

economics and military assistance to Greece for the fiscal year 1976.

The language of the gentleman's amendment is similar to paragraph (B).

Now, as to the germaneness of the amendment to the text of section 2 of the bill the principal purposes of that section are stated in paragraphs 1 through 6 on page 5 of the committee report, and they are fairly diverse in scope to the extent that they all have as their primary purpose continuation of our NATO relationship with Turkey and Greece. Viewed in that context, and in the context of section 2, the Chair feels that the amendment of the gentleman from New York adds a further requirement of negotiations to that already contained in section 2, which does not go beyond the purposes outlined in the bill.

Therefore, the Chair overrules the point of order and holds that the amendment is germane to section 2.

### § 11. Amendment Adding to Two or More Propositions of Same Class

A proposition concerning a number of subjects may be amended by the addition of another subject of the same class. An early example of this principle can be found in Cannon's Precedents<sup>(2)</sup> where to a bill admitting several Territories into the Union, an amendment adding another Territory was held germane. Similarly,

2. See 5 Cannon's Precedents §5838.

where a bill covers two or more subjects, a third subject of a related nature is in order as an amendment thereto.<sup>(3)</sup> As an example, where a bill defines several unlawful acts, an amendment proposing to include another unlawful act of the same class is germane.<sup>(4)</sup> Similarly, to a bill bringing two new categories within the coverage of existing law, an amendment to include a third category, of the same class, was held to be germane.<sup>(5)</sup>

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### *Title Containing Diverse "Miscellaneous" Provisions— Amendment Imposing Flat Percentage Limitation on Funds Authorized in Bill*

**§ 11.1 While the heading of a title of a bill as "miscellaneous" does not necessarily permit amendments to that title which are not germane thereto, the inclusion of sufficiently diverse provisions in such title may permit further amendment which in effect need only be germane to the bill as a whole; accordingly, where the final title of a foreign aid bill as perfected**

3. See § 11.24, *infra*.

4. See § 11.21, *infra*.

5. See § 11.16, *infra*.

**contained a variety of unrelated provisions, such as provisions establishing effective dates for all portions of the bill, provisions stating requirements that authority to make payments in the bill be subject to advance appropriations, as well as provisions postponing the submission date for a report on foreign service personnel, relating to human rights reports, imposing language requirements for personnel in the foreign service, and prohibiting foreign aid to certain countries, an amendment limiting the expenditure of funds authorized in each title of the bill to a certain percentage was held germane. On Apr. 10, 1979,<sup>(6)</sup> during consideration of H.R. 3324, the International Development Cooperation Act of 1979, the following amendments had been agreed to, whereupon a further amendment was offered by Mr. Robert Bauman, of Maryland, as indicated below:**

**6.** 125 CONG. REC. 8032, 8034-37, 96th Cong. 1st Sess.

TITLE VI—MISCELLANEOUS PROVISIONS

EFFECTIVE DATES

Sec. 601. The amendments made by titles I, II, III, and V and the provisions of title IV shall take effect on October 1, 1979.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. Zablocki: Page 46, immediately after line 9, insert the following new section:

UNIFIED PERSONNEL SYSTEM

Sec. 602. Section 401(a) of the International Development and Food Assistance Act of 1978 is amended by striking out "March 15" and inserting in lieu thereof "May 1".

(b) The amendment made by subsection (a) shall be effective as of March 15, 1979. . . .

Amendment offered by Mr. Zablocki: Page 46, immediately after Section 601, insert the following new section:

BUDGET ACT REQUIREMENTS

Sec. 603. (a) The authority to make payments which is provided in sections 405(a), 406(a), 406(c), 407(e), 408(d), and 412 of this Act shall be effective only to the extent that the budget authority to make such payments is provided for in advance by appropriation Acts.

(b) Appropriations may not be made for the fiscal year 1979 under the authority of section 501(d). . . .

Amendment offered by Mr. [Robert J.] Lagomarsino [of California]: Page

46, immediately after section 603, insert the following new section:

HUMAN RIGHTS REPORTS

Sec. 604. Paragraph (1) of section 116(d) of the Foreign Assistance Act of 1961 is amended to read as follows:

“(1) the status of internationally recognized human rights, within the meaning of subsection (a)—

“(A) in countries that receive assistance under this part, and

“(B) in all countries which are members of the United Nations and which are not otherwise the subject of a human rights report under subparagraph (A) of this paragraph or under section 502B(b); and” . . .

Amendment offered by Mr. [Leon E.] Panetta [of California]: Page 46, after section 604, insert the following:

FOREIGN LANGUAGE AND AREA KNOWLEDGE REQUIREMENT

Sec. 605. The heads of affected departments and agencies, in consultation with the Secretary of State, shall review every personnel position in the U.S. Government involving service in foreign countries which are authorized by this Act, the Foreign Assistance Act of 1961, the Agricultural Trade Development and Assistance Act of 1954, the Peace Corps Act, or the Arms Export Control Act, whose incumbent should have a useful knowledge of the language or dialect and the history and culture common to such country. Each position reviewed and designated as requiring language competence and area knowledge shall, within two years after enactment of this Act, be filled only by an individual with appropriate language and area knowledge, except that the heads of affected agencies and departments, in consultation with the Department of State, may make exceptions to this requirement when

special or emergency conditions exist. The Secretary, in consultation with the heads of other affected departments and agencies, shall establish foreign language and area studies standards for officers and employees of the U.S. Government who are assigned duties involving service abroad under such Acts. The heads of affected departments and agencies shall arrange for appropriate language training or area studies for such officers and employees. . . .

Amendment offered by Mr. Zablocki as a substitute for the amendment offered by Mr. Ashbrook: Page 46, immediately after line 9, insert the following new section:

PROHIBITION ON ASSISTANCE TO VIETNAM, CAMBODIA, AND CUBA

Sec. 606. Notwithstanding any other provision of law or of this Act, funds authorized to be appropriated in this Act shall not be used for any form of aid, either by monetary payment or by the sale or transfer of any goods of any nature to the Socialist Republic of Vietnam, Cambodia, or Cuba.<sup>(7)</sup>

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

The Clerk read as follows:

Amendment offered by Mr. Bauman: On page 46, line 7 after Sec. 601 insert (a) and add the following new paragraph:

“(b) *Provided*, That, No more than 90 percent of the funds authorized to be appropriated by each title of this act shall be expended, excluding those funds authorized to be appropriated in section 111, all of title II and section 302.” . . .

7. The Zablocki substitute for the Ashbrook amendment was agreed to, and the Ashbrook amendment as amended was agreed to.

MR. ZABLOCKI: Mr. Chairman, as the gentleman from Wisconsin listened to the Clerk read the amendment, and I read the amendment, it appears that the amendment provides a limitation on authorization of funds in section 111, all of title II, and section 302.

I believe the gentleman's amendment, therefore, is not in order and is subject to a point of order since he is authorizing to be appropriated by each title no more than 90 percent of the funds. . . .

MR. BAUMAN: . . . The amendment is germane to title VI. Title VI clearly refers to the effective dates of all titles, and this amendment simply has the effect, with three exceptions, of cutting by 10 percent the amount of the funds made effective on those dates.

Mr. Chairman, it is a simple cut in funding. . . .

MR. ZABLOCKI: If I may be heard further, Mr. Chairman, the gentleman's amendment is to title VI, section 601.

Section 601 sets forth the effective dates of the various titles in the legislation. . . .

THE CHAIRMAN:<sup>(8)</sup> The Chair is prepared to rule.

The amendment offered by the gentleman from Maryland provides a percentage limitation on funds authorized to be appropriated by the bill now pending, with the exception of certain specified sections of authorized funds. Title VI of the bill, entitled "Miscellaneous Provisions" has by amendment already been substantially expanded in its scope, and the amendment offered by the gentleman from Maryland need be germane only to the title as a

whole, since the bill is being read by title.

Therefore, it is the opinion of the Chair, and the ruling of the Chair, that the amendment is germane to title VI, and the point of order is overruled.

***Bill Amending Bankruptcy Act To Provide Procedure for Adjustment of Municipal Debt—Amendment Defining Certificates of Indebtedness Under Bill as Among Those Eligible for Federal Guarantees***

**§ 11.2 To a section of a bill defining certain terms used in the bill, an amendment further defining other terms used in the bill may be germane; thus, to a bill amending the Bankruptcy Act to provide a judicial procedure for the adjustment of debts of public municipalities, and authorizing courts to issue certificates of indebtedness under general conditions determined by the courts to assure their marketability, an amendment defining such certificates to permit federal guarantee of principal and interest was held germane as a further definition relating to a specific power being added to those general powers already contained in the bill in order to accomplish a**

8. Elliott Levitas (Ga.).

**fundamental purpose of the bill.**

On Dec. 9, 1975,<sup>(9)</sup> during consideration of H.R. 10624 (a bill to revise chapter IX of the Bankruptcy Act), the Chair overruled a point of order against the amendment described above. The proceedings in the Committee of the Whole were as follows:

THE CHAIRMAN:<sup>(10)</sup> The Clerk will read.

The Clerk read as follows:

H.R. 10624

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter IX of the Bankruptcy Act is amended to read as follows:*

“CHAPTER IX

“ADJUSTMENT OF DEBTS OF POLITICAL SUBDIVISIONS AND PUBLIC AGENCIES AND INSTRUMENTALITIES

“Sec. 81. Chapter IX Definitions.— As used in this chapter the term—

“(1) ‘claim’ includes all claims of whatever character against the petitioner or the property of the petitioner, whether or not such claims are provable under section 68 of this Act and whether secured or unsecured, liquidated or unliquidated, fixed or contingent . . .

“(3) ‘creditor’ means holder (including the United States, a State, or subdivision of a State) of a claim against the petitioner;

“(4) ‘claim affected by the plan’ means claim as to which the rights

of its holder are proposed to be materially and adversely adjusted or modified by the plan;

“(5) ‘debt’ means claim allowable under section 88(a) . . .

“(2) during the pendency of a case under this chapter, or after the confirmation of the plan if the court has retained jurisdiction under section 96(e), after hearing on such notice as the court may prescribe and for cause shown, permit the issuance of certificates of indebtedness for such consideration as is approved by the court, upon such terms and conditions, and with such security and priority in payment over existing obligations, secured or unsecured, as in the particular case may be equitable. . .

MS. [ELIZABETH] HOLTZMAN [of New York]: Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. Holtzman: Page 2, line 24, strike out “and”.

Page 3, strike out the period in line 5 and insert in lieu thereof “; and”.

Page 3, immediately after line 5, insert the following new paragraph:

“(10) ‘certificate of indebtedness’ means certificate issued under section 82(b)(2), the payment of interest and principal of which may be guaranteed by the United States. . . .

MR. [THOMAS N.] KINDNESS [of Ohio]: Madam Chairman, I make the point of order against the amendment on the basis that the amendment is not germane.

The amendment is in violation of clause 7, rule XVI of the Rules of the House. This amendment violates several well settled principles of germaneness under a scheme that is no more than a subterfuge.

9. 121 CONG. REC. 39415, 39419, 39426, 39427, 94th Cong. 1st Sess.

10. Lindy Boggs (La.).

One traditional test of germaneness has been whether the subject being dealt with is defined in the bill. This amendment avoids that hurdle by inserting a self-serving circular substantive definition of “certificate of indebtedness.” Putting the substantive power to guarantee certificates of indebtedness in the definition section of the bill cannot be relied upon as a basis for establishing germaneness.

Of greater significance, this amendment violates the principle stated in chapter 28, section 3.21, of Deschler’s Procedure. . . .

MS. HOLTZMAN: . . . Just to clarify for the gentleman from Ohio (Mr. Kindness), the amendment that has been issued simply deals with the definition of the term “certificate of indebtedness” and says, “‘certificate of indebtedness’ means certificate issued under section 82(b)(2), the payment of interest and principal of which may be guaranteed by the United States.”. . .

Madam Chairman, my amendment, which only deals with the definition, is very germane to the bill.

What this amendment does is to say that a certificate of indebtedness, which is in essence a bond issued by a municipality in bankruptcy, can be defined as a certificate which is guaranteed by the United States.

Madam Chairman, there is no question that the bill does deal with a certificate of indebtedness. It is possible that there may be guarantees issued by the United States under other statutes. There is no question, therefore, that the definition which does allow the certificate of indebtedness to include one that is guaranteed is an amendment and a definition that is germane to the bill.

THE CHAIRMAN: The Chair is prepared to rule.

The gentleman from Ohio (Mr. Kindness) makes a point of order against the amendment offered by the gentleman from New York (Ms. Holtzman) on the grounds that it is not germane to the bill.

The amendment would add a new definition to those contained in the bill, to define certificates of indebtedness which may be issued under section 82 of the bill as a certificate which may be guaranteed by the United States.

The Chair would first state that the committee jurisdiction over the subject of an amendment is not an exclusive test of germaneness—Deschler’s Procedure, chapter 28, section 4.16. But in any event, the pending amendment does not, in the form in which it is offered, present an issue exclusively within another committee’s jurisdiction.

As to the subject matter and methodology of the pending bill, section 82 thereof allows the bankruptcy court to permit the issuance of certificates of indebtedness, with such security and priority of payment as may be equitable. The committee report, on page 9, specifically states that the court can supply assurance of payment on certificates of indebtedness, to make them marketable, by permitting security and priority of payment on such certificates.

Therefore, the concept of bankruptcy procedures insuring the marketability of certificates of indebtedness is included in the bill. Defining a term used in the bill in such a way as to allow the further option of Federal guarantees is germane to the fundamental

purposes of the bill, since the amendment merely adds to the definition provision and grants to the bankruptcy court an additional specific option to assure security for certificates of indebtedness—a concept already contained in a more general form in the bill.

The Chair will distinguish the situation presented on December 2 and that presently before the Chair for determination. The amendment offered by the gentlewoman from New York (Ms. Holtzman) adds a further definition relating to specific power to those general powers granted to the court in the bill; the amendment in the nature of a substitute which was offered to the Intergovernmental Assistance Act the other day entirely substituted one program for another. In the present instance, the appropriate test is not whether the amendment proposes to substitute one method for a closely allied method, but whether the amendment adds a specific provision which is germane to the provisions already in the reported bill.

For the reasons stated, the Chair overrules the point of order.

***Federal Energy Administration Act—Amendment Containing “Definitions” Providing Exemption From Limitation on Authority***

**§ 11.3 To a section containing “definitions” of two terms referred to in a bill, an amendment adding a further definition of other terms contained in the bill (and whose effect**

**was to provide an exemption from a limitation on authority contained in another section of the bill) was held to be germane.**

On Mar. 7, 1974,<sup>(11)</sup> during consideration of the Federal Energy Administration Act (H.R. 11793) in the Committee of the Whole, Chairman John J. Flynt, Jr., of Georgia, held the following amendment to be germane to the section to which it was offered:

MR. [GILLIS W.] LONG of Louisiana: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Long of Louisiana: Page 30, line 15, strike out the period and insert, in lieu thereof, the following: “; and (3) any reference to “domestic crude oil”, “crude oil”, “energy prices”, or “profits” shall not be deemed to refer to royalty oil or the shares of oil production owned by a State, State entity or political subdivision of a State or to the prices of or revenues from such royalty oil or shares.”. . .

MR. [FRANK] HORTON [of New York]: Mr. Chairman, this matter is not the subject matter within section 11. Section 11 is a definition section. I realize that the gentleman is attempting to define certain words, but it seems to me that the language he uses is to add new authority or subtract authority from existing law. I certainly understand the gentleman's concern, but these words included are probably included in statutes. It seems to me

11. 120 CONG. REC. 5640, 5641, 93d Cong. 2d Sess.

what he is doing is expanding or changing laws which are now in existence.

Also, we do not know the effect of the amendment on the rules of the House.

Mr. Chairman, I feel it is inappropriate to this section and nongermane and for that reason ask that it be ruled out of order.

MR. LONG of Louisiana: Mr. Chairman, the gentleman from New York (Mr. Horton) has raised a point of order that what I am attempting to do by this amendment is to define a term, which is what I am attempting to do by this amendment. And it appears to me to be completely within the purposes of this particular section to do so, and it seems to me that it is a perfectly valid place and a correct and specific place for an amendment of this type to be introduced.

THE CHAIRMAN: The Chair is prepared to rule.

The gentleman from Louisiana (Mr. Long) has offered an amendment to add a new subsection to section 11 of the bill, which is the definitions section.

The gentleman from New York (Mr. Horton) has made a point of order against the amendment on the ground that it refers to matters not contained in the language of the section as written.

The Chair has carefully examined both the section as it appears in the bill, and also the amendment offered by the gentleman from Louisiana (Mr. Long).

The Chair will state that subsection (1) of section 11 reads as follows:

Any reference to "function" or "functions" shall be deemed to include—

and so forth.

The amendment sought to be offered by the gentleman from Louisiana (Mr. Long) starts as follows:

Any reference to "domestic crude oil", "crude oil", "energy prices", or "profits" shall not be deemed to refer to—

And so forth.

The Chair is constrained to feel that if the language of one subsection of the bill states clearly that certain references shall be deemed to include references, and there are two sections already appearing in the bill, the Chair is constrained to rule that the adding of the third section falls clearly within the reasonable interpretations of the word "Definitions," and therefore holds the amendment is germane and overrules the point of order.

***Bill Defining and Promoting Development of Synthetic Fuels—Amendment Adding Methane to Definition***

**§ 11.4 To a bill promoting the development of synthetic fuels, defined as "fuels and chemical feedstocks produced by the conversion of renewable and nonrenewable resources," an amendment including, within the definition of such fuels, methane produced from coal seams, geopressurized brine, tight sands and devonian shale was held germane as adding another subject to subjects of the same class.**

During consideration of the Defense Production Act Amendments of 1979<sup>(12)</sup> in the Committee of the Whole on June 26, 1979,<sup>(13)</sup> Chairman Gerry E. Studds, of Massachusetts, overruled a point of order and held the following amendment to be germane:

MR. [TIMOTHY E.] WIRTH [of Colorado]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wirth: Page 10, line 6, insert after the first period the following new sentence: "Such terms also include methane produced from such sources as coal seams, geopressurized brine, tight sands and Devonian shale."

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

[T]he bill deals with production of synthetic fuels. The amendment offered by my good friend, the gentleman from Colorado, deals with production from conventional sources of hydrocarbons from within the Earth. Given that circumstance, regretfully, I observe that the amendment does not conform with the requirements of the rules relating to germaneness.

The bill also deals with creating synthetic feedstocks. The particular section, section 3, with which we deal at this time, deals with synthetic feedstocks.

The proposal that the gentleman from Colorado (Mr. Wirth) has before

us deals with a broad series of productions from conventional or semiconventional sources of hydrocarbon from within the Earth and, as such, it is therefore not germane. . . .

MR. WIRTH: Mr. Chairman, at the bottom of page 9, line 24 in the bill is the definition of what is intended by the committee to be covered by the legislation in H.R. 3930. That definition in the amendment which I have offered is broadened to include coverage by the provisions of this act for hard-to-obtain natural gas.

The purpose of the legislation, as I understand the gentleman from Pennsylvania and the committee, is to increase production of energy and the area of hard-to-get natural gas. That which is described in the amendment which I offered clearly is a matter of the kind of stimulus that the gentleman from Pennsylvania and members of the committee have defined in the bill, and in broadening the definition offered by the committee, this is consistent with the purposes of H.R. 3930.

THE CHAIRMAN: The Chair is prepared to rule.

The section of the bill which defines synthetic fuels, page 9, line 24 reads as follows:

The term synthetic fuels—" . . . means fuels and chemical feedstocks produced by the conversion of renewable and nonrenewable resources, including, but not limited to, . . ." a consecutive category of resources.

In the opinion of the Chair, the definition is sufficiently broad as to allow the amendment offered by the gentleman from Colorado.

The Chair overrules the point of order.

12. H.R. 3930.

13. 125 CONG. REC. 16687, 16688, 96th Cong. 1st Sess.

***Bill Prescribing Functions of Federal Energy Administration—Amendment Directing Administrator To Issue Guidelines for Fuel Use***

**§ 11.5 To a proposition conferring discretionary authority, an amendment adding a related function or limiting the exercise of that authority is germane; thus, to a section of a bill prescribing the functions of a new Federal Energy Administration by conferring wide discretionary powers upon the Administrator, an amendment directing the Administrator to issue preliminary summer guidelines for citizen fuel use was held germane as a further delineation of those functions.**

On Mar. 5<sup>(14)</sup> and 6,<sup>(15)</sup> 1974, the Committee of the Whole had under consideration a section of the Federal Energy Administration Act (H.R. 11793) setting forth the responsibilities of the Administrator and stating in part:

Sec. 5. To meet the energy needs of the Nation for the foreseeable future, the Administrator shall—

(1) advise the President and the Congress with respect to the establish-

ment of a comprehensive national energy policy for the balance of the twentieth century, and in coordination with the Secretary of State, the integration of domestic and foreign policies relating to energy resource management;

(2) assess the adequacy of energy resources in meeting demands for the immediate and long-range future for all sectors of the economy and for the general public;

(3) develop effective arrangements for the participation of State and local governments in the resolution of energy problems;

(4) develop plans and programs for dealing with energy production shortages;

(5) promote stability in energy prices to the consumer, promote free and open competition in all aspects of the energy field, prevent unreasonable profits within the various segments of the energy industry, and promote free enterprise;

(6) assure that programs are designed and implemented in a fair and efficient manner so as to minimize hardship and inequity while assuring that the priority needs of the Nation are met;

(7) develop and oversee the implementation of equitable voluntary and mandatory energy conservation programs and promote efficiencies in the use of energy resources;

(8) develop and recommend policies on import and export of energy resources;

(9) collect, evaluate, assemble, and analyze energy information on reserves, production and demand and related economic data;

(10) identify the need for and take action to expedite the development of energy resources;

14. 120 CONG. REC. 5301, 93d Cong. 2d Sess.

15. *Id.* at pp. 5436, 5437.

(11) work with business, labor, consumer and other interests and obtain their cooperation; and

(12) perform such other functions as may be prescribed by law.

MR. [FRANK] HORTON [of New York] (during the reading): Mr. Chairman, I ask unanimous consent that section 5 be considered as read, printed in the Record, and open to amendment at any point. . . .

There was no objection. . . .

MR. [BILL] GUNTER [of Florida]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendments offered by Mr. Gunter: Page 19, line 23, add the following new subsection:

“(11) Issue preliminary summer guidelines for citizen fuel use within 30 days of the enactment of this Act.

Page 19, line 23, strike out “(11)” and insert in lieu thereof “(12)”.

Page 20, line 1, strike out “(12)” and insert in lieu thereof “(13)”.

MR. HORTON: Mr. Chairman, I make a point of order against the amendments. Basically they are the same arguments I made before and also this sets up a policy or program which is outside the section and not a subject matter of this bill.

THE CHAIRMAN:<sup>(16)</sup> Does the gentleman from Florida desire to be heard on the point of order?

MR. GUNTER: I do, Mr. Chairman.

Mr. Chairman, the amendment is rather simple and easy to understand. It requires the Administrator to issue within 30 days, upon enactment of this act, a preliminary summary. . . .

Mr. Chairman, the amendment as stated would simply require the Ad-

ministrator, to issue within 30 days upon enactment of this act, preliminary summer guidelines for fuel use which, Mr. Chairman, I think falls within the framework of the section specifying the functions. I do not interpret this particular specification as outside of those programs which are spelled out in the committee report, and in the body of the act.

THE CHAIRMAN: The Chair is prepared to rule.

The gentleman from Florida (Mr. Gunter) has offered an amendment to section 5 of the bill, to which amend the gentleman from New York (Mr. Horton) has raised a point of order.

The Chair has carefully read the language of the amendment, and has carefully listened to the arguments made by the gentleman from New York (Mr. Horton), in support of his point of order, and the arguments made by the gentleman from Florida (Mr. Gunter), in opposition to the point of order.

In the opinion of the Chair, the language of the amendment as offered by the gentleman from Florida clearly relates to the functions of the Administrator, which are otherwise enumerated and defined within the section now under consideration.

The Chair finds nothing in the language of the amendment which mandates the Administrator any more than do the other functions enumerated, nor does the Chair find anything in the amendment which would in any way amend or seek to amend existing law.

The Chair does not rule now or at any other time on the consistency of amendments; the Chair, therefore, after analyzing the amendment and

16. John J. Flynt, Jr. (Ga.).

listening to the argument, rules that the amendment is germane and, therefore, overrules the point of order.

***Bill Transferring Functions of Government Affecting Energy to New Department of Energy—Amendment Transferring Additional Function***

**§ 11.6 To a bill transferring to a new Department a variety of governmental authorities relating to energy, an amendment transferring another existing authority within the same class is germane; thus, to a bill creating a new Department of Energy and transferring to it functions of the federal government affecting energy under existing law, an amendment adding a new title to create a public energy administration within the department and to authorize the President to transfer to the administration his oil import purchase authority under existing law was held germane.**

On June 3, 1977,<sup>(17)</sup> during consideration of H.R. 6804<sup>(18)</sup> in the Committee of the Whole, the

17. 123 CONG. REC. 17419, 95th Cong. 1st Sess.

18. The Department of Energy Organization Act.

Chair overruled a point of order against the following amendment:

MR. [JOHN] CONYERS [Jr., of Michigan]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Conyers: On page 129, after line 6, insert the following new title:

**TITLE VIII—PUBLIC ENERGY ADMINISTRATION**

Section 801. (a) There is established within the Department of Public Energy Administration, at the head of which shall be an administrator appointed by the Secretary.

(b) Notwithstanding the provisions of section 205 of this Act, the President, in the exercise of his authority under section 13 of the Emergency Petroleum Allocation Act of 1973, may provide in the regulations promulgated under such section for the delegation of his functions under such section to the Public Energy Administration. The Administrator shall by rule provide for a separation of regulatory and enforcement function assigned to him. . . .

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I make a point of order against the amendment. . . .

Mr. Chairman, first of all the language I have says that:

There is established within the Department of Public Energy Administration—

And I am not clear I understand what that means. Perhaps the amendment at the desk is different from the one I have, but if that is the way the amendment reads, I think there is a clarification needed in the amendment.

But the point of order I make refers to subparagraph (b) which says:

Notwithstanding the provisions of section 205 of this Act, the President, in the exercise of his authority under section 13 of the Emergency Petroleum Allocation Act of 1973, may provide in the regulations promulgated under such section for the delegation of his functions under such section to the Public Energy Administration.

It seems to me we are extending the provisions of section 13 of the Emergency Petroleum Allocation Act of 1973 and I do not think we have the authority to do that in this legislation.

Therefore I make a point of order against the amendment. . . .

MR. CONYERS: . . . This amendment, as the Committee knows, is a revision from the original amendment that was debated in the Committee on Government Operations.

I would argue very strongly that it is merely taking a responsibility and a duty specifically provided in law. It really does not matter which law. If we will examine the act, we will find that we have borrowed authorities from agencies and Departments that have been created by law from before 1973 and after 1973, so that that has absolutely no relevance whatsoever.

The point that I think is critical to whether this amendment is germane or not is whether or not it transfers an existing authority, which the gentleman by admission that it is already existing in the statute concedes. . . .

MR. [BOB] ECKHARDT [of Texas]: . . . Mr. Chairman, the amendment proposes to permit the President to exercise discretionary authority and does not really change the Allocation Act, because the President now has authority under that act. All the amendment,

it seems to me to do, is permit him to exercise authority under existing legislation in a new way and in a way comparable to the manner in which he is permitted permissively to grant authority under the act. . . .

THE CHAIRMAN:<sup>(19)</sup> The Chair is prepared to rule.

The Chair has listened very carefully to the arguments made on behalf of the point of order and against it and is in agreement with the gentleman from Michigan, that the purpose of the bill is merely to transfer certain authorities that exist in other agencies and departments of Government and finds that the amendment of the gentleman from Michigan is consistent with that intent and, therefore, overrules the point of order.

***Bill Directing Use of Operating Expenses for Department of Energy—Amendment Relating to Use of Alternative Fuels by Department***

**§ 11.7 To a title of the annual Department of Energy authorization bill, providing limitations and directions on the use of operating expenses for the entire Department funded throughout the bill, and specifically limiting the use of funds for physical facilities and for the purchase of gasoline for use of the Department, an amendment providing procedures**

19. Lucien N. Nedzi (Mich.).

**for the Department to follow in purchasing alternative fuels for use in its vehicles during the fiscal year covered by the bill, was held germane as a further related restriction or direction on the use of operating funds for the fiscal year.**

On Oct. 18, 1979,<sup>(20)</sup> during consideration of H.R. 3000<sup>(1)</sup> in the Committee of the Whole, the Chair overruled a point of order against the amendment described above. The proceedings were as follows:

TITLE VIII—PROVISIONS  
REGARDING USE OF FUNDS

LIMITATION OF REPROGRAMMING OF  
FUNDS

Sec. 801. (a)(1) Subject to the limitations of sections 201(b) and 802, no amount appropriated pursuant to this Act (other than title I) may be used for any program, function, or purpose in excess of the amount expressly authorized to be appropriated for that program, function, or purpose by this Act.  
. . . .

LIMITATION OF FUNDS FOR FACILITIES  
FOR DEPARTMENT OF ENERGY

Sec. 809. No funds authorized to be appropriated by this Act may be used

20. 125 CONG. REC. 28795, 28796, 28798-800, 96th Cong. 1st Sess.

1. The Department of Energy Authorization Act for fiscal years 1980 and 1981.

for the renovation, furnishing, or repair of facilities to provide temporary or permanent space for personnel relocated as a result of the establishment and activation of the Department of Energy and for which funds were appropriated by chapter V of title I of the Supplemental Appropriations Act, 1978.

LIMITATION ON USE OF GASOLINE BY  
DEPARTMENT

Sec. 810. No funds authorized to be appropriated pursuant to this Act for the fiscal year ending September 30, 1980, may be used to purchase motor gasoline or to reimburse any other Federal agency for motor gasoline in an amount which exceeds 85 percent of the amount of motor gasoline purchased (and for which reimbursement was made to another Federal agency or entity) during the fiscal year ending September 30, 1979, by any component of the Department for which funds are authorized to be appropriated by this Act. . . .

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Danne-meyer: Page 78, line 11, insert "(a)" after "Sec. 810."

Page 78, after line 20, insert the following new subsection:

(b)(1) The Secretary of Energy shall advertise in the Federal Register to request bids from distributors of alternative fuels produced in the United States for the purchase of such alternative fuels for use during the fiscal year ending September 30, 1980, in motor vehicles owned by the Department of Energy.

(2) The Secretary shall require that each such distributor who sub-

mits such a bid include in such bid an agreement—

(A) to provide a quantity of an alternative fuel—

(i) which will produce an amount of energy which is not less than the amount of energy produced by 200,000 gallons of motor gasoline, and

(ii) the cost of which does not exceed the cost that the Secretary would incur to purchase 200,000 gallons of motor gasoline.

(B) to pay any amount, as determined by the Secretary, by which any cost of constructing, operating, and maintaining any facility for the storage of such alternative fuel exceeds the cost of constructing, operating, and maintaining any facility for the storage of motor gasoline that would have been incurred if such motor gasoline had been purchased by the Secretary in lieu of such alternative fuel.

(C)(i) to pay the cost of equipping such motor vehicles to consume such alternative fuel, and

(ii) to deposit in an escrow account established by the Secretary funds sufficient to pay any cost of refitting such motor vehicles to consume motor gasoline if the Secretary determines that the utility of such alternative fuel is inadequate or if such distributor fails to provide the quantity of such alternative fuel specified in such bid, and

(D) to pay any amount, as determined by the Secretary, by which any cost of repairing or maintaining such motor vehicles equipped to consume such alternative fuel exceeds the cost that would have been incurred to repair and maintain such motor vehicles if such motor vehicles had not been so equipped. . . .

(5) For purposes of this subsection, the term "alternative fuel" means any liquid fuel, other than motor gasoline, consumable by a motor vehicle for propulsion, including gas-

ohol, liquefied methane, liquefied coal, and any liquid hydride. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to insist on my point of order. . . .

Mr. Chairman, the rules of the House require that amendments to legislation shall be germane, first, to the bill, and second, to the portion of the bill to which they are directed.

Mr. Chairman, without addressing at this particular moment whether or not the amendment is germane to the bill, I will address the second point, which is the lack of germaneness of the amendment to the portion of the bill to which it is offered.

Mr. Chairman, if the Chair will observe, the portion of the bill to which the amendment is offered, it can be observed it is a limitation on the use of gasoline by a department. It then is a limitation on funds, which reads as follows:

No funds authorized to be appropriated pursuant to this Act for the fiscal year ending September 30, 1980, may be used to purchase motor gasoline or reimburse any other Federal agency for motor gasoline in an amount which exceeds 85 percent of the amount of the motor gasoline purchase.

In other words, we have here a limitation. The proposal that is offered by my dear friend, the gentleman from California, is one which would set up a rather large program which would require the Secretary of Energy to do a whole series of things, none of which are consistent with or which are relevant to this limitation. . . .

I would ask the Chair to note that the section with which we are dealing is a limitation on use of gasoline. This

is for alternative fuels, which will have an equivalent energy release of 200,000 gallons of gasoline.

Now, whether the gentleman speaks of hydrogen or whether the gentleman speaks of different alcohols or synthetic fuels produced from other sources with which I might not presently be familiar, I am not able to say; but the fuels here are much broader and are not petroleum products necessarily, but are synthetics. . . .

In addition to this, Mr. Chairman, there are other sections relating to synthetics, relating to conservation, and relating to procurement. Those are not the sections in question here, but I would point out, Mr. Chairman, that I am unaware of any portion of the bill to which this would be germane, because, as the Chair would observe, it sets up a very large process for the Department of Energy to procure synthetic fuels. That is something which is not found elsewhere in the legislation.

MR. DANNEMEYER: Mr. Chairman, section 810 of the committee bill which is before the committee now for its consideration contains a restriction on the use of funds during the existing fiscal year for the purchase of motor gasoline. That is in section 810 of the bill before the committee.

For instance, it provides that the Department of Energy is required to reduce its consumption of gasoline by not less than 15 percent during this 1980 fiscal year.

That is the very thrust of this proposed amendment. It is designed also to reduce the quantity of gasoline that is being consumed by the Department of Energy through the medium of solic-

iting alternative sources of supply. It is not specific; it just says, "alternative fuels" in the proposed amendment.

It is submitted that the reduction of gasoline by 15 percent which is mandated in the committee bill is consistent with the thrust of the amendment which seeks delaying of the funds for making available alternative fuels.

In a nutshell, Mr. Chairman, there is little difference between reducing the use of gasoline by 15 percent, either by cost or other means, and achieving that reduction of gasoline consumption by the use of alternative fuels.

On that basis, Mr. Chairman, the amendment proposed by the gentleman from California is, I believe, within the scope of section 810 of the committee bill.

THE CHAIRMAN PRO TEMPORE: <sup>(2)</sup> The Chair is prepared to rule.

The Chair will observe that the rules of the House require that the amendment first be germane to the pending portion of the bill to which it is offered.

Title VIII deals with operating funds and personnel expenses of the entire Department of Energy for the fiscal year 1980. The amendment appears to the Chair to be confined to fiscal year 1980 and to constitute an appropriate restriction or direction on how the Department uses its operating funds for the fiscal year in question, and it is, therefore, germane.

The Chair, therefore, overrules the point of order.

2. Gerry E. Studds (Mass.).

***Substitute Amendment Imposing Conditions on Use of Auto Stickers in Energy Conservation Plan—Amendment Relating To Use of Stickers But Affecting Different Page and Line Numbers***

**§ 11.8** An amendment to a substitute is not required to affect the same page and line numbers as the substitute in order to be germane, it being sufficient that the amendment is germane to the subject matter of the substitute. Accordingly, to a substitute requiring that certain emergency energy conservation plans (entailing the use of auto stickers indicating certain days an auto would not be operated) be established (1) only after consultation with state governors, and (2) only after consideration of rural and suburban needs, an amendment striking out and inserting language elsewhere in the bill which also related to the use of auto stickers as part of the energy conservation plans, was held germane to the two diverse conditions already required by the substitute.

During consideration of the Emergency Energy Conservation

Act of 1979<sup>(3)</sup> in the Committee of the Whole on Aug. 1, 1979,<sup>(4)</sup> Chairman Dante B. Fascell, of Florida, overruled a point of order against an amendment to a substitute and held that the amendment was germane to the substitute. The amendment and proceedings were as follows:

MR. [TOBY] MOFFETT [of Connecticut]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Moffett as a substitute for the amendment offered by Mr. Rinaldo: Page 45, after line 9, insert the following new subsection:

“(d) Needs of Rural and Certain Other Areas.—Any system under this section shall be established only after consultation with the Governors of the States involved and shall provide appropriate consideration of the needs of those in suburban and rural areas, particularly those areas not adequately served by any public transportation system, through the geographical coverage of the system, through exemptions under subsection (c)(8), or through such other means as may be appropriate.

MR. [ANDREW] MAGUIRE [of New Jersey]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Maguire to the amendment offered

3. S. 1030.

4. 125 CONG. REC. 21939, 21944-47, 96th Cong. 1st Sess.

by Mr. Moffett as a substitute for the amendment offered by Mr. Rinaldo: At the end insert the following: Page 43, beginning on line 24, strike out "day of each week that vehicle will not be operated" and insert "day of each week the owner of that vehicle has selected for that vehicle not to be operated".

MR. [TOM] LOEFFLER [of Texas]: Mr. Chairman, I reserve a point of order against the amendment. . . .

Mr. Chairman, the Maguire amendment, although offered to the Moffett amendment, is really a direct amendment to the bill before us. Therefore, it is not germane to the Moffett substitute. In addition, the Moffett substitute goes to page 45, line 9 of the bill before us. The amendment offered by the gentleman from New Jersey (Mr. Maguire) goes to page 43, line 24.

In addition, it is also not germane for that purpose.

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

MR. [JOHN D.] DINGELL [of Michigan]: I do, Mr. Chairman, and I am sure the gentleman from New Jersey desires to do so also.

Mr. Chairman, the question of where the amendment might lie in the bill with regard to page or section is not important. I would observe to the Chair that the amendment offered originally by the minority goes to several pages in the bill. I would point out that what is involved here is the text of the amendments, and whether or not the language and the purposes and the concepts of the amendment are germane and are relative and relevant to the amendment offered by the gentleman from Connecticut.

I believe that a reading of the amendment offered by the gentleman from Connecticut will show that the amendment offered by the gentleman from New Jersey (Mr. Maguire) is in fact germane to it in terms of concept and in terms of purposes for which the amendment happens to be offered. For that reason, I think that the point of order should be rejected. . . .

MR. MAGUIRE: Mr. Chairman, the key point is that this is a refinement of the material that the Moffett substitute deals with. Therefore, the page on which it appears is irrelevant, and the point of order should be overruled.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair has examined the substitute and the amendment, and states that while the page references are different, the principal matter of concern is the relationship between the amendment and the substitute. Clearly, there is a substantive relationship that goes beyond the question of the pages, since both deal with auto sticker plans.

On the matter of the scope of the amendment and its germaneness, the Moffett substitute imposes conditions on the entire auto sticker plan in the bill in two diverse aspects. One is a requirement of consultation with Governors, and the other is a special consideration which would be required for suburban and rural areas. The amendment to the substitute clearly deals with another diverse element of the plan itself, and, because of the diverse scope of the substitute, is germane to the substitute.

Therefore, the Chair overrules the point of order.

***Bill Authorizing Construction of Several Pipelines—Amendment Adding Another***

**§ 11.9 To a bill authorizing construction of pipe lines in one state along a waterway, an amendment adding a similar pipeline along the same waterway in another state was held germane.**

In the 77th Congress, the following amendment was offered to a bill<sup>(5)</sup> authorizing construction of pipelines:<sup>(6)</sup>

That in addition to the sum herein authorized, there is hereby authorized the sum not to exceed \$13,000,000 for the purpose of constructing a crude oil pipe line from either Charleston, S.C., or Savannah, Ga., whichever of the said cities, or both, on the inland waterway meets with the approval of the Secretary of the Navy and the Secretary of War, to the Tinsley oil field located in the vicinity of Yazoo, Miss.

The following exchange<sup>(7)</sup> concerned a point of order made against the amendment:

MR. [ALBERT E.] CARTER [of California]: I make the point of order that the amendment is not germane to the bill. While it is true that the bill does refer to one pipe line, the gentleman's amendment refers to an altogether different pipe line in a different place, to

5. H.R. 6999 (Committee on Rivers and Harbors).
6. 88 CONG. REC. 5302, 77th Cong. 2d Sess., June 17, 1942.
7. *Id.* at pp. 5302, 5303.

be constructed for a different sum of money. While it is true they refer to similar subjects, I contend that the gentleman's proposal is not germane to this particular paragraph. . . .

THE CHAIRMAN (John M. Costello, of California): The Chair is ready to rule.

The gentleman from South Carolina has offered an amendment which would provide for the building of an additional pipe line, either in South Carolina or Georgia. The bill originally provided for the building of a pipe line and has been amended now to provide for the building of one or more pipe lines which should be built in the interest of national defense to provide for the transportation of materials and supplies for that purpose. The amendment offered by the gentleman from South Carolina applies likewise to the transportation of crude oil and such supplies for the carrying out of national defense.

It has been previously held in the House in connection with a bill providing for an interoceanic route that an amendment providing for another route was proper and germane.

It appears to the Chair that the amendment which the gentleman from South Carolina offers, since it provides for additional pipe lines, is germane to the bill, and the Chair overrules the point of order made by the gentleman from California.

***Bill To Regulate Air Pollution From Various Sources—Amendment To Regulate Bus Emissions***

**§ 11.10 To a proposition relating to several subjects within**

**a general category, an amendment affecting an additional subject within that same category is germane. Thus, to a title of a comprehensive bill imposing clean air standards to regulate air pollution from a variety of mobile sources, including motor vehicles, an amendment inserting a new section proposing regulatory standards for carbon monoxide emissions into buses was held germane as regulation of the same category of air pollution sources.**

On Sept. 15, 1976,<sup>(8)</sup> during consideration of H.R. 10498<sup>(9)</sup> in the Committee of the Whole, the Chair overruled a point of order against an amendment holding that to a bill being read for amendment by title, an amendment in the form of a new section need not be germane to a specific section therein, it being sufficient that it be germane to the title as a whole. Title II of the bill was before the Committee for amendment, and the diversity of the title is evident from the following table of contents:

8. 122 CONG. REC. 30476, 30477, 94th Cong. 2d Sess.

9. The Clean Air Act Amendments of 1976.

TITLE II—AMENDMENTS RELATING PRIMARILY TO MOBILE SOURCES

Sec. 201. Limitation on indirect source review authority.

Sec. 202. Extension of transportation control compliance dates.

Sec. 203. Light-duty motor vehicle emissions.

Sec. 204. Emission standards for heavy duty vehicles or engines and certain other vehicles or engines.

Sec. 205. Aircraft emission standards.

Sec. 206. Assurance of protection of public health and safety.

Sec. 207. Test procedures for measuring evaporative emissions.

Sec. 208. Railroad locomotive emission standards.

Sec. 209. Motor vehicle parts certification and study by Federal Trade Commission.

Sec. 210. Vehicle inspection and maintenance. . . .

MR. [EDWARD I.] KOCH [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Koch: Page 302, after line 7, insert:

CARBON MONOXIDE STANDARDS FOR SCHOOLBUS PASSENGER AREAS

Sec. 220. (a) Title II of the Clean Air Act (relating to emission standards for moving sources) is amended by adding the following new part at the end thereof:

“PART D—CARBON MONOXIDE STANDARDS FOR SCHOOLBUS PASSENGER AREAS

“ESTABLISHMENT OF STANDARDS

“Sec. 241. (a) The Administrator, in conjunction with the Secretary of

Transportation, shall study the problem of carbon monoxide intrusion into buses and sustained-use motor vehicles. . . .

(b) Not later than one year after the enactment of this part, the Administrator shall issue proposed standards setting forth the levels of carbon monoxide in the passenger areas of schoolbuses which are requisite to protect, with an adequate margin of safety, the health of passengers and to permit safe operation of such buses.

(c) Pursuant to the requirements of section 307(d), the Administrator shall, by regulation, promulgate, with such modifications as he deems appropriate, final standards applicable to the presence of carbon monoxide in the passenger areas of schoolbuses. . . .

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I have a point of order against the amendment. . . .

(T)his amendment would impose a number of additional duties on the Environmental Protection Agency and the Administrator of that Agency and also on the Secretary of the Department of Transportation.

Mr. Chairman, there is nothing in this act pertaining to authority of any agency of the Federal Government to prescribe standards for buses or to prescribe standards for school buses. . . .

The bill includes authority to prescribe standards for new vehicles, not for those vehicles that are on the road and in operation. . . .

MR. KOCH: . . . Mr. Chairman, first, as I understand the gentleman, it is just a colloquy on the imposition of standards on heavy duty vehicles that is already in the bill.

Second, I have a memorandum prepared by the Library of Congress and

I will just briefly recite from it, if I may:

H.R. 10498 amends the Clean Air Act in several respects. Title I of the bill contains 15 sections dealing with amendments relating primarily to statutory sources. Title II has 19 sections relating primarily to mobile sources. And title III has 17 sections of miscellaneous amendments (e.g., redesignation of air quality control regions, fine particulate study, and study and report concerning economic approaches to controlling air pollution). When a bill provides for numerous changes of various sections in existing law, amendments to the bill are sometimes held to be germane where the amendments modify sections of the law not dealt with in the bill. . . .

THE CHAIRMAN:<sup>(10)</sup> The Chair is prepared to rule on the point of order made by the gentleman from North Carolina (Mr. Broyhill).

The gentleman from New York (Mr. Koch) has offered an amendment which has as its title, "Carbon Monoxide Standards for School Bus Passenger Areas." The Chair would like to first point to the title of the bill itself:

This Act, together with the following table of contents, may be cited as the Clean Air Act Amendments of 1976.

Then, the Chair would point to title II, and would emphasize and point out the practical nature and the general nature of title II, which is at this point open to amendment at any point. It is entitled, "Amendments Relating Primarily to Mobile Sources." An examination of the table of contents within the title itself indicates that "mobile sources" being regulated by title II are

10. J. Edward Roush (Ind.).

of many, many sorts, and very diverse including amendments to the Clean Air Act mentioned by the gentleman from Florida and other changes in that law.

It is the opinion of the Chair that the gentleman's amendment as a new section is germane to the title as a whole and that it does not escape nor go beyond the purview of title II. The Chair, therefore, overrules the point of order.

***Diverse Titles Relating to Hazardous Waste Cleanup—New Title To Create Cause of Action for Victims of Improper Hazardous Waste Disposal***

**§ 11.11** To a bill containing diverse titles relating to hazardous waste cleanup, including new uses of a trust fund to finance removal and remedial actions, contemplating compensatory relief through private suits, and containing provisions regarding relocation costs, replacement of drinking water supplies and other disaster relief, and amended to include a provision relating to deed covenants in government surplus property conveyances (several of such provisions containing subject matter within the jurisdiction of committees other than the Committee on Energy and Commerce which

**reported the bill), an amendment in the form of a new title creating a new federal cause of action for victims of improper disposal of hazardous waste, with amounts recovered from the liable private parties to go toward reimbursement of the trust fund for remedial expenses was held germane as within the general diverse class of remedies covered by the bill as a whole, where some of those remedies already contained in the bill were within the jurisdiction of the committee (the Committee on the Judiciary) having jurisdiction over the subject of the amendment.**

The proceedings of Aug. 10, 1984, relating to H.R. 5640 (the Superfund authorization), are discussed in § 4.10, supra.

***Transportation Facilities Eligible for Grants—Amendment Making Additional Groups Within Same Category Eligible***

**§ 11.12** To a section of a bill defining eligibility for certain grants affecting transportation, in terms of four diverse classifications of facilities within the generic category of railroad beds and

**facilities, an amendment adding two additional groups within the same generic category was held germane.**

During consideration of the Emergency Rail Transportation Improvement Act of 1975<sup>(11)</sup> in the Committee of the Whole on Oct. 23, 1975,<sup>(12)</sup> the Chair overruled a point of order against the amendment described above. The section of the bill pending and the amendment offered thereto were as follows:

Sec. 6. Roadbeds and facilities are eligible for project grants pursuant to section 4 if they—

(1) have been designated for transfer to the Consolidated Rail Corporation in the final system plan approved by the Board of Directors of the United States Railway Association under section 206(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(c)); or

(2) are utilized by the National Railroad Passenger Corporation pursuant to the Rail Passenger Service Act (45 U.S.C. 501 et seq.) for providing intercity rail passenger service or are part of either the basic system or the experimental routes established pursuant to such Act; or

(3) are owned by a railroad in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205) on the date of enactment of this Act; or

(4) are utilized for providing intercity rail passenger service by any railroad

11. H.R. 8672.

12. 121 CONG. REC. 33776, 33777, 94th Cong. 1st Sess.

which is not in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205) or subject to reorganization as provided in section 207(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 717(b)). . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Conte: On page 21, line 5 of H.R. 8672, delete the following: "(45 U.S.C. 717(b))." And, in lieu thereof, insert the following: "(45 U.S.C. 717(b)); or

"(5) have been identified to the Secretary by any State, political subdivision thereof, or regional commission as significantly contributing to improvements in, or the continuation of, essential present or anticipated transportation needs, and the Secretary concurs in such identification; or

"(6) are owned by a State or public entity." . . .

MR. [FRED B.] ROONEY [of Pennsylvania]: Mr. Chairman, I believe the amendment should be referred to the Committee on Public Works. I have discussed this with the chairman of the Subcommittee on Surface Transportation of the Committee on Public Works and I am informed that at the present time they are working on this legislation. Therefore I do not think it is germane to this legislation and that this committee does not have that jurisdiction. . . .

THE CHAIRMAN:<sup>(13)</sup> The Chair is prepared to rule.

The amendment offered by the gentleman from Massachusetts (Mr. Conte) would add two categories to the

13. Jonathan B. Bingham (N.Y.).

eligible roadbeds and facilities in section 6 of the bill. The four categories that are now included comprise a diverse group within the generic category of railroad beds and facilities and do not constitute any clearly discernible class different from the categories proposed to be added by the amendment offered by the gentleman from Massachusetts (Mr. Conte). There is nothing in the language of the amendment which would indicate that the facilities covered thereby are within a different class.

In addition, the Chair would refer to the fact that the findings and purposes of the bill refer to railroad and railroad beds and facilities without excluding any particular type of roadbeds and facilities. For these reasons the point of order is overruled.

***Loan Guarantees to Chrysler Corporation—Amendment Imposing Additional Conditions***

**§ 11.13 Where a proposal authorized loan guarantees to the Chrysler Corporation, for purposes of enabling the corporation to remain economically viable and to continue to furnish goods and services, thereby avoiding adverse effects on the economy and domestic employment, but set a variety of conditions on such loan guarantees (such as a prohibition against paying dividends during the term of the loan guarantee), an amendment**

**providing that during that term the corporation shall not purchase or develop manufacturing facilities outside the United States was held germane as a further condition related to the stated purposes of the bill as a whole.**

During consideration of H.R. 5860 in the Committee of the Whole on Dec. 18, 1979,<sup>(14)</sup> the Chair overruled a point of order against the amendment described above, which was offered to an amendment in the nature of a substitute that had been introduced by Mr. William S. Moorhead, of Pennsylvania. The Moorhead amendment stated in part:<sup>(15)</sup>

AUTHORITY FOR COMMITMENTS FOR  
LOAN GUARANTEES

Sec. 4. (a) The Board, on such terms as it deems appropriate, may make commitments to guarantee either the principal amount of loans to a borrower or the principal amount of, and interest on, loans to a borrower. A commitment may be made only if, at the time the commitment is issued, the Board determines that—

(1) there exists an energy-savings plan which—

(A) is satisfactory to the Board;

(B) is developed in consultation with other appropriate Federal agencies;

14. 125 CONG. REC. 36791-93, 36818, 36819, 96th Cong. 1st Sess.

15. *Id.* at pp. 36791, 36792.

(C) focuses on the national need to lessen United States dependence on petroleum; and

(D) can be carried out by the borrowers;

(2) the commitment is needed to enable the Corporation to continue to furnish goods or services, and failure to meet such need would adversely and seriously affect the economy of, or employment in, the United States or any region thereof . . .

(e) With respect to any borrower other than a borrower under subparagraphs (A), (B), and (C) of paragraph (2) of section 2, the Board may make commitments to guarantee loans and may make loan guarantees under this Act to any such borrower before the energy-saving plan required under subsection (a)(1) is developed if the Board determines that such commitments or loan guarantees are necessary to preserve the Corporation for the development of the plan required under subsection (a)(1).

(f)(1) Notwithstanding the provisions of subsection (a)(4), no loan guarantee may be made under this Act unless—

(A) the Corporation offers for sale not less than \$100,000,000 of stock of the Corporation which—

(i) was issued after October 17, 1979; or

(ii) was held by the Corporation as treasury stock of the Corporation before October 17, 1979;

(B) the Corporation secures commitments to purchase not less than \$100,000,000 of such stock from persons with an existing economic stake in the health of the Corporation; and

(C) the commitments referred to in subparagraph (B) exceed such persons'

outstanding commitments to purchase such stock as of October 17, 1979.

(2) Any financial commitment or concession made under paragraph (1) may be applied toward the requirements of subsection (c).

Section 8<sup>(16)</sup> of the amendment in the nature of a substitute stated several terms and conditions of the loan guarantees, including a prohibition against paying dividends during the term of the loan guarantee.

An amendment was offered to the amendment in the nature of a substitute:<sup>(17)</sup>

MR. [FORTNEY H.] STARK [of California]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute. . . .

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Stark to the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: At the end of section 4 [insert] . . .

“. . . During the period in which any loan guarantee is outstanding under this Act, the Corporation shall not spend any funds to purchase or expand manufacturing facilities which are not located in the United States.”

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I make a point of order that the amendment is not germane. . . .

(T)he rules of the House require that the amendment be germane to both

16. *Id.* at pp. 36792, 36793.

17. *Id.* at p. 36818.

the bill and the amendment to which it is offered, as well as to the particular portion of the amendment to which the proposal is offered. This amendment, I think, fails to meet all three of these requirements.

The particular section of the amendment to which this amendment is offered reads as follows: "Authority for Commitments for Loan Guarantees." This section deals with two things: No. 1, that the builder of the automobile to receive the loan guarantee shall have an energy savings plan. That is the first one. It shall have such a plan as a part of both its operating and its financial plan.

The section subsequently goes on and lays down what goes into a satisfactory financing plan. If the Chair will follow this, he will find that the particular section deals with the financing plan clear through the section and deals with the actions of the corporation which will be taken to satisfy a satisfactory financing plan and a plan which will assure the protection of the United States and the interest of the taxpayers in the loan.

The proposal that is offered by the gentleman from California (Mr. Stark) dictates what shall be done by Chrysler, not what will respond to the requirements of this particular section which deal with the financial capability and financial ability of the corporation to repay and as to what constitutes a satisfactory financing plan by the corporation. . . .

Mr. Chairman, I point out that the amendment is not germane because it does not fall in the category of conditions that are met in . . . the bill, the amendment to the bill or the particular section to which it is made.

MR. STARK: Mr. Chairman, if the Chair will bear with me, my amendment, I believe, is to section 4. The gentleman from Michigan is quite correct that that is the authority for commitments under loan guarantees. On page 4 of the committee print of the amendment in the nature of a substitute, on line 14, under the sections which the gentleman from Michigan stated:

. . . the commitment is needed to enable the Corporation to continue to furnish goods or services, and failure to meet such need would adversely and seriously affect the economy of, or employment in, the United States or any region thereof.

Going along further, under the financial plan, which the gentleman said should be submitted, on page 6, paragraph (8):

. . . the financing plan submitted under paragraph (4) provides that expenditures under such financing plan will contribute to the domestic economic viability of the corporation.

I certainly presume that domestic economic viability of the corporation relates to expenditures in the United States and not overseas.

So I would submit that my amendment deals directly with assuring that the intent of section 4 will be carried out by the Board and, therefore, is of the most germane nature and very important to the bill. . . .

THE CHAIRMAN:<sup>(18)</sup> . . . [T]he Chair is ready to rule.

The Chair feels that the argument made by the gentleman from California (Mr. Stark) is to the point, that both the provisions mentioned are perti-

**18.** Richard Bolling (Mo.).

ment, and that the amendment is pertinent to the general purposes of the Moorhead amendment in the nature of a substitute, as indicated by related provisions in the section in question and especially by the substitute as a whole.

Therefore, the Chair overrules the point of order.

***Bill Amending Two Provisions of Gold Reserve Act—Amendment Related To Different Subject in Act***

**§ 11.14 To a bill seeking to amend the Gold Reserve Act in two particulars, an amendment seeking to amend the act in a third particular but not related to the purpose of the amendments under consideration was held not germane.**

In the 76th Congress, a bill<sup>(19)</sup> was under consideration amending the Gold Reserve Act relative to the goal of achieving stabilization of domestic prices and the exchange value of the dollar. A proposed amendment sought to amend the act with regard to a matter not covered in the bill, the purchase of gold abroad by the Secretary of the Treasury and a requirement that the proceeds of such purchase be used only to

19. H.R. 3325 (Committee on Coinage, Weights, and Measures).

“Buy American” products. A point of order was raised against the amendment on the grounds that it was not germane to the bill.<sup>(20)</sup> The point of order was raised by Mr. Howard W. Smith, of Virginia. In response to the point of order, the Chairman<sup>(1)</sup> summarized the issues and ruled as follows:<sup>(2)</sup>

The pending bill has two objectives in view, as far as the bill itself is concerned, in the present parliamentary situation. One, the use of the stabilization fund, to extend the powers in the President of the use of the stabilization fund for the purpose of stabilizing the exchange value of the dollar. Two, to continue power in the President by proclamation, to fix the weight of the gold dollar, for the purpose of stabilizing domestic prices or to protect commerce against the adverse effects of depreciated foreign currency.

The bill picks out two powers granted in the Gold Reserve Act of 1934, from a number of other powers in that act, and it extends the date of expiration of those powers vested in the President and also in the Secretary of the Treasury, and continues those powers for an additional period. . . .

The Chair . . . finds in section 2947 of [vol. 8] of Cannon’s Precedents a ruling by . . . the late Speaker Frederick H. Gillett.

20. 84 CONG. REC. 4628, 76th Cong. 1st Sess., Apr. 21, 1939.

1. John W. McCormack (Mass.).

2. 84 CONG. REC. 4629, 4630, 76th Cong. 1st Sess., Apr. 21, 1939.

The syllabus to that decision reads as follows:

To a bill amendatory of an act in several particulars an amendment proposing to modify the act but not related to the bill was held not to be germane. . . .

The present occupant of the Chair feels that (the precedents cited) are very convincing, and . . . feels strongly inclined to follow the precedent established by the rulings to which the Chair has referred. For the reasons stated, recognizing that it is a close question, the Chair feels constrained to sustain the point of order.

***Bill Prohibiting Various Activities Related to Consumer Credit—Amendment To Prohibit “Loansharking”***

**§ 11.15 To a bill making unlawful a number of activities in the field of interstate consumer credit transactions, an amendment adding another activity, “loansharking,” to those prohibited in the bill was held germane.**

In the 90th Congress, a bill<sup>(3)</sup> was under consideration requiring disclosure of finance charges and interest rates on credit sales, restricting the garnishment of wages, establishing a Commission on Consumer Finance and dealing generally with the subject of cred-

3. H.R. 11601 (Committee on Banking and Currency).

it transactions. An amendment prohibiting “loansharking”—the loaning of money at rates of interest above those permitted by state law—was held germane to such bill. The amendment, offered by Mr. Richard H. Poff, of Virginia, stated in part:<sup>(4)</sup>

b(1) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce by loan sharking or attempts so to do shall be fined not more than \$10,000 or imprisoned not more than five years, or both. . . .

(4) Whoever knowingly participates in any way in a wrongful use of actual or threatened force, violence, or fear in connection with a loan or forbearance in violation of subsections (1) and (2) of this section, or attempted violation thereof, shall be fined not more than \$10,000 or imprisoned not more than twenty-five years, or both.

A point of order was raised against the amendment, as follows:<sup>(5)</sup>

MR. [WRIGHT] PATMAN [of Texas]: Mr. Chairman, I make a point of order against this amendment. . . .

. . . It involves the Federal enforcement of State usury statutes and involves a lot of things like that which Members of this House are entitled to know something about. There really should be committee consideration of it. . . .

In defense of the amendment, the proponent stated as follows:<sup>(6)</sup>

4. 114 CONG. REC. 1605, 1606, 90th Cong. 2d Sess., Jan. 31, 1968.

5. *Id.* at p. 1606.

6. *Id.*

I wish to call to the attention of the Chair reference to the title of the bill, and particularly to the first two clauses thereof which read as follows:

To safeguard the consumer in connection with the utilization of credit by requiring full disclosure of the terms and conditions of finance charges in credit transactions or in offers to extend credit; by establishing maximum rates of finance charges in credit transactions . . .

Mr. Chairman, the thrust of this amendment is to fix a Federal definition of the crime of usury as it is related to the State statutes which deal with the subject of usury.

Mr. Chairman, it is my feeling that the amendment is altogether addressed to the subject matter of the bill and is properly identified with its provisions.

The Chairman,<sup>(7)</sup> in ruling on the point of order, stated:<sup>(8)</sup>

The bill under consideration deals with credit, interest and garnishment, and several other classifications of these fields.

The Chair, in perusing the amendment offered by the gentleman from Virginia, finds that it deals with interest, interest rates, and refers to the matter of "loan sharks"; this has to do with the matter of interest - the excessive charge of interest. And it appears to the Chair that this is another classification to add to those under consideration in the original bill.

The Chair, therefore, holds that the amendment is germane and overrules the point of order.

7. Charles M. Price (Ill.).

8. 114 CONG. REC. 1607, 90th Cong. 2d Sess., Jan. 31, 1968.

***Amendment Adding to Items Covered by Flammable Fabrics Act***

**§ 11.16 To a bill extending the coverage of the Flammable Fabrics Act to include wearing apparel and household furnishings, an amendment to bring children's toys within the mandate of the act was held to be germane.**

In the 90th Congress, a bill<sup>(9)</sup> was under consideration relating to fire hazards arising out of the condition of wearing apparel and household furnishings. The following exchange<sup>(10)</sup> concerned an amendment offered by Mr. James G. O'Hara, of Michigan:

MR. [HASTINGS] KEITH [of Massachusetts]: Mr. Chairman, I make a point of order against the consideration of this matter at this point. . . .

Mr. Chairman, my objection is to the consideration of the subject matter of the proposed amendments as not being pertinent and as not being germane to this legislation, and I make a point of order against the amendments on that ground.

Mr. O'Hara responded to the point of order in the following language:

Mr. Chairman, this is an amendment to the Flammable Fabrics Act.

9. S. 1003 (Committee on Interstate and Foreign Commerce).

10. 113 CONG. REC. 33769, 33770, 90th Cong. 1st Sess., Nov. 27, 1967.

The Flammable Fabrics Act is rather extensively amended by the bill before us. The Flammable Fabrics Act is amended to include interior furnishings “made in whole or in part of fabric or related material” and so on.

Then, “fabric” is defined to mean “any material—except fiber, filament, or yarn for other than retail sale—woven, knitted, felted, or otherwise produced from or in combination with any natural or synthetic fiber, film, or substitute therefore,” and so on.

Then we get to “related material” which is defined to mean “paper, plastic, rubber, synthetic film, or synthetic foam” and so on.

Then the term “product” means “any article of wearing apparel or interior furnishing.”

Mr. Chairman, I would submit that under the provisions of this particular legislation we are simply adding a new category, made of fabric and related material, a new category of items. Therefore, it would be germane to this legislation. . . .

THE CHAIRMAN:<sup>(11)</sup> . . . The bill which the Committee has under consideration is designed to protect the public against undue risk of fire leading to death, injury of property, and damage, arising out of the condition of articles of wearing apparel and interior or household furnishings.

This is the language of the bill which the Committee of the Whole has under consideration, which deals with two classes of subjects. The amendment which is proposed by the gentleman from Michigan would seek to add a third class. It would appear that the

addition of a third class is a proper amendment and, therefore, would be germane.

There is the general proposition that a proposition dealing with a number of subjects may be amended by the addition of another subject of the same class.

The Chair, therefore, overrules the point of order.

***Bill Containing Diverse Provisions Relating to Authorities of Department of Defense—Amendment Prohibiting Use of Certain Real Property for Deployment of Weapons System***

**§ 11.17 To a bill containing diverse provisions relating to authorities of the Department of Defense, an amendment adding a new title precluding that department from utilizing certain real property for deployment of a weapons system pending a study was held germane as confined solely to activities of the Defense Department and not extending to issues of the release of public lands through another department.**

On May 21, 1980,<sup>(12)</sup> during consideration of H.R. 6974<sup>(13)</sup> in the

12. 126 CONG. REC. 11972, 11973, 96th Cong. 2d Sess.

13. The Department of Defense Authorization for fiscal 1981.

11. Donald M. Fraser (Minn.).

Committee of the Whole, Chairman Dan Rostenkowski, of Illinois, overruled a point of order in the circumstances described above:

MR. [DAVID D.] MARRIOTT [of Utah]:  
Mr. Chairman, I offer an amendment.  
The Clerk read as follows:

Amendment offered by Mr. Marriott:

**TITLE X—RESPONSE TO MX/MPS  
SYSTEM IMPACT BY THE SEC-  
RETARY OF DEFENSE**

Sec. 1000. The Secretary of Defense may not use any land made available for the deployment of any part of the MX/MPS system until the Secretary of Defense has provided Congress and the States affected by the system with the following—

(1) A report setting forth specific social, economic and environmental impacts of the MX/MPS system on the people, lands, and resources affected, and detailing the amount of public land to be partially or completely closed to any or all public use, and setting forth any circumstances which would require the use of area security, rather than point security, for the system;

(2) A proposal outlining the methods of addressing the social, economic, and environmental impacts of the MX/MPS system so as to minimize the negative effects of such impacts, including specific steps that can be taken to eliminate delays in delivery of necessary impact aid funds to affected states, counties, and communities;

(3) A study of the feasibility of basing parts of the MX/MPS system in more than two States, so as to minimize the social, economic, and environmental impacts on any single State. . . .

MR. [RICHARD H.] ICHORD [of Missouri]: . . . I observe that the amendment applies to the MX-MPS system which is contained in title II and was fully debated by the committee.

The gentleman sets up a new title X applying solely to MX lands.

Mr. Chairman, I would raise a point of order against the amendment on two grounds. First, the amendment is not now in order as a separate title X. It should have been offered to title II.

The gentleman would have to ask unanimous consent to open up the MX issue.

Mr. Chairman, as a second ground, fully appreciating the good and honorable intentions of the highly esteemed gentleman from Utah in offering this amendment, I make the point of order that the amendment is not germane to the legislation under consideration today since this bill in even a remote respect, Mr. Chairman, does not authorize the acquisition of public lands in any fashion, nor are the agencies of Government concerned nor the public lands within the jurisdiction of this bill.

If we examine the amendment, the gentleman deals strictly with three conditions for the withdrawal of land. Therefore, such an amendment would not properly find its place in H.R. 6974. In fact, Mr. Chairman, the law is such that if we make a withdrawal of land over 5,000 acres it has to be done by other legislation. I am constrained, even though appreciating the good intentions of the gentleman from Utah, to make the point of order that the amendment offered by the gentleman from Utah (Mr. Marriott) is not germane to the bill under the provisions of House rule XVI, clause 7. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The Chair observes that the gentleman from Utah (Mr. Marriott) has offered his amendment as a new title X, which is an amendment which must be germane to the bill as a whole and, the Chair feels that the amendment certainly relates to the bill, and that under the precedents a subject may be germane at more than one place in the bill.

The Chair also makes the observation that the amendment only addresses the authority of the Secretary of Defense to use any available lands for research on and deployment of the MX. Such an amendment is germane since it is not addressed to the question of the acquisition of public lands or the release of public lands by the Department of the Interior and since other authorities of the Defense Department are contained in the bill. Therefore, the Chair overrules the point of order raised by the gentleman from Missouri.

***Bill Embracing Different Subjects Relating to Prosecution of War—Amendment Adding Further Subject Affecting War Effort***

**§ 11.18 To a bill to expedite the prosecution of war, embracing 16 different titles upon unrelated subjects, an amendment proposing to insert a new title on another subject but having for its purpose the same general object was held germane.**

In the 77th Congress, during consideration of the second war powers bill<sup>(14)</sup> the following amendment was offered as a new title:<sup>(15)</sup>

TITLE IV—A

That during the national emergency declared to exist by the President on May 27, 1941, the following provisions of law, as amended, are suspended, insofar as they—

(a) Prescribe the maximum hours, days, or weeks of labor in any specified period of time;

(b) Require compensation at a rate higher than the usual rate at which an employee is employed (1) for labor in excess of a specified number of hours, days, or weeks in any specified period of time, or (2) for labor on Sundays, holidays, or during the night. . . .

A point of order was made against the amendment as follows:<sup>(16)</sup>

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Virginia [Mr. Smith] on the ground that it is not germane to the bill. . . .

The Smith amendment provides for maximum hours of employment and rates of pay. It suspends the operation of some 17 different public acts. The bill before you has nothing to do with

14. S. 2208 (Committee on the Judiciary).
15. 88 CONG. REC. 1708, 77th Cong. 2d Sess., Feb. 26, 1942.
16. *Id.* at p. 1709.

any or all of the acts thus sought to be suspended. It has naught to do with hours of employment or rates of pay. It is not a labor bill.

The following additional remarks were made in support of the point of order:<sup>(17)</sup>

MR. [ARTHUR D.] HEALEY [of Massachusetts]: . . . I submit, Mr. Chairman, that the amendment deals with suspension of sections of laws relating to hours and wages, and that there is no section of the bill now under consideration, as reported by the committee, that deals with that subject or any subject related to it.

The proponent of the amendment defended it as follows:<sup>(18)</sup>

MR. [HOWARD W.] SMITH of Virginia: Mr. Chairman, the Chair, and everyone else, of course, recognize that this is an unusual situation, because we are considering what is known as a war-powers bill, a bill which has 16 separate titles, no two of which are germane to each other. . . . [All that is] necessary in a situation of this kind is that the fundamental purpose of [the amendment] which is, namely, to expedite the war effort, shall be germane to the fundamental purpose of the bill to which it is offered.

The Chairman,<sup>(19)</sup> in ruling on the point of order, stated:<sup>(20)</sup>

. . . [T]he Chair [endeavors] to point out that there is an unusual situation

17. *Id.* at p. 1710.

18. *Id.* at pp. 1710, 1711.

19. Jere Cooper (Tenn.).

20. 88 CONG. REC. 1712, 77th Cong. 2d Sess., Feb. 26, 1942.

presented in that the pending bill embraces 16 different titles, all titles on different and unrelated subjects. Therefore the Chair is of the opinion that the only proper and reasonable test that can be applied in a situation of this kind is the subject matter and the purpose covered by the pending bill and the pending amendment. The purpose of the pending bill is to further expedite the prosecution of the war effort.

Therefore the Chair is of the opinion that the amendment is germane to the purposes of the bill, and the Chair therefore overrules the point of order.

***Provisions Requiring Non-discrimination in Army Nurse Corps—Amendment Proscribing Additional Form of Discrimination***

**§ 11.19 To a proposed requirement that officers in the Army Nurse Corps be appointed irrespective of race, color, creed, national origin, or ancestry, an amendment adding to such categories that of “membership or non-membership in any labor organization” was held germane.**

In the 80th Congress, a bill<sup>(1)</sup> was under consideration to establish a permanent nurse corps of the Army and Navy and to estab-

1. H.R. 1943 (Committee on Armed Services).

lish a Women’s Medical Specialist Corps in the Army. Mr. Adam C. Powell, Jr., of New York, had offered an amendment which provided that commissioned officers of the Army Nurse Corps, Regular Army, be appointed from female citizens “irrespective of race, color, creed, national origin, or ancestry.”<sup>(2)</sup> During consideration of the Powell amendment, Mr. Clare E. Hoffman, of Michigan, offered an amendment to the amendment for purposes of adding a requirement that the officers referred to be appointed irrespective of “membership or nonmembership in any labor organization.”<sup>(3)</sup> The following point of order was then raised against the Hoffman amendment:

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, I make the point of order that the amendment to the amendment is not germane. The amendment offered by the gentleman from New York merely deals with the question of race, creed, or color, and national origin. The amendment to the amendment offered by the gentleman from Michigan deals with an entirely different subject. . . .

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled as follows on the point of order:

The amendment offered by the gentleman from New York [Mr. Powell]

2. 93 CONG. REC. 2011, 80th Cong. 1st Sess., Mar. 13, 1947.
3. *Id.* at p. 2012.

provides generally that appointment in the Nurse Corps shall be made irrespective of race, creed, color, or national origin.

The amendment offered by the gentleman from Michigan (Mr. Hoffman) simply adds an additional category.

In the opinion of the Chair, the amendment is germane, and the Chair, therefore, overrules the point of order.

***Bill Waiving State Laws Affecting Voting Rights of Armed Forces—Amendment Waiving Payment of Poll Tax as Requirement***

**§ 11.20 To that section of a bill concerning the right of members of the armed forces to vote notwithstanding any state law relating to elections, including requirements as to registration, an amendment waiving the payment of a poll tax as a prerequisite to registration was held merely to add another provision relating to the voting rights in question and was held germane.**

On July 23, 1942, a bill<sup>(4)</sup> was under consideration which related to absentee voting in time of war by members of the armed forces. The bill stated in part:<sup>(5)</sup>

4. H.R. 7416 (Committee on Election of President, Vice President, and Representatives in Congress).
5. 88 CONG. REC. 6561, 77th Cong. 2d Sess., July 23, 1942.

SPECIAL METHOD OF VOTING IN TIME  
OF WAR

Section 1. In time of war, notwithstanding any provision of State law relating to elections (including requirements as to registration), every individual absent from the State of his residence and serving in the land or naval forces of the United States in the continental United States (exclusive of Alaska), who is otherwise qualified to vote under the law of the State of his residence, shall be entitled, as provided in this act, to vote for electors of President and Vice President of the United States, United States Senators and Representatives in Congress.

An amendment offered by Mr. Estes Kefauver, of Tennessee, sought specifically to include payment of a poll tax among the state requirements relating to elections which were to be deemed inapplicable to members of the armed forces as described. Mr. John E. Rankin, of Mississippi, made the point of order that the amendment was not germane; the point of order, however, was overruled. The Chairman <sup>(6)</sup> stated:

The Chair invites attention to the provision of the bill where the amendment is offered, including requirement as to registration. The amendment seeks to add another provision relating to the right of the men to vote.

Therefore, the Chair is of the opinion that the amendment is germane and overrules the point of order.

6. Jere Cooper (Tenn.).

***Bill Prohibiting Interference With Officials Attempting To Enforce Civil Rights—Amendment Proscribing Interference Under Additional Circumstances***

**§ 11.21 To a bill making it a criminal offense to interfere with enjoyment of certain enumerated civil rights and prohibiting interference with public officials attempting to enforce these rights without discrimination, an amendment proscribing interference with a public official, law enforcement officer, or fireman who is attempting to carry out the purposes of the bill or prevent civil disturbances, riots, or the destruction of property was held germane.**

The following exchange <sup>(7)</sup> in the 90th Congress concerned an amendment to a bill <sup>(8)</sup> prescribing penalties for interference with civil rights:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

. . . [It shall be a criminal offense to injure, interfere with, or the like]

7. 113 CONG. REC. 22757, 22758, 90th Cong. 1st Sess., Aug. 16, 1967.

8. H.R. 2516 (Committee on the Judiciary).

any law enforcement officer making or attempting to make a lawful arrest to carry out the purposes of this act or to prevent or abate a riot or violent civil disturbance . . . or . . . any fireman attempting to extinguish a fire created by any disturbance resulting from a civil rights protest. . . .

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I make the point of order that the amendment is not germane. . . .

The fundamental purpose of this bill is to prescribe penalties for the forcible interference because of race, color, or creed or national origin with the enjoyment of civil rights.

Those rights are Federal rights. They stem from the 14th amendment, and from the laws passed by the Congress. . . .

The question of protection of policemen and firemen is a matter I doubt very much whether we would have the constitutional right to adopt, or pass.

The congressional power in this respect could not stem from the 14th amendment. It could not stem from the commerce clause.

That is not the case with policemen and firemen. In my estimation this is purely a State or local matter and not for the Congress. . . .

MR. WRIGHT: Mr. Chairman, it is a well-established principle fully recognized in the rules of this House and in its precedents and rulings of the Chair that an amendment is germane when it does no more than to add an additional category to the list of punishable offenses prescribed in the bill. . . .

THE CHAIRMAN:<sup>(9)</sup> . . . The bill before the Committee of the Whole enu-

merates eight areas of civil rights activity and is designed to prevent or punish interference with these activities. It does this by defining three new crimes:

The bill makes it a crime:

First, to interfere with any person, because of his race, color, religion, or national origin, while he is lawfully engaging or seeking to engage in these activities;

Second, to interfere with any person to discourage lawful participation by such person in any of the eight activities, and, more particularly, to interfere with related free speech and assembly;

Third, for any person to interfere with any public official to discourage such official from affording equal treatment to those participating in the eight activities.

The amendment adds a fourth category of criminal activity closely related to the last of these three crimes. It also relates to interference with public officials in the performance of their duties and proscribes any attempt to injure, intimidate or interfere with a public official attempting to carry out the purpose of this act or attempting to prevent certain civil disturbances.

The Chair feels that this amendment falls within the general proposition that where a section of a bill defines several unlawful acts an amendment proposing to include an additional unlawful act of the same class is germane.

***Bill Authorizing Investigation of Civil Rights Violations—Amendment Adding Further Discriminatory Practice To Be Investigated***

**§ 11.22 To a bill authorizing a commission to investigate**

9. Richard Bolling (Mo.).

**abridgment of civil rights, an amendment making discrimination on the basis of political affiliation a subject of such investigation was held to be germane.**

In the 84th Congress, a bill<sup>(10)</sup> was under consideration which provided in part that a commission should investigate allegations that certain citizens were being deprived of their right to vote or being subjected to unwarranted economic pressures by reason of their color, race, religion, or national origins. The following amendment was offered:<sup>(11)</sup>

Amendment offered by Mr. Paul C. Jones, of Missouri: On page 21, line 12, after the word "religion", insert "political affiliation."

A point of order was raised against the amendment, as follows:<sup>(12)</sup>

MR. [KENNETH B.] KEATING [of New York]: Mr. Chairman, I make the point of order that this amendment is not germane to this bill. The prohibition against discrimination on the grounds of color, race, religion, and [national] origin is envisioned within the terms of the bill now and it says nothing about political affiliations. We do not want to change the entire character of this

commission, as it is set up here, by providing that they are to get into an investigation of how people vote and why. It would involve, or at least could involve, investigation of the so-called Communist Party and other subversive groups. It completely changes the character of the bill. It is not within the purview of either this section or the title of the bill in any way, it seems to me.

In defense of the amendment, the proponent stated as follows:<sup>(13)</sup>

MR. JONES of Missouri: Mr. Chairman, I think it is apparent to anyone if they read the bill, that it says it is to investigate the allegation that certain citizens of the United States are being deprived of their right to vote. . . .

I think [it] is well recognized, that political affiliation is something that excludes some people from the right of franchise in this country.

The Chairman,<sup>(14)</sup> in ruling on the point of order, stated:<sup>(15)</sup>

The Chair has examined both the language of the amendment and the language of the bill and finds, for the reason that the word "sex" was germane yesterday, "political affiliation" is germane to the section that the gentleman has offered his amendment, and the Chair overrules the point of order.

10. H.R. 627 (Committee on the Judiciary).

11. 102 CONG. REC. 13730, 84th Cong. 2d Sess., July 20, 1956.

12. *Id.* at pp. 13730, 13731.

13. *Id.* at p. 13731.

14. Aime J. Forand (R.I.).

15. 102 CONG. REC. 13731, 84th Cong. 2d Sess., July 20, 1956.

***Bill Establishing Department of Education and Containing Findings—Amendment Adding Finding With Regard to Use of Quotas Based on Race or Other Factors***

**§ 11.23** To that portion of a bill containing diverse findings and purposes related to a general subject, an amendment adding another finding or purpose related to that subject is germane; thus, to a title of a bill establishing a new Department of Education, stating a wide range of findings and educational purposes for the creation of the Department, including a finding that there is a need to insure equal access to educational opportunities, an amendment adding the finding that no individual should be denied such opportunities by regulations which utilize ratios, quotas, or other numerical requirements based on race, creed, color, national origin or sex, was held germane as adding a related finding to the diverse class of educational policies stated in the title.

On June 12, 1979,<sup>(16)</sup> during consideration of H.R. 2444<sup>(17)</sup> in the Committee of the Whole, Chairman Lucien N. Nedzi, of Michigan, overruled a point of order against the following amendment:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Walker: On page 54, in line 21, strike out the “;”, and insert the following: “and that no individual should be denied such education opportunities by rules, regulations, standards, guidelines, and orders which utilize any ratio, quota, or other numerical requirement related to race, creed, color, national origin or sex.”. . .

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I raise a point of order against this amendment, since it is on a subject that is different from that which is under consideration and, thus, it fails to meet the test that is imposed by rule XVI, clause 7.

We are considering a reorganization statute, that is H.R. 2444, within the jurisdiction of the Committee on Government Operations. That committee has reported this bill.

The gentleman is introducing a new subject by way of his amendment which affects education programs. If such an amendment were introduced

16. 125 CONG. REC. 14460, 96th Cong. 1st Sess.
17. Department of Education Organization Act of 1979.

as a bill, it would not even be referred to the Committee on Government Operations.

In order to be germane, an amendment must have the same fundamental purpose as the bill under consideration. The purpose of H.R. 2444 deals only with the organizational structure of a new Department of Education.

The amendment raises a controversial subject of public policy and gets into substantive issues. Thus, the fundamental purpose of the amendment is not germane to the fundamental purpose of the bill.

I know yesterday there was a ruling of the chair with regard to one of the other amendments that were offered that made reference to the inclusion in this bill of section 103, namely prohibition against Federal control of education. That provision is the restatement of the present law which prohibits the Federal Government from controlling or getting into the control of local education. In other words, that is a restatement of what the present law is. It was put in this bill so it would make certain to those who were involved with the Department of Education in the bill that they would know that it is not the intention of the Federal Government to direct or control education at the local level.

This amendment goes into substantive issues which are not involved in this committee. We have had no hearings on this subject; we have had no opportunity to discuss it; we have had no testimony on it. . . .

MR. WALKER: . . . What I am simply doing in this particular amendment is further defining findings which are already stated under the findings and purposes section of this bill.

The present findings says:

There is a continuous need to insure equal access for all Americans to educational opportunities of high quality.

All this language does is expand upon that particular phraseology by saying that no individual should be denied such educational opportunities by rules, regulations, standards, guidelines, or orders which utilize any ratio, quota, or other numerical requirement related to race, creed, color, national origin or sex.

It simply defines material which is already stated in the bill. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The Chair would like to remind the Member that title I of H.R. 2444 in section 102 contains a diverse statement of purposes and findings applicable to the newly created Department of Education. These findings, while not affecting or creating new authorities which are to be transferred to the Department, are extremely diverse in character and emphasize several aspects of the question of the extent of Federal Government involvement in educational programs. Since it is difficult to group into one class all of the stated purposes and findings for the new Department, and since the pending amendment does not directly address new substantive authorities to be conferred upon or withheld from the Department, the Chair will rule that the amendment stating an additional finding relative to Federal educational policy is germane to title I of the bill.

The Chair would cite a relevant precedent contained in Cannon's precedents, volume VIII, section 3011,

where, to a section embodying a declaration of policy and including a number of purposes, an amendment proposing to incorporate an additional purpose was held germane. There, the Chair emphasizes that the declaration of policy section did not have any particular effect upon the bill, and that the section contained several diverse proposals.

Accordingly, the Chair overrules the point of order, and the gentleman from Pennsylvania is recognized for 5 minutes in support of his amendment.

***Bill Prohibiting Certain Activities in Political Campaigns—Amendment To Prohibit Certain Political Activities on Part of Employees of Public Utility Holding Companies***

**§ 11.24 To a bill making it unlawful for persons, corporations, and the like to engage in certain “pernicious political activities,” an amendment making unlawful certain “pernicious political activities” on the part of employees of public utility holding companies was held to be germane.**

In the 76th Congress, a bill<sup>(18)</sup> was under consideration that sought to prevent pernicious political activities by making it unlawful for any person to make con-

**18.** S. 3046 (Committee on the Judiciary).

tributions in excess of \$5,000 to political campaigns. The bill also declared it to be unlawful for any person, partnership, corporation, or the like, to purchase any goods, commodities, or advertising, where the proceeds of such purchase would inure to the benefit of any political campaign. The following amendment was offered:<sup>(19)</sup>

Amendment offered by Mr. [John E.] Rankin [of Mississippi]: Page 21, after line 7, insert: “it is further declared to be a pernicious political activity, and it shall hereafter be unlawful, for any officer or employee of a public utility holding company registered with the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935, or of any subsidiary company thereof, (1) to take any active part in political management or in political campaigns, or (2) to use his authority or influence as such officer or employee for the purpose of interfering with an election or a nomination for office, or affecting the results thereof, or (3) directly or indirectly to coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.”

A point of order was made against the amendment by Mr. John J. Dempsey, of New Mexico,

**19.** 86 CONG. REC. 9453, 76th Cong. 3d Sess., July 10, 1940.

on the ground that the amendment was not germane to the bill.<sup>(20)</sup> Mr. Earl C. Michener, of Michigan, speaking in support of the point of order,<sup>(1)</sup> argued that the bill dealt basically with groups or classes who received compensation or contributions directly or indirectly from the federal government, and that the class of persons included within the terms of the Rankin amendment were not such a class as the bill intended to regulate. A further argument was made by Mr. Francis H. Case, of South Dakota,<sup>(2)</sup> that the section of the bill to which the amendment was offered dealt primarily with the subject of contributions rather than with that of participation in campaigns; observing that much of the proposed amendment was devoted to the subject of participation in campaigns, Mr. Case cited another section of the bill to which he felt the amendment would more appropriately be offered. The Chairman, John W. McCormack, of Massachusetts, in ruling on the point of order, stated:<sup>(3)</sup>

The Chair is in complete agreement with so much of the observations of the

20. *Id.* at p. 9453.

1. *Id.*

2. *Id.* at p. 9454.

3. *Id.*

distinguished gentleman from Michigan [Mr.

Michener] as relates to the amendment's not being germane if the bill were confined to one group. The Chair would have no hesitancy in ruling if the bill confined itself . . . to employees of a state or of any political subdivision.

However, the Chair is very much concerned by the provision of section 13, which brings in another class, declaring it to be [a pernicious political activity for any person to make political contributions as specified].

Then in the third paragraph of section 13 there is brought in another class: . . . "any person, individual, partnership, committee, association, corporation, and any other organization or group of persons. . . ."

There is a well-recognized rule of the House, which has been passed upon on many occasions, that where a bill confines itself to one subject, another subject, even if related, would not be germane, but where a bill covers two or more subjects a related subject would then be in order. . . .

This being a related matter, and the bill covering two or more groups, it seems to the Chair that another group could be included therein, which the amendment offered by the gentleman from Mississippi undertakes to do. For the reasons stated, therefore, the Chair overrules the point of order.

***Provisions Relating to Government and Political Rights in District of Columbia—Amendment Providing for Non-voting Delegate to Senate***

**§ 11.25 To a proposition relating in many diverse respects**

**to the political rights of the people of the District of Columbia, an amendment conferring upon that electorate the additional right of electing a non-voting Delegate to the Senate was held germane.**

On Oct. 10, 1973,<sup>(4)</sup> the Committee of the Whole had under consideration H.R. 9682, a bill to reorganize the government of the District of Columbia. An amendment in the nature of a substitute provided for a comprehensive reorganization of the government of the District of Columbia, including sections permitting the popular election of a mayor and city council. It also contained amendments to the District of Columbia Election Act relating to procedures for election of a delegate to the House of Representatives. An amendment was offered providing for the election of a non-voting delegate to the Senate. The proceedings were as follows:

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Gross to the amendment in the nature of a substitute offered by Mr. Diggs: Page

4. 119 CONG. REC. 33656, 33657, 93d Cong. 1st Sess.

118, immediately after line 2, insert the following:

DISTRICT OF COLUMBIA DELEGATE TO THE SENATE

Sec. 741. (a) The people of the District of Columbia shall be represented in the Senate of the United States by a Delegate, to be known as the "Delegate to the Senate from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act, in the same manner as such Act relates to the election of the Delegate to the House of Representatives from the District of Columbia. . . .

MR. [DONALD M.] FRASER [of Minnesota]: Mr. Chairman, I wish to make a point of order against the amendment. . . .

[T]he point of order is based on the fact that the amendment is not germane. The bill deals with self-government for the District of Columbia and allocating certain powers to the District and certain restrictions on the exercise of that authority. The amendment, as I understand it, purports to give representation in the Congress, which is a wholly different subject not embraced in the bill before the Committee. . . .

THE CHAIRMAN:<sup>(5)</sup> The Chair is prepared to rule. The Chair believes that the matter before the committee covers so many different subjects that have to do with the rights of people of the District of Columbia that the amendment is, in fact, germane and overrules the point of order.

5. Richard Bolling (Mo.).

***Resolution Authorizing Investigation of Sources and Purity of Milk Supply in District of Columbia—Amendment Expanding Investigation To Include Ways To Ensure Adequate Supply of Dairy Products***

**§ 11.26 To a resolution authorizing a committee to investigate several matters relating to the sources and purity of the milk supply in the District of Columbia, an amendment was held to be germane which proposed that such investigation encompass additional aspects of the problem of ensuring an adequate supply of dairy products in the District of Columbia.**

The following resolution was offered on Mar. 13, 1939:<sup>(6)</sup>

HOUSE RESOLUTION 113

*Resolved*, That the House Committee on the District of Columbia, or a duly authorized subcommittee thereof, be, and is hereby, authorized and directed to make a full and complete investigation of (1) the sources and purity of the milk and cream supply of the District of Columbia; (2) of any violation of the law of the District of Columbia or regulations of the District Commissioners made pursuant thereto with respect to the importation of milk or cream into

6. 84 CONG. REC. 2663, 76th Cong. 1st Sess. (Committee on Rules).

the District of Columbia or importation of unlicensed milk or cream into the District of Columbia and the method by which such violations are perpetrated; (3) the possible effect upon the health of the community by reason of the unlawful importation of unlicensed milk or cream into the District of Columbia; (4) whether and to what extent cream for ice-cream purposes, under section 4 of the 1925 Milk Act of the District of Columbia, is being diverted unlawfully to milk or cream for fluid consumption; (5) whether any conspiracy exists on the part of any distributor of any dairy products to violate the provisions of the 1925 District Milk Act or the regulations made pursuant thereto. . . .

To such resolution, the following amendment was offered:<sup>(7)</sup>

Amendment offered by Mr. [Charles A.] Halleck [of Indiana]: Page 2, line 7, after "thereto," strike out the period and insert:

(6) the propriety and feasibility of licensing or otherwise permitting under proper regulation in such manner as to fairly protect the safety and health of consumers in the District of Columbia the entry into the District of Columbia of so-called western cream and milk, and cream and milk from any available sources in the United States for fluid, manufacturing, or other use in the District of Columbia and on the Washington market;

(7) and whether the 1925 Milk Act, and all other acts relating to the importation, distribution, and inspection of milk and dairy products require modification, alteration, or improve-

7. *Id.* at p. 2671.

ment in order to insure an adequate supply of milk and dairy products for the residents of the District of Columbia at reasonable and fair prices.

A point of order was made against the proposed amendment, as follows:

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, I make the point of order against the amendment that it is not germane to the resolution before the House. . . . As the Chair will notice, the resolution of investigation is confined to a narrow scope, namely, its sole purpose is investigation of law violations. The gentleman from Indiana desires to enter upon an investigation of whether the law as now existing is a good law or a bad law, or whether Congress ought to do something about it.

In ruling on the point of order, Speaker William B. Bankhead, of Alabama, stated: <sup>(8)</sup>

There is a very well considered line of opinions and precedents holding that where a number of subjects are embraced in a bill, it is germane to add another subject of the same class thereto, and inasmuch as the committee is authorized to make recommendations affecting legislation to cure or change the situation with reference to the supply of milk or cream, the Chair is of the opinion that the amendment is in order and is germane to the resolution and overrules the point of order.

8. *Id.* at p. 2672.

***Bill Amending Laws Affecting Authority of Secretary of Agriculture—Amendment Addressed to Different Law Affecting Such Authority***

**§ 11.27 Although an amendment which changes a law not cited in a pending bill is ordinarily not germane, a title of a bill which amends several laws to address a variety of authorities of an executive department may be broad enough to admit as germane an amendment changing another existing law to add another authority of that department within the same general class; thus, to a title of an omnibus agricultural bill respecting a number of unrelated authorities of the Secretary of Agriculture as to crop set-asides, loans and sales, export sales, price supports, importation and allotment studies, an amendment amending the Agricultural Marketing Act of 1946 (not amended by the title) to require the Secretary to adopt a minimum standard for the contents of ice cream, and allowing only such ice cream as meets those standards to bear a USDA stamp of approval,**

**was held germane since restricted to authority of the Department of Agriculture.**

On July 22, 1977,<sup>(9)</sup> during consideration of H.R. 7171 (the Agricultural Act of 1977) in the Committee of the Whole, the Chair overruled a point of order against the amendment described above. The proceedings were as follows:

The Clerk read as follows:

TITLE IX—MISCELLANEOUS  
COMMODITY PROVISIONS

SET-ASIDE ON SUMMER FALLOW  
FARMS

Sec. 901. Notwithstanding any other provision of law, for the 1971 through 1981 crops of wheat, feed grains, and cotton if in any year at least 55 per centum of cropland acreage in an established summer fallow farm is diverted to a summer fallow use no further acreage shall be required to be set aside under the wheat, feed grains, and cotton programs for such year.

LOAN EXTENSION AND SALES PROVI-  
SIONS FOR WHEAT AND FEED  
GRAINS

Sec. 902. The Agricultural Act of 1949, as amended, is amended by adding the following new section:  
. . .

FARM STORAGE FACILITY LOANS

Sec. 905. Section 4(h) of the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended; 15 U.S.C. 714b(h)) is amended by inserting immediately before the pe-

9. 123 CONG. REC. 24558, 24559, 24569-71, 95th Cong. 1st Sess.

riod at the end of the second sentence the following: “. . . .

SOYBEAN PRICE SUPPORT

Sec. 906. The Agricultural Act of 1949, as amended, is further amended by adding a new section 304, as follows:

“Sec. 304. Notwithstanding any other provisions of this Act, the Secretary shall make available to producers loans and purchases on each crop of soybeans at such level as he determines appropriate in relation to competing commodities and taking into consideration domestic and foreign supply and demand factors.”.  
. . . .

REPORT ON RECOMMENDATIONS FOR  
REVISED ALLOTMENT SYSTEM

Sec. 909. The Secretary shall collect and analyze currently available information pertaining to the use of bushels of wheat and feed grains and pounds of rice as the basis for assigning allotments to producers of such commodities. . . .

MR. [CHARLES] ROSE [of North Carolina]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rose: On page 52, line 5, insert the following:

STANDARD OF QUALITY

Sec. 910. Sec. 203(c) of the Agricultural Marketing Act of 1946 is amended by inserting immediately before the period at the end thereof the following semicolon: “; *Provided*, That within 30 days of enactment of the Agricultural Act of 1977, the Secretary of Agriculture shall by regulation adopt a Standard of Quality for ice cream which shall provide that ice cream shall contain at least 1.6 pounds of total solids to the gallon,

and weighs not less than 4.5 pounds to the gallon . . . In no case shall the content of milk solids not fat be less than 6%. . . . Only those products which meet the standard issued by the Secretary shall be able to bear a symbol thereon indicating that they meet the USDA standard for "ice cream." . . .

MR. PAUL G.] ROGERS [of Florida]: . . . I make the point of order against the amendment offered by the gentleman from North Carolina (Mr. Rose) on the ground that it is not germane to the bill under consideration and thus is in violation of rule XVI, clause 7.

The gentleman's amendment is aimed at the Food and Drug Administration's proposed regulations which would change that agency's standard of identity for "ice cream" under the authority of section 401 of the Federal Food, Drug and Cosmetic Act. . . .

Knowing full well that any direct attempts to amend the proposed standard of identity would be nongermane, the gentleman now seeks instead to amend the Agricultural Marketing Act to provide that only products that meet statutory standards, as set forth in his amendment, could bear a symbol indicating that they meet a USDA standard for ice cream.

Now, I would base the point of order on three grounds.

First, it amends an act—the Agricultural Marketing Act of 1946—not otherwise amended by the bill, and thus is in violation of rule 16, clause 7. Three precedents support this ground. I cite the Chair's ruling on June 23, 1960, in which, to a bill amending the Agriculture Adjustment Acts of 1938 and 1949 to provide, in part, for market adjustment and price support programs

for wheat and feed grains, an amendment to the Agricultural Adjustment Act of 1933 concerning the importation of agricultural products was ruled out as not germane.

On the same day, an amendment to the 1933 act to direct the President under certain conditions to consider an investigation into imports of specified agricultural products was likewise ruled not germane. These rulings are noted in Deschler's Procedure, chapter 28, section 33.5 and 33.7.

In addition, the point that I think is most important, on July 12, 1962, a point of order was raised to an amendment to an omnibus agricultural bill, just as this bill, a specific precedent from the same committee on the same type of legislation, seven particular laws amended in the particular section to which the amendment was offered—seven changes, there are only about three or four here—seven changes in those laws. The amendment which had been offered proposed changes in the Agricultural Marketing Agreement Act of 1937, which was not otherwise amended in the bill, just as this would be, exactly on point. The amendment was ruled not to be germane. (Deschler's Procedure, chapter 28, section 33.6.) I do not know of any point of order so much on point that I have ever read, even from the committee, even of the type in the bill.

Second, I would like to say, the proposed amendment does not relate to the title of the bill to which it is offered, nor to the bill as a whole. . . .

The provisions of title IX of H.R. 7171 pertain to set-asides under the wheat, feed grains, and cotton programs; loan extensions and sales provi-

sions for wheat and feed grains; a special grazing and hay program for wheat acreage; export sales of wheat, corn, grain sorghum, soybeans, oats, rye, barley, rice, flaxseed and cotton, farm storage facility loans, soybean price supports; reporting of export sales; restrictions on the importation of filberts, and a report by the Secretary of Agriculture on the use of bushels of wheat and feed grains and pounds of rice as the basis for assigning allotments to producers of such commodities. In no such instance, either directly or by inference, is the Secretary of Agriculture's authority to adopt standards of quality for agricultural products under 7 U.S.C. 1621 addressed by title IX or by the bill as a whole. . . .

MR. ROSE: . . . What this amendment attempts to do is direct, under its existing authority, the Secretary of Agriculture to develop, not a standard of identity, but a standard of quality for ice cream; a standard of quality that shall contain a certain percentage of nonfat milk solids. . . .

My distinguished friend, the chairman of the subcommittee that has direct jurisdiction over the Food and Drug Administration, has cited Deschler's Procedure, 33.5. I believe that this headnote is misleading, because I believe that if one were to carefully read that entire procedure, one would discover that this is not the actual, in fact, ruling in that case. But, I would base my main argument on section 28.51 of Deschler's Procedure, which states:

To a portion of a bill amending several miscellaneous laws on a general subject—

And this is such a section—

an amendment to another law relating to that subject is germane. (120 Congressional Record 8508, 8509, 93rd Congress, 2nd Session, March 27, 1974.) . . .

THE CHAIRMAN:<sup>(10)</sup> The Chair is ready to rule.

The gentleman from Florida makes a point of order against the amendment offered by the gentleman from North Carolina on the grounds that it is not germane to the bill or to the pending portion thereof.

The amendment would add to title IX of the bill, which contains miscellaneous commodity provisions, a new section requiring the Secretary of Agriculture to promulgate a Department of Agriculture standard for ice cream based on its contents, and to allow ice cream meeting that standard to bear a USDA symbol. The amendment would accomplish that purpose by amending the Agricultural Marketing Act of 1946, which is not amended by the bill but which authorizes the Secretary of Agriculture to promulgate food standards.

The gentleman from Florida has first argued that the amendment is not germane under the precedents because it amends a law not amended by the bill under consideration. The precedents do not bear out the assertion that an amendment is necessarily out of order if amending a law not mentioned in the bill. As indicated by "Deschler's Procedure," chapter 28, section 28.51, a title of a bill amending miscellaneous laws on a general subject may be broad enough to admit the offering of an amendment changing another law on

10. Frank E. Evans (Col.).

that subject. The first two precedents cited by the gentleman dealt with amendments, offered to agricultural price support bills, dealing with the importation of agricultural products, a subject not relevant to the bill under consideration and not entirely within the jurisdiction of the Committee on Agriculture. The third precedent cited by the gentleman involved an amendment to the Agricultural Marketing Act of 1937, not amended by the omnibus agriculture bill under consideration, requiring certain compensatory payments by food handlers to producers.

The basis of the Chair's ruling on that occasion, which is not reflected in the headnote in "Deschler's Procedure," chapter 28 . . . section 33.6, was that the amendment was not germane to the title of the bill to which it was offered; and the Chair was not called upon to rule that the amendment was not relevant to the bill as a whole. On that occasion, the title of the bill under consideration contained commodity programs dealing with conventional authorities of the Secretary as to price supports and payments through the Commodity Credit Corporation, diverted acreage, acreage allotments, and marketing quotas and levels. The amendment, however, was intended to restore competition to the dairy market by requiring not the Secretary but handlers of dairy products to make compensatory payments to producers of milk, a regulatory authority not related to the provisions of the title under discussion.

The gentleman from Florida also argues that the amendment is germane neither to the subject matter nor to the fundamental purpose of title IX to

which it is offered. The title does not appear to the Chair to have any single purpose or subject matter, dealing as it does with the authorities of the Secretary of Agriculture as to set-asides, loans and sales, grazing, export sales, price supports, importation, and an allotment study for various food commodities. Therefore, the addition of a new authority of the Secretary relative to the production or quality of food or the protection of agricultural producers is relevant to the broad question of the Secretary's authority contained in the title. . . .

The Chair would note that the amendment offered by the gentleman from North Carolina does not regulate the labeling or marketing of ice cream but only adds a specific emphasis to be followed by the Secretary in carrying out the discretionary authority he already has under law to promulgate quality standards for food products. The subject matter of the amendment being germane to the title under consideration, the Chair finds that couching the authority contained therein as an amendment to another law dealing with general authorities of the Secretary of Agriculture does not on that basis render it subject to a point of order. ]

For the reasons stated, the Chair overrules the point of order.

***Bill Relating to Marketing of Various Agricultural Products—Amendment Extending Coverage of Bill to Poultry and Eggs***

**§ 11.28 To an omnibus agricultural bill, containing farm**

**programs in respect of dairy products, wool, feed grains, cotton and wheat, an amendment to add a new title to the bill relating to poultry and eggs was held to be germane.**

In the 89th Congress, a bill<sup>(11)</sup> was under consideration which proposed to maintain farm income, stabilize prices, and afford greater economic opportunity in rural areas. The bill contained provisions relating to the marketing of dairy products and other agricultural products. An amendment was offered which proposed to regulate poultry and eggs, in addition to the products already included within the provisions of the bill.<sup>(12)</sup> The following objection was made to the amendment:<sup>(13)</sup>

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, I make a point of order that the amendment offered by the gentleman from New York is not germane, and I should like to speak on the point of order. . . .

Mr. Chairman, the amendment proposed by the gentleman from New York is . . . in substance the contents of his bill, H.R. 7481, which is presently pending in the Committee on Agriculture. This amendment provides for

production limitations and marketing orders for eggs and is proposed as amendatory language to the Agricultural Marketing Agreement Act of 1937, as amended, which amended, supplemented, and re-enacted the Agricultural Adjustment Act of 1933, as amended.

There is only one place in H.R. 9811 where this statute is amended and that is in title I which contains proposed amendments to the Federal milk marketing order program established under that act.

The precedents are ample, Mr. Chairman, on the principle that one individual proposition may not be amended by another individual proposition even though the two belong to the same class. . . .

The proponent of the amendment defended it as follows:

MR. [JOSEPH Y.] RESNICK [of New York]: Mr. Chairman, I believe that the purposes of my amendment are identical with the purposes of this bill, namely, to maintain farm income and stabilize prices. . . . Dairy and poultry are frequently considered as the same class commodity and by reason of that fact they are set apart in a separate subcommittee of the Committee on Agriculture. I believe . . . this bill deals with everything eatable and wearable and smokable and certainly this falls within the purview of this bill.

In overruling the point of order, the Chairman<sup>(14)</sup> stated:<sup>(15)</sup>

The gentleman from New York [Mr. Resnick] offers an amendment which

11. H.R. 9811 (Committee on Agriculture).

12. See 111 CONG. REC. 21053, 21054, 89th Cong. 1st Sess., Aug. 19, 1965.

13. *Id.* at p. 21054.

14. Oren Harris (Ark.).

15. 111 CONG. REC. 21054, 89th Cong. 1st Sess., Aug. 19, 1965.

is, in effect, a new additional title to the bill, H.R. 9811. The gentleman from Minnesota [Mr. Quie] makes a point of order against the amendment on the basis that it is not germane to the bill H.R. 9811. The new title which is offered in the amendment of the gentleman from New York has to do with laying chickens and chicken table eggs. The Chair would like to observe that there are seven titles in this bill dealing with various agricultural commodities. It would also like to observe that the new proposed title has to do with amending the Agricultural Adjustment Act of 1933 together with the Agricultural Marketing Agreement Act of 1937. The first title of the bill, H.R. 9811, starts off with an amendment to the Agricultural Adjustment Act and the Agricultural Marketing Agreement Act of 1937. Furthermore, as has been stated, the bill proposes to maintain farm income, stabilize prices, and to afford, among other things, greater economic opportunity in rural areas. Obviously, the provision of the proposed new title would come within the purview of the titles of the bill and the point of order is overruled.

***Bill Relating to Cigarette Labeling and Advertising, and Requiring Related Reports—Amendment To Require Reports on Tobacco Subsidies***

**§ 11.29 To a bill relating to the labeling and advertising of cigarettes and requiring certain reports concerning health consequences of smoking and the effective-**

**ness of labeling, an amendment requiring the Secretary of Agriculture to report periodically on government subsidies to growers and processors of tobacco was held germane.**

In the 91st Congress, during consideration of the Public Health Cigarette Smoking Act of 1969,<sup>(16)</sup> an amendment was offered as follows:<sup>(17)</sup>

Amendment offered by Mr. [James C.] Cleveland [of New Hampshire]:

(3) The Secretary of Agriculture shall transmit a report to Congress not later than six months after the effective date of this Act, and annually thereafter, concerning the dollar amounts of administrative costs, export payments, market promotion activities, price supports, or subsidies, direct or indirect, of any kind whatsoever, that inures to growers, processors, or exporters of tobacco produced in the United States.

A point of order was made against the amendment, as follows:<sup>(18)</sup>

MR. [DAVID E.] SATTERFIELD [3d, of Virginia]: I make a point of order against the amendment as not being germane. It pertains to the Department of Agriculture and the economics

16. H.R. 6543 (Committee on Interstate and Foreign Commerce).

17. 115 CONG. REC. 16291, 16292, 91st Cong. 1st Sess., June 18, 1969.

18. *Id.* at p. 16292.

applicable to export promotion, market promotion, and other matters pertaining to tobacco. The amendment is not germane to the current action. It is also beyond the scope of the bill.

In defense of the amendment, the proponent stated as follows:

MR. CLEVELAND: . . . Now, Mr. Chairman, the purpose of this legislation we are debating is to warn the American public about the dangers of smoking cigarettes. This is certainly a proper health function of the Government. But is it not hypocritical, even two-faced, to be providing this warning while another arm of the Government is actively and perhaps expensively engaged in the business of supporting, subsidizing and even promoting the use of tobacco? . . .

On the same page, the committee . . . has asked the Federal Trade Commission to transmit a report to the Congress . . . concerning the effectiveness of cigarette labeling and the current practices and method of cigarette advertising.

It seems to me it would be quite germane for us to take the next step and ask the Secretary of Agriculture just how much he is putting into the promoting of tobacco and tobacco products, how much of it is being exported abroad, and under what conditions. . . .

The Chairman,<sup>(19)</sup> in ruling on the point of order, stated:<sup>(20)</sup>

The Chair has examined the amendment offered by the gentleman from

19. Jack B. Brooks (Tex.).

20. 115 CONG. REC. 16292, 91st Cong. 1st Sess., June 18, 1969.

New Hampshire (Mr. Cleveland) and the bill before the Committee. The Chair observes that there are two reports required in the bill, as shown on page 5, and the gentleman's amendment adds a third report that would be required, and this third report would be germane to the subject matter of the bill. It seems clearly germane, and the Chair overrules the point of order.

***Bill Continuing Import Controls on Specified Products—Amendment Adding Products***

**§ 11.30 To a bill to continue for a temporary period certain powers for the purpose of administering import controls with respect to fats, oils, and rice products, an amendment making the bill applicable, in addition, to potatoes, cheese, and hams, was held to be germane.**

In the 81st Congress, a bill<sup>(1)</sup> was under consideration which read in part as follows:<sup>(2)</sup>

Be it enacted, etc., That, notwithstanding any other provision of law, title III of the Second War Powers Act, 1942 . . . shall continue in effect until July 1, 1951, for the purpose of authorizing and exercising, administering, and enforcing of import controls with respect to fats and oils . . . and rice and rice products, upon a determina-

1. S. 3550 (Committee on Banking and Currency).

2. 96 CONG. REC. 9492, 81st Cong. 2d Sess., June 29, 1950.

tion by the President that such controls are (a) essential to the acquisition or distribution of products in world short supply. . . .

The following amendment was offered to such proposition:<sup>(3)</sup>

Amendment offered by Mr. August H. Andresen [of Minnesota]: Page 2, line 1, after “rice products”, insert “potatoes, cheese, hams.”

The following exchange<sup>(4)</sup> concerned a point of order made against the amendment:

MR. [DONALD W.] NICHOLSON [of Massachusetts]: Mr. Chairman, I make the point of order that the amendment is not germane to the bill. . . .

MR. AUGUST H. ANDRESEN: . . . I call the Chair’s particular attention to the fact that on page 2, line 1, rice and rice products are included. All that I am doing is to add additional products. Certain rice and rice products are food; and the commodities I mentioned, potatoes, cheese, Polish hams, eggs from Communist China, are all food products and are in line with rice and rice products. . . .

THE CHAIRMAN [Walter K. Granger, of Utah]: The Chair is prepared to rule.

The body of the bill as well as the title enumerates commodities in addition to fats and oils. Rice is mentioned. It would be in order to add other commodities.

The Chair overrules the point of order.

3. *Id.* at p. 9495.

4. *Id.*

***Bill Providing Two Categories of Foreign Assistance—Amendment Providing Additional Category***

**§ 11.31 To a portion of a bill providing two categories of economic assistance to specified foreign nations, an amendment adding a further specific category of economic assistance for those countries may be germane; thus, to a title of a foreign aid bill providing general economic assistance to southern African countries and refugee training and assistance to address economic dislocation from conflict in that region, broadened by amendment to require presidential determinations whether aid to certain southern African countries would further the foreign policy interests of the United States, an amendment adding a further related category of aid to such countries for a fair and open election program, and authorizing the president to appoint a team of observers to observe elections in such countries and to report thereon to Congress, was held germane.**

On Apr. 5 and 9, 1979,<sup>(5)</sup> H.R. 3324<sup>(6)</sup> was under consideration in the Committee of the Whole. The amendment described above was held germane, thus demonstrating that an amendment adding an additional category to a proposition containing two or more categories within the same general class is germane.

The Clerk read as follows:

TITLE III—ECONOMIC SUPPORT  
FUND

AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Section 531(b)(1) of the Foreign Assistance Act of 1961 is amended by striking out “for the fiscal year 1979, \$1,902,000,000” and inserting in lieu thereof “for the fiscal year 1980, \$1,895,000,000 and for the fiscal year 1981, \$1,950,000,000”. . . .

“Sec. 533. Southern Africa Programs.—Of the amounts authorized to be appropriated to carry out this chapter for the fiscal year 1980 and for the fiscal year 1981, \$68,000,000 for the fiscal year 1980 and \$85,000,000 for the fiscal year 1981 shall be available for the countries of southern Africa and for a southern Africa regional refugee support, training, and economic planning program to address the problems caused by the economic dislocation resulting from the conflict in that region and for education and job training assistance. Such funds may be used to provide humanitarian assistance to African refugees and persons dis-

5. 125 CONG. REC. 7374, 7750, 7752, 7755–57, 96th Cong. 1st Sess.

6. International Development Cooperation Act of 1979.

placed by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts, and to provide support to countries in that region.”. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bauman: On page 24, after line 2, add the following new paragraph:

“(b) No assistance may be furnished under this section to Mozambique, Angola, Tanzania, or Zambia, except that the President may waive this prohibition with respect to any such country if he determines, and so reports to the Congress, that furnishing such assistance to such country would further the foreign policy interests of the United States.”. . . .

THE CHAIRMAN:<sup>(7)</sup> The question is on the amendment offered by the gentleman from Maryland (Mr. Bauman).

The amendment was agreed to. . . .

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

The Clerk read as follows:<sup>(8)</sup>

Amendment offered by Mr. Bauman: On page 23, line 10, strike all of Section 303(a) and insert in lieu thereof the following new Section 303:

“Sec. 303. (a) Section 533 of the Foreign Assistance Act of 1961 is amended to read as follows:

“Sec. 533—Southern Africa Program

“(a) Of the amount authorized to be appropriated to carry out this

7. Elliott H. Levitas (Ga.).

8. See 125 CONG. REC. 7755, 96th Cong. 1st Sess., Apr. 9, 1979.

chapter for the fiscal year 1980, \$68,000,000 shall be available (only) for the countries of southern Africa and for—

“(1) a southern Africa regional refugee support, training, and economic planning program to address the problems caused by the economic dislocation resulting from the conflict in that region;

“(2) education and job training assistance;

“(3) a southern Africa fair and open election program to address the problem resulting from the conflict and internal strife in that region.

“Such funds may be used to provide humanitarian assistance to African refugees and persons displaced by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts and to provide support to countries in that region.

“(b) In furtherance of the purposes of this section and the foreign policy objectives of the United States the President may appoint a team of impartial observers to observe elections in southern Africa and report to Congress:

“(1) as to whether all of the people of southern Africa and all organized political groups were given a fair opportunity to participate fully in the election without regard to ethnic identity or political affiliation. . . .

“(c) Of the amounts authorized to be appropriated to carry out the purposes of this section, \$20,000,000 shall be made available to the government of Zimbabwe/Rhodesia which is installed in that nation as a result of the election held in April 1979, which election may be evaluated and reported upon by observers as provided for in this section.’”

MR. [STEPHEN J.] SOLARZ [of New York]: I make a point of order that this amendment is not in order. It provides

or appears to call upon the President to send observers to monitor the elections in southern Africa by which presumably is meant Rhodesia since there are no elections anywhere else in southern Africa which are currently being held.

There is nothing in this bill which deals with elections either in southern Africa or in Rhodesia itself. For this reason it seems to me this amendment goes beyond the scope of the bill and is not germane. . . .

MR. BAUMAN: . . . Mr. Chairman, first of all the section to which this amendment is addressed is section 303 of the bill. This section was just recently amended by a previous amendment which I offered and which considerably expanded the scope of that section, including a Presidential waiver and determination regarding aid for four different countries in the southern African area. The general proposition is that the entire section and indeed the entire purpose of the bill should be looked to as to whether or not germaneness is applicable to an amendment which is offered.

The gentleman objects that this particular section imposes some duty upon the President. I would call the attention of the Chair to section (b) the amendment which simply allows the President in his discretion to use the mechanism the amendment provides to evaluate any election held in the southern African area including ones in the Republic of South Africa or in any of the other nations which may hold elections at any time. This amendment offers a device to determine whether or not the funds under this section shall be made available.

Mr. Chairman, I would like to call the attention of the Chair to the prece-

dents which I believe do have application in this case.

The general proposition is that to a bill amending a law dealing with several subjects within a definable class, an amendment further amending that law to add another subject within that same class is germane.

This was a decision on March 26, 1975, made by the Chairman of the Committee of the Whole in the case of an amendment that was offered and a point of order made against additional language offered by the other body to a tax bill. The amendment was ruled to be germane, and the Chair said:

The Chair would call the attention of the House to the precedent contained in Cannon's VIII, section 3042, wherein the Committee of the Whole ruled that to a bill raising revenue by several diverse methods of taxation, including an excise tax, an amendment in the form of a new section proposing an additional method of taxation—a tax on the undistributed profits of corporations—was held germane . . . the test of germaneness in such a situation is the relationship between the new section or title and the subject matter of the bill as a whole.

I would also call the attention of the Chair to the ruling of the Chair on March 20, 1975, in which a bill was brought before the House that contained price supports for a number of different agricultural commodities. An amendment was offered by the gentleman from Massachusetts (Mr. Conte) that added another defined class to agricultural commodities, and the Chair ruled "that the purpose of this bill as set forth in the report is to establish an emergency price support program" for "cotton, wheat, feed grains, soybeans, and milk."

Then he went on to say:

Under the general proposition that it is in order to add another subject to a proposition containing subjects of the same class, the Chair would point out that the amendment of the gentleman from Massachusetts adds another agricultural commodity to the commodities proposed . . .

Mr. Chairman, the reason that this precedent is applicable in the case of this amendment is that we have before us in this bill section 303 which amends the southern Africa programs section of the Foreign Assistance Act. That act sets up funding for various programs in southern Africa, including regional refugee support, training, economic planning, and economic dislocation, and also including improving transportation links interrupted or jeopardized by regional political conflicts, and it provides support to "countries" within that region, meaning governments.

All the gentleman's amendment proposes is that in addition to these various objectives in southern Africa, an additional use of the money can be found, and that is discretionary with the President to judge whether or not elections in the area are held fairly and openly and whether or not the countries then would be eligible for receipt of money under the funding.

So I suggest, Mr. Chairman, it is a valid amendment, simply adding to the class of already described activities that the bill contemplates, and it does not impose any new duties, simply leaving discretionary with the President what he would do with the authority granted. . . .

THE CHAIRMAN: The Chair is prepared to rule on the point of order

made by the gentleman from New York (Mr. Solarz) against the amendment offered by the gentleman from Maryland (Mr. Bauman).

The essential nature of the point of order made by the gentleman from New York (Mr. Solarz) is that the amendment offered by the gentleman from Maryland (Mr. Bauman) is not germane to title III. The key, it seems to the Chair in resolving that question, turns on the point made by the gentleman from Maryland in referring to the precedents cited by the gentleman from Maryland; namely, whether the new category of authorized funds for a southern Africa fair and open election program to address the problem resulting from the conflict and strife in the region is the same class of assistance authorized in section 303. Or is it a new and different class of assistance?

In making a determination with respect to that question, the Chair has read carefully the language in section 303. The purposes of assistance cataloged in section 303 are basically two in nature. One is general economic assistance for the countries of southern Africa, and, secondly, a southern Africa regional refugee support, training, and economic support program to address the problems caused by the economic dislocation resulting from the conflict in the region.

The language in section 303 goes on to point out:

Such funds may be used to provide humanitarian assistance to African refugees and persons displaced by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts . . .

In addition to that, the gentleman from Maryland has pointed out that

the language of section 303 in its scope has just recently been expanded considerably by an amendment offered and adopted in the Committee of the Whole to permit the President to make determinations on other issues of U.S. national interest regarding certain countries in southern Africa.

It is the opinion of the Chair that, since the general thrust of the purposes or classes of assistance in section 303 is to provide funds to alleviate the effects of political turmoil and strife in the region, and that this is specifically noted in the language presently in the bill, and that the team of observers provision as merely an oversight mechanism relating to proper utilization of those funds. It would seem the funding of fair elections in the region would be another class of assistance of the same general type, and, therefore, the amendment offered by the gentleman from Maryland, in the opinion of the Chair, is germane.

The point of order is overruled.

***Prohibition Against Using Certain Foreign Aid Funds for Retirement of Recipient Nation's Debt—Amendment To Prohibit Other Uses by Recipient***

**§ 11.32 To a bill amending the Mutual Security Act of 1954 to prohibit use of designated funds by recipient nations for retirement of their national debts, an amendment to prohibit financial assistance to any country that has**

**reduced its own budget or made any tax reductions to its citizens was held to be germane.**

In the 85th Congress, a bill<sup>(9)</sup> was under consideration to amend the Mutual Security Act of 1954. The bill contained the following provisions:<sup>(10)</sup>

Sec. 516. Prohibition against debt retirement: None of the funds made available under this act nor any of the counterpart funds generated as a result of assistance under this act or any other act shall be used to make payments on account of the principal or interest on any debt of any foreign government or on any loan made to such government by any other foreign government; nor shall any of these funds be expended for any purpose for which funds have been withdrawn by any recipient country to make payment on such debts. . . .

The following amendment was offered:

Amendment offered by Mr. [John V.] Beamer of Indiana: On page 19, section 516, following line 13, add the following: *Provided further*, That none of the funds made available under this act nor any of the counterpart funds generated as a result of assistance under this act or other act shall be given to any country that has reduced its own budget or made any tax reductions to its citizens.

9. H.R. 12181 (Committee on Foreign Affairs).

10. See 104 CONG. REC. 8736, 85th Cong. 2d Sess., May 14, 1958.

The following exchange<sup>(11)</sup> concerned a point of order raised against the amendment:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I renew the point of order. This amendment is not germane, and goes far beyond the scope of the section that the amendment applies to.

The Chairman:<sup>(12)</sup> . . . Upon examining this section, it is obvious that the section contains several prohibitions against debt retirement, and the other section contains many other prohibitions relative to the use of these funds.

The amendment offered by the gentleman from Indiana simply adds an additional prohibition.

In the opinion of the Chair it is germane and is in order.

***Concurrent Resolution Concerning Steps To Effect Release of American Arrested in Czechoslovakia—Amendment To Sever Diplomatic Relations With Czechoslovakia***

**§ 11.33 To a concurrent resolution expressing the profound indignation of the Congress at the arrest and conviction of an American correspondent in Czechoslovakia and providing that agencies of our government take all possible action to bring about his release, an**

11. *Id.* at p. 8737.

12. Hale Boggs (La.).

**amendment proposing termination of all commercial and diplomatic relations with Czechoslovakia was held to be germane.**

On Aug. 2, 1951,<sup>(13)</sup> the Clerk read the following resolution:<sup>(14)</sup>

Whereas the arrest and conviction of William N. Oatis, correspondent for the Associated Press in Prague, Czechoslovakia, is a shocking violation of fundamental human freedoms . . .

. . . Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That the Congress of the United States expresses its profound indignation at the farcical arrest, and conviction of William N. Oatis; and that the sense of this resolution be conveyed . . . to the officials of the Czechoslovakian Government.

The following proceedings then occurred:<sup>(15)</sup>

THE SPEAKER [Sam Rayburn, of Texas]: The Clerk will report the remaining committee amendments:

The Clerk read as follows:

Committee amendments: . . .

Page 2, line 4, after "Oatis", insert "that the executive agencies of the Government be requested to take all possible action to bring about his release."

The committee amendments were agreed to.

13. 97 CONG. REC. 9446, 82d Cong. 1st Sess.

14. H. Con. Res. 140 (Committee on Foreign Affairs).

15. 97 CONG. REC. 9447, 82d Cong. 1st Sess., Aug. 2, 1951.

Subsequently, the following amendment was offered:<sup>(16)</sup>

Amendment offered by Mr. [Orland K.] Armstrong [of Missouri]: On page 2, after line 9, add the following:

*"Be it further resolved,* That it is the sense of the House that all commercial relations with Czechoslovakia should be terminated immediately . . . and be it further

*Resolved,* That if William N. Oatis is not restored to his freedom within 90 days that the Department of State take steps to evacuate all nationals of the United States in Czechoslovakia with the end in view of severing diplomatic relations with that Government."

Mr. James P. Richards, of South Carolina, raised a point of order against the amendment, contending that the amendment was not germane to the resolution. Speaker Rayburn, however, overruled the point of order, stating:<sup>(17)</sup>

The resolution provides among other things that the executive agencies of the Government are requested to take all possible action to bring about the release of Mr. Oatis. The gentleman from Missouri is simply adding other conditions. Thus, the amendment is in order, and the Chair therefore overrules the point of order.

***Amendment Adding Tax Credit to Those Already Contained in Bill***

**§ 11.34 To a proposition seeking to reduce tax liabilities**

16. *Id.* at p. 9454.

17. *Id.* at p. 9455.

**of individuals and business in several diverse ways, including tax credits, an amendment adding a further tax credit to those already contained in the bill is germane.**

On Mar. 26, 1975,<sup>(18)</sup> it was demonstrated that the test of the germaneness of a portion of a Senate amendment in the nature of a substitute adding a new section to a House bill is the relationship of that section to the subject of the House bill as a whole. The proceedings during consideration of the conference report on H.R. 2166, the Tax Reduction Act of 1975, were as follows:

CONFERENCE REPORT (H. REPT. 94-120)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 to provide for a refund of 1974 individual income taxes, to increase the low income allowance and the percentage standard deduction, to provide a credit for certain earned income, to increase the investment credit and the surtax exemption, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

**18.** 121 CONG. REC. 8900, 8902, 8930, 8931, 94th Cong. 1st Sess.

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

The conference substitute included the following provision:

SEC. 208. CREDIT FOR PURCHASE OF  
NEW PRINCIPAL RESIDENCE.

(a) Allowance of Credit.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowed) is amended by redesignating section 44 as section 45 and by inserting after section 43 the following new section:

“SEC. 44. PURCHASE OF NEW PRINCIPAL  
RESIDENCE.

“(a) General Rule.—In the case of an individual there is allowed, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to 5 percent of the purchase price of a new principal residence purchased or constructed by the taxpayer. . . .

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Speaker, I make a point of order against the conference report on the ground it contains matter which is in violation of provision 1, clause 7, of rule XVI. The nongermane matter I am specifically referring to is that section of the report dealing with the tax credit on sales of new homes. It appears in section 208 of the conference report, on page 14, as reported by the Committee on Conference. . . .

[A] careful scrutiny of the titles of the House bill, as it was sent to the Senate, shows many types of tax meas-

ures, but nothing relating to the sale of homes. This clearly is an addition of a very divergent nature to the bill and deals with the nonbusiness and non-personal type of credit. . . .

MR. [AL] ULLMAN [of Oregon]: Mr. Speaker, I would like to speak against the point of order.

Mr. Speaker, this is a very broad bill. It was a broadly based bill when it left this House to go to the other body. It has many diverse sections and many different kinds of tax treatments. It does deal with tax credits. It did deal with tax credits when it left the House, both for individuals and for corporations.

Mr. Speaker, it seems to me this falls totally within the purview of the bill as we passed it in the House and should be considered germane to the bill.

THE SPEAKER: <sup>(19)</sup> The Chair is ready to rule.

The gentleman from New York (Mr. Conable) makes the point of order against section 208 of the conference report on the bill H.R. 2166 on the ground that it would not have been germane to H.R. 2166 as passed by the House and is thus subject to the provisions of clause 4, rule XXVIII.

In passing upon any point of order against a portion of the Senate amendment in the nature of a substitute which the conferees have incorporated in their report, the Chair feels it is important to initially characterize the bill H.R. 2166 in the form as passed by the House. The House-passed bill contained four diverse titles, and contained amendments to diverse portions

of the Internal Revenue Code of 1954. Title I of the House bill provided a refund of 1974 individual income taxes. Title II provided for reductions, including credits, in individual income taxes. Title III made several changes in business taxes, and title IV further affected business taxes by providing for the repeal of the percentage depletion for oil and gas.

The Senate amendment in the nature of a substitute contained provisions comparable to all four titles in the House-passed bill, and also contained a new title IV amending other portions of the Internal Revenue Code, making further amendments to the code with respect to tax changes affecting individuals and businesses, and a new title VI and title VII, relating to taxation of foreign and domestic oil and gas income and related income, and to the tax deferral and reinvestment period extension, respectively. The provision against which the gentleman makes the point of order was contained in section 205 of title II of the Senate amendment in the nature of a substitute.

The Chair would call the attention of the House to the precedent contained in Cannon's VIII, section 3042, wherein the Committee of the Whole ruled that to a bill raising revenue by several diverse methods of taxation . . . an amendment in the form of a new section proposing an additional method of taxation—a tax on the undistributed profits of corporations—was held germane. The Chair would emphasize that the portion of the Senate amendment included in the conference report against which the point of order has been made was in the form of a new section to the House bill, and was not

19. Carl Albert (Okla.).

an amendment to a specific section of the House bill. As indicated in Deschler's Procedure, chapter 28, section 14.4, the test of germaneness in such a situation is the relationship between the new section or title and the subject matter of the bill as a whole.

The Chair would also point out that section 203 of the House bill, on page 10, amends the same portion of the code which this part of the conference report would amend.

For these reasons, the Chair holds that section 208 of the conference report is germane to the House-passed bill and overrules the point of order.

***Diverse Programs To Support Arts and Humanities—Amendment Adding Program of Employment for Artists***

**§ 11.35 Where a bill seeks to accomplish a general purpose by diverse methods, an amendment which adds a specific method to accomplish that result may be germane; thus, to a bill containing three diverse titles authorizing grant programs for support of the arts and humanities, including subsidies through the National Endowment for the Arts to encourage and assist artists, an amendment in the form of a new title authorizing the employment of unemployed artists through the National Endowment for the Arts was**

**held germane as a specific additional program related to the general programs already in the bill.**

During consideration of H.R. 12838 (to amend the National Foundation on the Arts and Humanities Act of 1965) on Apr. 26, 1976,<sup>(20)</sup> Chairman Pro Tempore Edward I. Koch, of New York, overruled a point of order against the amendment described above. The proceedings were as follows:

TITLE I—ARTS AND HUMANITIES

STATE HUMANITIES COUNCILS

Sec. 101. (a) Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by adding at the end thereof the following new subsection: . . .

“(f)(1) The Chairman, with the advice of the National Council on the Humanities is authorized to establish and carry out programs of grants-in-aid in each of the several States in order to support not more than 50 per centum of the cost of existing activities which meet the standards enumerated in subsection (c), and in order to develop programs in the humanities in such a manner as will furnish adequate programs in the humanities in each of the several States.

“Sec. 11. (a)(1)(A) For the purpose of carrying out section 5, there are authorized to be appropriated \$100,000,000 for fiscal year 1977, and \$113,500,000 for fiscal year 1978. . . .

20. 122 CONG. REC. 11098–101, 94th Cong. 2d Sess.

TITLE II—MUSEUM SERVICES. . .

Sec. 202. It is the purpose of this title to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and post-secondary education and with programs of nonformal education for all age groups; to assist museums in modernizing their methods and facilities so that they may better be able to conserve our cultural, historic, and scientific heritage; and to ease the financial burden borne by museums as a result of their increasing use by the public.

Sec. 203. There is hereby established, within the Department of Health, Education, and Welfare, an Institute of Museum Services (hereinafter in this title referred to as the "Institute"). . . .

Sec. 205. (a) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate. . . .

Sec. 206. (a) The Director, subject to the advice of the Board, is authorized to make grants to museums to increase and improve museum services, through such activities as—

(1) programs to enable museums to contract or install displays, interpretations, and exhibitions in order to improve their services to the public;

(2) assisting them in developing and maintaining professionally trained or otherwise experienced staff to meet their needs;

(3) assisting them to meet their administrative costs in preserving and maintaining their collections, exhibiting them to the public, and providing educational programs to the public through the use of their collections;

(4) assisting museums in cooperation with each other in the development of traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan. . . .

TITLE III—CHALLENGE GRANT PROGRAM

ESTABLISHMENT OF PROGRAM

Sec. 301. The National Foundation on the Arts and the Humanities Act of 1965 is amended by adding at the end thereof the following new section:

"CHALLENGE GRANT PROGRAM

"Sec. 12. (a) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, with the advice of the National Council on the Arts and the National Council on the Humanities, are authorized, in accordance with the provisions of this section, to establish and carry out a program of contracts with, or grants-in-aid to, public agencies and private nonprofit organizations for the purpose of—

"(1) enabling cultural organizations and institutions to increase the levels of continuing support and to increase the range of contributors to the program of such organizations or institutions;

"(2) providing administrative and management improvements for cultural organizations and institutions, particularly in the field of long-range financial planning;

"(3) enabling cultural organizations and institutions to increase audience participation in, and appreciation of, programs sponsored by such organizations and institutions. . . .

Ms. [BELLA S.] ABZUG [of New York]:  
Mr. Chairman, I offer an amendment.  
The Clerk read as follows:

Amendment offered by Ms. Abzug:  
Page 34, after line 11, insert the following new title:

TITLE IV—EMERGENCY PROGRAM FOR THE EMPLOYMENT OF ARTISTS

ESTABLISHMENT OF PROGRAM

Sec. 401. (a) The Congress of the United States recognizes the contributions which artists make to the cultural life of each community throughout the Nation as well as to the Nation as a whole. . . .

(b) The National Foundation on the Arts and Humanities Act of 1965, as amended by section 301, is further amended by adding at the end thereof the following new section:

“EMERGENCY PROGRAM FOR EMPLOYMENT OF ARTISTS

“Sec. 13. (a) The Chairman of the National Endowment for the Arts with the advice of the National Council on the Arts, shall carry out a program, directly and through grants-in-aid to States, during any fiscal year in which the seasonally adjusted national rate of unemployment published by the Bureau of Labor Statistics of the Department of Labor exceeds 6.5 per centum as determined by the Chairman, of employment of unemployed artists in projects or products. . . .

“(b) In carrying out the program under subsection (a), the Chairman of the National Endowment for the Arts shall coordinate such program with programs for public service employment under the Comprehensive Employment and Training Act of 1973 and with other appropriate public programs providing employment for unemployed individuals. . . .

Mr. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, reading the amendment, I question the germaneness of this amendment. The jobs provision added into the Arts, Humanities, and Cultural Affairs Act, it seems to me fits better in the next bill coming up, the emergency job programs bill, and I raise a point of order on germaneness. . . .

Mr. Chairman, this amendment is not germane to the bill before us. It has to do with providing additional jobs of a public service nature. It fits more in the legislation next on the agenda. I do not see that it fits within the purview of the legislation we have before us. . . .

MS. ABZUG: Mr. Chairman, I disagree. I think it is germane to the purposes of this act. This act recognizes the contributions which artists make to the cultural life of the communities throughout the Nation.

Mr. Chairman, what this amendment does is to provide for the employment of artists in the program which is to be conducted and determined, the eligibility for which programs as well as the employment in the programs is determined by the Chairman of the National Endowment for the Arts. I think it is germane. . . .

THE CHAIRMAN PRO TEMPORE: The Chair is prepared to rule. The Chair has examined the “Ramseyer” in the committee report on page 23. Title I of the committee amendment extends the law which provides subsidies for projects and productions which would otherwise be unavailable for economic reasons and which will encourage and assist artists and enable them to achieve wider distribution of their

works, to work in residence at an educational or cultural institution, or to achieve standards of professional excellence. That is a general purpose of the bill and the amendment provides a specific program of grants through the Chairman of the National Endowment for the Arts to accomplish that.

The amendment is germane as a new title to the bill which presently contains three diverse titles and the gentlewoman from New York is recognized for 5 minutes.

***Gun Control Bill—Amendment Adding Provisions as to Registration of Guns***

**§ 11.36 To a bill amending existing law concerning gun controls by extending coverage of the law to rifles, shotguns, and ammunition, and modifying the law with respect to destruction devices, an amendment adding further provisions relating to registration of firearms by the purchasers thereof was held to be an extension of a matter already carried in the bill and therefore germane.**

In the 90th Congress, a bill<sup>(1)</sup> was under consideration which related to the control of firearms. The following exchange<sup>(2)</sup> con-

1. H.R. 17735 (Committee on the Judiciary).
2. 114 CONG. REC. 22249, 22250, 90th Cong. 2d Sess., July 19, 1968.

cerned a point of order raised by Mr. John D. Dingell, Jr., of Michigan, against an amendment that had been offered by Mr. Robert McClory, of Illinois:

MR. DINGELL: Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane. . . . Mr. Chairman, the fundamental purpose of the amendment must be germane to the bill. Here the amendment goes far beyond the purposes of the bill and imposes a whole new series of responsibilities on the Secretary, including registration of firearms, regulation of estates of decedents, and provides a means whereby firearms may be turned in . . . and sets forth the provisions whereby registration will be regulated by the Secretary. . . .

MR. MCCLORY: Mr. Chairman, I would like to be heard briefly.

Mr. Chairman, I would like to point out this bill we are considering today is the State Firearms Control Assistance Act of 1968, and the purpose of my amendment is to assist the states and to assist the Federal Government in carrying out and in enforcing the provisions of the main bill. . . .

This amendment will facilitate enforcement and the carrying out of the congressional objectives and purposes from this registration, and also will fulfill the needs with regard to attending to the movement of this type of firearm in interstate commerce. . . .

THE CHAIRMAN (John J. Rooney, of New York): The Chair is prepared to rule. . . .

Now, with regard to this point of order, the bill which the Committee of

the Whole is now considering seeks to regulate the various transactions involving rifles, shotguns, and handguns. It provides for the identification of such firearms by manufacturers and importers and, as amended by the Committee on the Judiciary and by this committee earlier this afternoon, specifies that this identification shall include serial numbers. Licensed importers, dealers, and manufacturers are required to retain descriptions of the firearms with which they deal.

The amendment proposed by the gentleman from Illinois [Mr. McClory] is drafted as a further amendment to title 18, United States Code, the same portion of the Code amended by the pending bill. It carries the concept of registration or identification to the persons having handguns in their possession. The system of registration established by the amendment would be under the jurisdiction of the Secretary of the Treasury, the same officer designated for this purpose by the bill.

The Chair notes that the bill makes at least three major innovations in the existing law concerning gun control: it extends that law with respect to transactions in rifles and shotguns; it brings ammunition within the scheme of the law; and it modifies the law regarding shipment and sale of destructive devices. Since present law is modified in the foregoing ways, an additional change in the law and the bill—a change that is an extension of a subject already carried in the bill—is germane.

The Chair therefore overrules the point of order.

## § 12. Amendment Extending Coverage of Bill to Other Subjects of Same Class

Frequently, it is sought by amendment to extend the coverage of the bill to other subjects of the same class as that discussed in the bill. Depending on the circumstances, one or more of the principles discussed in this chapter may be applicable in determining the germaneness of such amendments. Thus, if the bill comprises two or more propositions of the same class, an amendment that merely adds a related proposition may be germane.<sup>(3)</sup> It may be necessary to discern whether the amendment would enlarge the scope of the bill to cover a distinct new “class,” or would merely include a new “category” within a “class” already covered by the bill.<sup>(4)</sup> If, on the other hand, the bill comprises an individual proposition or one of a limited nature, an amendment, even though related in subject, may be ruled out as not germane.<sup>(5)</sup> As a further example, a

3. See § 11, *supra*.

4. See § 12.1, *infra*.

5. See § 8, Individual Proposition Offered as Amendment to Another Individual Proposition, and § 9, General Amendments to Specific or Limited Propositions, *supra*.