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the Whole of the Departments of State, Justice, Commerce, and the Judiciary appropriation bill, a point of order was sustained against the following amendment:

MR. [ELDON J.] RUDD [of Arizona]: Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment relates is as follows:)

Sec. 104. It is the sense of the Congress that any new Panama Canal treaty or agreement must protect the vital interests of the United States in the Canal Zone and in the operation, maintenance, property and defense of the Panama Canal.

The Clerk read as follows:

Amendment offered by Mr. Rudd: Page 14, delete lines 1 through 5 and insert in lieu thereof:

Sec. 104. It is the sense of the Congress that any new Panama Canal treaty or agreement must not abrogate or vitiate the traditional interpretation of the treaties of 1903, 1936, and 1955, with special reference to matters concerning territorial sovereignty. . . .

MR. [JOHN M.] SLACK [of West Virginia]: Mr. Chairman, I make a point of order reluctantly, because the amendment deals with matters not addressed in the bill and is clearly legislation on an appropriation bill. . . .

MR. RUDD: . . . This is simply a clarification to section 104. We have heard many statements here this afternoon and this morning regarding the desire by many of our distinguished colleagues here, and I think that they are in favor of retaining the Panama Canal. All this does is to clarify this language, put it in proper perspective, so that there will be no question about the retention of the Panama Canal.

THE CHAIRMAN:[19] The Chair is prepared to rule.

The gentleman from Arizona (Mr. Rudd) offered an amendment to section 104, which is a sense of the Congress section.

The amendment offered by the gentleman from Arizona (Mr. Rudd) would change the sense of the Congress legislation permitted to remain in the bill and would clearly alter it. The gentleman's amendment would be further legislation on an appropriation bill and subject to a point of order. The Chair must sustain the point of order made by the gentleman from West Virginia (Mr. Slack).

42. District of Columbia

Office of Corporation Counsel; Salary Rates Fixed by Commissioner

§ 42.1 A paragraph in a general appropriation bill for the District of Columbia permitting the use of funds in the bill by the Office of the Corporation Counsel to retain professional experts at rates fixed by the commissioner was conceded to be legislation and was ruled out in violation of Rule XXI clause 2.

On June 18, 1973,[20] during consideration in the Committee of

19. Walter Flowers (Ala.).

20. 119 CONG. REC. 20068, 93d Cong. 1st Sess.

the Whole of the District of Columbia appropriation bill (H.R. 8685), the following point of order was raised:

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I make a point of order against the language to be found on page 11, lines 5 through 10, as not being a limitation upon an appropriation bill, and not authorized.

The portion of the bill to which the point of order relates is as follows:

> Sec. 5. Appropriations in this Act shall be available for services as authorized by 5 U.S.C. 3109 and shall be available to the Office of the Corporation Counsel to retain the services of consultants including physicians, diagnosticians, therapists, engineers, and meteorologists at rates to be fixed by the Commissioner.

THE CHAIRMAN:[1] Does the gentleman from Kentucky desire to be heard on the point of order raised by the gentleman from Iowa (Mr. Gross)?

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, I should like to say to the members of the Committee that this is a new provision that is carried in the bill at this time. This was sent up from downtown. We at this time, Mr. Chairman, concede the point of order.

THE CHAIRMAN: The point of order is sustained.

Mandating Equal Expenditure for all Races

§ 42.2 A proposed amendment to the District of Columbia appropriation bill providing that "whenever . . . it is proposed to expend any sum for any thing or service from the benefit of which members of any race are excluded an equal sum shall be expended . . . for the benefit . . . of the race so excluded" was held to be legislation on an appropriation bill and therefore not in order.

On Apr. 5, 1946,[2] the Committee of the Whole was considering H.R. 5990, a District of Columbia appropriation bill. At one point the Clerk read as follows, and proceedings ensued as indicated below:

Amendment offered by Mr. [Clare E.] Hoffman [of Michigan]: On page 55, after line 5, insert a new section as follows:

"3. Whenever under this bill it is proposed to expend any sum for any thing or service from the benefit of which members of any race are excluded, an equal sum shall be expended for things and services for the benefit of the members of the race so excluded and in proportion to the percent of the population the members of the excluded race bear to the whole population of the municipality where the proposed expenditure is to be made."

MR. [JOHN M.] COFFEE [of Washington]: Mr. Chairman, I renew the point of order. I make the point of

1. Dante B. Fascell (Fla.).

2. 92 CONG. REC. 3222, 3232, 79th Cong. 2d Sess.

order the amendment is legislation on an appropriation bill requiring affirmative action by District officials.

THE CHAIRMAN:[3] The Chair is ready to rule. . . .

The bill now being considered contains no provision for equal appropriations and there is no authorization to make equal appropriations.

The Chair therefore feels that it is very clearly legislation, and sustains the point of order.

Conferring Discretionary Method of Expenditure

§ 42.3 Language in a general appropriation bill making funds available for the District of Columbia Civil War Centennial Commission for expenses "by contract or otherwise, as determined by the Commissioners" was held to be legislation and not in order.

On June 23, 1960,[4] during consideration in the Committee of the Whole of a supplemental appropriation bill (H.R. 12740), a point of order was raised against the following provision:

DISTRICT OF COLUMBIA FUNDS

Operating Expenses

Executive Office

For an additional amount for "Executive Office", including expenses of the District of Columbia Civil War Centennial Commission and the National Capital Downtown Committee, Incorporated, by contract or otherwise, as may be determined by the Commissioners, $47,700.

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

THE CHAIRMAN:[5] The gentleman will state it.

MR. GROSS: Mr. Chairman, I make a point of order against the language appearing on page 3, beginning with line 14 through line 21, as being legislation on an appropriation bill, with particular reference to the language in line 20 which reads as follows: "by contract or otherwise, as may be determined by the Commissioners."

THE CHAIRMAN: Does the gentleman from Texas (Mr. Thomas) care to be heard on the point of order?

MR. [ALBERT] THOMAS: Mr. Chairman, this is in the normal course of their duties, and I doubt if the point of order is good.

THE CHAIRMAN: The Chair is prepared to rule.

After examining the language referred to by the gentleman from Iowa, it appears to the Chair that it is legislation on an appropriation bill, subject to a point of order; therefore, the Chair sustains the point of order.

Setting Maximum Hospital Rates for Treatment of Indigent Patients

§ 42.4 Language in a general appropriation bill author-

3. Francis E. Walter (Pa.).
4. 106 CONG. REC. 14086, 86th Cong. 2d Sess.
5. Aime J. Forand (R.I.).

izing the treatment of indigent patients in hospitals in the District of Columbia, and setting maximum rates to be charged for such treatment, was conceded to be legislation and ruled out on a point of order.

On June 26, 1962,[6] during consideration in the Committee of the Whole of the District of Columbia appropriation bill (H.R. 12276), the following point of order was raised:

MR. [H. R.] Gross [of Iowa]: Mr. Chairman, I make a point of order against the following language beginning in line 24 on page 6, and ending in line 2 on page 7: "and for care and treatment of indigent patients in institutions, including those under sectarian control, under contracts to be made by the Director of Public health;".

And the following language beginning in line 2 of page 7 and ending in line 9 of page 7:

Provided, That the outpatient rate under such contracts and for services rendered by Freedmen's Hospital shall not exceed $5 per visit and the inpatient rate shall not exceed rates established by the Commissioners based on audited costs, and such contract rates and rates for services rendered by Freedmen's Hospital shall not exceed comparable costs at the District of Columbia General Hospital.

Leaving in on line 2 of page 7 the dollar sign and figures: "$66,528,000:".

Mr. Chairman, I make the point of order that the language I seek to have stricken is legislation on an appropriation bill. . .

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, I have discussed this matter with my distinguished colleague, the ranking minority member [Mr. Rhodes]. As pointed out to the Committee a few moments ago, this is a feature that has been carried in the District of Columbia appropriation bill for a great number of years; a provision that the members of the subcommittee do not favor. I believe, also, that this matter can be worked out after the bill goes to the other body, and in the conference report we can work out a provision that will not only meet with the approval of the committee but also, I think, with that of the distinguished gentleman from Iowa.

We concede the point of order.

THE CHAIRMAN:[7] The point of order is conceded.

Granting Commissioners Authority to Supervise, Control, and Operate Building in District of Columbia

§ 42.5 Language in the District of Columbia appropriation bill placing under the commissioners the supervision, control, and operation of the Police Court Building was held to be legislation on an appropriation bill.

6. 108 CONG. REC. 11731, 11732, 87th Cong. 2d Sess.

7. Charles M. Price (Ill.).

On Apr. 2, 1937,[8] during consideration in the Committee of the Whole of the District of Columbia appropriation bill, a point of order was raised against the following provision:

For completing construction of a building in Judiciary Square to house the Police Court of the District of Columbia, including furniture and equipment, and inspection, $450,000, and the supervision, control, and operation of said building shall be under the Commissioners of the District of Columbia, who are authorized to assign surplus space in said building to other activities of the municipal government.

MR. [JACK] NICHOLS [of Oklahoma]: Mr. Chairman, I make a point of order against that portion of the last paragraph on page 49 beginning after the word "control", in line 20, which reads, "and operation of said building shall be under the Commissioners of the District of Columbia, who are authorized to assign surplus space in said building to other activities of the municipal government" for the reason it is legislation and changes the provisions of existing law.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Chairman, will the gentleman yield?

MR. NICHOLS: I yield to the gentleman from Massachusetts.

MR. MCCORMACK: Why does not the gentleman include in his point of order the words "and the supervision, control, and operation", beginning on line 20? In other words, all after the figure "$450,000."

MR. NICHOLS: Mr. Chairman, I thank the gentleman for the observation. I modify my point of order to include the language beginning in line 20 referred to by the gentleman from Massachusetts.

THE CHAIRMAN:[9] Does the gentleman from Mississippi desire to be heard on the point of order?

MR. [ROSS A.] COLLINS [of Mississippi]: No, Mr. Chairman. I do not know what we are going to do with the available space there, but it is, perhaps, all right.

MR. NICHOLS: May I state to the gentleman the custodians of the particular buildings will assign the space in the orderly manner as they have always done.

THE CHAIRMAN: Patently, the language referred to is legislation on an appropriation bill. Therefore, the Chair sustains the point of order.

Explicit Change in Lawful Policy; Restrictions on Newspaper Advertisements

§ 42.6 Language in the District of Columbia appropriation bill providing that an appropriation shall not be available for costs of advertisements in newspapers published outside the District of Columbia "notwithstanding the requirement for such advertising provided by existing law" was held not in order on a general appropriation bill.

8. 81 CONG. REC. 3109, 75th Cong. 1st Sess.

9. Jere Cooper (Tenn.).

On Apr. 2, 1937,[10] during consideration in the Committee of the Whole of the District of Columbia appropriation bill, a point of order was raised against the following provision:

The Clerk read as follows:

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, $7,000: Provided, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law.

MR. [VINCENT L.] PALMISANO [of Maryland]: Mr. Chairman, I make the point of order to the proviso beginning on line 11, page 13:

Provided, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law.

I make the point of order that is legislation on an appropriation bill.

MR. [ROSS A.] COLLINS [of Mississippi]: Mr. Chairman, the law provides that all purchases over $1,000 shall be advertised in newspapers outside the District of Columbia. The purpose of this amendment is to save the District a little money, and if the gentleman from Maryland does not want to do that, it suits me.

MR. PALMISANO: Mr. Chairman, it is not that the gentleman from Maryland does not want to save the District any money. This is a question of whether or not we are going to permit the Committee on Appropriations to come in here and change laws that are now on the statute books. If we are going to permit that in the case of the District of Columbia, we might as well wipe out all legislative committees in this House. That is the question involved.

THE CHAIRMAN:[11] The Chair inquires of the gentleman from Maryland whether his point of order is made to the proviso, beginning on line 11 and extending through line 14?

MR. PALMISANO: It is.

THE CHAIRMAN: The Chair is prepared to rule. The Chair is of opinion that especially the last part of the proviso, beginning with the word "notwithstanding" clearly waives the provisions of existing law, and therefore changes existing law and would be legislation on a general appropriation bill, which is prohibited by the rules of the House. The Chair, therefore, sustains the point of order.

§ 43. Federal Employment

Conditions of Employment—Restricting Employment to Citizens

§ 43.1 Provisions in a section of a general appropriation bill denying the use of funds to pay federal employees in a certain category, declaring in part that an affidavit

10. 81 CONG. REC. 3105, 3106, 75th Cong. 1st Sess.

11. Jere Cooper (Tenn.).