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scope of the provisions sought to be amended. To a proposition restricting the availability of funds to a certain category of recipients, an amendment further restricting the availability of funds to a subcategory of the same recipients is germane,[9] and to a bill authorizing appropriations for an agency, an amendment to prohibit the use of such funds for any purpose to which the funds may otherwise be applied is germane.[10] To a provision authorizing funds for a fiscal year, an amendment restricting the availability of funds appropriated pursuant thereto for a specified purpose until enactment of a subsequent law authorizing that purpose is germane.[11] To an amendment precluding the availability of an authorization for part of a fiscal year and then permitting availability for the remainder of the year based upon a contingency, an amendment constituting a prohibition on the availability of the same funds for the entire fiscal year is a germane alternative.[12] A legislative amendment to an appropriation bill must not only retrench expenditures under Rule XXI, clause 2, but must also be germane to the provisions to which offered. A limitation must apply solely to the money of the appropriation under consideration,[13] and may not be made applicable to a trust fund provided[14] or to money appropriated in other acts.[15]

§ 29. In General; Amendments Providing for Exceptions or Exemptions

Allocation of Funds for Pest Control

§ 29.1 To a general appropriation bill providing funds for the Department of Agriculture and including a specific allocation of funds for animal disease and pest control, an amendment was held to be germane which provided that no appropriation in the act be used for the application of chemical pesticides, where state law would prohibit such act by citizens or agencies of local government.

9. See § 34.4, infra.
10. See § 34.31, infra.
11. See § 31.6, infra.
12. See § 34.8, infra.
13. 7 Cannon's Precedents §§ 1596, 1600.
14. See 4 Hinds' Precedents § 4017.
15. See 4 Hinds' Precedents § 3927 and 7 Cannon's Precedents §§ 1495, 1597–1599.

In the 91st Congress, a bill[16] was under consideration comprising Department of Agriculture appropriations for fiscal 1970. The bill included an allocation of funds for plant and animal disease and pest control.[17] The following amendment was offered by Mr. Richard L. Ottinger, of New York:[18]

> Amendment offered by Mr. Ottinger: On page 5, line 5, change the semicolon to a colon and add the following: "*Provided*, That no appropriation contained in this act shall be used for the purchase or application of chemical pesticides, except for small quantities for testing purposes, within or substantially affecting States in circumstances in which the purchase or application of such pesticides would be prohibited by State law or regulation, for any citizen or instrumentality of State or local government."

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

> MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Chairman, upon reading the amendment, I notice it goes further than I thought it did. In the first place, I do not know of any provision in this bill for the purchase of chemical pesticides.
>
> May I say further, Mr. Chairman, that the amendment before us goes to the State law, exempting or including pesticides based on those States which have passed State laws.
>
> The Chairman,[19] in ruling on the point of order, stated:
>
> It is a well-established rule that an amendment to an appropriation bill is germane wherein it denies the use of funds for a specific purpose.
>
> The amendment offered by the gentleman from New York [Mr. Ottinger] appears to fall within that rule. It is a limitation upon the use of funds appropriated in the bill. It is a denial of the use of those funds for a specific purpose. Therefore, the Chair overrules the point of order.

Use of Mexican Farm Labor

§ 29.2 To a proposition that the use of Mexican farm labor during 1964 be limited to those farms that had employed such labor during 1963, an amendment adding a proviso that none of the workers "may be used to produce crops that are in surplus supply" was held to be germane.

In the 88th Congress, during proceedings relating to a bill[20] extending the Mexican farm labor program, the following amendment in the nature of a substitute was under consideration:[1]

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16. H.R. 11612 (Committee on Appropriations).

17. See 115 CONG. REC. 13752, 13753, 91st Cong. 1st Sess., May 26, 1969.

18. *Id.* at p. 13753.

19. James C. Wright, Jr. (Tex.).

20. H.R. 8195 (Committee on Agriculture).

1. See 109 CONG. REC. 20721, 88th Cong. 1st Sess., Oct. 31, 1963.

Amendment offered by Mr. [James] Roosevelt [of California]:

Strike out all after the enacting clause and insert in lieu thereof the following: That section 510 of the Agricultural Act of 1949 is amended to read as follows:

Sec. 510. No worker will be made available under this title for employment after December 31, 1963, except that during the calendar year 1964, workers may be made available under this title for employment on farms where such workers were employed during the preceding year, but only if and to the extent that the Secretary determines that every reasonable effort has been made to obtain suitable domestic labor and that such labor is unavailable for such employment.

To such amendment, an amendment was offered[2] as described above. Mr. Harold D. Cooley, of North Carolina, raised the point of order that the amendment was not germane. The Chairman[3] ruled, without elaboration, that the amendment was germane.[4]

Benefits for Disabled Longshoremen—Bill Inapplicable in District of Columbia

§ 29.3 To a bill providing for increased benefits for disabled longshoremen and harbor workers, an amendment making provisions of the bill inapplicable, with certain exceptions, in the District of Columbia was held to be germane.

In the 84th Congress, during consideration of a bill[5] to amend the Longshoremen's and Harbor Workers' Compensation Act, the following amendment was offered:[6]

Amendment offered by Mr. [Howard W.] Smith of Virginia: On page 6, after line 16, add the following new section as follows:

Sec. 10. The amendments made by the first section and sections 2, 4, and 5 of this act shall not be applicable with respect to injuries or death of an employee of an employer carrying on any employment in the District of Columbia, other than disability or death resulting from an injury occurring upon the navigable waters of the United States (including any dry dock), notwithstanding the provisions of the act of May 17, 1928, as amended (45 Stat. 600, ch. 612, secs. 1 and 2).

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

MR. [CLEVELAND M.] BAILEY [of West Virginia]: Mr. Chairman, I desire to make a point of order, that the amendment proposed by the gentleman from Virginia [Mr. Smith] is not germane to this bill. . . .

. . . The original bill in 1927 came out of the Committee on Labor. It

2. *Id.* at p. 20723.
3. William H. Natcher (Ky.).
4. 109 CONG. REC. 20723, 20724, 88th Cong. 1st Sess., Oct. 31, 1963.
5. H.R. 10765 (Committee on Education and Labor).
6. 102 CONG. REC. 12707, 84th Cong. 2d Sess., July 13, 1956.

makes no mention of the District of Columbia. In 1928, the Congress by a separate bill out of the Committee on the District of Columbia, not out of the Committee on Labor, covered the employees of the District of Columbia under the terms of the Longshoremen's Act. Congress did not amend the Longshoremen's Act, they just passed a separate piece of legislation.

. . . [N]owhere in the Longshoremen's Act in the initial bill or in any amendment to it, do they mention the District of Columbia. . . .

The Chairman,[7] in ruling on the point of order, stated:

. . . The Chair . . . invites attention to this paragraph on page 2 of the committee report accompanying the pending bill, where it states:

It covers, with few exceptions, (1) all privately employed workers in the District of Columbia—

And so on. The report itself shows clearly that the pending bill covers the workers of the District of Columbia, and the amendment . . . seeks to narrow or restrict the application of the pending bill.

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

Eligibility for Social Security Benefits

§ 29.4 To that section of a bill containing miscellaneous provisions and describing several requirements for receiving benefits under the Social Security Act, an amendment adding another requirement was held germane.

In the 76th Congress, a bill[8] under consideration proposed to amend the Social Security Act. To that section of the bill described above, an amendment was offered which stated in part:[9]

Amendment offered by Mr. [Karl E.] Mundt [of South Dakota]: Page 104, line 3, insert a new section, as follows:

Sec. 904. Beginning with January 1, 1941, no provisions of the Social Security Act shall be operative or effective for foreign-born aliens who have not taken out their full American citizenship papers by that date or who do not become American citizens within 6 years after their entrance into this country. . . .

A point of order was raised by Mr. Jere Cooper, of Tennessee, on the ground that the amendment was not germane to the bill. The Chairman,[10] however, ruled that the amendment was in order; he stated:

. . . This amendment is offered to title IX, which is the miscellaneous section. The Chair thinks it is clearly in order and therefore overrules the point of order.

7. Jere Cooper (Tenn.).

8. H.R. 6635 (Committee on Ways and Means).

9. 84 CONG. REC. 6969, 76th Cong. 1st Sess., June 10, 1939.

10. Lindsay C. Warren (N.C.).

Exception Regarding Interest Payment Added to Joint Resolution Approving Loan Agreement

§ 29.5 To a joint resolution approving the action of the Secretary of the Treasury in signing an agreement amending the Anglo-American Financial Agreement of December 6, 1945, an amendment to provide that the interest for 1956 due on the loan be paid into the Treasury of the United States was held to be germane as an exception to the loan agreement being approved.

In the 85th Congress, the Committee of the Whole had under consideration the Anglo-American Financial Agreement.[11]

> The Clerk read as follows:[12]
>
> *Resolved, etc.,* That section 1 of the act of July 15, 1946 (60 Stat. 535; 22 U.S.C. 286*l*), is hereby amended by changing the period at the end thereof to a comma and adding the following "and the action of the Secretary of the Treasury in signing the agreement dated March 6, 1957, amending said agreement is hereby approved."

The following amendment was offered:

> Amendment offered by Mr. Sheehan: On page 1, line 8, after the period insert a comma and add the following: "with the exception that the 1956 interest payment due and held in a special account pending resolution of the waiver provisions, that this interest for 1956 must be paid into the United States Treasury."

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

> MR. [JOHN M.] VORYS [of Ohio]: The amendment is not germane to the bill. As I heard the amendment read, the amendment would attempt substantially to amend the provisions of the agreement, and neither under the law which is being amended nor under the present bill can the Congress act on the terms of the agreement. So that it is not germane.

In defending the amendment, the proponent, Mr. Timothy P. Sheehan, of Illinois, stated:

> . . . The language on line 6 reads: "and the action of the Secretary of the Treasury in signing the agreement dated March 6, 1957, amending said agreement is hereby approved."
>
> No agreement is approved up to this point until the Congress of the United States agrees to it. So, therefore, we can make any amendments or extensions or reductions in the agreement until such time as the Congress approves it.

The Chairman,[13] in ruling on the point of order, stated:

> . . . [T]he Chair rules that the amendment offered by the gentleman

11. S.J. Res. 72 (Committee on Foreign Affairs).

12. 103 CONG. REC. 5473, 85th Cong. 1st Sess., Apr. 10, 1957.

13. Hale Boggs (La.).

from Illinois is germane, that it deals with the subject that is before us.

Bill To Adjust Postal Rates—Amendment Relating to Postal Deficit

§ 29.6 To a bill to adjust postal rates, an amendment providing that "the postal deficit shall not be covered by taxes on incomes, imports, corporations, fur coats, railroad tickets," and the like, was held not germane.

The above ruling was made on Feb. 8, 1950, by Chairman Chet Holifield, of California, in response to a point of order raised by Mr. Thomas J. Murray, of Tennessee. The point of order had been conceded by the proponent of the amendment, Mr. Gordon Canfield, of New Jersey.(14)

Agencies Exempted From Government Reorganization

§ 29.7 To an amendment providing that no government reorganization plan shall affect any provision of the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, the Railway Labor Act, or specified portions of the Internal Revenue Code, or any agencies functioning pursuant to any of such acts, a substitute amendment providing that no reorganization plan shall affect the Civil Service Commission, Federal Deposit Insurance Corporation, the Federal Power Commission, the Railroad Retirement Board, and other boards and commissions, was held germane.

In the 79th Congress, during consideration of a bill(15) to reorganize agencies of the government, Mr. Robert Crosser, of Ohio, offered an amendment to which Mr. Charles A. Halleck, of Indiana, offered a substitute amendment, as described above. Mr. William M. Whittington, of Mississippi, raised the point of order that the substitute amendment was not germane to the Crosser amendment. The Chairman,(16) without elaboration, overruled the point of order.(17)

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14. See the proceedings at 96 CONG. REC. 1690, 1691, 81st Cong. 2d Sess., Feb. 8, 1950. Under consideration was H.R. 2945 (Committee on Post Office and Civil Service).

15. H.R. 4129 (Committee on Expenditures in the Executive Departments).

16. Jere Cooper (Tenn.).

17. See the proceedings at 91 CONG. REC. 9427, 79th Cong. 1st Sess., Oct. 4, 1945.

Amount of Gross Receipts Tax Paid Added to Ceiling Price

§ 29.8 To a bill extending and amending an act which authorized the President to establish ceiling prices and which contained conditions and exceptions, an amendment permitting a seller who is liable for a gross receipts tax to receive the amount of such tax in addition to the ceiling price was held to be germane.

In the 82d Congress, during consideration of the Defense Production Act Amendments of 1951,[18] the following amendment was offered:[19]

> Amendment offered by Mr. [Charles A.] Halleck [of Indiana]: On page 18, line 4, insert the following new subsection:
>
> (f) Section 402 of the Defense Production Act of 1950 is amended by adding at the end thereof the following new subsection:
>
> "(j) Where the sale or delivery of a material or service makes the person selling or delivering it liable for a State or local gross receipts tax or gross income tax, he may receive for the material or service involved, in addition to the ceiling price;"
>
> "(1) an amount equal to the amount of all such State and local taxes for which the transaction makes him liable; or
>
> "(2) one cent, whichever is greater. . . ."

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

> MR. [BRENT] SPENCE [of Kentucky]: Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill or to the section to which it refers. It has reference to a gross sales tax which is in lieu of an income tax, as I understand it.

In defense of the amendment, the proponent stated:

> Mr. Chairman, it very definitely has to do with the pricing features of this bill. The whole purport of the measure before us is an attempt to fix ceiling prices and to control prices. There are many provisions in the bill that have to do with exceptions that may be granted, or other conditions that may be made, and they are in this title in respect to the determination of what is a fair price.

The Chairman,[20] in ruling on the point of order, stated:

> It is the opinion of the Chair that the amendment is germane to the subject matter of the bill, for the amendment proposes certain standards with respect to the fixing of ceiling prices, which is the subject matter of the bill.
>
> Therefore, the Chair overrules the point of order.

Limitation on Appropriations in Bill To Make Certain Payments

§ 29.9 To a paragraph of an appropriation bill, an amend-

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18. H.R. 3871 (Committee on Banking and Currency).

19. 97 CONG. REC. 8387, 82d Cong. 1st Sess., July 18, 1951.

20. Wilbur D. Mills (Ark.).

ment providing that no part of any appropriation contained in the act shall be paid as compensation to certain named individuals was held to be germane.

In the 78th Congress, a bill[1] was under consideration comprising Treasury and Post Office appropriations for 1944, and providing in part:[2]

> Expenses of loans: The indefinite appropriation "Expenses of loans, act of September 24, 1917, as amended and extended" (31 U.S.C. 760, 761), shall not be used during the fiscal year 1944 to supplement the appropriations otherwise provided for the current work of the Bureau of the Public Debt, and the amount obligated under such indefinite appropriation during such fiscal year shall not exceed $57,000,000 to be expended as the Secretary of the Treasury may direct . . .

An amendment was offered:

> MR. [JOSEPH E.] HENDRICKS [of Florida]: Mr. Chairman, I offer the following amendment, which I send to the desk.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Hendricks: Page 12, line 22, after the word "Treasury", strike out the period and insert a colon and the following: "*Provided further*, That no part of any appropriation contained in this act shall be used to pay the compensation of William Pickens, Frederick L. Schuman, Goodwin B. Watson, William E. Dodd, Jr., . . . George Slaff, A. C. Shire, and Edward Scheunemann."

The following point of order was raised:

> MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, I make the point of order that the amendment provides for the refusal of payment of salaries to individuals whose salaries are not provided for in this appropriation bill and, therefore, that the amendment is not germane. Further, I make the point of order that it is legislation on an appropriation bill.

The Chairman,[3] overruling the point of order, stated:[4]

> With respect to the point of order made by the gentleman from New York (Mr. Marcantonio), amendments of this character have been inserted in appropriation bills heretofore. The amendment simply limits the appropriation. . . .

Federal Government Exempted From Daylight Saving Time

§ 29.10 To a bill authorizing the Board of Commissioners of the District of Columbia to put daylight saving time into effect, an amendment providing that such action shall not apply to offices or agencies of the federal govern-

1. H.R. 1648 (Committee on Appropriations).
2. See 89 CONG. REC. 645, 78th Cong. 1st Sess., Feb. 5, 1943.
3. Wirt Courtney (Tenn.).
4. 89 CONG. REC. 646, 78th Cong. 1st Sess., Feb. 5, 1943.

ment was held to be germane.

In the 82d Congress, a bill[5] was under consideration relating to daylight saving time in the District of Columbia. A point of order against the amendment described above was raised by Mr. Oren Harris, of Arkansas, who stated:[6]

> As I understood the amendment, it would amend the general statute with reference to standard time throughout the United States. This bill applies only to the District of Columbia.

Mr. Paul C. Jones, of Missouri, stated:[7]

> Mr. Speaker, I do not think the gentleman from Arkansas understood the amendment. We are not trying to affect the general statute at all. This amendment only seeks to prevent time within the District of Columbia interfering with the operation of the Government's business in the District of Columbia. . .

The following exchange ensued:

> THE SPEAKER:[8] . . . Does the gentleman from Missouri intend for his amendment to apply only to Federal offices in the District of Columbia?
>
> MR. JONES of Missouri: . . . The amendment reads, "except it . . . shall have no effect upon the operation of any offices or agencies of the Federal Government which shall continue to operate on standard time."
>
> THE SPEAKER: Does that mean in the District of Columbia?
>
> MR. JONES of Missouri: In the District of Columbia, yes.
>
> THE SPEAKER: The Chair is going to hold the gentleman's amendment germane and in order.

Denial of Education Benefits—Exceptions

§ 29.11 To a proposition denying benefits to recipients failing to meet a certain qualification, a substitute denying the same benefits to some recipients but excepting others is germane; accordingly, where an amendment denied eligibility for certain higher education assistance benefits to persons refusing to register for military service, a substitute denying benefits under the same provisions of law except to persons refusing to register for religious or moral reasons was held germane.

On July 28, 1982,[9] during consideration in the Committee of the Whole of H.R. 6030 (military procurement authorization for fiscal 1983), it was demonstrated that

5. S. 2667 (Committee on the District of Columbia).

6. 98 CONG. REC. 2064, 82d Cong. 2d Sess., Mar. 10, 1952. . . .

7. *Id.* at p. 2065.

8. Sam Rayburn (Tex.).

9. 128 CONG. REC. 18355–58, 18361, 97th Cong. 2d Sess.

the test of germaneness is the relationship between a substitute and the amendment for which offered, and not between the substitute and the original bill. The proceedings were as follows:

MR. [GERALD B.] SOLOMON [of New York]: Mr. Chairman, I offer an amendment which is printed in the Record.

The Clerk read as follows:

Amendment offered by Mr. Solomon: Page 26, after line 22, add the following new section:

ENFORCEMENT OF MILITARY SELECTIVE SERVICE ACT

Sec. 1010. (a) Section 12 of the Military Selective Service Act (50 U.S.C. App. 462) is amended by adding after subsection (e) the following new subsection:

"(f)(1) The Director of the Selective Service System shall submit to the Secretary of Education, with respect to each individual receiving, or applying for, any grant, assisted loan, benefit, or other assistance, under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), or participating in any program established, or assisted, under such title, verification of whether such individual has violated section 3 by not presenting and submitting to registration pursuant to section 3. . . .

"(3) If the Secretary of Education preliminarily determines that any individual described in paragraph (1) has violated section 3, the Secretary of Education shall notify such individual of the preliminary determination.

"(4) Any individual notified pursuant to paragraph (3) may submit to the Secretary of Education within a period of time of not less than 30 days after receiving such notification any information with respect to the compliance or violation of section 3 by such individual.

"(5) After the period of time specified in paragraph (4) and taking into consideration any information submitted by the individual, the Secretary of Education shall make a final determination on whether each individual notified pursuant to paragraph (3) has complied with or violated section 3.

"(6)(A) Notwithstanding any other provision of law, any individual finally determined by the Secretary of Education pursuant to paragraph (5) to have violated section 3 is not eligible for, and may not receive, any grant, assisted loan, benefit, or other assistance, under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and may not participate in any program established, or assisted, under such title. . . .

MR. [PAUL] SIMON [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Simon as a substitute for the amendment offered by Mr. Solomon: At the end of the bill add the following new section:

Sec. 1010. (a) Section 12 of the Military Selective Service Act (50 U.S.C. App. 462) is amended by adding after subsection (e) the following new subsection:

"(f)(1) In order to receive any grant, loan, or work assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), a person who is required under section 3 to present himself for and submit to registration under such section shall—

"A) submit to the institution of higher education which the person intends to attend, or is attending,

proof that such person has submitted to such registration;

"(B) complete and submit the necessary forms for such registration at the time of filing application for such grant, loan, or work assistance; or

"(C) submit a statement that such person refuses to submit to such registration for religious or moral reasons.

"(2) For the purposes of paragraph (1), the Director, after consultation with the Secretary of Education, is authorized to prescribe methods for providing to, and collecting from, institutions of higher education the forms necessary for registration under section 3, and for collecting statements described in paragraph (1)(C) from such institutions.".

(b) The amendments made by subsection (a) of this section shall apply to loans, grants, or work assistance under title IV of the Higher Education Act for periods of instruction beginning on or after July 1, 1983. . . .

MR. SOLOMON: Mr. Chairman, I raise a point of order . . . [T]he amendment which I offered and was printed in the Record was a nongermane amendment which had points of order raised against it.

Subsequently, I appeared before the Rules Committee and asked for those points of order to be waived, which they granted in the rule.

Now in the amendment that the gentleman from Illinois (Mr. Simon) is offering in section (c) he says to submit a statement that such person refuses to submit to such registration for religious and moral reasons. That is additional law which had nothing to do with the amendment and the waiver of points of order that were granted by the Rules Committee. I say that the gentleman's amendment is out of order because of that. . . .

MR. SIMON: . . . Mr. Chairman, what we are talking about is how we can have something that is workable. My aim is the same as that of the gentleman from New York, but I think the gentleman from New York, with all due respect, has not dealt with this whole very complex problem of student loans and grants.

I think the amendment that I have is the only workable one. I think it is totally within the province of the amendment that the gentleman has.

I think the substitute amendment that I have offered is in order.

THE CHAIRMAN PRO TEMPORE:[10] The Chair is prepared to rule.

The Chair finds that both the amendment and the substitute amendment prescribe limitations on eligibility under title IV of the Higher Education Act of 1965, both in similar ways.

The question of the waiver granted to the Solomon amendment by the rule is not relevant to the point of order since the test of germaneness is whether the substitute amendment is germane to the amendment, not to the bill.

Therefore, the Chair rules that the amendment is in order and the gentleman is recognized.

Incidental Conditions or Exceptions Related to Fundamental Purpose of Bill

§ 29.12 For a bill proposing to accomplish a result by methods comprehensive in scope, a committee amendment in

10. Les AuCoin (Ore.).

the nature of a substitute which was more detailed in its provisions but which sought to achieve the same result was held germane, where the additional provisions not contained in the original bill were construed to be merely incidental conditions or exceptions that were related to the fundamental purpose of the bill.

The proceedings of Aug. 2, 1973, which related to H.R. 9130 (the trans-Alaska pipeline authorization) are discussed in § 30.36, infra.

Exception From Limitation on Powers Conferred in Bill

§ 29.13 To an amendment limiting discretionary powers conferred in a bill, an amendment providing an exception from that limitation is germane; thus, to an amendment prohibiting the Administrator from setting ceiling prices for domestic crude oil above a certain level while performing the functions transferred to him in a bill creating a new Federal Energy Administration, an amendment exempting from the imposition of that ceiling price new crude petroleum sold by producers of less than 30,000 barrels per day was held a germane exception.

During consideration of the Federal Energy Administration Act [H.R. 11793] in the Committee of the Whole on Mar. 6, 1974,[11] the Chair held the following amendment to be germane to the pending amendment:

> MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I offer an amendment to the amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Eckhardt to the amendment offered by Mr. Dingell: Amend the amendment by adding at the end thereof the following: "; *Provided however,* That no limitation on mandate contained herein shall apply to or affect any producer of new crude petroleum who, together with all persons who control, or are controlled by or under common control with such producer, produces net to his working interests not more than 30,000 barrels of crude oil per day, so as to prevent such producer from selling that new crude petroleum without respect to the ceiling price. However, if the amount of crude petroleum produced and sold in any month subsequent to the effective date of this section is less than the base production control level for that property for that month, any new crude petroleum produced from that property during any subsequent month may not be sold pursuant to this paragraph until an amount of the new crude petroleum equal to the difference between the amount of crude petroleum actually produced from that

11. 120 CONG. REC. 5449, 93d Cong. 2d Sess.

property during the earlier month and the base production control level for that property for the earlier month has been sold at or below its ceiling price. . . .

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I make a point of order against the amendment for the same reasons that I stated before. The amendment offered by the gentleman from Texas (Mr. Eckhardt) is nongermane to the bill under rule XVI, clause 7. It deals with subject matter which is not in the bill and with policy also which is not the purpose of this section. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I make a point of order that the amendment does precisely the same thing as the amendment just briefly offered. It seeks to accomplish the same thing. I would go further and state that it goes far beyond the sweep of the amendment. It issues new categories and classes of producers. It imposes whole new judgments upon the administrator far beyond those which are included in the limitations previously imposed, and it imposes these additional judgments and responsibilities on him in terms of dividing the different kinds of producers into classes and categories.

Essentially it requires acts going beyond action of the original sweep of the amendment and also beyond the legislation before us. For that reason it is no longer a limitation on the authority proposed but rather, on the contrary, is making whole new law. . . .

MR. ECKHARDT: Mr. Chairman, this amendment is quite different from the original amendment. As a matter of fact, the original amendment would, I think, have been greatly preferable, but in deference to the Chair's ruling, this amendment does nothing whatsoever to the Dingell limitation on the authority of the administrator, which limitation prohibits the administrator from cutting back the price of oil any less, I think, than $7.09, which sounds like a strange, negative limitation. But at least that is what it does.

This further limits the administrator in such action not to affect those producing 30,000 barrels or less.

The Dingell amendment has the effect of telling the administrator: You have got to, or you cannot do anything else but, provide a limitation on price that will not exceed the total of $7.09.

What this says is that when we do so, we may not put any limitation on new oil produced by producers of 30,000 barrels or less; so this is an additional limitation in addition to what has been called the Dingell limitation.

I submit that this is entirely in accord with the ruling or holding of the Dingell amendment valid as an amendment on this bill.

I might add, too, that this does not deal with other oil than domestic crude.

THE CHAIRMAN:[12] The Chair is prepared to rule. The gentleman from Texas (Mr. Eckhardt) has offered an amendment to the amendment previously offered by the gentleman from Michigan (Mr. Dingell).

The gentleman from New York makes a point of order against the amendment to the amendment on the grounds that the amendment to the amendment is not germane to the bill or to the amendment to which it is offered.

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

The Chair has carefully examined the language of the amendment to the amendment and the Chair rules that since the amendment to the amendment is simply for the purpose of exempting certain specified producers from the limitation of authority established by the amendment offered by the gentleman from Michigan, it is within the scope of and covers the same subject matter as the amendment offered by the gentleman from Michigan. The amendment offered by the gentleman from Texas is, therefore, germane as an amendment to the amendment and the Chair overrules the point of order.

—*Effect of Definition of Terms*

§ 29.14 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,[13] 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 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

13. 120 CONG. REC. 5640, 5641, 93d Cong. 2d Sess.

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.

Railroad Freight Rates—Waiver of Antitrust Laws

§ 29.15 To a proposition amending existing laws in several respects but limited in scope to the issue of federal funding of railroads, an amendment to one of those laws to require any railroad to maintain certain freight rate practices and waiving provisions of antitrust laws to permit enforcement of those rate practices was held not germane as addressing regulatory authorities in law and not confined to the issue of federal financial assistance.

The proceedings of Oct. 14, 1978, relating to H.R. 12161, the ConRail Authorization Act, are discussed in § 35.80, infra.

§ 30. Amendments Providing for Conditions or Qualifications

For introductory discussion of amendments that seek to impose conditions, qualifications, or restrictions, generally, see the introduction to Division D, supra.