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Guard" in it. I think we all recognize and understand what is meant by the amendment, but the words "Coast Guard" are not here. It directs the Secretary of Defense to conduct the study, and no one else.

The second point is that this was a recommendation by the administration that these people be cut.

As the gentleman aptly pointed out, the Congress has control over whether or not those cuts are going to take place; the Congress has the decision as to what those people will be used for, and the Congress can certainly designate 500 of these people to be used in tactical positions on Navy ships. . . .

THE CHAIRMAN PRO TEMPORE: . . . The Chair is ready to rule.

In reviewing both the Bennett amendment and the substitute by Mr. English to the Bennett amendment, the Chair finds that the original amendment is a comprehensive authority, using Department of Defense personnel to assist Coast Guard and other law enforcement personnel for the purposes stated.

The English substitute however, does narrow the scope of the Bennett amendment by only calling for a study on the same subject matter.

On page 2 of the Bennett amendment the language on lines 1 and 2 does refer to Federal drug enforcement officials, maintaining ultimate control, which does include the role not only of DEA but also the Coast Guard.

Therefore, the point of order is overruled. The substitute amendment by Mr. English is germane.

Parliamentarian's Note: The above ruling effectively overrules that found at 8 Cannon's Precedents Sec. 2989, wherein the Chair held that, to a river and harbor authorization, a substitute providing for a commission to consider and report on that subject was not germane. Under current practice, where it is proposed to undertake a given program, an alternative proposal to study the feasibility of undertaking that program should be held to be germane.

§ 31.—Amendment Postponing Effectiveness of Legislation Pending Contingency

The precedents indicate that an authorization may be made contingent on a future event; but the event must be related to the subject matter before the House.[13] Therefore, it is frequently stated that an amendment that delays the effectiveness of proposed legislation pending an unrelated contingency is not germane. As an example, it has been held that, to a bill authorizing an appropriation of funds, an amendment holding the authorization in abeyance pending an unrelated contingency is not germane.[14] And an amendment making the implementation

13. See, for example, Sec. 31.32, infra.

14. See Sec. 35.8, infra.

of federal legislation contingent upon the enactment of state legislation is not germane.[15]

Where an amendment seeks to adopt as a measure of the availability of certain authorizations contained in the bill a condition that is logically relevant and objectively discernible, the amendment does not present an unrelated contingency and is germane.[16] Accordingly, an amendment that conditions the obligation or expenditure of funds authorized in the bill by adopting as a measure of their availability the expenditure during the fiscal year of a comparable percentage of funds authorized by other acts is germane as long as the amendment does not directly affect the use of other funds.[17] And an amendment to an authorization bill that conditions the expenditure of funds covered by the bill by restricting their availability during months in which there is an increase in the public debt may be germane as long as the amendment does not directly affect other provisions of law or impose contingencies predicated upon other unrelated actions of Congress.[18]

An amendment imposing on the availability of funds to carry out a certain activity a conditional restriction that merely requires observation of similar activities of another country, which similar conduct already constitutes the policy basis for the pending funding of that activity, may be germane as a related contingency.[19] But it is not germane to make the effectiveness of an authorization contingent upon an unrelated determination involving issues within the jurisdiction of agencies and committees outside the purview of the pending bill.[20]

Licensing of Nuclear Waste Storage Facility

§ 31.1 An amendment making the effectiveness of a bill contingent upon actions of agencies not involved in the administration of the affected program, and expanding the scope of the bill to include grants of authority beyond those contained therein, is not germane; thus, to a bill granting authority to the Administrator of the Bonneville Power Administration relating to the use and con-

15. See Sec. 31.5, infra.

16. See Sec. 31.16, infra.

17. See Sec. 31.17, infra. See also, generally, Sec. 34 (restrictions on use or availability of funds), infra.

18. See Sec. 34.1, infra.

19. See Sec. 31.15, infra.

20. See Sec. 31.27, infra.

servation of electric power, including the acquisition of power, an amendment prohibiting the Administrator from acquiring any resource derived from a new nuclear generating facility until the Nuclear Regulatory Commission has licensed the operation of a permanent nuclear waste storage facility was held not germane, because it imposed an unrelated contingency involving nuclear licensing authority for all government and privately owned storage facilities on a national basis, and was not solely related to the purchase and transmission of power in the Northwest region.

On Nov. 14, 1980,[1] during consideration of the Pacific Electric Power Planning and Conservation Act of 1980[2] in the Committee of the Whole, a point of order was sustained against the following amendment:

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AuCoin: On page 69, after line 17, insert:

(n)(1)) The Administrator may not acquire any resource derived from a new nuclear generating facility until such time as the Nuclear Regulatory Commission has licensed the operation of a permanent storage facility for high level nuclear waste and spent fuel from commercial nuclear generating facilities.

(2) For purposes of this subsection, the term "new nuclear generating facility" shall not include any nuclear generating facility for which a construction permit was issued by the Nuclear Regulatory Commission before the date of enactment of this Act. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, the bill before us establishes a planning council. It provides for a planning council. It provides for a program for conservation and for a fish and wildlife program. It provides for the sale of power. It provides for the establishing of rates, and it provides for the acquisition of resources to produce power.

Nowhere in the bill does the bill deal with atomic energy as such or with the storage of either spent nuclear fuels or nuclear wastes. The amendment would add a condition to the bill prohibiting the BPA from acquiring any resource derived from nuclear generation until the Nuclear Regulatory Commission licenses operation of a permanent storage facility for nuclear wastes and spent fuel.

That I believe would be the addition of a national program for dealing with spent nuclear fuel and nuclear waste to be added to a regional program to be administered by the BPA. This would impose burdens on an agency entirely different from those which are either set up in the bill, which be your State and regional planning councils, or the

1. 126 CONG. REC. 29615–17, 96th Cong. 2d Sess.

2. S. 885.

Bonneville Power Authority. In other words, the agency which would do this, under law, would be the Nuclear Regulatory Commission which is an agency not anywhere mentioned in the bill.

Essentially, the proposal is an attempt, indirectly, to amend the Atomic Energy Act and to deal with the question of spent fuel and nuclear waste on a nation-wide basis as opposed to simply dealing with the question of power management as is provided in the bill; and I call to the attention of the Chair that the bill is regional in character; the amendment is national in character; the bill deals with power management. The amendment deals with nuclear waste, its storage and the establishment of a nationwide program for the storage and so forth of nuclear waste.

I would point out the language of the amendment says:

> The Administrator may not acquire any resource derived from a new nuclear fuel generating facility—

This is not a nuclear fuel generating facility which would be present within the Bonneville Power Authority service area, but it is sufficiently general to cover any nuclear generating facility in the United States.

Then it goes on and it says:

> Until such time as the Nuclear Regulatory Commission—

Which is not mentioned in the legislation—

> has licensed the operation of a permanent storage facility for high-level nuclear waste and spent fuel from commercial nuclear generating facilities.

These nuclear generating facilities are not within the Bonneville Power market area but are anywhere in the United States. And it could include those in the Northeast, the Southeast, the Southwest, in Alaska, or in Hawaii—none of them within the area served. The amendment is much more broad than the bill and deals with quite different matters.

MR. [CLARENCE J.] BROWN [of Ohio]: Mr. Chairman, will the gentleman yield?

THE CHAIRMAN PRO TEMPORE: The Chair controls the time. Does the gentleman from Ohio wish to be heard on the point of order? . . .

MR. BROWN of Ohio: Mr. Chairman, I would be happy to speak on the point of order, to reinforce the position of the gentleman from Michigan.

There is an electrical power generation in-tie between the Southwestern part of the United States, that is, California, Utah, and Arizona, and that area, and the Northwestern part of the United States. This bill has an impact on the Northwest. Some of the power generated in that Southwestern in-tie is of a nuclear sort, and so the impact of this attempted amendment would be to impact, as the gentleman from Michigan points to, the generation of power in other parts of the United States and, therefore, I think is inappropriate from the standpoint of its germaneness, for that reason. . . .

MR. AUCOIN: . . . [N]o one can rationally argue that the whole cycle of activities that is involved in nuclear power operation and construction can be separated out and considered alone. The storage of radioactive waste from the nuclear plants is just as much a part, an intrinsic part, of the whole process as the construction of the

plant. It is a part of the same procedure, the whole life cycle of the plants, and, therefore, cannot be excluded and separated out, and it cannot be held that, somehow, that is not germane to the construction of plants, because the construction produces the result, that result, being waste. That waste has to be dealt with. . . .

. . . [T]he amendment poses no contingency upon the House because existing law gives the Nuclear Regulatory Commission licensing and regulatory authority pursuant to chapters 6, 7, 8, and 10 of the Atomic Energy Act of 1954. Among those powers are the licensing and regulatory authorities to operate facilities used primarily for the receipt and storage of high-level radioactive waste resulting from activities licensed under the Atomic Energy Act of 1954.

So no additional act of Congress is necessary, nor does this amendment require any additional act of Congress, because of the authorities already granted to the NRC. And my amendment simply says that, until that authority is used, either on the agency's own part or by further direction from the Congress, no additional nuclear powerplants will be constructed in the Pacific Northwest. . . .

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Chairman, I rise in support of the point of order and to say that, under the terms of the amendment, there is additional responsibility placed on the NRC and the agencies within the province of this bill. By his own words, the author of the amendment has said that NRC has that authority, but under his amendment they will cease to have the authority to license and regulate. They will be told, "You cannot license any nuclear powerplant unless you have got a permanent storage for the waste." And, therefore, I submit that it does provide for additional duties and, therefore, would be nongermane to the bill. . . .

MR. AUCOIN: Mr. Chairman, my friend from Texas, the subcommittee chairman, for whom I have a great deal of respect, has, I think, confused, momentarily, the difference between an amendment that would force the Nuclear Regulatory Commission to take an action as opposed to imposing on the Nuclear Regulatory Commission a new responsibility.

There is no new responsibility being imposed on the agency by this amendment. It does require action by the agency under the authority already granted to it by the Atomic Energy Act of 1954.

I would state to the Chair and to my friend, the gentleman from Texas, that the authority already existing exists under Public Law 93–438, title II. And for that reason I do not believe his argument stands.

THE CHAIRMAN:[3] The Chair is prepared to rule.

In the opinion of the Chair, the amendment offered by the gentleman from Oregon would impose a contingency which is not solely related to the issue of purchase and transmission of power in the Northwest region and which addresses potentially new NRC licensing authority for all Government and privately owned storage facilities on a national basis.

The Chair would cite, specifically, chapter 28 of Deschler's Procedure, section 24.15:

3. Matthew F. McHugh (N.Y.).

An amendment delaying the effectiveness of a bill pending the enactment of other legislation and requiring actions by committees and agencies not involved in the administration of the program affected by the bill was ruled out as not germane.

On that basis, the Chair is constrained to sustain the point of order.

Restitution by President Nixon to United States Government

§ 31.2 While it may be in order on a general appropriation bill to delay the availability of certain funds therein until a nonfederal recipient meets certain qualifications so long as the contingency does not impose new duties on federal officials or directly change existing law, the contingency must be related to the funds being withheld and cannot affect other funds in the bill which are not related to that factual situation; thus, to a general appropriation bill containing funds not only for certain allowances for former President Nixon, but also for other departments and agencies, an amendment delaying the availability of all funds in the bill until Nixon has made restitution of a designated amount to the United States government was held to be not germane where that contingency was not related to the availability of other funds in the bill.

In the proceedings of Oct. 2, 1974,[4] relating to supplemental appropriations for fiscal 1975,[5] the points of order made against the amendment in question were largely based on the contention that the amendment constituted legislation on an appropriation bill. Most points of order against amendments delaying the availability of funds pending an unrelated contingency are based on the issue of germaneness, and in the Chair's ruling it appeared that the defect in the amendment was that its scope was so broad as to affect funds in the bill other than those to which the limitation was directly related—in other words, that the amendment was not germane.

Mr. James V. Stanton [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. James V. Stanton: On page 14, line 5 after the period insert:

"Sec. 203. No funds shall be available for expenditure under this act until such time as Richard M. Nixon has made restitution to the United States Government in the amount of $92,298.03 as previously determined

4. 120 CONG. REC. 33620, 33621, 93d Cong. 2d Sess.

5. H.R. 16900.

by the Joint Committee on Internal Revenue Taxation on page 201 of its report dated April 3, 1974.". . .

MR. [TOM] STEED [of Oklahoma]: Mr. Chairman, I make a point of order against the amendment.

This amendment would impose some duty upon an agency of Government in this bill. The Internal Revenue Service is the only agency that can collect taxes. This obviously would require duties not now required by law. It is obviously legislation in an appropriation bill, and therefore it is subject to a point of order. . . .

THE CHAIRMAN:[6] The Chair is prepared to rule.

The Chair has examined the amendment. . . . It merely delays the availability of certain funds here appropriated until a certain state of facts exist.

It does not impose any duty upon a Federal official, in the opinion of the Chair. The only duty it imposes by its terms, would be upon President Nixon, who is no longer a Federal official. . . .

Under the precedents and under the rules that the Chair has been able to examine, the Chair is of the opinion that this amendment might be in order.

If the gentleman from Texas (Mr. Eckhardt) wants to be heard on the point of order, the Chair will withhold his final ruling. . . .

MR. [BOB] ECKHARDT [of Texas]: . . . The Chair is undoubtedly correct, that this does not impose additional duties under the standards set out in various cases. However, the objection of the gentleman from Texas (Mr. Mahon), as I understand it, is that this does not impose additional duties but creates substantive law. It establishes a liability in effect on the President of the United States, which liability does not exist by any judicial determination unless this action is taken by this body.

Mr. Chairman, what we are in effect doing is passing a special bill with respect to liability of the President of the United States for an amount of money that has only been determined by a committee of this House and not by a court. If we pass this, we are in effect saying that until he pays a certain amount of money, which we say he owes by virtue of passing a law today, he will not receive money that he would otherwise receive.

I find this a very, very extensive legislative determination, one which I would have doubts about on constitutional grounds, even if it were brought up as a separate piece of legislation.

I understand that the question of constitutionality is not before the Chair with respect to a point of order, but I merely point that out in emphasizing the great substantive effect of this amendment. . . .

MR. [CHARLES S.] GUBSER [of California]: . . . [T]he word "restitution," if I understand the English language correctly . . . would imply that the funds were held by Richard Nixon illegally. Therefore if we . . . allow this amendment to stand, we are clearly creating what should be a judicial decision, and we are giving it legislative sanction, and it is therefore legislation on an appropriation bill. Therefore I think the point of order should be sustained. . . .

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

MR. STEED: Mr. Chairman, this amendment says "no funds in this act", and that means if this amendment is adopted unless former President Nixon paid this amount of money the whole bill is dead. If that does not constitute legislation on an appropriation bill I do not know what does.

THE CHAIRMAN: The Chair must observe that the Chair is not in a position to rule as suggested by the gentleman from Texas (Mr. Eckhardt) on a question of constitutionality. The gentleman's point may quite well be valid, but the Chair is not in a position to rule on constitutionality, nor is the Chair in a position to rule upon the validity of the commentary offered as to whether or not the Joint Committee on Internal Revenue Taxation may or may not have established this precise figure as being owed. . . .

The Chair is . . . impressed by the most recent comment made by the gentleman from Oklahoma (Mr. Steed) wherein the gentleman from Oklahoma points out that by the terms of the amendment itself funds under the entire act and not just funds for the former President, would be inhibited. Let the Chair read the amendment.

> No funds shall be available for expenditure under this act until such time as Richard M. Nixon has made restitution.

The Chair is persuaded that the availability of some of the funds in the act for other purposes will be based upon an unrelated contingency, and the Chair is prepared to state on the basis of the additional argument made since his preliminary determination that he has changed his opinion regarding the scope and effect of the amendment and sustains the point of order.

Approval of Foreign Assistance in National Referendum

§ 31.3 To a bill amending the Foreign Assistance Act of 1961, providing new authorizations and policy declarations, an amendment to prohibit use of any funds available until further assistance under the act had been approved in a national referendum was held to be not germane.

The proceedings of Aug. 22, 1963,[7] were as follows:

MR. [ROBERT J.] DOLE [of Kansas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dole: Page 19, after line 16, insert the following:
>
> "Sec. 310. The Foreign Assistance Act of 1961, is amended by adding at the end thereof the following new section:
>
> "'Sec. 648. Notwithstanding any other provision of this or any other Act, none of the funds available to carry out the provisions of this Act, shall be expended until the following question be submitted to qualified electors in a National Referendum.

7. See 109 CONG. REC. 15608, 88th Cong. 1st Sess. (ruling by Chairman Wilbur D. Mills [Ark.] as to amendment offered by Mr. Dole to H.R. 7885 [Committee on Foreign Affairs], the Foreign Assistance Act of 1963).

"'Shall the United States continue the Foreign Assistance Act of 1961, or any amendments thereto, subsequent to June 30, 1964?

"'A majority of eligible voters voting affirmatively shall be necessary before the Foreign Assistance Act of 1961, and any amendments thereto, shall be operative. The cost of said referendum shall be paid by proceeds from the sale of surplus property under control of the Agency for International Development.'"

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN: The gentleman will state the point of order.

MR. MORGAN: Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane to the foreign aid bill.

MR. DOLE: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman from Kansas will state the parliamentary inquiry.

MR. DOLE: Mr. Chairman, is it not true that all points of order have been waived on this bill?

THE CHAIRMAN: Under the rule, all points of order are waived as to the text of the bill, as reported by the committee. Points of order are not waived as to amendments that might be offered to the bill. . . .

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

The gentleman from Kansas [Mr. Dole] offers an amendment to the bill which the Chair has had an opportunity to read and analyze. The gentleman from Pennsylvania [Mr. Morgan] makes the point of order against the amendment on the ground that it is not germane to the bill before the Committee. The Chair is of the opinion that the amendment is not germane to the bill.

The point of order is sustained.

Approval of Construction of Naval Vessels in National Referendum

§ 31.4 To a bill authorizing the construction of certain naval vessels, an amendment providing that the act not become effective until confirmed in a nationwide referendum conducted according to rules prescribed by the Secretary of State was held not germane.

In the 75th Congress, during proceedings related to a naval authorization bill,[8] an amendment as described above was offered by Mr. Harry Sauthoff, of Wisconsin.[9]

Mr. Carl Vinson, of Georgia, made a point of order against the amendment as not being germane to the bill under consideration. The Chairman,[10] in ruling on the point of order, stated:

The gentleman from Wisconsin offers an amendment at the end of the bill providing that before this measure

8. H.R. 9218 (Committee on Naval Affairs).

9. See 83 CONG. REC. 3704, 75th Cong. 3d Sess., Mar. 18, 1938.

10. John J. O'Connor (N.Y.).

shall become effective a Nation-wide referendum shall be held, and then the amendment proceeds to set forth how such referendum shall be held and states that it shall be subject to such rules and regulations as the Secretary of State shall prescribe as necessary or appropriate in providing for such referendum.

In the first place, such a proposal may not be within the jurisdiction of the Committee on Naval Affairs. Nowhere in the bill is the Secretary of State or the Department of State referred to in any way, nor does any provision of the bill relate to that Department or its head.

A mere postponement of the effective date of an act for one reason or another might be germane, if nothing further was required to be done affirmatively. See Hinds Precedents, section 3030. But particularly because of the part of this amendment which refers to the Secretary of State, the Chair rules that the amendment is not germane and therefore sustains the point of order.

Enactment of State or Federal Legislation

§ 31.5 To a bill authorizing funds for construction of atomic energy facilities in various parts of the nation, an amendment making the initiation of any such project contingent upon the enactment of federal or state fair housing measures was held to be not germane.

In the 90th Congress, during consideration of a bill[11] authorizing appropriations for the Atomic Energy Commission, the following amendment was offered:[12]

> Amendment offered by Mr. Ryan: On page 4, after line 18, add a new subsection (d), as follows:
>
> (d) The Commission is authorized to start the projects set forth in subsection 101(b) contingent upon the enactment of Federal or State fair housing measures which insure that employees of said facilities not be denied equal housing on grounds of religion or race.

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

> MR. [CRAIG] HOSMER [of California]: [The amendment] is not germane. It attempts to legislate restrictions on an authorization bill not provided by the rules of the House. It has already been voted upon.

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

> MR. [WILLIAM F.] RYAN [of New York]: Mr. Chairman, the amendment is similar in nature to the limitation set forth in section 102 of the bill. There it is provided that—
>
> The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost

11. H.R. 10918 (Committee on Atomic Energy).

12. 113 CONG. REC. 17921, 90th Cong. 1st Sess., June 29, 1967.

of that project does not exceed by more than 25 per centum the estimated cost set forth for that project. . . .

. . . [The amendment] parallels the limitations the bill itself sets forth on other aspects of the project.

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

In the opinion of the Chair, the amendment goes beyond the legislation, which is Federal legislation, and would require State legislation. Therefore, the point of order is well taken.

The Chair sustains the point of order.

Subsequent Specific Authorization for Testing of Antisatellite Weapon

§ 31.6 To a provision authorizing funds for one fiscal year, an amendment restricting the availability of funds appropriated pursuant thereto contingent upon enactment of subsequent specific authorization is germane; thus, to a bill authorizing funds for Air Force research and development, an amendment prohibiting use of those funds for certain tests until subsequent law authorizing such tests is enacted was held to be a germane condition.

During consideration of the Department of Defense Authorization for fiscal 1984[14] in the Committee of the Whole on July 21, 1983,[15] the Chair overruled a point of order against the following amendment:

THE CHAIRMAN PRO TEMPORE:[16] The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Seiberling: Page 14, after line 10, insert the following new subsection:

(c) None of the amount appropriated pursuant to the authorization in section 201 for the Air Force may be used for flight testing of an antisatellite weapon until such testing is specifically authorized by law enacted after the date of enactment of this Act.

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Chairman, I raise a point of order on the amendment as being nongermane, as I understand it.

This amendment refers to a prior-year authorization on the matter under consideration in terms of the title II authorization for fiscal year 1984. At least I have been so instructed. . . .

MR. [JOHN F.] SEIBERLING [of Ohio]: . . . Mr. Chairman, this amendment only deals with the authorization in section 201. It does not deal with authorizations in prior years.

MR. BENNETT: Mr. Chairman, perhaps this is not the amendment the gentleman had coming up the last time just prior to the recess. Is that correct? . . .

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13. James A. Burke (Mass.).

14. H.R. 2969.

15. 129 CONG. REC. 20198, 98th Cong. 1st Sess.

16. Marty Russo (Ill.).

MR. SEIBERLING: Mr. Chairman, I had originally put in an amendment on June 8 which did what the gentleman says, but this one was corrected so as to avoid that problem. . . .

THE CHAIRMAN PRO TEMPORE: . . . The amendment . . . does apply to this year only and to the authorization in the bill, and the point of order does not lie.

Parliamentarian's Note: The Seiberling amendment had originally included restrictions on funds authorized in prior years but was redrafted to apply only to the funds in the bill, so that it was germane.

Enactment of Legislation; Action by Committees and Agencies Other Than Those Involved in Administration of Program Affected by Bill

§ 31.7 An amendment delaying the effectiveness of a bill pending the enactment of other legislation and requiring actions by committees and agencies not involved in the administration of the program affected by the bill was ruled out as not germane.

On Feb. 7, 1973,[17] a bill[18] was under consideration which had been reported from the Committee on Agriculture directing the Secretary of Agriculture to expend all sums appropriated for the Rural Environmental Assistance Program. An amendment was offered seeking to delay the effectiveness of the bill until (1) Congress enacts legislation increasing the statutory ceiling on the public debt limit or legislation raising revenue by the amount of spending in the bill; or (2) the Comptroller General reports that such expenditures, together with all other outlays during that fiscal year, will not exceed revenue and debt limit totals. The amendment was held to be not germane.

Enactment of Oil Windfall Profit Tax

§ 31.8 An amendment delaying the availability of an appropriation pending an unrelated contingency is not germane to an appropriation bill; thus, to a joint resolution appropriating funds to the Community Services Administration for emergency fuel assistance, an amendment prohibiting any of such funds from being obligated before the date of enactment of any law imposing an oil windfall profit tax was held to be not germane.

17. See 119 CONG. REC. 3708, 3709, 93d Cong. 1st Sess., discussed in § 31.14, infra.

18. H.R. 2107.

On Oct. 25, 1979,[19] during consideration of House Joint Resolution 430 in the House, the Speaker Pro Tempore[20] sustained a point of order against the following amendment:

> MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Giaimo: Page 3, after line 3, insert the following new sentence: "None of the funds appropriated by this Act may be obligated before the date of the enactment of any Federal law imposing a windfall profit tax on producers of domestic crude oil.". . .
>
> MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Speaker, the amendment before us violates the rules of the House, inasmuch as it is not germane under clause 7, rule XVI.
>
> The amendment clearly goes beyond the bill and, in fact, addresses an entirely separate piece of legislation that is not referred to in any manner in House Joint Resolution 430.
>
> I urge the point of order be sustained.
>
> We have ample precedents, Mr. Speaker, of similar situations which clearly show that an amendment delaying the operation of proposed legislation pending an unrelated contingency is not germane. I cite Deschler's Procedure 28.4, Mr. Speaker. . . .
>
> MR. GIAIMO: . . . The amendment which I am offering here addresses itself to this legislation. It is simply a limitation and says none of the funds appropriated can be obligated before the date of enactment of any Federal law imposing a windfall profit tax.
>
> That is a simple limitation, which I think is not subject to a point of order. . . .
>
> THE SPEAKER PRO TEMPORE: The Chair is ready to rule.
>
> The Chair has examined several precedents and would like to point to chapter 28, section 4.11 of Deschler's [Procedure]:
>
> > To a bill extending and amending laws relating to housing and the renewal of urban communities, an amendment providing that no funds could be appropriated or withdrawn from the Treasury for the purposes of the bill until enactment of legislation raising additional revenue, was held not to be germane.
>
> The Chair sustains the point of order of the gentleman from Kentucky (Mr. Natcher).

Passage of Tax Measures

§ 31.9 To a bill to provide for a National Security Training Corps, an amendment was held to be not germane which provided that, "This act shall be effective on the same day that a tax bill becomes effective" imposing a specified tax on corporations engaged in manufacturing war materials.

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19. 125 CONG. REC. 29639, 29640, 96th Cong. 1st Sess.

20. Dan Rostenkowski (Ill.).

The Chairman,[1] in making the above ruling, summarized the parliamentary situation as follows:[2]

> The gentleman from Montana[3] has offered an amendment which has been reported. The gentleman from Georgia[4] makes a point of order against the amendment on the ground it is not germane to the pending amendment or the bill.
>
> The Chair has examined the amendment with some degree of care and invites attention to the fact that it provides:
>
> > This act shall be effective on the same day that a tax bill becomes effective, which will tax all corporations 100 percent of all profits and earnings of such corporations engaged in the manufacture of war materials or any other service connected with the defense effort and/or the National Security Training Corps Act of 1952.
>
> The Chair invites attention to the fact that this amendment provides for the effective date of the pending bill to be contingent upon an entirely unrelated subject, a subject which would not be under the jurisdiction of the committee that reported the pending bill, but would be under the jurisdiction of another standing committee of the House.
>
> The Chair is of the opinion that the amendment is clearly not germane to the pending amendment or the bill and, therefore, sustains the point of order.

1. Jere Cooper (Tenn.).
2. 98 CONG. REC. 1839, 82d Cong. 2d Sess., Mar. 4, 1952. The proceedings related to the National Security Training Corps Act, H.R. 5904 (Committee on Armed Services).
3. Mr. Mike Mansfield.
4. Mr. Carl Vinson.

Enactment of Legislation Raising Revenue

§ 31.10 To that section of a joint resolution subjecting all Reserve and retired personnel who are ordered into active military service to those laws and regulations applicable to personnel ordered into service generally, an amendment providing that provisions of the joint resolution shall remain inoperative, "until Congress shall have provided revenue by taxation and shall have authorized and made appropriations therefor," was held not germane.

In the 76th Congress, a joint resolution[5] was under consideration which authorized the President to order Reserve and retired personnel of the Army into active military service and which stated in part:[6]

> Sec. 2. All National Guard, Reserve, and retired personnel ordered into the active military service of the United States under the foregoing special au-

5. S.J. Res. 286 (Committee on Military Affairs).
6. See 86 CONG. REC. 10436, 76th Cong. 3d Sess., Aug. 15, 1940.

thority, shall . . . be subject to the respective laws and regulations relating to enlistments, reenlistments . . . rights . . . and discharge of such personnel in such service to the same extent in all particulars as if they had been ordered into such service under existing general statutory authorizations.

The following amendment was offered:[7]

Amendment offered by Mr. [Frederick C.] Smith [of Ohio]: On page 2, line 16, after "authorization", strike out the period, insert a comma, and the following: "*Provided*, That unless and until Congress shall have provided revenue by taxation and shall have authorized and made appropriations therefor the provisions of this section and of this joint resolution shall remain inoperative."

Mr. Andrew J. May, of Kentucky, having made a point of order against the amendment, the Chairman[8] ruled as follows:[9]

. . . [T]he amendment undertakes to bring in unrelated matters and makes the effectiveness of the joint resolution determine upon the happening of unrelated contingencies. The amendment would therefore be subject to the point of order, and the Chair sustains the point of order.

§ 31.11 To a bill extending and amending laws relating to the improvement of housing and urban communities, an amendment providing that no funds could be appropriated or withdrawn from the Treasury for the purposes of the bill until the enactment of legislation raising additional revenue, was held to be not germane.

During consideration of the Housing Act of 1959,[10] the following amendment was offered:[11]

Amendment offered by Mr. [Ellis Y.] Berry [of South Dakota]: On page 175, following line 21, add a new section 515 as follows:

No amounts may be appropriated, or withdrawn from the Treasury of the United States, pursuant to the authority contained in this Act, or any of the amendments made by it, until legislation has been enacted providing sufficient revenue to equal, or exceed, the amounts by which the total of such appropriations, and the amounts authorized to be withdrawn from the Treasury, exceed the amounts requested for such purposes in the budget submitted to the Congress by the President on January 19, 1959.

The following exchange[12] concerned a point of order raised against the amendment:

MR. [CHARLES A.] VANIK [of Ohio]: Mr. Chairman, in connection with the

7. *Id.* at p. 10437.

8. Clifton A. Woodrum (Va.).

9. 86 CONG. REC. 10438, 76th Cong. 3d Sess., Aug. 15, 1940.

10. S. 57 (Committee on Banking and Currency).

11. 105 CONG. REC. 8840, 86th Cong. 1st Sess., May 21, 1959.

12. *Id.* at p. 8841.

point of order which I raised to this amendment, I point out that the amendment is not germane to the bill because it seeks to make the bill a revenue raising bill rather than a strictly housing bill.

THE CHAIRMAN:[13] . . . The Chair is constrained to feel that this amendment is not germane because it requires the enactment of other legislation in order to make the action taken here effective. This requires action not only by another committee of the Congress but also by the executive branch of the Government.

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

Certification by President or Congress as to Enactment of Tax Legislation

§ 31.12 Where the effectiveness of a pending amendment, relating to the decontrol of oil prices, was made contingent upon a presidential certification that certain tax legislation had been enacted, an amendment to such amendment which substituted congressional certification (by concurrent resolution not constituting a change in the rules) for presidential certification as to enactment of the tax legislation, was held to be germane.

On July 18, 1975,[14] during consideration of the Energy Conservation and Oil Policy Act of 1975[15] in the Committee of the Whole, Mr. Robert Krueger, of Texas, offered an amendment as follows:

The Clerk read as follows:

Amendment offered by Mr. Krueger: Strike out all from beginning of line four, page 214 to end of line 3, page 223 (section 301 of the Committee substitute) and insert in lieu thereof the following:

CRUDE OIL PRICE REGULATION

Sec. 301. (a) The Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new section:

"Sec. 8. (a) For the purposes of this section:

"(1) The term 'crude oil' means a mixture of hydrocarbons that existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities. . . .

"(b) Except as provided in subsections (e) and (d), no price ceiling shall apply to any first sale by a producer of domestic crude oil from a property. . . .

"(d)(1) The provisions of subsections (b) and (c) of section 8 shall not take effect unless the President finds that there is in effect (A) an inflation minimization tax consonant with the purposes of this section applicable to sales from a property, from which domestic crude oil was produced and sold in one or more of the months of May through Decem-

13. Francis E. Walter (Pa.).

14. 121 CONG. REC. 23525, 23526, 94th Cong. 1st Sess.

15. H.R. 7014.

ber 1972, in volume amounts greater than the production volume subject to a ceiling price under subsection (c), but less than the base period control volume, and (B) a production maximization tax consonant with the purposes of this section applicable to sales of domestic crude oil from any stripper well lease or from a property from which domestic crude oil was not produced and sold in one or more of the months of May through December 1972, or with respect to amounts produced and sold in any month in excess of the base period control volume (in the case of a property from which domestic oil was produced and sold in one or more of the months of May through December 1972). . . ."

On July 22, 1975,[16] when the Committee of the Whole resumed consideration of the bill, Mr. James C. Wright, Jr., of Texas, offered the following amendment to the amendment and the proceedings ensued as indicated below:

The Clerk read as follows:

Amendment offered by Mr. Wright to the amendment offered by Mr. Krueger: Strike Subsection (d) of the new Section 8 added to the Emergency Petroleum Act of 1973 and insert in lieu thereof a new Subsection (d) as follows: "The provisions of (b) and (c) shall not take effect unless the Congress finds and so declares by concurrent resolution that there is in effect a tax which couples a redistribution of tax receipts mechanism to substantially mitigate the effect of increased energy costs on consumers with an excise tax or other tax applicable to sales of crude oil from a property: *Provided* that such tax shall provide an incentive for the production of new domestic crude oil.". . .

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I press my point of order at this time.

THE CHAIRMAN:[17] The gentleman will state his point of order.

MR. ECKHARDT: Mr. Chairman, my point of order is that, No. 1, this amendment is not germane to the Krueger amendment; and No. 2, that this amendment, if added to the Krueger amendment, creates an extensively and fundamentally different principle not covered by the exception to the rules.

Mr. Chairman, I cite primarily from page 415 of Deschler's Procedure, section 36.9, which reads:

The fact that a resolution providing for the consideration of a bill specifically waives points of order against a particular amendment is not determinative of the issue of the germaneness of other, similar amendments.

There is reference to 106 Congressional Record 5655, 86th Congress, 2d session, March 14, 1960.

I should like to point out to the Chair how widely divergent this amendment is from the original Krueger amendment. The original Krueger amendment had some appeal to the committee because it did a very specific thing: It said that in providing that there is what the gentleman from Texas (Mr. Krueger) always called a specific recycling process with respect to the taxes collected under the windfall profits tax, that specific recycling

16. 121 CONG. REC. 23995–97, 94th Cong. 1st Sess.

17. Richard Bolling (Mo.).

process constituted the sending of the application, as I recall, of half the receipts to low- and middle-income brackets and the rest to a division of cities and others, the exact details of which I do not recall.

Then if this contingency occurred and it was a contingency based on a clearly and specifically defined action to become law, then and then only would the windfall profits tax provisions be in effect. Otherwise the bill would fall back to essentially the provisions of an extension of the existing Allocation Act. . . .

The effect of this amendment is something extremely different, and it is something that I feel sure we members of the Committee on Interstate and Foreign Commerce would have appeared before the Committee on Rules and strenuously objected to, because the amendment would simply say that we will put this pricing mechanism into effect and we will leave open to the absolute unrestrained determination of another committee what the tax structure would be.

In effect the result of that would be a complete reneging by the committee setting the price and a movement from a specific contingency to a complete delegation of authority to define that contingency to another committee. . . .

MR. [CHARLES A.] VANIK [of Ohio]: . . . I would just like to say that the resolution under which the committee considers this proposal today, House Resolution 599, on page 2, line 10, sets forth as follows:

> It shall be in order to consider, without the intervention of any point of order, the text of an amendment which is identical to the text of Section 301 of H.R. 7014 as introduced and which was placed in the Congressional Record of Monday, July 14, 1975, by Representative Robert Krueger.

I think that the rule specifically indicates what would be in order would be the Krueger amendment and not amendments to the Krueger amendment.

For example, I do not believe that it would have been in order, under this rule, for the Committee on Ways and Means windfall profits section to have been introduced as an amendment to the Krueger amendment. . . .

MR. [CLARENCE J.] BROWN of Ohio: . . . Mr. Chairman, the amendment has within it the two factors which are also contained in the basic Krueger amendment: first, a modification, as any amendment would, of the finding or the method by which a finding can be made of what an appropriate tax is; and second, a description of what an appropriate tax is that can be found, so that the basic provisions of the Krueger amendment can be put into effect; that is, the decontrol process.

The Committee on Rules properly, I think, made in order the Krueger amendment for decontrol, and . . . hinged that decontrol on a suitable tax and the finding of a suitable tax.

The amendment offered by the gentleman from Texas (Mr. Wright) merely modifies that process.

The question of the jurisdiction of the Committee on Interstate and Foreign Commerce to write this into its legislation was raised by the gentleman from Texas (Mr. Eckhardt) in his comments on the point of order.

It seems to me that it is the prerogative of the Committee on Rules to com-

bine legislation, to see that legislation is brought to the floor in tandem, so that it might be combined on the floor by the committee, in its wisdom, and in this case, specifically made in order by rule.

The prospect was that the job of the Committee on Interstate and Foreign Commerce, the jurisdictional job, decontrol, would proceed on the basis of a finding of a suitable tax and it left the establishment or the enactment of that tax to the Committee on Ways and Means.

Nothing in the amendment of the gentleman from Texas (Mr. Wright) changes the basic thrust of the rule granted by the Committee on Rules in that regard, and it occurs to me that the amendment of the gentleman from Texas (Mr. Wright) is perfectly appropriate and germane. It does, in fact, as any amendment would, modify the situation; but it leaves to the full committee, the Committee of the Whole, the job of making that modification, in its wisdom. . . .

THE CHAIRMAN: The Chair is ready to rule.

Although a great many matters have been discussed in connection with the point of order, the Chair proposes to rule only very narrowly.

The question is whether the amendment offered by the gentleman from Texas (Mr. Wright) offered to the amendment offered by the gentleman from Texas (Mr. Krueger) is germane as within the limitations of the precedents with regard to its scope.

The Chair finds, basically on the arguments made by the gentleman from Ohio (Mr. Brown) that it is germane, and within the scope of the type of "windfall profits tax" defined by the Krueger amendment, although the description of the tax is somewhat less precise than the definition in the Krueger amendment. The fact that Congress, in the Wright amendment, rather than the President, as in the Krueger amendment must make the finding of enactment of the tax does not render the amendment not germane. Therefore the Chair overrules the various points of order and finds the amendment in order.

Tax on Corporations Engaged in Manufacturing War Materials

§ 31.13 To an amendment providing that no person shall be inducted prior to 90 days after the date of enactment of the Selective Service Act, an amendment proposing that the act be effective on the same day that a certain tax on corporations engaged in manufacturing war materials becomes effective was held not germane.

In the 80th Congress, during consideration of the Selective Service Act of 1948,[18] the following amendment was offered:[19]

Amendment offered by Mr. Mansfield to the amendment offered by Mr.

18. H.R. 6401 (Committee on Armed Services).

19. 94 CONG. REC. 8503, 80th Cong. 2d Sess., June 16, 1948.

Andrews of New York: Strike out all of section 23 and insert: "This act shall be effective on the same day that a tax bill becomes effective which will tax all corporations 100 percent of all profits and earnings in excess of the average annual profits and earnings of such corporations engaged in the manufacture of war materials or any other service connected with the war effort and/or the Selective Service Act of 1948."

Mr. Walter G. Andrews, of New York, having raised the point of order that the amendment was not germane to the bill, Mr. Mike Mansfield, of Montana, responded:

Mr. Chairman, I submit that this amendment is germane to this particular proposal because like the Andrews amendment it sets a beginning date as to the time when this law should go into operation.

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

The Chair calls attention to the fact that the amendment as presented would strike out all of section 23. This section is not now under consideration and for that reason a motion to strike it out would not be in order at this time.

The Chair may also say, however, as to the point raised by the gentleman from New York that the amendment proposes to make the effectiveness of this act contingent upon an unrelated matter and therefore would not be germane to the pending amendment.

The Chair sustains the point of order.

20. Francis H. Case (S.D.).

Enactment of Legislation Increasing Debt Limit or Raising Revenue

§ 31.14 To a bill reported from the Committee on Agriculture directing the Secretary of Agriculture to expend all sums appropriated for the Rural Environmental Assistance Program, an amendment delaying the effectiveness of the bill until (1) Congress enacts legislation increasing the statutory ceiling on the public debt limit or legislation raising revenue by the amount of spending in the bill; or (2) the Comptroller General reports that such expenditures, together with all other outlays during that fiscal year, will not exceed revenue and debt limit totals was held not germane.

In the Committee of the Whole on Feb. 7, 1973,[1] during consideration of a bill[2] as described above, the following amendment was offered:

MR. [PAUL] FINDLEY [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Findley: After line 11, add the following:

1. 119 CONG. REC. 3708, 3709, 93d Cong. 1st Sess.
2. H.R. 2107.

"Sec. 2. This Act shall not take effect until such time as one of the following events occur: (1) the enactment of legislation increasing the statutory ceiling on the public debt by an amount at least equal to the amount of outlay mandated herein; (2) the enactment of legislation which will produce a first-year increase in revenue at least equal to the amount of spending; or (3) the Comptroller General of the United States makes a determination and so reports to the Speaker of the House and the President of the Senate, that the expenditure of funds provided herein, together with all other outlays expected to occur during fiscal 1973, will not exceed the total of revenue and authorized public debt for fiscal 1973."

MR. [WILLIAM R.] POAGE [of Texas]: Mr. Chairman, I make a point of order on the amendment. . . . [I]t is not germane to H.R. 2107.

H.R. 2107 amends Section 8(b) of the Soil Conservation and Domestic Allotment Act, and the amendment in no manner deals with the fundamental purpose of this legislation which simply requires the expenditure of funds lawfully appropriated by the Congress. In addition, Mr. Chairman, the amendment would require action by a number of other agencies of the U.S. Government which are not considered and not included in the bill before us, and, therefore, it is not germane to the bill before us. . . .

MR. FINDLEY: . . . As I understood the argument of the chairman of the House Committee on Agriculture, the gentleman from Texas (Mr. Poage), it was that this involved unrelated actions. I think in substance that was his argument in support of his point that the amendment is not germane. I would like to argue to the contrary, that the bill before us is so far-reaching in its scope that the items which are in my amendment are indeed closely related. They can hardly be considered as isolated and separate propositions.

First of all, the bill does not involve just the REAP program. It involves the U.S. Treasury. It mandates spending. Therefore the Treasury balance of money is vitally important and closely related to this question.

It involves the appropriation of money. It would seek to mandate the spending of money which had been authorized by an act of appropriation of the Congress. In that connection it may well be that some of the Members of this body have not examined the wording which is in an appropriation bill preamble, and I would like to read that at this point. I cite this typical language from the Appropriation Act of the 92d Congress:

> That the following sums are appropriated out of any money in the Treasury not otherwise appropriated . . .

That is any money in the Treasury. Well, what does money in the Treasury consist of? It consists of revenue from taxes. It consists of revenue from borrowings. Therefore revenue as well as the public debt ceiling have to be considered an integral part of the legislation we are considering this afternoon. . . .

This is not the first time that the Chair has ruled favorably on an amendment of the same nature that is now before the Chair. On January 8, 1964, I offered an amendment to an authorization bill—and I point out that

it was an authorization bill. This language appears in the Congressional Record, volume 110, part 1, page 144, 88th Congress, second session.[3] The language of the amendment that I offered at that time read as follows:

> The authorization for an appropriation contained in this Act shall not be effective until such time as the receipts of the Government for the preceding fiscal year have exceeded the expenditures of the Government for such year, as determined by the Director of the Bureau of the Budget.

So, if there is an unrelated section or item involved in the issue before the Chair at this time, there certainly was on that occasion also.

On that occasion, when I offered the amendment and the Clerk had finished his reading, Mr. Jones of Alabama stated:

> Mr. Chairman, I make a point of order against the amendment, because it would restrict the appropriation to be made available under the terms of Section 8, starting on line 22, page 3.

The Chairman responded:

> In the interest of being expeditious, the Chair rules that the point of order is not well taken, because the amendment involves a limitation on an appropriation.

That bill, like the bill before us, was an authorization bill, not an appropriation bill, when the Chair saw fit to rule in favor of my amendment, citing that it did amount to a limitation of appropriation. In effect, the amendment now before the Chair is a limitation on appropriations.

Based on that ruling, as well as the general argument I made on the constitutional basis, I do ask the Chair to overrule the point of order.

MR. POAGE: Mr. Chairman, the gentleman makes his presentation upon the assumption that his amendment somehow is a limitation on an appropriation. The bill before us has nothing to do with an appropriation. It does not involve an appropriation. It simply says what the Secretary is to do with the money that has already been appropriated and how he shall carry out the program. . . .

THE CHAIRMAN:[4] The Chair has had occasion to study this problem, and is ready to rule.

The gentleman from Texas makes the point of order that the amendment offered by the gentleman from Illinois (Mr. Findley) is not germane to the bill H.R. 2107. The amendment would delay the effectiveness of the bill until Congress enacts legislation increasing the statutory ceiling on the public debt limit—or legislation raising revenue by the amount of spending in the bill—or until the Comptroller General determines and reports to the Congress that the expenditure of funds in the bill, together with all other outlays during fiscal 1973, will not exceed the total of revenue and authorized public debt for fiscal 1973.

To a bill authorizing an expenditure of certain funds, an amendment postponing the effectiveness of that authorization pending the enactment of legislation raising revenue has been held not germane.

The statement made by the Chairman of the Committee of the Whole on

3. See Sec. 31.16, infra.

4. Robert N. Giaimo (Conn.).

the occasion of that earlier ruling is applicable here. Chairman Walter of Pennsylvania then said:

> This amendment is not germane because it requires the enactment of other legislation in order to make the action taken here effective. This requires action not only by another committee of the Congress but also by the executive branch of government.

The amendment offered by the gentleman from Illinois would certainly require the ascertainment of facts and the exercise of duties by government officials and committees and agencies not included within the present bill.

The Chair has also examined several precedents in Cannon's Precedents of the House of Representatives, including those found in sections 3035 and 3037 of volume VIII. In both of those decisions, amendments delaying the operation of proposed legislation pending the completion of other legislative action was ruled out as not germane.

The Chair further distinguishes this from the situation that the gentleman from Illinois referred to in the earlier case involving House Joint Resolution 871 and the ruling by Chairman Rains, of Alabama, in the 88th Congress. There the amendment did involve a limitation but required nothing further to be done by another committee of this body.

The Chair holds that the pending amendment is not germane to the bill and sustains the point of order.

Determination as to Soviet Union's Limitation of Weapons Systems

§ 31.15 While an amendment may not be germane which conditions the availability of an authorization upon an unrelated contingency involving issues and agencies beyond the jurisdiction of the reporting committee, a contingency may be related if merely requiring observation of the conduct of another country, where such conduct is already contemplated as a factor affecting the policy basis for the authorization; thus, to an amendment to a military procurement authorization bill reducing a line-item amount for Air Force missiles and prohibiting use of funds in that title for the MX missile program, an amendment reducing instead the same line-item authorization by a different amount and also stating a policy with respect to the use of those funds for the unilateral cancellation of the MX system, authorizing the funds at a subsequent time during the fiscal year if the President determines that the Soviet Union is not controlling and limiting similar weapons systems, was held germane as an alternative limitation imposing a conditional restriction which was

not based upon an unrelated contingency.

On May 16, 1984,[5] during consideration of H.R. 5167[6] in the Committee of the Whole, the Chair overruled a point of order against the amendment described above. The proceedings were as follows:

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

Sec. 103. (a)(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Air Force as follows: . . .

For missiles, $8,664,600,000. . . .

MR. [CHARLES E.] BENNETT [of Florida]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bennett: Page 10, line 19, strike out "$8,664,600,000" and insert in lieu thereof "$5,942,700,000".

At the end of title I (page 15, after line 5), add the following new section:

MX MISSILE PROCUREMENT

Sec. 110. None of the funds appropriated pursuant to authorizations of appropriations in this title may be used for the MX missile program. . . .

Mr. [Melvin] Price [of Illinois]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Price to the amendment offered by Mr. Bennett: Strike out the amount proposed by the amendment to be inserted on page 10, line 19, and insert in lieu thereof "$7,756,600,000".

Strike out the section proposed by the amendment to be inserted at the end of title I and insert in lieu thereof the following:

POLICY CONCERNING ACQUISITION OF ADDITIONAL MX MISSILES

Sec. . (a) It is the policy of Congress not to take any action that would reward the Soviet Union through the unilateral cancellation by the United States of the MX strategic nuclear missile weapon system for which funds are authorized in this title while the Soviet Union continues to act in a manner indicating that it is unwilling to take actions to further the control and limitation of similar types of strategic nuclear missile weapon systems.

(b)(1) Subject to paragraph (3), funds appropriated pursuant to the authorization of appropriations in section 103(a) for procurement of missiles for the Air Force may be used to acquire not more than 15 additional MX missiles, but no funds may be obligated for the acquisition of such missiles until April 1, 1985.

(2) Immediately after April 1, 1985, the President shall determine whether the Soviet Union is acting, as of April 1, 1985, in a manner indicating that it is willing to take actions to further the control and limitation of types of strategic nuclear missile weapon systems similar to the MX strategic missile weapons system authorized for the Air Force by this title and shall immediately transmit written notification of that determination to Congress.

(3)(A) If the President's determination under paragraph (2) is that the Soviet Union is not acting in such a

5. 130 CONG. REC. 12504–06, 12509–11, 98th Cong. 2d Sess.

6. The Military Procurement Authorization for fiscal 1985.

manner, the amount appropriated pursuant to the authorization of appropriations in section 103(a) for the acquisition of 15 additional MX missiles may be obligated, but only if the President also determines, and includes in the written notification to Congress under paragraph (2), that—

(i) the obligation of such funds is in the national interest; and

(ii) as of April 1, 1985, the United States is willing to act to further the control and limitation on the MX strategic nuclear missile weapon system authorized for the Air Force by this title.

(B) If the President's determination under paragraph (2) is that the Soviet Union is acting in such a manner, none of the amount appropriated pursuant to the authorization of appropriations in section 103(a) for the acquisition of 15 additional MX missiles may be obligated. . . .

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I make a point of order against the Price amendment on the grounds that its scope is broader than that of the primary amendment, title 1, and therefore is not germane to the primary amendment.

The Price amendment would condition MX missile procurement authorization on a Presidential determination. The exact nature and notification of this action is not specified in the amendment; it is open to various interpretations. A number of those interpretations have been brought out on the floor in the colloquy which just preceded my point of order stated by the gentleman from Washington State.

That interpretation is that the MX procurement authorization would be contingent upon a Presidential report or certification regarding arms control negotiations. This, is in fact the interpretation, as I have indicated it, Members who support the amendment have built into the legislative history just set forth.

Since arms control negotiations involve agencies not charged with procurement of the MX missile, nor with procurement of any weapons, the Price amendment is not germane to the primary amendment according to Deschler's Precedents, chapter 28, section 24, point 23, based on a ruling made February 22, 1978.

The amendment is also inconsistent with rulings made in similar cases on July 8, 1981, and July 9, 1981. . . .

MR. [LES] ASPIN [of Wisconsin]: Mr. Chairman, the language of the amendment says that the President shall determine whether the Soviet Union is acting, as of April 1, 1985, in a manner indicating that it is willing to take actions to further the control and limitation of types of strategic nuclear missile weapons systems. It does not mention negotiations. The amendment itself is in line with other types of amendments that we have had, and it is a general finding by the President, and I believe it is within the rules of the House. . . .

MR. [MIKE] LOWRY of Washington: Mr. Chairman, in the colloquy I just had with the gentleman from the State of Washington, he answered the question that this amendment is contingent upon arms control negotiations. I ask that specifically because on July 8, 1981, I presented an amendment to the floor on Pershing II's that was ruled out of order as stated and that amendment on Pershing II's held the dollars for the expenditure for the de-

ployment until the President has certified that Congress of the United States has forwarded to the Soviet Union initial proposals for arms control negotiations. Essentially the same thing.

That amendment was ruled out of order, the amendment made by this gentleman, was ruled out of order, and part of the reason that it was ruled out of order as stated was the Chair would further point out that the arms control negotiations fall within the jurisdiction of the Committee on Foreign Affairs, and not within the jurisdiction of the committee reporting this bill, and thereby out of order. . . .

MR. ASPIN: The difference is of course that the gentleman from Washington's amendment that he referred to, did mention arms control negotiations in his amendment. The amendment which the chairman of the committee, Mr. Price, has put forward does not mention arms control negotiations in his amendment. . . .

MR. AUCOIN: Mr. Chairman, I am looking at page 2, and on page 2, lines 5 and 6, it states, lines 4, 5, and 6, it states, ". . . acting in a manner indicating that it is willing to take actions to further the control and limitations of types of strategic missile weapons systems similar to the MX."

Mr. Chairman, my point is this: One cannot define a missile system that is similar to the MX. The amendment does not define it. As this debate has already brought out, it is subject to a great difference of opinion on the floor of the House. I make the point, Mr. Chairman, my point of order is, therefore, that the amendment is broader in scope than that of the MX because it necessarily brings into play questions of missile systems beyond the MX. It is only the MX that is in dispute and subject to debate at this point. So I renew my point of order. . . .

MR. [WILLIAM B.] DICKINSON [of Alabama]: Mr. Chairman, the amendment is clearly germane and does not exceed the scope of the original bill. It does not introduce a new and different subject than that in the amendment offered by the gentleman from Florida (Mr. Bennett). Both amendments deal with the procurement of MX missiles. The amendment differs only in degree. The amendment offered by the gentleman from Illinois (Mr. Price), does place additional conditions on the release of funds for the procurement of MX missiles, but does not introduce any new or additional subject, and is therefore clearly germane.

The amendment offered by the gentleman from Florida contains a provision providing, "None of the funds in this title" may be used for the MX missile program.

It should be noted that there are other provisions in title I of this bill regarding international treaty obligations. Section 105, for instance, deals with our international obligations with NATO countries. Section 107 of this bill also contains provisions extending certain authorities to the President under the Arms Export Control Act.

So I think neither in enlarging the scope nor on the question of germaneness would a point of order lie. . . .

MR. [BARNEY] FRANK [of Massachusetts]: . . . Obviously the intention of this is that the President would assess the Soviet behavior in negotiations. As a matter of fact, although the magic

word "negotiations" is not mentioned, that really makes it an issue on all fours with the point of the gentleman from Wisconsin and the gentleman from Washington.

Simply not mentioning negotiations when you describe a process that can only be assessed through negotiations clearly seems to make it the case. If the gentleman is really saying that the President should assess this important decision without regard to negotiations from the Soviet Union, then the amendment makes even less sense than I thought it did. . . .

THE CHAIRMAN:[7] The Chair is ready to rule.

The Chair feels the arguments made, to sustain the point of order, are much broader than the Chair would interpret the amendment. The amendment offered by the gentleman from Florida reduces the line-item authorization for Air Force missiles and also adds a section at the end of title I prohibiting the use of any funds authorized in title I for fiscal year 1985 for the procurement of the MX missile.

The amendment offered by the gentleman from Illinois, in lieu of a prohibition on the use of the authorized funds in fiscal year 1985 for the procurement of any MX missiles, would instead reduce the same line-item authorizations for Air Force missiles by a lesser amount and would add a different section at the end of title I stating a policy with respect to the use of fiscal year 1985 authorized funds in title I for the unilateral cancellation of the MX system, while the Soviet Union continues to be unwilling to take actions to control and limit similar strategic missile weapons systems.

In effect, the amendment would authorize fiscal year 1985 funds for the procurement of not more than 15 MX missiles after April 1, 1985, if the President determines that the Soviet Union is not acting in a manner to control similar systems.

In the opinion of the Chair, the issue of the availability of any funds in fiscal year 1985 for MX procurement presented by the original amendment permits as an alternative approach a conditional restriction on the availability of those same funds dependent upon Presidential determination of procurement of similar systems by the Soviet Union.

It is certainly a related issue to condition of the availability of the funds in the bill upon observed conduct on the part of the Soviet Union with respect to a similar weapons system, and the Chair overrules the point of order.

Government Receipts in Excess of Expenditures

§ 31.16 Where an amendment seeks to adopt as a measure of the availability of certain authorizations contained in the bill a condition that is logically relevant and objectively discernible, the amendment does not present an unrelated contingency and is germane.

In the 88th Congress, a proposition was under consideration[8]

7. Dan Rostenkowski (Ill.).

8. See H.J. Res. 871 (Committee on Public Works).

to rename the National Cultural Center as the John F. Kennedy Center for the Performing Arts and to authorize an appropriation for such center. An amendment providing that the authorization not be effective until the receipts of the government exceed its expenditures was held to be germane:[9]

> Amendment offered by Mr. [Paul] Findley [of Illinois]: Page 4, line 4, add a new paragraph to read as follows: "The authorization for an appropriation contained in this Act shall not be effective until such time as the receipts of the Government for the preceding fiscal year have exceeded the expenditures of the Government for such year, as determined by the Director of the Bureau of the Budget."

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

> MR. [ROBERT E.] JONES of Alabama: Mr. Chairman, I make a point of order against the amendment, because it would restrict the appropriation to be made available under the terms of section 8, starting on line 22, page 3.
>
> The Chairman,[10] in ruling on the point of order, stated:
>
> In the interest of being expeditious, the Chair rules that the point of order is not well taken, because the amendment involves a limitation on an appropriation.

9. 110 CONG. REC. 144, 88th Cong. 2d Sess., Jan. 8, 1964.

10. Albert Rains (Ala.).

Determination as to Expenditures Under Other Acts

§ 31.17 An amendment to an authorization bill which conditions the obligation or expenditure of funds therein by adopting as a measure of their availability the expenditure during that fiscal year of a comparable percentage of funds authorized by other Acts is germane so long as the amendment does not directly affect the use of other funds; thus, to a bill authorizing foreign economic and military assistance, an amendment providing that the percentage of funds obligated or expended pursuant to that Act at any time during fiscal 1974 shall not be more than 10% greater than percentages expended under certain other programs authorized by Congress was held to impose a germane limitation on the availability of funds authorized in the bill which did not directly affect the operation of other government programs.

During consideration of the Mutual Development and Cooperation Act of 1973[11] in the Committee of the Whole on July 26,

11. H.R. 9360.

1973,[12] the Chair overruled a point of order against the following amendment:

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Danielson: On page 53, after line 23, insert the following new section:

EQUITABLE EXPENDITURE OF FUNDS

Sec. 30. (a) Unless the Congress shall provide otherwise in language expressly made applicable to this section, at any time during the fiscal year 1974, the amount obligated or expended pursuant to this Act for any program or activity authorized by this Act, expressed as a percentage of the amount appropriated by law for purposes of such program or activity, shall not be more than 10 percentage points greater than the amount obligated or expended at that time for any other program or activity authorized by Act of Congress, expressed as a percentage of the amount appropriated by law for purposes of such other program or activity for the fiscal year 1974.

(b) For purposes of this section, the term "other program or activity" shall include any program or activity administered by or under the direction of the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of Housing and Urban Development, the Department of Health, Education, and Welfare, the Department of Transportation, the Environmental Protection Agency, and the Veterans' Administration. . . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I insist on a point of order. . . .

(T)his bill deals solely with authorizations for appropriations for foreign aid. The amendment of the gentleman covers many programs of agencies: The Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of Housing and Urban Development, the Department of Health, Education, and Welfare, the Environmental Protection Agency, and the Veteran's Administration. It goes far afield from the present legislation, and therefore I insist on my point of order.

THE CHAIRMAN:[13] The Chair is ready to rule.

The Chair has examined the amendment, and observes that the amendment does not directly affect the obligation or expenditure of funds under other Government programs. Rather, the percentages obligated or expended under other programs merely serve as a measure or limit of percentages which can be obligated or expended under programs in the pending bill. For this reason, the Chair feels that the amendment is a germane restriction on the availability of funds authorized in the pending bill, and the Chair overrules the point of order.

Determination as to Balance of Trade in Automotive Products

§ 31.18 An amendment delaying operation of a proposed enactment pending an ascer-

12. 119 CONG. REC. 26210, 26211, 93d Cong. 1st Sess.

13. Melvin Price (Ill.).

tainment of a fact is germane when the fact to be ascertained relates solely to the subject matter of the bill; thus, to a bill requiring that a certain percentage of automobiles sold in the United States be manufactured domestically, and imposing an import restriction for automobiles on any person violating that requirement, an amendment waiving the requirement for the products of one country if the balance of trade with such country in automotive products bears a certain relationship with the overall trade deficit with that country, was held germane, as a contingency relating to the same subject matter as the bill.

During consideration of the Fair Practices in Automotive Products Act[14] in the Committee of the Whole, the Chair overruled a point of order in the circumstances described above. he proceedings of Dec. 15, 1982,[15] were as follows:

The Clerk read as follows:

Amendment offered by Mr. Schumer: Page 11, line 5, strike out "It" and insert in lieu thereof: "Except as provided in paragraph (5), it".

Page 13, between lines 2 and 3, insert the following:

(5) Paragraph (1) shall not apply with respect to any vehicle manufacturer of Japan with respect to any model year if the United States deficit in the balance of trade in automotive products with Japan for the four calendar quarters most closely corresponding to model year 1982 is not greater as a percentage of the deficit in goods and services with Japan (as calculated on the basis of the Balance of Goods and Services published by the Department of Commerce) for the four calendar quarters most closely corresponding to such model year than [certain specified percentages].

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from New York (Mr. Schumer) on the ground that it goes beyond the purposes of H.R. 5133 and is thus not germane.

The gentleman's amendment attempts to address trade matters that are not addressed by the bill before us. The bill that is before us seeks to address domestic car content requirements.

Specifically, Mr. Chairman, the gentleman's amendment would make the enforcement provisions of the bill contingent upon a determination of the balance of trade in automotive products versus the relative balance of payments of other goods and services, and when we bring in the other goods and services, I maintain that that goes far beyond the scope of the legislation.

It also places additional responsibilities on the Secretary of Transportation on trade issues which are not within his authority.

In previous rulings, the Chairman of the Committee of the Whole House on

14. H.R. 5133.

15. 128 CONG. REC. 30958–60, 97th Cong. 2d Sess.

the State of the Union has . . . ruled that an amendment changing the statement of policy contained in a bill is not in order if its effect is to fundamentally change the purpose of the bill. That is found in Deschler's Precedents, chapter 28, section 4.16.

So, Mr. Chairman, I insist upon my point of order that the amendment goes beyond the purposes of H.R. 5133, that it is not germane and, therefore, is out of order. . . .

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, I support the point of order that has been claimed by the gentleman from North Carolina (Mr. Broyhill).

It is quite clear that the amendment has been redrawn in an attempt to fit our rule XVI, clause 7. That is the rule of germaneness. It is also quite clear, as demonstrated by the gentleman from North Carolina, that it does not succeed.

The bill that is before us, H.R. 5133, is a bill that refers only to domestic manufacture within the United States. The amendment offered by the gentleman from New York (Mr. Schumer) seeks to impose a regimen against exports based on a measure of automotive imports which is beyond all normal competence of the Secretary of Commerce, who is the only individual noted in H.R. 5133.

In addition, there would have to be a determination of the total scope of our balance of trade with the country of Japan. The denominator of the gentleman's fraction is the total balance of trade between our country and Japan. . . . [The amendment] goes far beyond the intent of the original bill, which deals with domestic manufacture, and gets into the whole field of trade, which is beyond the jurisdiction of the committee that is bringing us this bill. . . .

MR. [CHARLES E.] SCHUMER [of New York]: If I might respond to the point of order, Mr. Chairman, the amendment was drawn to relate to the narrow area of automobiles and automobile content as well as automobile trade. The bill before us deals with automobile trade.

Just to look at one point, page 4 deals with vehicles manufactured by a vehicle manufacturer in the United States and exported from the United States. That is clause 1.

Clause 2 also deals with vehicles manufactured in the United States and exported from the United States.

Furthermore, what we were told in terms of germaneness was that what we had to deal with was automobiles and the fraction that we used deals with automobiles making it clearly germane.

The gentleman form North Carolina, the gentleman from Minnesota, and the gentleman from Pennsylvania might have an argument if, if this bill dealt with or this amendment specifically related to general trade. But it does not. It relates to automobile trade.

Furthermore, I might say the gentlemen in objection to this have said this amendment has an effect on trade. So does the bill.

What is the debate we have been listening to for the last 2 hours? Authority for the issue of germaneness is not the effect that the amendment would have but specifically are the words of the amendment germane to the bill.

The bill deals with automobiles and automobile manufacturing. The amendment deals with automobiles and automobile manufacturing, but here in this country and for export and, therefore, I would argue that the amendment is indeed germane. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, the germaneness rule is the purpose and the basis of the point of order.

First of all, the amendment must be germane to the bill. I would observe that there are a number of tests.

The first which has been referred to is the question of committee jurisdiction. Here we have an amendment which relates to trade, balance of trade, figures relative to trade, and a question relative to suspension of imports.

Clearly that kind of an amendment would have compelled this legislation to have been referred to the Committee on Ways and Means.

The bill was referred to the Committee on Energy and Commerce because it deals with Interstate Commerce.

The amendment must also be germane to the committee substitute. It fails again on the basis of this test.

The question then is: Does the amendment meet any of the other tests and I submit to the Chair that it does not.

The amendment does not relate as required under section 3 of title XXVIII of Deschler's, does not relate to the subject under consideration.

The subject under consideration relates to interstate commerce.

The amendment relates to international commerce. Clearly the subject matter is different and the amendment again fails.

There is yet another test and that is the fundamental purpose of the amendment test under section 5. Obviously again the fundamental purpose of the amendment must relate to the fundamental purpose of the proposition to which it is offered.

The fundamental purpose of the committee substitute is to establish standards for the trade in interstate commerce of automobiles and automobile parts. Here it is clear that the amendment again relates to international trade and it requires a series of findings which are nowhere found wherein a series of calculations dependent on international trade and deficits, none of which are mentioned anywhere in the legislation.

Last of all, the amendment fails the requirements of section 6 of Deschler's wherein the test is does it accomplish the result of the basic legislation by the same or similar means. Here it is very clear that under the bill the evil to be dealt with is the difficulty with regard to jobs and it is dealt with through the interstate commerce powers of the Constitution and of the Congress.

The amendment would deal with the problem of international trade by relating automobile sales to international trade deficits of the United States, two very distinct and different matters. . . .

MR. SCHUMER: . . . [A]s I understand it . . . it is the words of the bill, not its effect or anything else that relates to germaneness.

Let me keep reading words of the bill to show that the bill deals not just

with interstate commerce but with international commerce. . . .

Throughout the bill . . . are arguments, words, discussions that relate not just to automobiles domestically within the United States but automobiles exported.

Furthermore, the bill is explicit. It sets different classifications for automobile parts that are manufactured within the United States as opposed to automobile parts that are manufactured outside of the United States.

To say that the bill only deals with what happens within the United States is incorrect. The bill deals with what happens within and without. Albeit related to automobiles, the amendment deals with what happens within and without but related to autos as well. . . .

THE CHAIRMAN:[16] The Chair is prepared to rule.

Under the general rule of germaneness, the test of an amendment is whether there is a relationship to the subject matter of the bill.

This bill requires a certain percentage of domestic content in the automobiles that are sold in this country.

The amendment provides that that requirement is not applicable during periods when the balance of trade in automotive products bears a certain relationship to overall trade; therefore, the amendment is confined to the subject of trade in automotive products and is not an unrelated contingency involving the overall balance of trade.

In Cannon (VIII, 3029) an amendment delaying operation of a proposed enactment pending an ascertainment of a fact is germane when that fact to be ascertained relates solely to the subject matter of the bill.

In the opinion of the Chair, the amendment conditions the implementation of the domestic content requirement upon a certain test, a certain factual situation.

It relates to the general subject matter of the bill, imposes a germane condition, and, therefore, the point of order is overruled.

Determination and Report by President on Ownership of Gold in Vietnam

§ 31.19 An amendment delaying the operation of proposed legislation pending an unrelated contingency is not germane; thus, an amendment to a substitute postponing the effective date of the granting of humanitarian and evacuation assistance to South Vietnam refugees until the President determines and reports to Congress on the ownership of gold sought to be removed from Cambodia and South Vietnam was held to be not germane.

On Apr. 23, 1975,[17] during consideration of H.R. 6096 (the Vietnam Humanitarian and Evacuation Assistance Act) in the Committee of the Whole, Chairman

16. Leon E. Panetta (Calif.).

17. 121 CONG. REC. 11511, 11512, 94th Cong. 1st Sess.

Otis G. Pike, of New York, sustained a point of order against the following amendment:

MR. [JOHN L.] BURTON [of California]: Mr. Chairman, I offer an amendment to the substitute amendment for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. John L. Burton to the amendment offered by Mr. Eckhardt as a substitute for the amendment in the nature of a substitute offered by Mr. Edgar: At the end add a new section:

"This Act shall become effective when the President determines and reports to Congress whether the 16 tons of gold that Lon Nol and former President Thieu tried to send to Switzerland was American property or their own personal gold.". . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I raise a point of order that the amendment is not germane to the amendment in the nature of a substitute. . . .

MR. JOHN L. BURTON: . . . It is an amendment that sets an active triggering date for the legislation. It is no more different than saying that it shall take effect on a certain date. We are just saying in this amendment that we are setting this date for the determination whether or not that 16 tons of gold with American money is just a limitation on the executive power of the bill.

THE CHAIRMAN: The Chair is ready to rule. A similar situation arose in the 93d Congress on a bill authorizing military assistance to Israel and funds to be used in an emergency force when an amendment was offered postponing the availability of those funds until the President certified the existence of a designated level of energy supplies. (Deschler's, chapter 28, section 24.18).

The amendment in question is not germane to the purposes of the substitute and the point of order is sustained.

Certification That Bill Will Have Positive Effect on Employment Levels

§ 31.20 To a bill requiring that a certain percentage of automobiles sold in the United States be manufactured domestically, imposing an import restriction on any person violating that requirement, and separately requiring a study of the impact of implementation of the bill on the automobile industry and on the exportation of other goods and services from the United States, an amendment delaying the effectiveness of the entire bill contingent upon a certification that the bill will have a net positive effect on the total domestic employment levels was held to be nongermane as a condition referring to the entire range of employment in the economy and therefore encompassing factors beyond the scope of the bill.

During consideration of the Fair Practices and Procedures in Auto-

motive Products Act of 1983[18] in the Committee of the Whole on Nov. 2 and 3, 1983,[19] the Chair sustained a point of order against the amendment described above. The proceedings were as follows:

> SEC. 8. GENERAL EFFECTIVENESS AND IMPACT STUDY.
>
> (a) Continuing Study.—Beginning not later than one year after enactment of this Act, the Secretary and the Federal Trade Commission, in consultation with the heads of other interested Federal agencies and with the Advisory Council, shall conduct a continuing study of the adequacy of the actions taken to implement and enforce the provisions of sections 5, 6, and 7, and the extent to which such provisions and their implementation and enforcement—
>
> (1) are achieving, or will achieve, the purpose of this Act; and
>
> (2) are affecting in any way—
>
> (A) retail prices to consumers in the United States of new motor vehicles sold and distributed in interstate commerce. . . .
>
> (D) the United States balance of trade in automotive products.
>
> (E) employment at ports in the United States where automotive products are regularly entered into the United States for sale and distribution in interstate commerce . . . and
>
> (G) the exportation of agricultural commodities and products from the United States, and the exportation of goods, industrial and other products, and services from the United States.
>
> In order to ensure that the continuing study required by this section is balanced and comprehensive, the Secretary and the Federal Trade Commission shall identify and consider all other factors that are relevant to an understanding of, or have an effect on, the matters required to be studied under this subsection, including, but not limited to, governmental policies and practices affecting such matters. . . .

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

The Clerk read as follows:

> Amendment offered by Mr. Walker: At the end of the bill add the following new section:
>
> Sec. 11. (a) Notwithstanding any provision of this Act, none of the provisions of this Act shall take effect until the Department of Labor, in consultation with the Department of Commerce and other appropriate federal agencies, prepares an affirmative employment impact statement and certifies that the net effect of implementation of this Act will have a positive impact on total domestic employment levels.
>
> (b) Such statement shall include an analysis of:
>
> (1) The immediate impact on levels of total private employment
>
> (2) The long term economic effects of enactment of the bill; and
>
> (3) The extent and nature of any new employment opportunities created by the implementation of this Act. . . .

MR. [DENNIS E.] ECKART [of Ohio]: Mr. Chairman, H.R. 1234, as introduced and reported, relates to the sales in interstate commerce of vehicles and parts and the distribution in commerce of those parts. Its purpose is to encourage production of automotive products and parts in the United States for sale, and regulates and deals with the

18. H.R. 1234.

19. 129 CONG. REC. 30527, 30775–77, 98th Cong. 1st Sess.

movement within interstate commerce in the United States of those parts.

In order for an amendment to this bill to be in order it must meet the fundamental purposes test and thus meet the germaneness test. It must not only have the same end as the matter that is sought to be amended, but it must also contemplate a method of achieving that end that is closely related and allied to the method encompassed in the bill or the substitute.

The amendment offered by the gentleman from Pennsylvania is not consistent with the fundamental purpose test and I would cite for the purposes of the record that an amendment to accomplish a similar purpose by an unrelated method not contemplated by the bill is not germane.

I would reference the Chair to the 113th Congressional Record, page 21849 of the 90th Congress, 1st session; 116th Congressional Record, page 28165 of the 91st Congress, 2d session; 121st Congressional Record, page 18695 of the 94th Congress, 1st session.

The first purpose of this amendment, I would point out to the Chair, is not intended to limit the content of the autos sold in interstate commerce in the United States. That is the fundamental purpose of this legislation.

The amendment proffered by the gentleman from Pennsylvania deviates dramatically from the fundamental purpose; therefore, fails the precedents under the precedents and history of the House. Therefore, the amendment is not germane and should be ruled out of order. . . .

MR. WALKER: Mr. Chairman, the bill we have before us has in section 8 a "general effectiveness and impact study."

In section 8 of that bill it is a macroeconomic study which is mandated by the legislation itself. It is a macroeconomic study that not only goes to the automobile industry but as section (G) under part (2) of that section says, it related to "the exportation of agricultural commodities and products from the United States, and the exportation of goods, industrial and other products, and services from the United States."

In other words, the bill in mandating that study mandates a macroeconomic study.

In the case of my amendment, my amendment is also a study. It asks for a study preimplementation. It is a study which also is a macroeconomic study not unlike that which would be an ongoing part of the legislation.

So, therefore, my amendment is entirely germane to the sections of the bill and to the general nature of the bill in question.

In addition, I would say that this is a bill, which the purpose of the act is to prevent or remedy serious injury to domestic manufacturers and workers. My amendment is simply a study to assure that that kind of a mandate would be met by the legislation in question. So therefore, since the reservation against my amendment has been raised on the point of germaneness, I would submit that the amendment that I have offered is entirely germane, given the language contained already in the bill in section 8. . . .

MR. ECKART: . . . I would point out to the Chair that in reading the gentleman's amendment it prohibits the legislation from going into effect under

the gentleman's amendment. The section that he references in the legislation is of an advisory, consultory nature only and therefore the fundamental purpose of section 8 which he quotes is to provide advice to the Congress and to the administration, is not related to the fundamental purpose of this amendment which seeks to abrogate the legislation and in which it states clearly, shall not take effect until and after these conditions precedent have taken place.

It fails the fundamental purpose and therefore is not germane. . . .

MR. [RICHARD L.] OTTINGER [OF NEW YORK]: . . . Mr. Chairman, I want to emphasize a point that my friend from Ohio (Mr. Eckart) made that there is a contingency in this amendment, the whole act does not take effect until a nongermane condition is met and, therefore, the amendment is not germane and the point of order should be sustained.

THE CHAIRMAN:[20] Are there further arguments on the point of order? If not, the Chair is prepared to rule on the point of order.

The basic subject matter of the bill before the House, as stated in the findings of the bill on page 14, relates to domestic workers producing automotive products, referring to automobile products, and therefore limits it to that category of domestic employment.

The amendment in question refers to the entire range of employment in the U.S. economy and therefore conditions the bill in a manner far beyond the basic subject matter of the bill.

The amendment would make it conditional, that the bill would not be implemented until there was a study relating to the overall impact within the entire economy.

Were it limited simply to a study, that the Chair feels would be germane. But having expanded it beyond that, making it a condition precedent as well as relating to a study of the employment in the entire U.S. economy, it is the Chair's view that it is not germane as an unrelated contingency and, therefore, the Chair sustains the point of order.

Proclamation Concerning Foreign Nation's Trade Policy

§ 31.21 To a bill requiring that a certain percentage of automobiles sold in the United States be manufactured domestically, and imposing an import restriction for automobiles on any person violating that requirement, an amendment waiving the applicability of domestic content ratios with respect to a foreign nation where the President has issued a proclamation stating that that nation is not imposing unfair restrictions against the entry of any United States product into its domestic market was held nongermane as an unrelated contingency affecting trade issues beyond those issues addressed in the bill.

During consideration of the Fair Practices and Procedures in Auto-

20. Leon E. Panetta (Calif.).

mobile Products Act of 1983[1] in the Committee of the Whole on Nov. 2, 1983,[2] the Chair sustained a point of order against the amendment described above, demonstrating that an amendment making the effectiveness of a bill contingent on an unrelated event or determination is not germane. The proceedings were as follows:

The text of the remainder of the bill, H.R. 1234, is as follows:

SEC. 2. CONGRESSIONAL FINDINGS, PURPOSE, AND DISCLAIMERS.

(a) Findings.—The Congress hereby finds that automotive products are being imported into the United States for sale and distribution in interstate commerce in such increased quantities and under such conditions as to cause, or threaten to cause, serious injury to the domestic manufacturers of like or directly competitive automotive products sold and distributed in interstate commerce, and to the domestic workers producing such products.

(b) Purpose.—The purpose of this Act is to prevent or remedy the serious injury described in subsection (a) to such domestic manufacturers and workers for such time, as determined by subsequent Act of Congress, as may be necessary by encouraging the production in the United States of automotive products which are sold and distributed in interstate commerce.

(c) Congressional Disclaimers.—It is the intent of Congress that this Act shall not be deemed to modify or amend the terms or conditions of any international treaty, convention, or agreement that may be applicable to automotive products entered for sale and distribution in interstate commerce and to which the United States, on the date of the enactment of this Act, is a party, including, but not limited to, the terms or conditions of any such treaty, convention, or agreement which provide for the resolution of conflicts between the parties thereto. Nothing in this Act shall be construed (1) to confer jurisdiction upon any court of the Unied States to consider and resolve such conflicts, or (2) to alter or amend any law existing on the date of enactment of this Act which may confer such jurisdiction in such courts. . . .

SEC. 5. DOMESTIC CONTENT RATIOS FOR MODEL YEAR 1985 AND THEREAFTER.

(a) Ratios.—In order to carry out the purpose of this Act, for each model year beginning after January 1, 1984, the minimum domestic content ratio for a vehicle manufacturer shall not be less than the higher of—

(1) the domestic content ratio achieved by the vehicle manufacturer in model year 1984 reduce by 10 per centum; or

(2) the applicable minimum content ratio specified in the following table: . . .

MR. [DAN] GLICKMAN [of Kansas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Glickman: On page 27, after line 10, insert the following new subsection:

"(c) INAPPLICABILITY OF RATIOS IN THE CASE OF PRESIDENTIAL PROCLAMATION.—Ratios determined under this section shall have no effect with regard to a nation in the event that the President issues a proclamation not less than ninety days before the first day of the model year stating that that nation is not imposing unfair restrictions against the entry of

1. H.R. 1234.

2. 129 Cong. Rec. 30525–27, 30541, 30542, 98th Cong. 1st Sess.

United States products into its domestic market.". . .

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, this amendment makes ineffective the content provisions of H.R. 1234 with regard to a nation if the President issues a proclamation that such nation is not imposing unfair restrictions of any kind against entry of U.S. products, not just automobiles, into the domestic market. The amendment to be in order must be germane to the committee substitute. The substitute relates to an injury suffered by the domestic auto industry and its workers due to auto imports sold in interstate commerce in the United States and establishes a content level for the sale of autos in such commerce.

It is not a general trade bill. It does not relate to other U.S. products, such as beef, citrus, baseball bats, high technology products—which in fact Japan does exclude.

The purpose of the substitute is to remedy the injury with respect to automobiles.

The amendment's purpose is to halt the content level on a nation by nation basis, contingent on the President finding that each nation is not imposing unfair restrictions on any kind of other product, be it citrus, beef, or whatever.

To be germane, the amendment must meet the fundamental purpose test. This amendment does not.

Also, it must not contain an unrelated contingency, as noted by the chairman on December 15, 1982, at page H 9879, concerning H.R. 5133. This amendment does contain such a contingency.

The amendment is not confined to trade in autos. It covers a broad range of products. It does not relate to the general subject matter of the substitute.

And, therefore, I urge the point of order be sustained.

MR. GLICKMAN: Mr. Chairman, I will do my best to try to argue with that extraordinarily good defense of the gentleman's point of order.

Mr. Chairman, I think, one, the bill might make reference to things in a generic concept outside of automobiles, but the ramification of this bill would definitely affect other sectors of the economy. And, therefore, I think that the amendment is germane on that ground.

The bill was referred to the Ways and Means Trade Subcommittee because of trade implications. Hence, changes to address those issues should be allowed on the floor as well.

The amendment would not alter any other statutes and it merely adds flexibility in implementing quotas. I would add that under the committee bill the President has significant responsibilities in that bill. And this amendment merely adds some additional responsibilities to the President. . . .

Mr. Chairman, while it is true that on its face the purpose of this bill is to remedy automobile ratios and quotas, I think that the intent of the bill, judging from all of its proponents, is to slap some of our trading partners with respect to all products that are involved in trade and, therefore, I think that the intent of the amendment is germane.

THE CHAIRMAN:[3] The Chair is prepared to rule.

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3. Leon E. Panetta (Calif.).

The bill that is before the Committee deals with domestic content with regard to automobiles. It does not deal with broader trade issues that affect all other products.

The amendment that the gentleman from Kansas has introduced in its language provides:

> Ratios determined under this section shall have no effect with regard to a nation in the event that the President issues a proclamation not less than 90 days before the first day of the model year stating that that nation is not imposing unfair restrictions against the entry of U.S. products into its domestic market.

It is the position of the Chair that that opens it up to all products and, therefore, extends it beyond the subject matter that is contained within the bill.

In addition to that, the Chair would cite the precedent of the House that an amendment is not germane if it makes the effectiveness of a bill contingent upon an unrelated event or determination.

It is for those reasons that the Chair sustains the point of order.

Assistance to Israel—Presidential Certification as to Availability of Energy Supplies

§ 31.22 An amendment making the effectiveness of a bill contingent upon an unrelated event or determination is not germane; thus, to a bill authorizing military assistance to Israel and funds for the United Nations Emergency Force in the Middle East, an amendment postponing the availability of funds to Israel until the President certifies the existence of a designated level of energy supplies for the United States is not germane.

During consideration of H.R. 11088[4] in the Committee of the Whole on Dec. 11, 1973,[5] a point of order was raised and sustained against the following amendment:

> MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Gross: Page 4, after line 10, add the following:
>
> "Sec. 7. Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated under section 2 of this Act shall be available for use as provided in this Act until the President determines and certifies to the Congress, in writing, that current energy supplies available for use to meet current energy needs of the United States have been restored to the level of such supplies so available on October 5, 1973.". . .
>
> MR. [THOMAS E.] MORGAN [of Pennsylvania]: . . . Mr. Chairman, I make a point of order against the amendment in that it deals with a subject

4. A bill providing for emergency military assistance to Israel and Cambodia.

5. 119 CONG. REC. 40837, 93d Cong. 1st Sess.

that is not germane to the bill. As a matter of fact, it deals with an energy crisis in an emergency situation. . . .

THE CHAIRMAN:[6] The Chair sustains the point of order because the amendment would make the authority contained in the bill dependent on an unrelated contingency.

Determination as to Lifting by Soviet Union of Restrictions on Emigration

§ 31.23 An amendment delaying the operation of proposed legislation pending an unrelated contingency is not germane; accordingly, to a bill amending the United Nations Participation Act by making inapplicable thereto the provisions of a section of the Strategic and Critical Materials Stock Piling Act, thereby reimposing the United Nations embargo on the importation of Rhodesian chrome, an amendment permitting the continued importation of such chrome so long as chrome is imported from the Soviet Union unless the President determines that the Soviet Union has lifted the restrictions against the emigration of its citizens, thus delaying the operation of the proposed legislation pending an unrelated contingency, was held to be not germane.

During consideration of H.R. 1287 in the Committee of the Whole on Sept. 25, 1975,[7] the Chair sustained a point of order in the circumstances described above. The pending language of the bill and the amendment offered thereto were as follows:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "section 10 of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596; 50 U.S.C. 98–98h) shall not apply to prohibitions or regulations established under the authority of this section.". . . .

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Derwinski: Page 2, line 2, immediately after "section" and before the first period insert the following: "; except that this section shall not apply with respect to the importation into the United States of chromium of Southern Rhodesian origin so long as chromium is imported into the United States from the Union of Soviet Socialist Republics, unless the President determines that the gov-

6. John M. Murphy (N.Y.).

7. 121 CONG. REC. 30226, 30227, 94th Cong. 1st Sess.

ernment of the Union of Soviet Socialist Republics—

"(1) grants its citizens the right or opportunity to emigrate;

"(2) does not impose more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; and

"(3) does not impose more than a nominal tax, levy, fine, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice."

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

Mr. Chairman, this amendment as offere Illinois, in my judgment, is not germane under rule XVI, clause 7. It is introducing a subject which is different from the one dealt with in the bill and would change the scope of the bill considerably.

The bill itself simply allows the President to promulgate prohibition and regulations under United Nations Participation Act to give effect to its decisions. This introduces wholly extraneous matter that has nothing to do with the United Nations Participation Act or acts of the United Nations Security Council or the subject of the bill. . . .

MR. DERWINSKI: . . . May I point out to the Chairman that section 2 of the bill was added in the subcommittee, and that in and of itself, section 2 addresses itself to subject matter considerably beyond the scope of the original bill.

It in effect introduces substantial technical requirements that go far beyond the issue of the United Nations Participation Act.

Mr. Chairman, there are numerous precedents in the House, whereby once an amendment has been accepted that substantially enlarges the scope of the bill, further amendments so doing are in order.

Section 2, obviously, has been ruled germane, has been judged germane. It substantially expands the scope of the measure before us, goes far beyond the mere amendments to the United Nations Participation Act and, therefore, Mr. Chairman, logically, I believe, my amendment would be in order. . . .

MR. [RICHARD H.] ICHORD [of Missouri]: Mr. Chairman, I would further point out in support of the argument of the gentleman from Illinois (Mr. Derwinski) that this is in effect an amendment to section 10 of the Stockpile Act.

The amendment offered by the gentleman from Illinois (Mr. Derwinski) only goes to that basis, so undoubtedly his amendment would be in order. . . .

MR. FRASER: Mr. Chairman, I just want to respond to the argument of the gentleman from Illinois.

Section 2 deals with the United Nations Participation Act and so does section 1. Neither are in any sense related to the subject matter which the gentleman has sought to introduce in his amendment. The gentleman is introducing a whole new subject which has no relevance or germaneness to the basic thrust of the bill.

THE CHAIRMAN:[8] The Chairman is prepared to rule on the point of order.

With regard to the argument made by the gentleman from Minnesota (Mr.

8. J. Edward Roush (Ind.).

Fraser) when he last stood, the Chair would also point out that while it was necessary to obtain from the Committee on Rules a rule waiving points of order on that particular committee amendment which would indicate that it might not be germane in the first instance, and in any event, the committee amendment has not been adopted and is not part of the bill.

The Chair would also point out that the amendment offered by the gentleman from Illinois (Mr. Derwinski) has this effect: The effectiveness of the bill itself, the working of the bill itself, is contingent upon certain things happening. And in the case of the amendment offered by the gentleman from Illinois (Mr. Derwinski), those contingencies in the amendment are wholly unrelated to the substance of the bill.

As authority, the Chair would point to Deschler's Procedure in the U.S. House of Representatives, chapter 28, section 24, on page 395, the section being entitled "Amendment Postponing Effectiveness of Legislation Pending Contingency."

In section 24.10, in the instance of an amendment "To a bill authorizing appropriations for the Arms Control and Disarmament Agency, an amendment delaying the effectiveness of the authorization until the Soviet Union 'ceases to supply military articles to our enemy in Vietnam,' was ruled out as not germane."

Also, in section 24.11, an amendment "To a bill authorizing funds for foreign assistance, an amendment making such aid to any nation in Latin America contingent upon the enactment of tax reform measures by that nation was ruled out as not germane."

In view of this, the Chair sustains the point of order.

Certification as to Impact of Grain Sales on Soviet Preparedness

§ 31.24 To a title of a bill authorizing the procurement, research and development of certain military missile systems for one fiscl year, broadened by amendment to restrict deployment beyond that fiscal year of one system pending tests and reports to Congress, an amendment permanently making expenditure of any funds for that missile system contingent upon certification made by the Secretary of Defense with respect to the impact of United States grain sales on Soviet military preparedness was held to be not germane being an unrelated contingency involving agricultural exports.

During consideration of the Department of Defense Authorization for fiscal 1984 [9] in the Committee of the Whole on July 21, 1983,[10] the Chair, in sustaining a point of order against the amendment described above, reiterated

9. H.R. 2969.

10. 129 CONG. REC. 20050, 20184, 20189, 20190, 98th Cong. 1st Sess.

the principle that it is not germane to make the authorization of funds in a bill contingent upon unrelated events or policy determinations. The proceedings were as follows:

> Sec. 301. In addition to the amount authorized to be appropriated in section 103 for procurement of missiles for the Air Force, there is hereby authorized to be appropriated to the Air Force for fiscal year 1984 for procurement of missiles the sum of $2,557,800,000 to be available only for the MX missile program.
>
> RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR MX MISSILE AND SMALL MOBILE MISSILE SYSTEMS
>
> Sec. 302 (a) In addition to the amount authorized to be appropriated in section 201 for research, development, test, and evaluation for the Air Force, there is hereby authorized to be appropriated to the Air Force for fiscal year 1984 for research, development, test, and evaluation for the land-based strategic ballistic missile modernization program—
>
> (1) $1,980,389,000 to be available only for research, development, test, and evaluation for the MX missile program . . .

THE CHAIRMAN PRO TEMPORE:[11] Are there amendments to title III?

Amendment offered by Mr. Price: Page 16, after line 18, insert the following new section:

> LIMITATION ON EXPENDITURE OF FUNDS
>
> Sec. 303. (a) None of the funds authorized by clause (2) of section 302(a) may be obligated or expended for research, development, test, or evaluation for an intercontinental-range mobile ballistic missile that would weigh more than 33,000 pounds or that would carry more than a single warhead.
>
> (b) The Secretary of Defense may not deploy more than 10 MX missiles until—
>
> (1) demonstration of subsystems and testing of components of the small mobile intercontinental ballistic missile system (including missile guidance and propulsion subsystems) have occurred . . .
>
> (c) The Secretary of Defense may not deploy more than 40 MX missiles until—
>
> (1) the major elements (including the guidance and control subsystems) of a mobile missile weighing less than 33,000 pounds as a part of an intercontinental ballistic missile system have been flight tested. . . .
>
> (d)(1) Not later than January 15 of each year from 1984 through 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—
>
> (A) on the progress being made with respect to the development and deployment of the MX missile system.

The amendment offered by Mr. Price was agreed to.[12]

MR. [JAMES] WEAVER [of Oregon]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Weaver: At the end of title III, add the following new section:

11. Marty Russo (Ill.).

12. 129 CONG. REC. 20187, 98th Cong. 1st Sess.

LIMITATION ON MX PROGRAM

Sec. 303. No funds may be expended for the MX missile program during any fiscal year during which United States grain suppliers make sales of grain to the Soviet Union, except that the preceding limitation shall not apply during any fiscal year if the Secretary of Defense certifies to Congress that the sale of grain to the Soviet Union by United States grain suppliers during that year will not assist the Soviet Union in preparing, maintaining, or providing for its armed forces. . . .

MR. [MELVIN] PRICE [of Illinois]: . . . I make a point of order that the amendment is not germane to title III . . .

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

The Chair rules that the amendment is not germane to—title III. Although title III was originally a 1-year authorization, it has been amended by the Price amendment to go beyond fiscal year 1984.

The amendment of the gentleman from Oregon (Mr. Weaver) would be a permanent change in the law making the MX program conditional upon an unrelated contingency involving agricultural exports. Under the precedents the amendment is not germane and the Chair sustains the point of order of the gentleman from Illinois (Mr. Price).

Report to Congress on Costs of Program

§ 31.25 To a section of a bill reported from the Committee on International Relations authorizing appropriations for humanitarian and evacuation assistance to war refugees in South Vietnam, an amendment making that authorization contingent upon a report to Congress on the costs of a portion of the evacuation program, but not requiring the implementation of any new program within the jurisdiction of another committee was held germane as a related contingency.

During consideration of H.R. 6096 in the Committee of the Whole, a point of order was raised against an amendment offered by Mr. Glenn M. Anderson, of California. The proceedings of Apr. 23, 1975,[13] were as follows:

Amendment offered by Mr. Anderson of California: On page 1, line 5, after "Sec. 2." insert the following:

Upon the conclusion of a report prepared by the Secretary of State, after consultation with the Secretary of Health, Education, and Welfare and the Attorney General, and submitted to Congress within forty-eight hours of enactment of this Act, estimating the costs for the relocation, housing, feeding and medical care of those persons eligible for evacuation under Sec. 4(d) of this Act over a five-year period . . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I make a point of order against the amendment. . . .

[T]his bill before us is for evacuation only. It does not deal with relocation of

13. 121 CONG. REC. 11529, 94th Cong. 1st Sess.

any people to be evacuated. The amendment goes far beyond the limits of the bill, and is certainly not germane. . . .

MR. ANDERSON of California: . . . Mr. Chairman, my amendment does not deal with relocation either. It is merely an extension of the present bill. It has nothing new except for some facts which we ought to have before voting on this bill. It says that upon conclusion of the report prepared by the Secretary of State within 48 hours estimating the cost, this act will be acted upon.

It does nothing new. It just says that within 48 hours the Congress and the people of the United States should know how much it is going to cost them; how many of these people are going to be brought in. It adds no additional responsibilities.

MR. [JOHN H.] ROUSSELOT [of California]: . . . Mr. Chairman, in the purpose of the bill it says that it is to authorize funds for humanitarian assistance and evacuation programs. The reason the gentleman from California is concerned is because the County of Los Angeles has been notified that they must receive these people coming from Vietnam. They are not just American citizens, but South Vietnamese people.

They do not have the funds to take care of the medical care, the feeding and all the rest. Of course, this is part of the bill.

Mr. Chairman, I appeal to the Chair that this bill is for the evacuation programs of Vietnam, and it will be a problem for Hawaii, California and all parts on the west coast.

THE CHAIRMAN:[14] The Chair is prepared to rule.

The amendment offered by the gentleman from California does not create any new program. It does not establish any unrelated contingency, nor does it disrupt any program called for in the basic bill. It simply is a request for a report on the costs of a part of the evacuation program in the opinion of the Chair, and is germane to the pending section.

The Chair overrules the point of order.

Treaty Initiatives Toward Arms Control

§ 31.26 It is not germane to make the effectiveness of an authorization contingent upon an unrelated determination involving agencies and the jurisdiction of committees not within the purview of the authorization bill; thus, to a title of a bill authorizing appropriations for procurement of military weapons, an amendment prohibiting the use of those funds for procurement of a certain weapon until the President certifies to Congress that he has taken certain treaty initiatives toward arms control was held to be not germane.

On July 8, 1981,[15] during consideration of the Department of

14. Otis G. Pike (N.Y.).

15. 127 CONG. REC. 15008, 15010, 97th Cong. 1st Sess.

Defense Authorization Act for fiscal year 1982 (16) in the Committee of the Whole, the Chair sustained a point of order against the amendment described above. The proceedings were as follows:

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Funds are hereby authorized to be appropriated for fiscal year 1982 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons in amounts as follows: . . .

MISSILES

For missiles: for the Army, $2,745,800,000; for the Navy $2,484,800,000; for the Marine Corps, $223,024,000; for the Air Force, $4,593,246,000. . . .

MR. [MIKE] LOWRY of Washington: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lowry of Washington: At the end of title I (page 5, after line 23), add the following new section:

LIMITATION ON PROCUREMENT OF PERSHING II MISSILES AND GROUND-LAUNCHED CRUISE MISSILES

Sec. 104. None of the funds appropriated pursuant to the authorization of appropriations in section 101 for missiles for the Army may be obligated or expended for procurement of Pershing II missiles, and none of the funds appropriated pursuant to the authorization of appropriations in such section for missiles for the Air Force may be obligated or expended for procurement of ground-launched cruise missiles, until the President has certified to the Congress that the United States has forwarded to the Soviet Union initial proposals for limitations on theater nuclear force (TNF) weapons in Europe within the framework of strategic arms limitation talks (SALT).

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I make a point of order against the amendment as being a violation of rule 16 regarding germaneness. That rule requires that instructions, qualifications, and limitations must be germane to the provisions of the bill.

It is my contention that the condition here stated in the pending amendment is totally unrelated to the provisions of the bill and in fact lies within the jurisdiction of another committee, namely, whether the United States has or has not forwarded to the Soviet Union initial proposals for limitation on theater nuclear force weapons in Europe within the framework of the strategic arms limitation talks. That has no bearing whatsoever on the authority or the responsibility of the Armed Services Committee or this pending legislation. . . .

MR. LOWRY of Washington: . . . Mr. Chairman, I believe this amendment is in order. To say that there is not a process on this House floor in which we can hold contingent this Nation's commitments to arms limitations, contingent upon expenditure that we are making for armament allows us no place on which to make the statement that is very necessary in this world as to our position commitment to arms limitations talks contingent as a dual process as agreed in 1979 with NATO for the modernization of our nuclear forces there.

16. H.R. 3519.

So I would ask that this amendment be held in order, Mr. Chairman.

THE CHAIRMAN:[17] The Chair is prepared to rule.

The gentleman from New York makes a point of order against the amendment offered by the gentleman from Washington on the grounds it is not germane to title I of the bill.

The amendment would condition the use of funds authorized in section 101 for the Pershing missile on a certification by the President that certain U.S. proposals have been made in the SALT negotiations relative to weapons in Europe.

It is not germane to make the effectiveness of a bill or authorization contingent upon an unrelated event or determination. As stated in Deschler's Procedure, chapter 28, section 24.25, to a provision rescinding funds for the B-1 bomber, an amendment to delay the effectiveness of the rescission until ratification of a SALT II Treaty was held not germane on February 22, 1978. Since the condition involved actions by agencies and authorities not charged with administration of the B–1 bomber program, and since the SALT II negotiations involved a broad range of arms control issues not necessarily related to the B–1 program.

The Chair would further point out that arms control negotiations fall within the jurisdiction of the Committee on Foreign Affairs, and not within the jurisdiction of the committee reporting this bill, and that nothing in title I addresses such negotiations.

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

17. Paul Simon (Ill.).

§ 31.27 It is not germane to make the effectiveness of an authorization contingent upon an unrelated determination involving issues within the jurisdiction of agencies and committees outside the purview of the pending bill; thus, to a title of a bill authorizing appropriations for research on and development of military weapons, an amendment prohibiting the use of those funds for development of a certain weapon until the President resumes treaty initiatives toward arms control was held to be not germane.

During consideration of the Department of Defense Authorization for fiscal year 1982[18] in the Committee of the Whole on July 9, 1981,[19] the Chair sustained a point of order against the following amendment:

Amendment offered by Mr. Bedell: After section 203 insert the following new section:

LIMITATION ON FUNDS FOR MX MISSILE

Sec. 204. None of the funds authorized to be appropriated by section 201 may be obligated or expended for the full-scale development

18. H.R. 3519.

19. 127 CONG. REC. 15218, 97th Cong. 1st Sess.

of an operational basing mode for the MX missile until the President—

(1) has completed his review of previous strategic arms limitation (SALT) negotiations;

(2) is prepared to resume strategic arms limitation negotiations with the Soviet Union, one of the principal aims of such negotiations being to establish a limit on the number of intercontinental ballistic missile launchers and deployable warheads available to both sides; and

(3) formally transmitted to the Soviet Union his desire to resume such negotiations.

MR. [MELVIN] PRICE [of Illinois]: Madam Chairman, I make a point of order against the amendment. . . .

It is a violation of House rule 16 regarding germaneness. That rule requires instructions, qualifications, and limitations to be germane to the provisions of the bill.

It is my contention that the condition here is totally unrelated to the provisions of the bill and in fact lies within the jurisdiction of another committee. . . .

MR. [BERKLEY] BEDELL [of Iowa]: . . . Madam Chairman, I am not a specialist on rules, but it would appear to me very clearly that for us to say that we are not going to spend money on a system which would not be of value unless something else happens is perfectly germane and perfectly proper for us to do.

We do it in our small business disaster loans when we say small business disaster loans will not be made unless the Governor of the State declares there has been a disaster therein.

We do the same thing in regard to disaster payments for agriculture when we say that the people will not be eligible unless Federal crop insurance is there.

It appears to me that we have clearly pointed out in the debate that we have had that without SALT II it is at least questionable as to whether MX makes any sense at all, and if we do have rules in the House which say that we cannot have amendments which say that we will not spend money on something that is going to be valueless unless something occurs, if we have amendments that say that we cannot make the spending contingent upon that action which would be necessary to make the expenditure of any value, then I submit that we had better look at the rules of the House. . . .

THE CHAIRMAN PRO TEMPORE:[20] . . . [T]he Chair is prepared to rule on the point of order.

The amendment makes use of funds for the MX missile dependent upon certain actions by the President relative to the SALT negotiations. Since arms control issues are within the jurisdiction of the Foreign Affairs Committee and not the Armed Services Committee, and for same reasons stated by the Chair yesterday, in sustaining a point of order against the amendment offered by the gentleman from Washington, the Chair sustains the point of order of the gentleman from Illinois.

Ratification of Salt II Treaty

§ 31.28 To a Senate amendment to a general appropriation bill rescinding funds for

20. Marilyn Lloyd Bouquard (Tenn.).

continued construction and development of the B–1 bomber program, an amendment proposed in a motion to concur therein with an amendment, to delay the effectiveness of the rescission until after either House of Congress so approves and until after ratification by the Senate of a Salt II treaty, was ruled out as an unrelated contingency, since it was not germane in that the condition involved actions by agencies and authorities not charged with administration of the B–1 bomber program, and the Salt II negotiations involved a broad range of arms control issues not necessarily related to the B–1 bomber program.

The proceedings of Feb. 22, 1978, relating to consideration of the conference report on H.R. 9375 (supplemental appropriations for fiscal year 1978) are discussed in § 27.29, supra.

Compliance With Treaties

§ 31.29 To a bill providing for foreign economic assistance and relating in a general way to agreements between this nation and other nations, an amendment intended to enforce compliance with provisions of treaties was held germane.

In the 81st Congress, during consideration of a bill [1] to provide foreign economic assistance, the following amendment was offered: [2]

> Amendment offered by Mr. [Frank B.] Keefe [of Wisconsin]: Page 11 . . . after line 18 insert the following:
>
> (k)(1) Treaties between the United States and nations assisted hereunder . . . shall remain in full force unless renegotiated. . . .
>
> (2) None of the local currencies required by section 115(b)(6) of the Economic Cooperation Act of 1948, as amended, to be deposited in local currency accounts, shall be made available for expenditure by any recipient country so long as any dependent area of such a country fails to comply with any treaty between the United States and the said dependent area.
>
> (3) After July 1950, no assistance herein contemplated shall be used to promote recovery in the French protectorate of Morocco except during such time as the Secretary of State shall certify to the Administrator that the protectorate is complying with its treaties with the United States. . . .

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

> MR. [JOHN] KEE [of West Virginia]: . . . (The amendment) deals with matters entirely foreign to this bill and is not germane either to the bill before us or the title to which it is offered.

1. H.R. 7797 (Committee on Foreign Affairs).
2. 96 CONG. REC. 4427, 81st Cong. 2d Sess., Mar. 30, 1950.

The Chairman,[3] in ruling on the point of order, stated:

The bill itself is very broad, relating to bilateral and multilateral agreements between this Nation and other nations. The amendment offered by the gentleman from Wisconsin, therefore, dealing with a subject matter thereunder is, in the opinion of the Chair, germane to the bill.

Settlement of Hostilities in Vietnam

§ 31.30 To a bill authorizing funds for foreign assistance, an amendment holding in abeyance, "until 90 days after the final settlement of hostilities . . . in Vietnam," all foreign assistance under the Foreign Assistance Act, was held to be not germane.

In the 90th Congress, the Foreign Assistance Act of 1967[4] was under consideration which stated in part:[5]

PART V—ELIGIBILITY OF CERTAIN PARTICIPANTS IN FUTURE FOREIGN AID PROGRAMS

Sec. 502. Notwithstanding any other provision of law, whenever any individual, firm, or entity . . . participating in any aid transaction financed with funds made available under the Foreign Assistance Act of 1961, as amended, has been found by the Inspector General, Foreign Assistance, to have . . . engaged in bribery or other illegal or fraudulent payments or credits in connection with such transaction, such individual, firm, or entity shall not be permitted to participate in any program or operation financed under such Act.

The following proceedings related to an amendment offered by Mr. Joe D. Waggonner, Jr., of Louisiana:

The Clerk read as follows:

Amendment offered by Mr. Waggonner:

On page 46, line 5, add a new section numbered 503 to read:

"Sec. 503. Notwithstanding any other provision of law, all funds except for those countries in this hemisphere, and those who render us assistance in Vietnam, authorized or appropriated under the Foreign Assistance Act of 1961, as amended, shall be held in abeyance until 90 days after the final settlement of hostilities and the fighting in Vietnam."

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I reserve a point of order against the amendment.

MR. WAGGONNER: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[6] The gentleman will state it.

MR. WAGGONNER: The chairman of the full committee having reserved a point of order, it leaves to me the right to speak to the merits of this amend-

3. Oren Harris (Ark.).
4. H.R. 12048 (Committee on Foreign Affairs).
5. 113 CONG. REC. 24002, 90th Cong. 1st Sess., Aug. 24, 1967.
6. Charles M. Price (Ill.).

ment and later to speak to the point of order, does it not?

THE CHAIRMAN: That is correct. . . .

MR. WAGGONNER: . . . I do not believe that the Chair can justly say that this is not germane because, Mr. Chairman, this bill already restricts the eligibility requirements for certain participants and this amendment makes exception of those who are in this hemisphere and those who are going to help us in Vietnam. . . . This Congress can place any limitation on assistance they choose. We have done it already on several occasions tonight.

THE CHAIRMAN: . . . The amendment offered by the gentleman from Louisiana would delay the operation of this proposed legislation for an unrelated contingency.

The Chair would like to refer to section 3037 of Cannon's Precedents of the House of Representatives, volume 8, to the effect:

> An amendment delaying operation of proposed legislation pending an unrelated contingency was held not to be germane. . . .

The Chair . . . sustains the point of order.

Consent of Congress Required for Evacuation of Persons to Any State

§ 31.31 To a bill dealing with the evacuation of certain individuals, an amendment prohibiting their evacuation to any of the states of the United States without the consent of Congress, was held to relate to the evacuation process, not to immigration policy, and was therefore germane.

During consideration of the Vietnam Humanitarian and Evacuation Assistance Act[7] in the Committee of the Whole on Apr. 23, 1975,[8] the Chair overruled a point of order against the following amendment.

MR. [BOB] CASEY [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Casey: Page 3, after line 3, insert (e) none of the "other foreign nationals" referred to in paragraph (d) shall be evacuated to any of the States of the United States, without the express consent of Congress. . . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I make a point of order against the amendment in that the amendment is not germane. It deals with the immigration policy, and would change the standards on immigration. . . .

MR. CASEY: . . . Mr. Chairman, this amendment would change no standards on immigration except that the classified people under paragraph (d) of section 4 which says that—

> . . . none of the other foreign nationals referred to in paragraph (d) shall be evacuated to any of the States of the United States without the express consent of the Congress.

It is certainly germane, because it has to do with the evacuation of these people under section (d) of section 4.

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7. H.R. 6096.
8. 121 CONG. REC. 11546, 94th Cong. 1st Sess.

THE CHAIRMAN:[9] The Chair is ready to rule.

The language of the amendment does not limit the operation of the bill. It pertains strictly to the evacuation process. It does not mention immigration policy. It simply says that persons in a certain category of evacuees contained in the bill cannot be evacuated to any of the States of the United States without the consent of the Congress. Therefore the amendment is germane, and the point of order is not sustained.

Cessation of Soviet Aid to Vietnam

§ 31.32 To a bill authorizing appropriations for the Arms Control and Disarmament Agency, an amendment delaying the effectiveness of the authorization until the Soviet Union "ceases to supply military articles to our enemy in Vietnam," was held to be not germane.

In the 90th Congress, during consideration of a bill[10] amending the Arms Control and Disarmament Act,[11] the following amendment was offered:[12]

Amendment offered by Mr. Findley: On the first page, line 7, strike out the period and insert in lieu thereof the following: "and at the end of such second sentence strike out the period and insert in lieu thereof the following: ': *Provided*, That the authorization for appropriations contained in this Act shall not be effective until such time as the Soviet Union, which is the United States' co-sponsor of the draft treaty on non-proliferation (negotiated for the United States by the Arms Control and Disarmament Agency), ceases to supply military articles to our enemy in Vietnam, as determined by the President of the United States.'"

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

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I make a point of order against the amendment. It is not germane and contains matter not covered by the present act under discussion.

Mr. Paul Findley, of Illinois, stated in response:

I call the attention of the Chair to the Congressional Record, volume 110, part 1, page 144. On that date the House was considering an authorization bill. In connection with that authorization I offered an amendment which read as follows:

> The authorization for an appropriation contained in this Act shall not be effective until such time as the receipts of the Government for the preceding fiscal year have exceeded the expenditures of the Government for such year, as determined by the Director of the Bureau of the Budget.

On that occasion the gentleman from Alabama (Mr. Jones) made a point of

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9. Otis G. Pike (N.Y.).

10. H.R. 14940 (Committee on Foreign Affairs).

11. See 114 CONG. REC. 5414, 90th Cong. 2d Sess., Mar. 6, 1968.

12. *Id.* at p. 5426.

order against the amendment, and the Chair ruled that the point of order was not well taken.

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

The purpose of this legislation today is it authorizes an appropriation of $33 million to finance the operation of the Arms Control and Disarmament Agency for a 3-year period. The purpose of the amendment offered by the gentleman from Illinois would delay the use of any appropriated funds pending an unrelated contingency. Therefore, the Chair sustains the point of order.

The following exchange ensued:

MR. FINDLEY: Will the Chair hear me further on that point?

THE CHAIRMAN: The Chair has already ruled.

Parliamentarian's Note: The precedent cited by Mr. Findley, discussed at § 31.16, supra, supported the view that where an amendment seeks to adopt as a measure of the availability of certain authorizations contained in the bill a condition that is logically relevant and objectively discernible, the amendment does not present an unrelated contingency and is germane. Thus, for example, although it is not germane to make the effectiveness of an authorization contingent upon an unrelated determination involving issues within the jurisdiction of agencies and committees outside the purview of the pending bill,[14] it has been held that an amendment imposing on the availability of funds to carry out a certain activity a conditional restriction that merely requires observation of similar activities of another country, which similar conduct already constitutes the policy basis for the pending funding of that activity, may be germane as a related contingency.[15]

Security Assistance to South Korea—Testimony by Korean Ambassador as to Gifts to House Members

§ 31.33 To a foreign aid security assistance bill authorizing the transfer of defense articles to South Korea, and amended to impose foreign policy conditions on the furnishing of security assistance to other designated nations, an amendment prohibiting the use of authorities in the bill to furnish defense articles to South Korea until its former ambassador testifies before a House committee investigating whether Members or employees have been influenced in their legislative duties by receiving gifts

13. Richard H. Fulton (Tenn.).

14. See Sec. 31.27, supra.

15. See Sec. 31.15, supra.

from that nation, was held germane as a contingency that was related to authorities and other contingencies contained in the bill.

On Aug. 2, 1978,[16] during consideration of H.R. 12514 in the Committee of the Whole, the Chair overruled a point of order against the following amendment:

> MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Jacobs: Page 19, immediately after line 22, insert the following new section:
>
> TESTIMONY OF KIM DONG JO
>
> Sec. 24. Until such time as the Committee on Standards of Official Conduct of the House of Representatives announces that Kim Dong Jo, the former Ambassador of the Republic of Korea to the United States, has given testimony to that Committee in the investigation it is conducting pursuant to H. Res. 252 of the Ninety-fifth Congress—
>
> (1) no funds authorized to be appropriated by this Act may be used to provide assistance for the Republic of Korea; and
>
> (2) the authority granted by section 19 of this Act may not be exercised. . . .
>
> MR. [ROBERT J.] LAGOMARSINO [of California]: Mr. Chairman, I say the amendment is out of order under clause 7, rule XVI, as being nongermane to the bill and outside of the scope of the bill. It is outside the scope of the bill, because the bill relates to military assistance.
>
> Further, Mr. Chairman, I would like to quote clause 28, section 24.9 from Deschler's Procedure:
>
> To a bill authorizing funds for foreign assistance, an amendment holding in abeyance, "until 90 days after the final settlement of hostilities . . . in Vietnam," all foreign assistance under the Foreign Assistance Act, was ruled out as not germane.
>
> Further, in that same clause, section 24.11:
>
> To a bill authorizing funds for foreign assistance, an amendment making such aid to any nation in Latin America contingent upon the enactment of tax reform measures by that nation was ruled out as not germane.
>
> I submit, Mr. Chairman, that to time the sanctions of this amendment to such a time as Kim Dong Jo testifies is similar to and right on all fours with the sections I have just read. . . .
>
> MR. JACOBS: Mr. Chairman, the language of the amendment deals with nothing more by its own terms than the contents of the instant legislation, No. 1 and No. 2, the amendment clearly is a related contingency with respect to and on all four corners with the funds authorized by this legislation.
>
> THE CHAIRMAN:[17] The Chair is prepared to rule.
>
> The gentleman from California (Mr. Lagomarsino) makes a point of order against the amendment offered by the gentleman from Indiana (Mr. Jacobs) on the point that it is beyond the scope of the committee bill. The Chair would

16. 124 CONG. REC. 23932, 23933, 95th Cong. 2d Sess.

17. Don Fuqua (Fla.).

like to point out that the committee bill does relate to military assistance, which this amendment directs itself to. Had the amendment been offered earlier in the reading, before the funds for South Korea were before the committee and prior to the adoption of the various amendments in the Committee of the Whole, including the amendment offered by the gentleman from Iowa (Mr. Harkin) which placed a condition upon funds being authorized under this act, then the point of order might have been viewed differently. However, the contingency expressed in the amendment does relate to the relationship between this country and the South Korean Government and specifically to the point of information relating to future furnishing of U.S. military assistance to that nation, so that the Chair is constrained to overrule the point of order.

Measures by Foreign Governments To Control Drug Traffic

§ 31.34 To that section in a military procurement bill limiting funds available to United States Armed Forces for the support of Vietnamese forces and local forces in Laos and Thailand, an amendment was held to be not germane which prohibited the use of funds "if the President determines that [the respective governments have] failed to take appropriate steps to prevent narcotic drugs" produced in those countries from entering the United States, and which authorized the President to utilize federal agencies and facilities to assist those governments in such efforts.

In the 92d Congress, during consideration of a bill[18] comprising a military procurement authorization for fiscal 1972, an amendment was offered[19] as described above. A point of order was raised against the amendment, as follows:

> MR. [F. EDWARD] HEBERT [of Louisiana]: Mr. Chairman, I make a point of order against the proposed language as not germane to the bill. It refers to a subject not included in the bill, the matter of narcotic drugs, which is under the jurisdiction of another committee.

The Chairman,[20] in ruling on the point of order, stated:[1]

> The subject of narcotic drugs is not elsewhere introduced in the pending bill, and the Chair notes that the amendment would bring into contemplation agencies and departments of the Government other than those in-

18. H.R. 8687 (Committee on Armed Services).
19. 117 CONG. REC. 20589, 92d Cong. 1st Sess., June 17, 1971.
20. Daniel D. Rostenkowski (Ill.).
1. 117 CONG. REC. 20590, 92d Cong. 1st Sess., June 17, 1971.

volved in the normal administration of the funds authorized by this bill. It would give the President authority and responsibilities which he does not have under existing law.

The Chair has examined a precedent of the 90th Congress, rendered when an amendment was offered to the foreign assistance authorization bill for fiscal 1967. That amendment provided that assistance to certain nations should be curtailed until the President determined and reported to the Congress that those countries have established tax reform measures.

The Chairman of the Committee of the Whole on that occasion, Mr. Price of Illinois, ruled that the amendment was not germane. Record, page 23977, August 24, 1967.

The Chair holds that the amendment introduces agencies and concepts not appearing otherwise in the pending bill, rendering the amendment not germane.

Use of Inactive Gold Fund

§ 31.35 To a bill extending certain excise taxes levied under two specific statutes, an amendment providing that the bill shall be inoperative "until the inactive gold fund of the United States Treasury is used to defray expenditures" was held to be not germane.

In the 75th Congress, a bill[2] was under consideration providing for extension of certain excise taxes. An amendment was offered[3] by Mr. Martin Dies, Jr., of Texas, who stated,[4] by way of explaining the amendment and responding to a point of order:[5]

> Mr. Chairman, the proposed act seeks to extend the tax provisions for a period of 2 years. All this proposed amendment seeks to do is say that the act shall not be operative until certain conditions occur. The amendment does not seek to force the Treasury to utilize gold but is simply the exercise of an undoubted prerogative on the part of Congress to say that until certain conditions happen the act shall not be operative. . . .

The Chairman,[6] sustaining the point of order, cited the principle that, "An amendment delaying operation of proposed legislation pending an unrelated contingency is not germane," and, further, that, "A different subject from that under consideration may not be proposed under the guise of a limitation." The following amendment was then offered:

> Amendment offered by Mr. [Wright] Patman [of Texas]: Page 1, line 12, after the period, insert "*Provided how-*

2. H.J. Res. 375 (Committee on Ways and Means).

3. 81 CONG. REC. 5620, 75th Cong. 1st Sess., June 11, 1937.

4. *Id.* at p. 5621.

5. The point of order that the amendment was not germane to the bill had been raised by Mr. Jere Cooper (Tenn.).

6. Fritz G. Lanham (Tex.).

ever, That the taxes herein imposed shall not be levied or collected until the Secretary of the Treasury has utilized for currency purposes all the inactive, unpledged, and unallocated gold owned and held by the United States Treasury."

Mr. Cooper having again raised a point of order against the amendment, the Chairman ruled as follows:

In addition to the authorities cited by the Chair in the former ruling, the Chair calls attention to sections 3033 and 3034 of volume 8 of Cannon's Precedents, the first holding that an amendment is not necessarily germane because presented in the form of a limitation, and the second holding that it is not in order to propose by way of limitation propositions on subjects different from that under consideration.

The pending resolution has to do with providing revenue, whereas the amendment has to do with the use of gold for currency purposes.

The Chair sustains the point of order.

Contributions to International Monetary Fund Contingent on Change in Monetary Policy

§ 31.36 To a bill authorizing federal financial contributions to international lending institutions, an amendment making that contribution contingent upon enactment of a change in federal monetary policy having domestic implications and involving agencies beyond the scope of the bill is not germane; thus, to a bill authorizing United States contributions to international financial institutions and dealing with United States monetary policy as it relates to international lending, amendments directing the Secretary of the Treasury to establish a par value for the dollar in gold, and making United States contributions to the International Monetary Fund contingent upon that change in monetary policy was held to be not germane, because affecting domestic monetary policy issues beyond the scope of the bill.

During consideration of the International Recovery and Financial Stability Act[7] in the Committee of the Whole on Aug. 3, 1983,[8] the Chair sustained points of order in the circumstances described above. The proceedings were as follows:

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

7. H.R. 2957.

8. 129 CONG. REC. 22663, 22664, 98th Cong. 1st Sess.

The Clerk read as follows:

Amendment offered by Mr. Dannemeyer: Page 19, line 16, insert "(a)" after "Sec. 40."

Page 19, after line 20, insert the following:

"(b)(1) Not later than eighteen months after the date of the enactment of this section, the Secretary of the Treasury shall establish a par value for the dollar in gold and thereafter shall redeem in gold at such price all Federal Reserve notes which are presented to the Secretary for redemption.

"(2) Subsection (a) shall not take effect until the date on which the Secretary of the Treasury transmits a notice to both Houses of the Congress specifying that the Secretary has complied with the provisions of paragraph (1).". . . .

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I raise a point of order against the amendment on the ground that it affects matters beyond the scope of the legislation and is therefore not germane.

The bill directs the Secretary of the Treasury to take certain actions regarding the IMF international lending institutions, and affects lending by U.S. banks.

The amendment requires the Secretary of the Treasury to redeem gold for Federal Reserve notes. This, in return, would require the Federal Reserve to manage the money supply with an eye toward keeping the market and dollar-convertible gold prices equal. Such a policy would be an abrupt shift from managing the money supply to maximize U.S. employment and price stability, as is now required by the Federal Reserve Act. Neither of these topics—the Secretary's responsibilities with respect to the value of gold, nor the monetary policy duties of the Federal Reserve—are covered by the legislation.

Thus, the amendment would require the Secretary of the Treasury and the Federal Reserve to take actions beyond the scope of the bill and far different in character than those required in the bill. I ask the Chair to rule the amendment out of order.

THE CHAIRMAN:[9] Does the gentleman from California (Mr. Dannemeyer) seek to be heard on the point of order?

MR. DANNEMEYER: Yes; I do, Mr. Chairman.

1. Deschler's Procedure, Chapter 28 § 14.4: "The rule on germaneness does not require that an amendment offered as a separate section be germane to the preceding section of the bill, but it is sufficient that it is germane to the subject matter of the bill as a whole."

2. Chapter 28 § 14.14: (Parliamentarian's Note) "The general rule that an amendment must be germane to the portion of the bill to which offered is limited by the proposition that an amendment in the form of a new section or paragraph need not necessarily be germane to the section or paragraph immediately preceding it." (8 Cannon's Precedents §§ 2932, 2935).

3. Chapter 28 § 14.10: "An amendment in the form of a new section need not necessarily be germane to the preceding section of the bill, it being sufficient, where the bill contains diverse subjects, that the amendment relate to the bill as a whole."

And the final point:

4. Deschler's Procedure, Chapter 27 § 27.14: "To a bill continuing au-

9. Donald J. Pease (Ohio).

thority under existing law to make contributions to an international financial organization and authorizing appropriations for those contributions, an amendment adding a further restriction on the use of U.S. contributions to those already contained in that law is germane."

For these reasons, Mr. Chairman, I would submit that the point of order is not well taken.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair agrees with the gentleman from Rhode Island that the matter covered by this amendment goes well beyond the scope of this bill and deals with the responsibilities of the Secretary of the Treasury in managing monetary policy of this country and also goes to the question of the powers of the Federal Reserve Board.

For that reason, the point of order is sustained. The amendment is not in order.

Mr. Dannemeyer then offered another amendment, as follows:

The Clerk read as follows:

Amendment offered by Mr. Dannemeyer: Page 19, line 16, insert "(a)" after "Sec. 40."

Page 19, after line 20, insert the following:

"(b)(1) Not later than eighteen months after the date of the enactment of this section, the Secretary of the Treasury shall establish a par value for the dollar in gold.

"(2) Subsection (a) shall not take effect until the date on which the Secretary of the Treasury transmits a notice to both Houses of the Congress specifying that the Secretary has complied with the provisions of paragraph (1).". . .

MR. ST GERMAIN: Mr. Chairman, I raise a point of order against the amendment on the ground that it affects matters beyond the scope of the legislation and is therefore not germane.

The bill directs the Secretary of the Treasury to take certain actions regarding the IMF, international lending institutions and affects lending by U.S. banks.

The amendment requires the Secretary of the Treasury to establish a par value for the dollar in gold. In order to do this the Secretary would have to take some action in the gold market to defend this action, such as agreeing to sell gold at its par value. This, in turn, would require the Federal Reserve to manage the money supply with an eye toward keeping the market and dollar-convertible gold prices equal. Such a policy would be an abrupt shift from managing the money supply to maximize U.S. employment and price stability, as is now required by the Federal Reserve Act. Neither of these topics—the Secretary's responsibilities with respect to the value of gold, nor the monetary policy duties of the Federal Reserve—are covered by the legislation.

Thus, the amendment would require the Secretary of the Treasury and the Federal Reserve to take actions beyond the scope of the bill and far different in character than those required in the bill. I ask the Chair to rule the amendment out of order. . . .

MR. DANNEMEYER: . . . The distinction between this amendment and the one that this Member from California previously offered is very simple. I have deleted from the amendment that is now pending before the committee the paragraph or the clause that says:

"and thereafter shall redeem in gold at such price all Federal Reserve notes which are presented to the Secretary for redemption."

That clause is gone.

It is the opinion of this Member from California that the deletion of that clause will eliminate the impediment which caused the Chair to previously rule that the point of order to the previous amendment should be and was sustained.

And the points of authority I would like to cite on behalf of that position are consistent with the points and authorities that I cited with respect to the previous point of order on that amendment.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair would rule that the distinctions between this amendment and the one previously offered are minor distinctions and that the reasoning advanced by the gentleman from Rhode Island (Mr. St Germain) on the point of order against the previous amendment also holds true for this amendment.

The point of order is sustained and the amendment is not in order.

Tax Reform in Foreign Nation

§ 31.37 To a bill authorizing funds for foreign assistance, an amendment making such aid to any nation in Latin America contingent upon the enactment of tax reform measures by that nation was held to be not germane.

In the 90th Congress, during consideration of the Foreign Assistance Act of 1967,[10] the following amendment was offered:[11]

Amendment offered by Mr. [Ellis Y.] Berry [of South Dakota]: On page 37, after line 24, insert the following:

(5) At the end of section 620 add the following new subsection:

"(s) After December 31, 1967, no further assistance shall be furnished under this Act to any country in Latin America until the President determines and reports to the Congress that the recipient country has established and implemented an equitable and effective system of tax collection with respect to taxes on real and personal property."

Mr. Thomas E. Morgan, of Pennsylvania, raised the point of order that the amendment was not germane. Contending that the point of order was not well taken, Mr. Joe D. Waggonner, Jr., of Louisiana, stated:[12]

Mr. Chairman, title I, chapter 2, section 208, is entitled "Self-Help Criteria." It says:

In determining whether and to what extent the United States should furnish development assistance to a country under this chapter the President shall take into account—

(a) the extent to which the country is taking such measures as may be appropriate to its needs and capabilities to increase food production. . . .

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10. H.R. 12048 (Committee on Foreign Affairs).

11. 113 CONG. REC. 23977, 90th Cong. 1st Sess., Aug. 24, 1967.

12. *Id.* at p. 23978.

. . . Section 208 describes in great detail the self-determination criteria which are required of these countries before they will receive foreign assistance, so it is beyond comprehension to me that when we require in one part of this bill very specific self-help criteria on the part of those who receive assistance that we would be willing to ignore it in every other area. . . .

Therefore, Mr. Chairman, I believe the point of order is out of order. This is simply an additional requirement to become eligible for aid.

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

. . . [T]he amendment would delay the operation of the proposed legislation pending an unrelated contingency. Under a previous precedent of the House to be found in Cannon's Precedents, volume VIII, section 3037, a similar amendment was held not to be germane. The present occupant of the chair, following that precedent, sustains the point of order.

Bill Authorizing Radio Broadcasting to Cuba—Enactment of Law Authorizing Broadcasts to South Africa

§ 31.38 To a bill authorizing funds for one purpose, an amendment delaying the effectiveness of that authorization contingent upon Congressional action on an unrelated subject is not germane; thus, to a bill authorizing appropriations for radio broadcasting to Cuba, an amendment prohibiting use of those funds until the President proposes and Congress enacts a separate law authorizing radio broadcasts to South Africa for purposes of imparting information concerning conditions in that country was held to be not germane.

During consideration of H.R. 5427 in the Committee of the Whole on Aug. 10, 1987,[14] Chairman William R. Ratchford, of Connecticut, sustained a point of order against the following amendment:

MR. [MICKEY] LELAND [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Leland: Page 6, after line 17, insert the following:

"(2) The funds authorized in paragraph (1) shall not be appropriated by the Congress unless the President proposes and the Congress enacts legislation, subsequent to the enactment of the Radio Broadcasting to Cuba Act, which authorizes the Board to provide accurate information to the people of South Africa (through the use of radio broadcasting) regarding the existence of apartheid and oppression in South Africa.". . . .

MR. [DANTE B.] FASCELL [of Florida]: Mr. Chairman, I do insist on the point

13. Charles M. Price (Ill.).

14. 128 CONG. REC. 20256, 20257, 97th Cong. 2d Sess.

of order as being in violation under clause 7, rule XVI, as nongermane and has nothing to do with the subject matter of the bill. . . .

MR. LELAND: . . . Mr. Chairman, the amendment is germane for two reasons which I will explain.

H.R. 5427 contains two basic proposals, neither of which are specifically related to Cuba.

First, that the foreign policy of the United States seeks to guarantee the human rights of all persons as defined by the Universal Declaration of Human Rights, and in particular article 19 of that declaration. Article 19 says that it is the right of all persons to "seek, receive, and impart information and ideas through any media and regardless of frontiers." That this is the purpose of the bill is clearly stated in section 2 of H.R. 5427.

Second, that the Board for International Broadcasting (BIB), to carry out that purpose of our foreign policy, is authorized to "provide for the open communication of information and ideas through the use of radio broadcasting." This is clearly stated in section 3 of H.R. 5427, which is the operative clause of the bill. It is the BIB which is being instructed to carry out this part of our foreign policy.

My amendment is perfectly consistent with the operative clause of the bill (section 3), and with the broader foreign policy goals of the bill. Surely it is not the intention of the President and of the gentleman from Florida that article 19 of the Universal Declaration of Human Rights applies only to Cuba. . . .

MR. FASCELL: . . . The main purpose of this bill makes an amendment to the Board for International Broadcasting nothing else primarily, and the limitation on the policy findings are that it is to the people of Cuba and radio broadcasting to Cuba, and nothing else.

THE CHAIRMAN: The Chair is prepared to rule.

The point of order raised is on the issue of germaneness and the Chair is persuaded that in spite of the strong arguments from the gentleman from Florida, the amendment, as offered, is not germane.

Let the Chair cite from precedents specifically to a bill authorizing appropriation of funds, an amendment holding the authorization in abeyance pending an unrelated contingency is not germane.

This particular germaneness precedent in the 96th Congress related to the issue of whether or not there could be a condition on fuel assistance, that condition being awaiting the action of the passage of a windfall profit tax. In effect, tonight what the gentleman is attempting to do is condition funding of broadcasting to Cuba, on an unrelated contingency, which is broadcasting to South Africa and, therefore, the Chair is prepared to sustain the point of order as raised by the gentleman from Florida.

—Congressional Consideration of Balanced Budget Amendment to Constitution

§ 31.39 It is not germane as an amendment to render a measure contingent upon an unrelated Congressional action; thus, to a bill author-

izing appropriations for radio broadcasting to Cuba, an amendment prohibiting use of those funds until Congress has considered a constitutional amendment mandating a balanced budget was held to be nongermane, imposing an unrelated contingency requiring separate Congressional action on another subject.

On Aug. 10, 1982,[15] during consideration of H.R. 5427 in the Committee of the Whole, Chairman William R. Ratchford, of Connecticut, sustained 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 8, after line 12, insert the following new section:

Sec. 13. No funds appropriated or authorized under this act shall be expended in violation of section 7 of Public Law 95–435 or until both Houses of the United States Congress have considered an amendment to the United States Constitution mandating a balanced federal budget.

MR. [DANTE B.] FASCELL [of Florida]: Mr. Chairman, I raise a point of order against the amendment. . . . (T)he amendment is clearly not germane. . . .

MR. WALKER: Mr. Chairman, I think the amendment is entirely germane. All it is, is a limitation of funding under the bill. It simply says that the program could go ahead and be authorized but that the funding must be limited under the provisions of Public Law 94–435. So I think that this is an entirely appropriate limitation of funding. It does not in any way become nongermane to the bill. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The Chair has examined the amendment. The amendment clearly imposes a contingency, the contingency being further action by the Congress of the United States on another subject and, therefore, in violation of House precedents.

The Chair rules that the amendment is not in order.

Completion of Committee Investigations

§ 31.40 To a bill providing in part for marketing quotas for feed grains, an amendment proposing that provisions of the bill remain inoperative pending completion of certain committee investigations of alleged mismanagement of agricultural programs was held to be germane.

In the 87th Congress, during consideration of the Food and Agricultural Bill of 1962,[16] the fol-

15. 128 CONG. REC. 20250, 97th Cong. 2d Sess.

16. H.R. 11222 (Committee on Agriculture).

lowing amendment was offered:[17]

> Amendment offered by Mr. [Robert J.] Dole [of Kansas]: Page 15, line 17, immediately preceding the word "subtitle B" insert the following:
>
> Notwithstanding any other provision of law, all the provisions of this title IV shall remain inoperative until the completion of the investigation of the Billie Sol Estes case by the Subcommittee on Intergovernmental Relations of the House Committee on Government Operations and the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations and both such committees have filed the reports and recommendations on such investigation with the House of Representatives and the Senate respectively.

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

> MR. [ROSS] BASS [of Tennessee]: Mr. Chairman, I make a point of order against the amendment. It is not germane to the bill and deals with the activities of other departments and does not come within the purview of this bill.
>
> The Chairman[18] summarily overruled the point of order without explanation and without rebuttal.

Parliamentarian's Note: This ruling was improperly decided since nothing in the pending title of the bill involved congressional investigations or conditions, and since the contingency in the amendment required reports by committees not involved with the pending bill.

Removal of Secretary of State

§ 31.41 To the Selective Training and Service Act, an amendment providing that not more than one person may be inducted into the Armed Services under the provisions of the act so long as the President "retains Dean Acheson as Secretary of State" was held to be not germane.

The above ruling by Chairman Jere Cooper, of Tennessee, was made with respect to an amendment offered[19] by Mr. Ben F. Jensen, of Iowa, to a bill[20] comprising amendments to the Universal Military Training and Service Act.

Removal of Commissioner of Education

§ 31.42 To a bill authorizing funds for elementary and secondary education, an amendment providing that no funds shall be expended

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17. 108 CONG. REC. 11373, 87th Cong. 2d Sess., June 21, 1962.

18. Francis E. Walter (Pa.).

19. See 97 CONG. REC. 3904, 82d Cong. 1st Sess., Apr. 13, 1951.

20. S. 1–1951 (Committee on Armed Services).

thereunder "so long as the present . . . Commissioner of Education occupies that office" was held to be germane.

In the 89th Congress, during consideration of the Elementary and Secondary Education Act of 1966,[1] an amendment was offered[2] as described above. A point of order was raised against the amendment, as follows:

> MR. [CARL D.] PERKINS [of Kentucky]: . . . The amendment is not germane, because we are undertaking to invade the authority of the executive branch of this Government. The executive branch of this Government has the appointive power, not the legislative branch. Therefore, this amendment or proposal contravenes the law and Constitution, and it is not germane.

In defending the amendment, the proponent, Mr. Albert W. Watson, of South Carolina, stated:

> Certainly it is not uncommon . . . for the Congress to restrict the executive in the administration or implementation of pieces of legislation. . . . We are not attempting to remove the [Commissioner]. It would be up to the President to determine whether to do so or not.

The Chairman,[3] in ruling on the point of order, stated:

> The Chair is of the opinion that the amendment is germane to the bill, and overrules the point of order.

Restoration of Postal Service

§ 31.43 To a bill proposing to readjust postal rates, an amendment which would postpone the effective date of the provisions of the act until the restoration of postal service curtailed by previous orders of the Postmaster General was held not germane.

On Sept. 19, 1951, during consideration of a bill[4] to readjust postal rates, an amendment was offered as follows:[5]

> Amendment offered by Mr. Javits to the committee amendment: On page 26, line 8, strike out the period and insert a semicolon and the following: "*Provided however,* That the rates provided for in this act shall not take effect until the restoration of delivery and other essential postal services curtailed by the order of the Postmaster General, dated April 18, 1950."

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

> MR. [THOMAS J.] MURRAY [of Tennessee]: Mr. Chairman, I make a point

1. H.R. 13161 (Committee on Education and Labor).
2. 112 CONG. REC. 25583, 89th Cong. 2d Sess., Oct. 6, 1966.
3. Daniel D. Rostenkowski (Ill.).
4. H.R. 2982 (Committee on Post Office and Civil Service).
5. 97 CONG. REC. 11681, 82d Cong. 1st Sess.

of order against the amendment on the ground that it is not germane to the bill. The bill says nothing about deliveries. It only applies to postal rates. It is not germane, because in 8 Cannon's Precedents, section 3037, an amendment delaying operation of the proposed legislation pending an unrelated contingency was held not to be germane, and this relates to a very similar situation.

In defense of the amendment, the proponent stated as follows:[6]

MR. [JACOB K.] JAVITS [of New York]: Mr. Chairman, the amendment which I have proposed, if adopted, becomes a part of section 14 of the act against which all points of order have been waived by the rule which the House adopted.

This section already contains specific contingencies deferring the time of the effective date of the rate specified hereunder. One of those contingencies relates to all rates in the act, making them effective three calendar months following the calendar month in which enacted. The other relates to a special provision with relation to second-class-mail rates. I am attempting to defer the time when all rates specified under the act shall become effective until certain restoration of delivery and other essential services under the act. It seems to me that is another limitation upon the date specified when the rates shall take effect, and is therefore entirely in order.

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

. . . The Committee has before it a bill to adjust postal rates. The gentleman from New York [Mr. Javits] offers an amendment which would postpone the effective date of the provisions of the bill until the restoration of delivery or other essential postal services curtailed by previous orders of the Postmaster General. The bill affects rates only. The amendment seeks to affect the effective date of the provisions of the act by the happening of a future event.

First, the Chair desires to state with reference to the question of the rule under which the bill is being considered waiving points of order, that those points of order waived apply to the provisions in the bill alone and not to amendments offered from the floor.

The gentleman from Tennessee [Mr. Murray] has referred to the precedent in volume 8, Cannon's Precedents, section 3037, the syllabus of which reads:

> An amendment delaying operation of the proposed legislation pending an unrelated contingency was held not to be germane.

The Chair is of the opinion that the pending amendment is not germane, and sustains the point of order.

Opportunity To Use Milwaukee Port Facilities

§ 31.44 To a bill authorizing the Administrator of General Services to convey a certain parcel of land to the city of Milwaukee, an amendment proposing that such conveyance not be executed until Milwaukee declares it will

6. *Id.* at p. 11682.

7. Paul J. Kilday (Tex.).

provide opportunity for water transportation from other ports to enter to discharge and take on cargo at its port was held to be not germane.

In the 84th Congress, a bill[8] was under consideration to authorize the Administrator of the General Services Administration to convey certain land to the city of Milwaukee. Mr. Clare E. Hoffman, of Michigan, offered an amendment as described above.[9] The following proceedings then took place:[10]

THE SPEAKER:[11] The gentleman from Michigan is recognized for 5 minutes in support of his amendment.

MR. [HENRY S.] REUSS [of Wisconsin]: Mr. Speaker, I make the point of order that the amendment is not germane.

MR. HOFFMAN of Michigan: It certainly is.

MR. [HAROLD R.] GROSS [of Iowa]: Mr. Speaker, I make the point of order that the gentleman from Michigan was recognized before the point of order was raised.

THE SPEAKER: The gentleman had not begun his remarks. . . .

MR. REUSS: Mr. Speaker, I renew the point of order on the ground that the amendment is not germane.

THE SPEAKER: The amendment does apply to a different subject matter altogether and, therefore, the point of order is sustained.

§ 32. Amendments Providing for Restrictions or Limitations

Prohibition on Military Operations in North Vietnam

§ 32.1 To a bill authorizing supplemental appropriations for military procurement, research, and construction, an amendment declaring it to be the sense of Congress that none of the funds therein authorized shall be used to carry out military operations in North Vietnam was held to be a restriction on the authorizations contained in the bill and therefore germane.

In the 90th Congress, during consideration of supplemental military authorizations for fiscal 1967,[12] an amendment was offered[13] as stated above. A point of order was raised against the amendment, as follows:

MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Chairman, I make a

8. H.R. 6857 (Committee on Government Operations).
9. 101 CONG. REC. 12408, 84th Cong. 1st Sess., July 30, 1955.
10. *Id.* at pp. 12408, 12409.
11. Sam Rayburn (Tex.).
12. H.R. 4515 (Committee on Armed Services).
13. 113 CONG. REC. 5143, 90th Cong. 1st Sess., Mar. 2, 1967.