tooling work, to build the casings for the Big Eye bomb. I do not know what could be more relevant than to discuss whether or not it works before we start building facilities and the QL mix that would go in the bomb.

MR. STRATTON: Mr. Chairman, may I be heard further on the point of order?

THE CHAIRMAN PRO TEMPORE: The gentleman from New York may be heard further on the point of order.

MR. STRATTON: Mr. Chairman, the thrust of the gentleman's argument in discussing an item that is not funded in the legislation is to create the impression that all of the activities of the Department of the Army in dealing with chemical weapons, and particularly the binary weapons which are funded in this section, is defective. But the item which he is constantly referring to, and with all of its mistakes, is not included; and the problems that it had led the committee to remove the money for that particular weapon. If the gentleman wants to discuss it, it ought to be discussed in the research and development title of the bill rather than in the procurement and production title with which we are engaged now.

THE CHAIRMAN PRO TEMPORE: The Chair will rule.

The money in the bill is unearmarked and the arguments of the gentleman from Arkansas are considered relevant to the debate on his amendment which is pending and which addresses the issues being debated.

The Chair will overrule the point of order.

Time Consumed by Parliamentary Inquiries

§ 7.16 When the Member holding the floor in debate refuses to yield for a parliamentary inquiry, the time consumed by repeated requests for him to yield does not come out of his allotted time.

Where the Member making a statement during general debate on a bill in Committee of the Whole refuses to yield for an inquiry until he has finished his statement, the minutes taken by repeated requests for him to yield is not taken from his time. Proceedings on Nov. 22, 1993,⁽¹⁹⁾ were as indicated.

MR. [CHRISTOPHER] COX [of California]: Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. Arme], chairman of the Republican conference.

MR. [DICK] ARMEY [of Texas]: Mr. Chairman, I thank the gentleman for yielding the time. . . .

I will not yield to the gentleman, so do not bother asking.

MR. [RONALD D.] COLEMAN [of Texas]: Parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN:⁽²⁰⁾ The gentleman from Texas [Mr. Arme] has the time.

MR. COLEMAN: Parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: For what purpose does the gentleman from Texas rise?

MR. COLEMAN: I want to ask a parliamentary inquiry.

THE CHAIRMAN: Does the gentleman from Texas [Mr. Arme] yield to the gentleman from Texas [Mr. Coleman] for a parliamentary inquiry?

MR. ARMEY: I will not yield to the gentleman from Texas until I have finished my statement.

THE CHAIRMAN: The gentleman from Texas has the time and the gentleman does not yield.

MR. COLEMAN: Parliamentary inquiry.

THE CHAIRMAN: The gentleman from Texas does not yield for a parliamentary inquiry.

MR. COLEMAN: He does not have to. I am asking a question.

THE CHAIRMAN: The gentleman from Texas does not yield for a parliamentary inquiry. The gentleman from Texas has the time.

MR. ARMEY: I would ask the Chair, if he does not mind, that time used to explain the rules will not come out of my time?

THE CHAIRMAN: That will not count against the time of the gentleman from Texas.

MR. COLEMAN: Mr. Chairman, do you mean to tell me when I ask a parliamentary inquiry, it does not ask that of the Chair?

THE CHAIRMAN: Under the rules, the gentleman does not have to yield, as long as he has the floor, for a parliamentary inquiry. The gentleman from Texas has the time, and this time will not be counted against the gentleman from Texas.

Chair Controls Argument on Point of Order

§ 7.17 Argument on a point of order is at the discretion of the Chair, and Members seeking to be heard must address the Chair and cannot engage in “colloquies” on the point of order.

19. 139 CONG. REC. 31981, 103d Cong. 1st Sess.

20. William J. Hughes (N.J.).

On Sept. 18, 1986,⁽¹⁾ the House had under consideration in Committee of the Whole a bill dealing with minimum altitude for aircraft flying over national parks. When a section dealing with the restrictions pertaining to the Grand Canyon was reached in the reading, Mr. Robert K. Dornan, of California, offered an amendment that required the installation of collision avoidance systems in all aircraft. A portion of the amendment and the related proceedings are carried herewith.

THE CHAIRMAN:⁽²⁾ Are there any amendments to section 2? If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. GRAND CANYON NATIONAL PARK.

(a) Noise associated with aircraft overflight at the Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users.

MR. DORNAN of California: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dornan of California: At the end of the bill add the following:

SEC. 4. COLLISION AVOIDANCE SYSTEM.

Section 312(c) of the Federal Aviation Act of 1958 (49 U.S.C. App.

1. 132 CONG. REC. 24082-84, 99th Cong. 2d Sess.
2. J. J. Pickle (Tex.).

1353(c)), which relates to research and development, is amended by inserting "(1)" immediately after "(c)" and by adding at the end thereof the following new paragraph:

"(2) In carrying out his functions, powers, and duties under this section pertaining to aviation safety, the Secretary of Transportation shall coordinate and take whatever steps necessary (including research and development) to promulgate standards for an airborne collision avoidance system for all United States aircraft, civil and military, to improve aviation safety. The Secretary of Transportation shall promulgate such standards within one year after the date of enactment of this Act. Such standards shall require that such collision avoidance system be designed— . . .

[A point of order was reserved against the amendment.]

THE CHAIRMAN: The time of the gentleman from California (Mr. Dornan) has expired.

Does the gentleman from Minnesota (Mr. Vento) insist on his point of order?

MR. [BRUCE F.] VENTO [of Minnesota]: Yes, Mr. Chairman, I insist on my point of order.

THE CHAIRMAN: The gentleman from Minnesota is recognized.

POINT OF ORDER

Mr. Vento: Mr. Chairman, under the rule of germaneness, rule XVI, clause 7, no subject different from that under consideration shall be admitted under the color of an amendment. The amendment of the gentleman from California (Mr. Dornan) violates that rule and I must reluctantly insist on my point of order, Mr. Chairman.

THE CHAIRMAN: Does the gentleman from California wish to be heard on the point of order?

MR. DORNAN of California: Yes, Mr. Chairman, I would like to speak to it.

THE CHAIRMAN: The gentleman from California is recognized.

MR. DORNAN of California: Mr. Chairman, I understand the gentleman's objection and I would ask for some help. Under my 5 minutes here, I would like to ask for a colloquy with my good friend and distinguished colleague, the gentleman from California (Mr. Mineta).

THE CHAIRMAN: The Chair will advise the gentleman that he cannot have a colloquy during a point of order.

MR. DORNAN of California: All right, Mr. Chairman, here is what I will ask rhetorically and publicly. . . .

Now, I would ask the gentleman from California (Mr. Mineta) if there is any way that we can get some kind of a hearing in the remaining 2 or 3 weeks, God forbid that we come back into a special session, so that this 99th Congress, which suffered a midair collision over the Grand Canyon on June 18 does something in this Congress.

Mr. Chairman, I ask the gentleman to withdraw his objection.

THE CHAIRMAN: The Chair will advise the gentleman from California that he is still not speaking to the point of order and will ask the gentleman to conclude his remarks on the point of order, without the colloquy or the questions.

The gentleman may proceed.

MR. DORNAN of California: That is all, Mr. Chairman.

THE CHAIRMAN: The Chair is ready to rule.

The gentleman from California (Mr. Dornan) has offered an amendment adding a section 4 pertaining to the collision avoidance system.

The Chair has had an opportunity to examine the amendment and it is the opinion of the Chair that the amendment is not germane. The bill before us, H.R. 4430, is a narrow one addressing only overflights over certain national park areas.

The amendment goes to an unrelated subject amending an act not amended by the bill.

Therefore, the Chair sustains the point of order.

Scope of Debate on Point of Order; on Motion To Recommit

§ 7.18 Debate on a point of order raised against a motion to recommit a conference report with instructions to the conferees must be confined to the question of order and may not go to the merits of the underlying proposition.

Where a point of order was raised against the instructions included in a motion to recommit a conference report on the ground that the instructions exceeded the differences committed to conference, the argument on the point of order tended to roam to the merits of the bill in conference and away from the merits of the point of order. At one point, the Chair had to bring the debate back to the issue at hand. The

proceedings of Apr. 9, 1992,⁽³⁾ are set out below:

THE SPEAKER PRO TEMPORE:⁽⁴⁾ The question is on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. WALSH

MR. [JAMES T.] WALSH [of New York]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE: Is the gentleman opposed to the conference report in its present form?

MR. WALSH: Mr. Speaker, I am.

THE SPEAKER PRO TEMPORE: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walsh moves to recommit the conference report on the bill S. 3 to the Committee of Conference with instructions to the managers on the part of the House to include in the conference report the provisions of H.R. 3770 including:

1. The requirement that a majority of a candidate's contributions come from individuals residing in the candidate's district.

2. A limit of \$1,000 on PAC contributions to candidates.

3. A total ban on soft money contributions to political parties.

And to further include the requirement that no taxpayer dollars may be used to finance congressional campaigns.

POINT OF ORDER

MR. [SAM] GEJDENSON [of Connecticut]: Mr. Speaker, I rise to a point of order.

3. 138 CONG. REC. 9021, 9022, 102d Cong. 2d Sess.

4. Dennis E. Eckart (Ohio).

THE SPEAKER PRO TEMPORE: The gentleman will state his point of order.

MR. GEJDENSON: Mr. Speaker, I would make a point of order that the instructions exceed the scope of the conference report. It is clear that the requirement of in-district funding is beyond the scope of the conference report, and I would move that therefore the motion to recommit should be ruled out of order.

THE SPEAKER PRO TEMPORE: Does the gentleman from New York [Mr. Walsh] wish to be heard in opposition to the point of order?

MR. WALSH: Mr. Speaker, I believe that this motion adds to the fairness of the conference report, and I would urge that it be added.

THE SPEAKER PRO TEMPORE: Does the gentleman from New York [Mr. Walsh] concede the point of order?

MR. WALSH: Mr. Speaker, I do not.

THE SPEAKER PRO TEMPORE: Does anyone else wish to be heard on the point of order?

MR. [PAUL B.] HENRY [of Michigan]: Mr. Speaker, I wish to be heard on the point of order.

THE SPEAKER PRO TEMPORE: The point of order is contested. The gentleman from Michigan [Mr. Henry] is recognized on the point of order.

MR. HENRY: Mr. Speaker, I want to be sure we understand what the point of order is and what the question is and what the contest is. . . .

MR. GEJDENSON: Mr. Speaker, the objection is because it is beyond the scope of the conference. At this stage of the game to try to rewrite the whole conference is really in fact an attempt to kill campaign finance reform, at least at this session, in my perspective. . . .

THE SPEAKER PRO TEMPORE: Does the gentleman from Iowa [Mr. Leach] wish to be heard on the point of order?

MR. [JIM] LEACH [of Iowa]: Mr. Speaker, I do think this body ought to understand what is taking place here. The minority resolution talked about a \$1,000 cap on PAC's. The House bill passed a \$5,000 limit. The Senate bill passed a zero or up to a thousand, if the court threw it out.

So what the majority is attempting to do is stifle a very thoughtful amendment of the minority for real reform of the political action system and is using the Rules of the House against real reform. And there is nothing more germane to this bill.

The subject matter of this bill is containing political action committees. I think the public record ought to indicate it.

THE SPEAKER PRO TEMPORE: The gentleman from Iowa [Mr. Leach] is entitled to be heard on the point of order under the rules of the House. That does not entitle the gentleman to be heard on the merits of the bill.

If the gentleman has remarks to make, they should be confined to the point of order before the House. . . .

The Chair is prepared to rule.

The gentleman from Connecticut makes a point of order against the motion offered by the gentleman from New York on the ground that the instructions therein exceed the scope of the conference.

The motion offered by the gentleman from New York proposes to instruct the managers on the part of the House to include in the conference report three features of a separate bill, H.R. 3770. Each of these three initiatives

falls outside the matters committed to the conference as disagreements between the Senate bill and the House amendment thereto.

Therefore, under clause 3 of rule XXVIII, a conference report may not include a matter although germane that was not committed to the conference of either House.

In the opinion of the Chair, the instructions proposed in the motion offered by the gentleman from New York exceed the scope of the differences committed to the conference and the point of order is sustained.

Senate Rules as Authority

§ 7.19 Parliamentarian's Note: It is in order in debate on a question of order to read a rule of the House or Senate for the Chair's information if it relates to the point of order.

On July 16, 1935,⁽⁵⁾ during debate on a point of order in the House, a Member was permitted to read aloud excerpts from the Senate rules as authority for his argument.

MR. [THOMAS L.] BLANTON [of Texas]: I refer the Chair to the following portion of rule XXVIII of the United States Senate:

Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate

5. 79 CONG. REC. 11262, 74th Cong. 1st Sess.

upon all bills, joint resolutions, and other resolutions.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, I make the point of order that the gentleman cannot read from any document or from any other papers.

THE SPEAKER: ⁽⁶⁾ This is for the information of the Chair, and the point of order is overruled. The gentleman from Texas will proceed in order.

Conceding Points of Order During Debate

§ 7.20 Where a point of order is made against language in a bill and the point is conceded in debate by the Member handling the bill, the Chair rules on the point of order unless there is further argument by another Member against the validity of the point of order.

For example, on Apr. 12, 1960,⁽⁷⁾ in the Committee of the Whole, Chairman W. Homer Thornberry, of Texas, ruled on a point of order against an amendment immediately after the proponent conceded during debate that the point of order was well taken.

MR. [H. R.] GROSS [of Iowa]: . . . Mr. Chairman, I make the point of

6. Joseph W. Byrns (Tenn.).
7. 106 CONG. REC. 7941, 86th Cong. 2d Sess. Under consideration was H.R. 11666, which made appropriations for certain departments of the executive branch.

order that this violates rule 21, paragraph 2, of Cannon's Procedures which provides that no appropriation shall be made without prior authorization.

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

MR. [JOHN J.] ROONEY [of New York]: Yes, Mr. Chairman. . . .

. . . I am now constrained to concede that the point of order is well taken and I shall immediately offer an amendment.

THE CHAIRMAN: The point of order is conceded and sustained.

Argument on Point of Order; Revisions and Extensions Not Permitted

§ 7.21 The Chair will not entertain unanimous-consent requests to revise and extend remarks when hearing argument on a point of order.

On Oct. 7, 1977,⁽⁸⁾ a rather involved point of order was raised against a conference report on the Energy Research and Development Administration Authorization Act of 1978. The report was called up by Mr. Teague, Chairman of the Committee on Science and Technology. The argument in favor of the point of order was advanced by Mr. Udall, Chairman of the Committee on Interior and Insular Affairs. The proceedings

8. 123 CONG. REC. 33770, 33771, 95th Cong. 1st Sess.

leading up to the unanimous-consent request cited above, were as follows:

CONFERENCE REPORT ON S. 1811, ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION AUTHORIZATION ACT OF 1978

MR. [OLIN E.] TEAGUE [of Texas]: Mr. Speaker, I call up the conference report on the Senate bill (S. 1811) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

THE SPEAKER: ⁽⁹⁾ Is there objection to the request of the gentleman from Texas?

There was no objection. . . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. UDALL: Mr. Speaker, I desire to make a point of order against the conference report. Is this the appropriate time?

THE SPEAKER: It is.

MR. UDALL: Mr. Speaker, I make a point of order against the conference report.

THE SPEAKER: The Chair will hear the gentleman.

MR. UDALL: Mr. Speaker, I make a point of order. Section 106(d)(3), adopted by the conference committee on the bill now before the House, exceeds the authority of the conference committee in that it inserts new substantive provisions in the legislation which were not included in the bill, either as passed by the House or passed by the Senate.

I would like to be heard briefly on the point of order.

THE SPEAKER: The gentleman from Arizona is recognized. . . .

MR. UDALL: The point of order, Mr. Speaker, is based on the conference report violation of rule 28, which requires that the report shall not include matter not committed to the conference committee by either House. The offending provision of the conference report is section 106. It amends section 103 of Public Law 91-273 as amended, and imposes new requirements on the Clinch River breeder project. . . .

After several other Members were heard on the point of order, Mr. Carr sought recognition.

MR. [M. ROBERT] CARR [of Michigan]: Mr. Speaker, I desire to rise in support of the point of order.

THE SPEAKER: The Chair will hear the gentleman.

MR. CARR: Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks.

THE SPEAKER: The Chair will inform the gentleman that his request to revise and extend his remarks is not in order on a point-of-order discussion.

The gentleman from Michigan (Mr. Carr) will be heard.

9. Thomas P. O'Neill, Jr. (Mass.).

Sanctity of Argument on Point of Order**§ 7.22 The Chair will not entertain unanimous-consent requests by Members to “revise and extend” their arguments on points of order.**

Since it is essential that the Chair’s ruling on a point of order be responsive to the arguments actually made in support of the point of order, requests to revise and extend those remarks are not entertained. In the proceedings which are carried herein, the arguments on the point of order were complex and the Chair had to have the benefit of all the presentations to make his decision.⁽¹⁰⁾

MR. [DAN R.] COATS [of Indiana]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Coats: Page 36, after line 4, insert the following:

SEC. 11. INEFFECTIVENESS OF ACT IN CASE OF COMPENSATION BY, OR RETALIATION AGAINST, UNITED STATES AGRICULTURAL OR OTHER INDUSTRIES

Notwithstanding any other provision of law, neither the Secretary nor any other party shall take any action under this act if the implementation of any provision of this Act either—

(1) would violate the obligations of the United States under the General Agreement on Tariffs and Trade and

could therefore result in retaliation by another country; or

(2) would entitle any other country to compensation from the United States in the form of reduced restrictions on imports of agricultural, industrial or other products from other countries or to retaliation against the United States in the form of increased restrictions against exports of agricultural, industrial or other products from the United States.

Notwithstanding any other provision of this Act, the United States district court for the appropriate judicial district shall have jurisdiction to resolve disputes arising under this section.

MR. [JOHN D.] DINGELL [Jr., of Michigan]: Mr. Chairman, I reserve a point of order against the amendment. . . .

Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. Chairman, it is within the rules of the House and the interpretation of the rule of germaneness that the amendment must relate to the purposes of the legislation before the House.

I would observe that the purposes of the legislation before the House are to assure that automobiles will have a certain percentage of domestic content in automobiles which are sold inside the United States. The legislation before the House at this time deals with automobiles and the trade in automobiles inside the boundaries of the United States. The legislation before the House sets up no new causes of action.

There are provisions in the legislation which are essentially disclaimers. The Chair will note that on page 15, in

10. 129 CONG. REC. 30542, 30545–47, 98th Cong. 1st Sess., Nov. 2, 1983.

line 5, there is language which relates to disclaimers of an intention to violate GATT and which do not confer any new jurisdiction upon any court in the United States to consider or to resolve conflicts related to GATT or “to alter or amend any law existing on the date of enactment. . . .”

I would observe that the amendment is much more broad, and I would like the attention of the Chair with regard to a number of points.

First of all, in the last four lines of the amendment, the language is:

Notwithstanding any other provision of this Act, the United States district court for the appropriate judicial district shall have jurisdiction to resolve disputes arising under this section.

That is a very broad conferral of jurisdiction upon all of the Federal courts of the United States in their respective judicial districts to deal with disputes. That kind of an amendment would necessarily have either gone initially or sequentially to the Judiciary Committee because of the jurisdiction of that committee relative to disputes and causes of action. I would refer the Chair to the letter which relates to this matter as written by Chairman Rodino on judicial matters.

Mr. Chairman, there are some other points I would like to make concerning the scope and the sweep of this matter. First of all, the jurisdiction conferred upon U.S. district courts would be to determine whether the Secretary had carried out his responsibilities under lines 4 through 7 of the amendment, as to whether the Secretary or any other party had taken any other action under the act if the implementation of any provision of this act—and then it

goes on to say this—“would violate the obligations of the United States under the General Agreement on Tariffs and Trade. . . .”

So that question would be reviewable. The question would also be reviewable as to whether or not the action of the Secretary would result in retaliation by another country. I would observe that an amendment which is contingent upon some future indeterminate action is also violative of the rules on germaneness.

Beyond this, the question would be placed before the courts upon action by any citizen feeling aggrieved, under the last four lines, lines 19 through 22, as to whether any other country would be entitled to compensation from the United States in the form of reduced restrictions on imports of agricultural, industrial, or other products.

This section confers jurisdiction relative to actions which would be taken in other countries regarding a whole series of other commodities, agricultural, industrial, and whatever they might happen to otherwise be.

In addition to this, it says, “or other products from other countries or to retaliation against the United States in the form of increased restrictions. . . .”

So those matters would again be subject to judicial review and independent litigation by any person under the provisions of this amendment.

I would point out further that the amendment says, Mr. Chairman, that the Secretary may not take action to implement the law if it violates GATT. It also says, if it would entitle any other country to compensation from the United States.

Now, in Cannon's, VIII, 3029, it states that an amendment delaying operation of a proposed enactment pending an ascertainment of a fact is germane when the fact to be ascertained relates solely to the subject matter of the bill.

Here the condition to be ascertained, whether the act violates GATT or would entitle another country to compensation, is not germane.

There are general foreign policy questions and concerns that have to be addressed, as in the case of the prior amendment offered by the gentleman from Kansas (Mr. Glickman) and which caused that to be ruled out of order as not germane.

Mr. Chairman, the bill also creates a broad new jurisdiction in the U.S. district court, a form of judicial relief to determine if the act violates GATT. That is, of course, an entirely new provision relating to commodities, agricultural, industrial, or other, which is far more broad than that in the bill.

While this bill does allow the district court to enforce the bill, this is an entirely new form of review and confers a cause of action far more broad than any found anywhere else in the legislation.

Mr. Chairman, I would point out that this would confer broad jurisdiction on private persons to enter the courts of the United States. A provision of this sort would necessarily involve jurisdiction of the committee having jurisdiction over that matter, and that is, of course, the Judiciary Committee.

THE CHAIRMAN:⁽¹¹⁾ Does the gentleman from Indiana (Mr. Coats) wish to be heard on the point of order?

11. Leon E. Panetta (Calif.).

MR. COATS: Yes, I do, Mr. Chairman.

THE CHAIRMAN: The gentleman from Indiana (Mr. Coats) may proceed.

MR. COATS: Mr. Chairman, I ask unanimous consent that I may be permitted to revise and extend my remarks.

THE CHAIRMAN: The Chair will advise the gentleman that in presenting his remarks on the point of order, he cannot make a request to revise and extend.

MR. COATS: I will withdraw my unanimous consent to revise and extend my remarks, Mr. Chairman.

THE CHAIRMAN: The gentleman may proceed.

MR. COATS: Mr. Chairman, the committee report issued by the Committee on Energy and Commerce chaired by the gentleman from Michigan (Mr. Dingell) specifically states in section 2(c), which was an amendment to the bill adopted by the committee, that:

It is the intent of Congress that this act shall not be deemed to modify or amend the terms or conditions of any international treaty, convention, or agreement ***.

That alone expands the jurisdiction of the bill beyond specific auto content.

Second, we also adopted an amendment which directed the Secretary of Transportation and the Federal Trade Commission, in fact it mandated a study as to the impact on agriculture. That again expands the jurisdiction beyond what the gentleman claimed in his point of order, that it is auto-specific. It is broader than auto-specific because the bill itself as adopted by the committee contains a direction that a study be conducted of the impact on agriculture and that goes directly to

the heart of the amendment that I am offering.

In addition, let me just make a couple comments about the jurisdiction of the courts. In the Energy and Commerce Committee, the bill's proponents offered language which would in effect strip the U.S. courts of jurisdiction to hear disputes under the act. After lengthy debate on this issue, some of that language was withdrawn and the bill now purports to be neutral on jurisdiction.

This language in the amendment simply makes clear that as is the normal case in any other case, U.S. courts would have jurisdiction under this section to resolve disputes. These matters of conflict between U.S. international obligations and U.S. statutes should be decided by U.S. tribunals and not left solely to international machinery.

So I think it is clear that the amendment before us clearly fits within the bill that we are taking up, that the jurisdiction is broader than just an auto-specific content, as stated by the congressional findings, purpose, and disclaimer, section 2(c) and as stated in section 8(G) on page 33, which mandates a study as to the effect on agriculture by the Secretary of Transportation and the Federal Trade Commission.

For that reason, I urge the Chair to rule against the point of order.

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, may I be heard against the point of order?

THE CHAIRMAN: The gentleman from Minnesota is recognized.

MR. FRENZEL: Mr. Chairman, I am not going to repeat the arguments of the gentleman from Indiana that his

amendment is clearly germane to section 2(c) on page 15 of the bill, but I think the Chair's perusal of that section will verify that fact.

The point I would like to add in addition is that when the Chair ruled against the Glickman amendment, it took pains to specifically point out that the effect of the Glickman amendment or its effectuation would take place because of items external to the workings of the bill.

The Coats amendment, on the other hand, would be effectuated clearly by items that are covered by the bill and, therefore, it is, to use a pardonable phrase, "a horse of quite a different color."

THE CHAIRMAN: Is there any further argument with regard to the point of order?

The Chair recognizes the gentleman from Michigan (Mr. Dingell).

MR. DINGELL: Mr. Chairman, I would just observe that my good friend, the gentleman from Minnesota, has been reading the language of a disclaimer. Never, I believe, in the history of the House has a disclaimer been used to expand the jurisdiction or to expand the purposes or the scope of legislation for purposes of defining whether or not a matter is germane.

Now, if the Chair will refer to the report of the committee, the Chair will find that the disclaimer is constructed, and it says how the disclaimer is to be constructed, and the disclaimer says as follows:

The subsection also contains a disclaimer that the Act should not be construed to confer new jurisdiction on any Federal court to consider and resolve such conflicts. In short, it states that the Act is not to be con-

strued to confer jurisdiction where none presently exists. At the same time, it declares that the Act does not alter or amend any law existing on the date of enactment of this Act which may confer such jurisdictions on the courts.

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, may I be heard on the point of order?

THE CHAIRMAN: The gentleman from New York is recognized.

MR. OTTINGER: Mr. Chairman, under the General Agreement on Tariff and Trade, there is an elaborate procedure that is prescribed with respect to complaints under that act. There is no jurisdiction in the Federal courts at the present time that somebody can go in and seek to enforce the provisions of GATT in our courts.

What the bill says on page 15 is that nothing in this act shall be construed to confer jurisdiction.

Were we to have gone ahead and sought to confer jurisdiction, it clearly would have been beyond the jurisdiction of our committee. It would have had to go to the Judiciary Committee.

The disclaimer was put in to protect that at the express request of Chairman Rodino.

Therefore, since this amendment does seek to confer jurisdiction which presently is not there, and that is a matter not within the jurisdiction of the bill, I urge that the Chair sustain the point of order.

THE CHAIRMAN: Are there any further arguments with regard to the point of order?

If not, the Chair is prepared to rule.

First of all, the Chair would note that the bill before the House at the present time differs from the bill that

was before the House in the last session.

In the legislation that is currently before the House, the committee dealt with the issue of the relationship between this legislation and other law in section 2(c) which states:

It is the intent of Congress that this Act shall not be deemed to modify or amend the terms or conditions of any international treaty, convention, or agreement that may be applicable to automotive products entered for sale and distribution in interstate commerce and to which the United States, on the date of the enactment of this Act, is a party, including, but not limited to, the terms or conditions of any such treaty, convention, or agreement which provide for the resolution of conflicts between the parties thereto. Nothing in this Act shall be construed (1) to confer jurisdiction upon any court of the United States to consider and resolve such conflicts, or (2) to alter or amend any law existing on the date of enactment of this Act which may confer such jurisdiction in such courts.

Section 2(c) therefore addresses the issue of interpretation of the bill as it applies to treaties, conventions, and other agreements applicable to automotive products.

The amendment that has been offered by the gentleman from Indiana deals specifically with the actions of the Secretary in the implementation of provisions that may relate to treaties, specifically the General Agreement on Tariffs and Trade.

It would appear, therefore, that the amendment does relate to subject matter that has already been introduced in the bill by virtue of section 2(c).

With regard to the court jurisdiction argument, that issue is addressed within the bill, specifically on page 30, relating to appropriate judicial circuits for judicial review and other provisions that relate to the jurisdiction of Federal courts. So the Chair feels that the issue of court jurisdiction has, in fact, been presented within the legislation.

With regard to the disclaimer argument, it is the position of the Chair that if the provision in the bill was merely a narrow and technical disclaimer, then the argument of the gentleman from Michigan might prevail; but since it can be read as an overall provision that relates to the broad interpretation of the bill as it applies to trade agreements, and since the test the Chair must apply is the relationship of the amendment to the bill as a whole, it is the position of the Chair that the point of order should not be sustained.

Is there any further discussion with regard to the amendment?

Chair's Right To Clarify Ruling in Record

§ 7.23 The Chair formerly exercised the right under the precedents and applicable standards regarding "accuracy in the Record" to refine his ruling on a point of order in the Record to clarify, but not to change the substance of, the ruling.

On Feb. 19, 1992,⁽¹²⁾ Mr. Robert S. Walker, of Pennsylvania, who

12. 138 CONG. REC. 2461, 102d Cong. 2d Sess.

had debated the Chair at length following his ruling of Feb. 5, again raised the issue. Comparing the audio transcripts of the Chair's ruling with what appeared in the Record on the Feb. 5 proceedings, Mr. Walker determined that a change had been made. The Chair had in the ruling used the word "because" as a conjunction between two independent clauses. He had stated that House Resolution 258 came within the exception in clause 5(c), Rule XI. The change made in the transcript was as follows: "It is the ruling of the Chair at this time that the task force comes under that exception because the task force is a subunit of the Committee on Foreign Affairs and not a separate entity. In the revisions, the Chair replaced "because" with a comma and made the two clauses independent.

The Chair's exchange with Mr. Walker is carried in full.

PARLIAMENTARY INQUIRY

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹³⁾ The gentleman will state his parliamentary inquiry.

MR. WALKER: Mr. Speaker, if a Member has reason to believe that the Chair has made an inaccurate ruling, and if, further, that Member has rea-

13. Michael R. McNulty (N.Y.).

son to believe that that inaccurate ruling was further made problematic by the addition of words to the Record spoken by the Chair or the deletion of words in the Record spoken by the Chair, what is the recourse of action available to the Member to bring about the appropriate correction?

THE SPEAKER PRO TEMPORE: Would the Member discuss the nature of the concern with the Chair so that he can further understand the concern?

MR. WALKER: I will be glad to, Mr. Speaker. On Wednesday, February 5, the Chair was asked to rule on the matter of the rule on the task force concerning the holding of hostages by Iran in 1980.

At that time, this Member suggested that the Chair had ruled inaccurately by suggesting that this matter did not apply, because we were dealing with a subunit of the Committee on Foreign Affairs.

When I go back and find the Record, I discover that that is precisely what the Chair ruled. I at that point challenged the ruling of the Chair. We had a vote. The Chair was upheld despite the fact that the ruling is inaccurate.

Later on, in raising questions about that, the Chair then made a number of statements to clarify its position. When I put the Record of the House, the written Record of the House, against the tapes of that day, I find that words were added to the Chair's message. I also find that things were deleted from what the Chair actually said in the course of clarifying its decision. . . .

I would now like to figure out how it is we can go about correcting both the ruling of the Chair and the fact that the Record has been changed with regard to the words of the Chair.

THE SPEAKER PRO TEMPORE: The Chair would remind the gentleman from Pennsylvania that the ruling of the Chair that day was sustained by a vote, and that the Chair subsequently has the right to clarify his ruling. . . .

And it did not change the thrust of the ruling.

MR. WALKER: In clarifying its ruling, does not the Chair have an obligation to the House to accurately reflect his ruling in the presentation to the House and not then modify that statement later on by both adding words and deleting words from the Chair's statement as the official Record appears? . . .

Well, if that is the case, then why does the permanent Record of the House as reflected on the videotape differ with the Record reflected in the printed Record of the House?

THE SPEAKER PRO TEMPORE: Because the gentleman was attempting to clarify his ruling as a result of the inquiry from the gentleman from Pennsylvania.

MR. WALKER: So a further parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Even in matters then where precedent is being set, we can have the person who occupies the Chair modify their words in the Record and thereby change, in my opinion, the intent of the ruling.

THE SPEAKER PRO TEMPORE: Without changing the ruling, the Chair may do that.

MR. WALKER: A further parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Is it not true that Members are not granted that right, so therefore that is a special right that has now been created for the Chair.

THE SPEAKER PRO TEMPORE: Members have the right to revise and extend their remarks continuously.

MR. WALKER: A further parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Under recent rulings, Members have been admonished very clearly that they are not to change in any way the substantive value of what they say in those revisions and extensions. In my opinion, the Chair has done that here.

THE SPEAKER PRO TEMPORE: To the best of the knowledge of the Chair, the person who was in the Chair on that day did not change the substance of his ruling.

§ 7.24 The Speaker announced that consistent with clause 9 of Rule XIV, adopted in the 104th Congress, statements and rulings of the Chair appearing in the Record would be a substantially verbatim account of those words as spoken during the proceedings of the House, subject only to technical, grammatical, and typographical corrections.

The Speaker made the following announcement on Jan. 20, 1995:⁽¹⁴⁾

14. 141 CONG. REC. p. _____, 104th Cong. 1st Sess.

THE SPEAKER:⁽¹⁵⁾ The Chair announces that consistent with clause 9 of rule XIV, statements and rulings of the Chair appearing in the Record will be a substantially verbatim account of those words as spoken during the proceedings of the House, subject only to technical, grammatical, and typographical corrections.

Without objection, the permanent Record of January 18 at pages 301 and 303 will reflect this policy.

There was no objection.

This announcement was precipitated by a point of order raised under clause 9 of Rule XIV on Jan. 19, 1995,⁽¹⁶⁾ against modifications made in certain statements by the Chair. The point of order and inquiries on that earlier day are carried here.

POINT OF ORDER

MR. [BARNEY] FRANK of Massachusetts: Mr. Speaker, I make a point of order.

THE SPEAKER PRO TEMPORE:⁽¹⁷⁾ The gentleman from Massachusetts is recognized.

MR. FRANK of Massachusetts: Mr. Speaker, at the beginning of this session, the House adopted a new rule which says the *Congressional Record* shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

15. Newt Gingrich (Ga.).

16. 141 CONG. REC. p. _____, 104th Cong. 1st Sess.

17. David Dreier (Calif.).

In the *Congressional Record* that we received this morning, reflecting yesterday's proceedings, at page H301 in the transcript of the remarks of the Speaker pro tempore, the gentleman from Florida, there are two changes that were made between what he, in fact, said and what is in the Record.

The first change is as follows:

He said yesterday with regard to the statements of the gentlewoman from Florida about the book of the Speaker, "It is the Speaker's opinion that innuendo and personal references to the Speaker's conduct are not in order."

That has been altered and that does not appear verbatim in the *Congressional Record*. Instead, it says, "It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order."

Additionally, later on in response to a parliamentary inquiry from the gentleman from Missouri, the Speaker pro tempore said, as I recollect it, "it has been the Chair's ruling, and the precedents of the House support this, a higher level of respect is due to the Speaker."

In the *Congressional Record* that has been changed to "a proper level of respect."

Now, I do not believe that changing "personal" to "critical" and "proper" to "higher" is either technical, grammatical, or typographical. Both make quite substantive changes. Indeed, Mr. Speaker, it seems to me that by the standard that the Speaker yesterday uttered, the gentlewoman from Florida was judged, but if you take today's standard of revised, illegitimately revised version that is in the Record, there would be no objection to what the gentlewoman from Florida said.

THE SPEAKER PRO TEMPORE: The Chair might respond to the gentleman.

The Chair would recite from the manual that in accordance with existing accepted practices, the Speaker may make such technical or parliamentary insertions, or corrections in transcript as may be necessary to conform to rule, custom, or precedent. The Chair does not believe that any revision changed the meaning of the ruling.

The Chair would under the circumstances inform the House on behalf of the Parliamentarian that the new rule is as it might apply to the role of the Chair will be examined.

PARLIAMENTARY INQUIRIES

MR. FRANK of Massachusetts: Mr. Speaker, I am puzzled, and I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts is recognized.

MR. FRANK of Massachusetts: The Speaker cited previous references to the House rules and manual. That predates the rules change adopted this year. This is not simply a case of making a technical change in a ruling. We are talking also about substantive changes in the debate in the House.

THE SPEAKER PRO TEMPORE: The Chair has made it very clear, the Chair would say to the gentleman.

MR. FRANK of Massachusetts: No, the Chair has not.

THE SPEAKER PRO TEMPORE: The Chair has made it clear that the Parliamentarian plans to examine this issue.

MR. FRANK of Massachusetts: Mr. Speaker, I have a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts is recognized.

MR. FRANK of Massachusetts: In the first instance, I thought the Speaker was the responsible ruler in this situation, while the Parliamentarian advised him.

THE SPEAKER PRO TEMPORE: The gentleman is correct.

§ 8. Burden of Proof on Points of Order

When a point of order is stated on the floor, the Speaker or the Chairman of the Committee of the Whole has the obligation under the rules⁽¹⁸⁾ to decide the question presented.

He may be guided in making the decision by argument on the point of order, which is for the Chair's information. In deciding questions of order, the Chair is constrained to give precedent its proper respect, for one of the duties of the Chair is to preserve and enforce the authority of parliamentary law.⁽¹⁹⁾

Under the precedents interpreting various rules which create or permit a point of order, certain precepts about which party to a dispute has the burden of proof have been established.⁽²⁰⁾ When a

18. See *House Rules and Manual* (1997) Rule I clause 4 §§ 624 and 627; and Rule XXIII clause 1a § 861b.

19. See Rule I clause 4, *House Rules and Manual* § 627 (1997).

20. See, for example, Rule XVI clause 7, *House Rules and Manual* § 794 (1997); see also § 8.15, *infra*.

point of order is directed at the germaneness of an amendment, for example, the burden is on the proponent of the amendment to show its relationship to the pending text.⁽¹⁾ On a general appropriation bill, the burden of proof that an appropriation carried in the bill has proper authorization in law falls on the committee.⁽²⁾ The proponent of an amendment carrying an appropriation has the burden of showing authorization.⁽³⁾ Similarly, where an amendment is offered and supported as a "limitation" on funds, it is for the proponent of the amendment to show that it does not change existing law.⁽⁴⁾ On the other hand, a Member challenging an amendment under Rule XXI clause 5(b),⁽⁵⁾ as a "tax measure" must show the inevitability of tax consequences to support his contention that the cited rule has been violated.⁽⁶⁾

Under some parts of the Congressional Budget Act, the Chair is guided in making a decision by

1. See 8 Cannon's Precedents § 2995; and § 8.1, *infra*.

2. See § 8.4, *infra*.

3. See § 8.11, *infra*.

4. See Rule XXI clause 2(f), *House Rules and Manual* § 835 (1997); and see §§ 8.4, 8.5, and 8.7, *infra*.

5. See *House Rules and Manual* § 846b (1997).

6. See § 8.15, *infra*.