
Defense Report

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Legislation by Amendment—The Wrong Way to Get the Job Done

There is a right way to get a piece of legislation through Congress, and there is a wrong way. The right way involves hearings before a knowledgeable committee, testimony from expert witnesses and an opportunity for those who support or oppose the bill to state their cases.

But some members of Congress, more interested in furthering special interests than in contributing to the general welfare, use the wrong way. They avoid proper legislative scrutiny by introducing amendments to big, complicated bills while they are being debated before the full House or Senate and after the basic legislation has been discussed and reported by the cognizant committees.

This was the case when Rep. Patricia Schroeder (D-Colo.) successfully introduced an amendment to the 1983 defense authorization bill that would permit state judges to award a divorced spouse a portion of a military retiree's pay. To do this Rep. Schroeder had to circumvent the House rule that says amendments must be "germane" or related to the legislation being discussed. There could be no witnesses called to contest her proposals. No committee had reported it; yet this nongermane amendment was passed along with the rest of the authorization bill.

The same bill also was victimized by emotional arguments against the production of "binary" chemical weapons for the U.S. chemical retaliatory stockpile, again with no hearings and no witnesses. Other members of the House, interested more in a token reduction in defense spending than in knowing the impact of that reduction, successfully introduced an amendment to cut the dollar amount of the authorization bill by a flat one percent.

In each of these instances the full democratic process was short-circuited by legislators with personal axes to grind. The military retirees, whose income will be affected by Rep. Schroeder's amendment, had no chance to make a case against it. There was no opportunity for a full-ranging discussion of the chemical warfare requirement or of the impact of the one-percent cut. The voting, tax-paying public was deprived of a full measure of democracy.