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made ("allowable expenses") would be established by the Formulary Committee and approved by the Secretary. The Formulary Committee, which would be assisted by a 7-member Advisory Group appointed by the Secretary, is directed to publish and disseminate at least once a year a list of all qualified drugs and the allowable expenses of various quantities of each. This portion of the Senate amendment would become effective on January 1, 1968, or, if earlier, whenever the monthly premium rate under the Supplementary Medical Insurance program is increased (under section 1839(b) of the Act) above its present level of $3.

Under the conference action, the portion of the Senate amendment relating to coverage of drugs and biologicals under the Supplementary Medical Insurance program is omitted.

Percentage depletion rate for clay and shale used in making sewer pipe

The Senate amendment (in proposed section 404) contained provisions relating to the percentage depletion allowance for clay and shale used or sold for use in the manufacture of sewer pipe and brick. The conference action with respect to this provision is explained under title II under the heading "percentage depletion rate for certain clay, shale, and slate".

Preservation from reduction of certain widows' benefits under title II of the Social Security Act

The Senate amendment (in proposed section 405) amends the "family maximum" provisions in title II of the Social Security Act to provide that a widow's insurance benefits will not be reduced on account of any child's insurance benefits which may be payable to a child of an insured individual who died before 1966, if such child is not the widow's child and would not have been considered to be the insured individual's child under the applicable provisions of section 216(h) of the Act (relating to determination of family status) before that section was amended in 1965 to permit certain sons and daughters of insured individuals to qualify as "children" for benefit purposes although not so qualified under State law. This portion of the Senate amendment would apply only to monthly benefits for months after the month of enactment.

Under the conference action, the portion of the Senate amendment relating to these widow's insurance benefits is omitted.

W. D. MILLS,
CECIL R. KING,
HALE BOGGS,
EUGENE J. KEOGH,
JOHN W. BYRNES,
JAMES B. UTT,
Managers on the Part of the House.

[*October 20, 1966*]

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FOREIGN INVESTORS TAX ACT OF 1966

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 13103) to amend the Internal Revenue Code of 1954 to provide equitable tax treatment for foreign investment in the United States, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. SMITH of Virginia. Mr. Speaker, I desire to make a point of order against title III of the conference report.

The SPEAKER. The gentleman will state his point of order.

Mr. SMITH of Virginia. Mr. Speaker, this point of order is directed at title III of the conference report. That title is the one that provides for the contribution of $1 apiece from any taxpayer who wishes to do so, to be used as a fund to be divided between the political parties in Presidential elections. The title itself has never been before the House. This is a Senate amendment to the bill that the gentleman from Arkansas has just called up. It is not germane to that bill itself and comes under the prohibition of rule XX of the rules of the House.

And, Mr. Speaker, I shall read the part that is relevant to the point of order:

> Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union, if originating in the House, it would be subject to that point.

Mr. Speaker, the point of the rule is not applicable to this situation, but the rule is there for the purpose of seeing that the House of Representatives has an opportunity to at least consider and debate any legislation that it has never had an opportunity to consider before.

Mr. Speaker, in this case, and in some others that we could mention, we are confronted very often with amendments such as this which have been put onto a House bill in the Senate and sent to conference and accepted by the House and Senate conferees, and the House has never had an opportunity to even read it.

Mr. Speaker, this conference report, I believe, was just printed, probably last night.

Did the gentleman from Arkansas have until midnight last night to file the conference report?

Mr. MILLS. If the gentleman from Virginia will yield, I believe the gentleman from Virginia is correct; yes.

Mr. SMITH of Virginia. Until midnight last night, this conference report was not filed in the House. It was not available from the printer's office until early here this morning, probably later than 7 o'clock. The House of Representatives, under the unanimous-consent agreement, met at 10 o'clock this morning. Now, obviously, that is something that the House has never had an opportunity to consider or to even read, or to know anything about it, except what the Members of the House had seen in the newspapers or other than through