

Mr. BONIOR moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendments:

The amendment made by subsection (a) shall only apply during periods when the minimum wage under section 6(a)(1) of the Fair Labor Standards Act is not less than \$4.70 an hour during the year beginning on July 4, 1996 and not less than \$5.15 an hour after July 3, 1997.

Pending consideration of said motion,

#### ¶37.10 POINT OF ORDER

Mr. ARCHER made a point of order that the motion to recommit was not germane, and said:

"Mr. Speaker, I make, actually, two points of order: a point of order that the motion to recommit with instructions is not germane to the bill; and, second, that the motion to recommit with instructions constitutes an unfunded intergovernmental mandate under section 425 of the Congressional Budget Act."

Mr. BONIOR was recognized to speak to the point of order, and said:

"Mr. Speaker, this bill is very broad in its scope. This bill provides that the President be given a line-item veto authority. This bill provides for an increase in the amount Social Security recipients could earn before their Social Security benefits are reduced. Third, it allows small businesses to seek judicial review of regulations.

"Mr. Speaker, this bill has to do with taxpayers. There is nothing more important to taxpayers and citizens in this country than to be able to have revenues in their pockets. What we are offering and what we are suggesting under this motion to recommit is that we be given the chance to vote on the increase in the minimum wage, which has not been raised for the past 5 years. The minimum wage is a very important part of a variety of laws in this country that deal with ability of people to make ends meet.

"The third piece of this bill that was added in the Committee on Rules allows small business to seek judicial review of regulations. In that sense, Mr. Speaker, it seems to me that those people who are affiliated with small business on the employment side ought to have redress to getting a decent wage in this country. You cannot live and raise a family on \$9,000 a year or less.

"Let me just add another point to my argument, Mr. Speaker, subtitle C of the bill requires that the Department of Labor certify whether any of its rules, including rules governing the minimum wage, where a small business could go to court seeking a stay of the Department of Labor's rules governing the minimum wage.

"It seems to me that, because of the addition of that subsection and the broadening of the bill, the minimum wage indeed is in order as a discussion point in a motion to recommit.

"I would further add, Mr. Speaker, that my recommittal motion is logi-

cally relevant to the bill and establishes a condition that is logically relevant to subtitle C. Under the House precedent, my motion, I think, meets this test. If we are meeting the test for seniors, it seems to me we ought to be meeting the test for those women, primarily, millions of them raising kids on their own making less than \$8,000 a year. They ought to be given the chance to have this debated and voted on by the House of Representatives.

"I have difficulty not talking emotionally about this issue because of what I see in the country. But I will confine my remarks to subsection C of the bill that requires that the Department of Labor certify. And I would tell my friend from Texas, the Department of Labor has to certify whether any of its rules, including rules governing the minimum wage. And that, it seems to me, is the direct connection in this bill with the needs of working people in this country who are working for minimum wage and deserve to have the opportunity to have that wage increase."

Mr. ARCHER was recognized to speak to the point of order, and said:

"Mr. Speaker, I make a point of order that the motion to recommit with instructions is not germane to the bill.

"Mr. Speaker, the motion to recommit is not germane because it seeks to introduce material within the jurisdiction of a Committee that is not dealt with in the bill. That is, the subject of the amendment, the Minimum Wage, falls within the jurisdiction of the Committee on Economic and Educational Opportunities, while the subject matter of the bill falls only within the jurisdiction of the Committees on Ways and Means, Budget, Rules, Judiciary, Small Business, and Government Reform and Oversight.

"In addition, the motion to recommit seeks to amend the Fair Labor Standards Act, which is not amended by the bill.

"Finally, there is the gentleman's argument about rulemaking. The rulemaking authority under this bill is general and not agency specific. Therefore, the motion to recommit is not germane to the bill, and it should be ruled out of order on that basis."

Mr. ENGEL was recognized to speak to the point of order, and said:

"Mr. Speaker, it would seem to me, if we are debating this bill on raising the debt ceiling limit, that something to do with the minimum wage is about as germane to the debt ceiling limit lifting as the line-item veto is and as allowing seniors to make more money for Social Security purposes. I cannot see why one would not be germane and why these other things are germane. In fact, we should have a clean lifting of the debt ceiling and then we would not have to worry about germaneness after all.

"So it would seem to me that we cannot on the one hand attach all kinds of extraneous things to the lifting of the debt ceiling and then on the other hand claim that the minimum wage is not at

least as relevant to the lifting of the debt ceiling as the line-item veto and senior citizens are. I just do not think it is fair if we are going to talk about playing by fair rules. I think we ought to be fair. While they may want to stifle free speech on the other side of the aisle, I think we have a right to ask for equity here."

The SPEAKER pro tempore, Mr. HASTINGS of Washington, overruled the point of order, and said:

"The Chair is prepared to rule on the point of order raised by the gentleman from Texas on germaneness. The gentleman from Texas makes a point of order that the amendment proposed in the motion to recommit offered by the gentleman from Michigan is not germane to the bill. The test of germaneness in the case of a motion to recommit with instructions is a relationship of those instructions to the bill as a whole.

"The pending bill permanently increases the debt limit. It also comprehensively addresses several other unrelated programs, specifically, the Senior Citizens' Right to Work Act, which amends the Social Security Act, the Line-Item Veto Act, which amends the Congressional Budget and Impoundment Control Act, and the Small Business Growth and Fairness Act of 1996, which amends the Regulatory Flexibility Act and the Small Business Act, and it establishes congressional review of agency rulemaking.

"The motion does not amend the Fair Labor Standards Act. The motion does not directly amend the laws that go directly to the jurisdiction of the Committee on Economic and Educational Opportunities.

"The Chair would cite page 600 of the Manual the following: 'An amendment that conditions the availability of funds covered by a bill by adopting as a measure of their availability the monthly increases in the debt limit may be germane so long as the amendment does not directly affect other provisions of law or impose unrelated contingencies.'

"Therefore, the Chair rules that this motion is germane and overrules that point of order."

#### ¶37.11 POINT OF ORDER

Mr. ARCHER made a point of order against the motion to recommit as violating section 425 of the Congressional Budget Act, and said:

"Mr. Speaker, I make a point of order that the motion to recommit with instructions constitutes an unfunded intergovernmental mandate under section 425 of the Congressional Budget Act. Section 425 prohibits consideration of a measure containing unfunded intergovernmental mandates whose total unfunded direct cost exceeds \$50 million annually. The precise language in question is the text of the instruction that amends the Fair Labor Standards Act to increase the minimum wage.

"According to the Congressional Budget Office, an increase in the min-