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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.

point of order against the amendment offered by the gentleman from California on the ground that the amendment is not germane. It is in the realm of policy.

The Chairman,[14] in ruling on the point of order, stated:

The Chair thinks the present amendment simply places a restriction on authorizations contained in this bill and relates only to the funds in this bill.

The Chair holds that the amendment is germane.[15]

Prohibition on Use of Funds to Relocate Vietnam War Evacuees in High Unemployment Areas

§ 32.2 To a substitute dealing with humanitarian and evacuation assistance to war victims of South Vietnam, an amendment prohibiting the use of such assistance to relocate or to create employment opportunities for evacuees in high unemployment areas in the United States was held to raise issues beyond the scope of the bill and was held to be not germane.

On Apr. 23, 1975,[16] during consideration of H.R. 6096,[17] in the Committee of the Whole, an amendment was offered to which a point of order was made and sustained. The proceedings were as follows:

MR. [WILLIAM] CLAY [of Missouri]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Clay to the amendment offered by Mr. Eckhardt, as a substitute for the amendment in the nature of a substitute offered by Mr. Edgar: Add a new section to the end of the bill which reads:

"No funds authorized under this act shall be used directly or indirectly to transport Vietnamese refugees to any congressional district or create employment opportunities in any congressional district where the unemployment rate exceeds the national unemployment rate as defined by the Bureau of Labor statistics of the United States Department of Labor.". . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I make a point of order against the amendment. It goes greatly beyond the scope of the bill and the amendment in the nature of a substitute. Nothing in the bill or

14. Daniel D. Rostenkowski (Ill.).

15. See § 4.32, supra, for discussion of another amendment, in the form of a statement of congressional policy, which was offered to the same bill and ruled out as not being within the jurisdiction of the committee reporting the bill.

16. 121 CONG. REC. 11512, 94th Cong. 1st Sess.

17. The Vietnam Humanitarian Assistance and Evacuation Act.

in the amendment in the nature of a substitute deals with the national unemployment rate. . . .

MR. CLAY: . . . The amendment simply imposes a condition that none of the money may be used, or a limitation on the way the money will be spent. I do not know how it goes beyond the scope of this bill or the amendment in the nature of a substitute.

THE CHAIRMAN:[18] The Chair is ready to rule. For the reasons stated by the gentleman from Pennsylvania (Mr. Morgan) and for the fact that the contingency set forth in the gentleman's amendment is not related to the purposes of the bill, the point of order is sustained.

Construction of Naval Ships To Be Postponed Pending Arms Limitation Conference

§ 32.3 To that paragraph of a naval authorization bill increasing the authorized tonnage of the Navy with respect to certain categories of vessels, an amendment providing that the construction of capital ships shall be postponed pending the call of a naval limitation of armament conference, and that such construction shall be governed by the results of the conference, was held germane.

In the 75th Congress, the Naval Authorization Bill of 1938[19] was under consideration, which provided in part:[20]

Be it enacted, etc., That in addition to the tonnages of the United States Navy as agreed upon and established by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, and as authorized by the act of March 27, 1934 (48 Stat. 503), as amended by the act of June 25, 1936 (49 Stat. 1926), the authorized composition of the United States Navy in under-age vessels is hereby increased by the following tonnages:

(a) Capital ships, 105,000 tons, making a total authorized under-age tonnage of 630,000 tons;

(b) Aircraft carriers, 30,000 tons, making a total authorized under-age tonnage of 165,000 tons. . . .

An amendment was offered[1] as described above. Mr. Carl Vinson, of Georgia, raising the point of order that the amendment "is not germane at this part of the bill," stated:

. . . This is a section dealing with categories of ships, whereas the amendment deals with a restriction with respect to when the ships shall be built.

The Chairman,[2] in ruling on the point of order, stated:

While it is true that in the committee amendment appearing at the top of page 7 there are provisions re-

18. Otis G. Pike (N.Y.).
19. H.R. 9218 (Committee on Naval Affairs).
20. See 83 CONG. REC. 3593, 75th Cong. 3d Sess., Mar. 17, 1938.
1. *Id.* at p. 3610.
2. John J. O'Connor (N.Y.).

ferring to some sort of a conference, at the same time the amendment . . . is a limitation. The place of its insertion in the bill does not go to its germaneness at this particular point, even though the amendment has some reference to another provision of the bill.

The amendment is therefore in order at this point as a limitation, and the Chair overrules the point of order.

Restrictions on Use of Margarine by Navy

§ 32.4 To a bill to amend the Navy Ration Statute to permit oleomargarine to be served to naval personnel, an amendment providing that no oleomargarine be acquired for use by the Navy when surplus butter stocks are available to the Navy through the Commodity Credit Corporation was held to be germane.

In the 85th Congress, a bill[3] was under consideration amending the Navy Ration Statute as indicated above. The following amendment was offered to the bill:[4]

Amendment offered by Mr. [Melvin R.] Laird [of Wisconsin]: Add the following new section:

Sec. 2. During any period when surplus butter stocks are available to the Navy through the Commodity Credit Corporation no oleomargarine or margarine shall be acquired for use by the Navy, or any branch or department thereof. . . .

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

MR. [PAUL J.] KILDAY [of Texas]: Mr. Chairman, the gentleman's amendment imposes additional duties upon the officers and expands on the purpose of the bill, which is of the single purpose to amend the Navy ration statute so as to permit the use of oleo or margarine, whereas the amendment offered imposes additional duties upon the officials of the Department in connection with the procurement of supplies.

The Chairman,[5] in ruling on the point of order, stated:

Under this amendment it is purely a limitation placed upon the Navy. Therefore, the point of order is overruled.[6]

Restrictions on Contributions to International Financial Organization

§ 32.5 To a bill continuing authority under existing law to make contributions to an international financial organization and authorizing ap-

3. H.R. 912 (Committee on Armed Services).
4. 104 CONG. REC. 6931, 85th Cong. 2d Sess., Apr. 22, 1958.
5. James W. Trimble (Ark.).
6. See § 8.30, supra, discussing a contrary ruling with respect to a similar but more broadly worded amendment.

propriations for those contributions, an amendment adding a further restriction on the use of United States contributions to those already contained in that law is germane.

On July 2, 1974,[7] during consideration of a bill continuing United States participation under the International Development Association Act, an amendment prohibiting the use of United States contributions as loans for the purchase of nuclear weapons or materials was held germane as a restriction on the use of loans by recipient nations which added to several restrictions already contained in the Act:

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 the International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

"Sec, 14. (a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association four annual installments of $375,000,000 each as the United States contribution to the Fourth Replenishment of the Resources of the Association.

"(b) In order to pay for the United States contribution, there is hereby authorized to be appropriated without fiscal year limitation four annual installments of $375,000,000 each for payment by the Secretary of the Treasury.".

THE CHAIRMAN:[8] Are there any amendments to this section? There being no amendments the Clerk will read.

The Clerk read as follows:

Sec. 2. Subsections 3 (b) and (c) of Public Law 93–110 (87 Stat. 352 are repealed and in lieu thereof add the following:

"(b) No rule, regulation, or order in effect on the date subsections (a) and (b) become effective may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad. . . .

MR. [MARIO] BIAGGI [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Biaggi: Page 2, immediately after line 9, insert the following new section:

Sec 2. The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 15. No moneys contributed by the United States to the Association may be loaned to, or utilized by, any country for the purpose of purchasing nuclear materials, or nuclear energy technology or for the purpose of developing nuclear explosive devices or nuclear weapons.". . .

MR. [HENRY S.] REUSS [of Wisconsin]: Mr. Chairman, I make the point of order against the amendment that it is not germane. It purports to amend subsections 3 (b) and (c) of Public Law 93–110 (87 Stat. 352). Public

7. 120 CONG. REC. 22026, 22028, 93d Cong. 2d Sess.

8. John Brademas (Ind.).

Law 93–110 is the Par Value Act which affected the gold value of the dollar. The amendment offered by the gentleman from New York (Mr. Biaggi) attempts to amend the International Development Association Act, this has to do with nuclear materials, it is, therefore, entirely nongermane to the act which it seeks to amend. . . .

MR. BIAGGI: . . . Mr. Chairman, my amendment simply seeks to add a new section to this bill, section 15. This section would condition any of the moneys to be spent in the event IDA is successful this afternoon, or any of the moneys to be loaned, and I use that as a euphemism because, in fact, it is an outright grant in its nature, and we have recognized it as such, and I do not think anyone thinks that we will ever have the money returned, but it represents a condition under which the money can be loaned.

The fact of the matter is, the money, if it is to be loaned, cannot be used to provide nuclear technology or nuclear material in any of the proposed countries, and it is my judgment that the appropriate manner in which to do that is to add an additional section, and we do that in my amendment by creating section 15.

THE CHAIRMAN: The Chair is prepared to rule on the point of order raised by the gentleman from Wisconsin (Mr. Reuss).

The bill is drafted as a continuation of the U.S. Governor's authority to agree to make U.S. money available to IDA under terms of the International Development Association Act. That statute already contains several restrictions on the Governor's authority to cast dissenting votes for loans to nations lacking certain qualifications. Therefore an amendment to further restrict the use of funds for loans under IDA, part of which are authorized by the bill, would be germane, and the point of order is overruled.[9]

Ratification of International Monetary Fund Articles—Prohibition Against Alienation of Gold to IMF Trust Fund and Other Parties

§ 32.6 While an amendment may be germane which limits for certain purposes the authorities granted in a bill, the amendment must be confined to the agencies, authority and funds addressed by the bill and may not be more comprehensive in scope; thus, to a bill amending the Bretton Woods Agreement Act to ratify proposed amendments to the International Monetary Fund Articles of Agreement, to approve an increase in the United States quota in the Fund and to authorize dealing in gold in connection with the Fund, an amendment prohibiting the alienation of gold to any IMF

9. In response to a further point of order, the Chair ruled that the Biaggi amendment came too late, because section 2 of the bill had already been read.

trust fund, to any other international organization or its agents, or to any person or organization acting as purchaser for any central bank or governmental institution was held not germane, being more general in scope.

On July 27, 1976,[10] the Committee of the Whole had under consideration H.R. 13955 (amending the Bretton Woods Agreement Act), when a point of order against the amendment described above was sustained.

Committee amendments: page 2, line 23, strike out "Sec. 3" and insert "Sec. 5".

Page 3, line 11, strike out "Sec. 4" and insert "Sec. 6".

Page 3, after line 12, insert the following:

Sec. 7. Section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(a)) is amended to read as follows:

"Sec. 10. (a) The Secretary of the Treasury, with the approval of the President, directly or through such agencies as he may designate, is authorized, for the account of the fund established in this section, to deal in gold and foreign exchange and such other instruments of credit and securities as he may deem necessary to and consistent with the United States obligations in the International Monetary Fund. The Secretary of the Treasury shall annually make a report on the operations of the fund to the President and to the Congress.". . .

MR. [RONALD E.] PAUL [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Paul: On page 5, add the following new section:

"Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States alienate any gold to any trust fund established by the Board of Governors of the International Monetary Fund, or to any other international organization or its agents, or to any person or organization acting as a purchaser on behalf of any central bank or governmental institution.". . .

MR. [THOMAS M.] REES [of California]: . . . The legislation before us is to provide for amendment of the Bretton Woods Agreements Act and only the Bretton Woods Agreements Act, and only those things in the U.S. statute that are directly thereto attached to the purpose of the Bretton Woods Agreements Act. This amendment is not limited to the International Monetary Fund because there is the language at about page 5 of the amendment, "or to any other international organization or its agents, or to any person or organization acting as a purchaser on behalf of any central bank or governmental institution."

It goes about 5 miles beyond the Bretton Woods Agreements Act. Mr. Chairman, I submit that the amendment is not germane. . . .

MR. [JOHN H.] ROUSSELOT [of California]: . . . Mr. Chairman, on page 18, Article 5, Section 12, of the Jamaican Agreements, which is something which we are partially ratifying with this leg-

10. 122 CONG. REC. 24040, 24041, 94th Cong. 2d Sess.

islation, it does refer to this special trust fund.

On page 18 of the communication sent to us from the Secretary of State it refers to this special trust fund and the conditions under which our governor and others will be expected to abide, and it is very much a part of what we are ratifying.

So I believe that it can be shown, because we are ratifying the Jamaica Agreements with this legislation, that in fact we are speaking and the gentleman from Texas is speaking to this issue and he wishes to put conditions on our Governor in this International Monetary Fund. . . .

THE CHAIRMAN:[11] The Chair is prepared to rule.

The gentleman from California makes the point of order that the amendment offered by the gentleman from Texas (Mr. Paul) is not germane to the bill H.R. 13955.

The bill has as its major purpose the ratification of proposed amendments to the International Monetary Fund Articles of Agreement, and to consent to an increase in the quota of the United States in the International Monetary Fund.

The amendment would prohibit the President or the Secretary of the Treasury from alienating or selling any gold to any trust fund established by the IMF or to any other international organization or its agents, or to any person or organization acting as a purchaser on behalf of any central bank or governmental institution, unless Congress authorizes such action by law.

While the Chair is not completely aware of the impact which the gentleman's amendment would have on international organizations other than the International Monetary Fund, it is apparent from the text of the amendment that it is far more comprehensive in scope than the bill to which offered. Since the amendment is not limited by its terms as a restriction upon U.S. authority to alienate gold to the IMF, the Chair holds that the amendment is not germane to H.R. 13955 and sustains the point of order.

11. Charles H. Wilson (Calif.).

Medical Facilities for Agency Employees—Prohibition on Performance of Abortions

§ 32.7 To a bill establishing a new Department of Education and authorizing the furnishing of medical services, supplies and facilities for employees of said department, an amendment prohibiting the use of such services to perform certain abortions was held germane as a restriction on use of authorized facilities.

During consideration of H.R. 2444[12] in the Committee of the Whole on July 11, 1979,[13] the Chair overruled a point of order against the amendment described above. The proceedings were as follows:

> Sec. 428. (a) The Secretary is authorized to provide, construct, or

12. The Department of Education Organization Act.

13. 125 CONG. REC. 18022, 18051, 18052, 96th Cong. 1st Sess.

maintain, as necessary and when not otherwise available, the following for employees and their dependents stationed at remote locations:

(1) emergency medical services and supplies;

(2) food and other subsistence supplies. . . .

(b) The furnishing of medical treatment under paragraph (1) of subsection (a) and the furnishing of services and supplies under paragraphs (2), (3), and (4) of subsection (a) shall be at prices reflecting reasonable value as determined by the Secretary. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ashbrook: On page 84, in line 6, strike out the semicolon and insert in its place: ", provided that such services and supplies shall not include any services or supplies for the performance of abortions, except where the life of the mother would be endangered if the fetus were carried to term;". . .

MR. [JACK] BROOKS [of Texas]: Mr. Chairman, I make a point of order against the amendment. . . .

This amendment is in the guise of a limitation on the authorization contained in section 436. It is, in effect, an amendment to repeal a statute not within the jurisdiction of the Committee on Government Operations. It would prevent the payment of salaries, prevent the execution of laws transferred by the bill to the new department. If you extend this concept, Mr. Chairman, it would certainly not be germane to this reorganization. It is expressly devoted to the preservation and reorganization of the educational institutions of this country.

Mr. Chairman, I think to allow this amendment would circumvent the authorities of other committees and would be certainly not germane in any shape, form or fashion to this legislation on reorganization. . . .

MR. ASHBROOK: . . . A clear reading of section 428 clearly indicates that the Secretary is authorized to provide services. Subparagraphs 1 through 7 clearly delineate these services. Emergency medical services and supplies, food and subsistence supplies, dining facilities, living and working quarters and facilities.

A reading of section 428 would seem to negate the entire argument of the able gentleman from Texas.

This section creates authority in a reorganization bill, authority for the Secretary to construct, maintain as necessary the following for employees and their dependents.

My amendment simply offers a limitation on one of these services that is established in section 428, and for that reason I would suggest it is clearly germane.

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

The Chair has examined section 428 and agrees that the section does provide for the furnishing of certain services.

Paragraph 1 does provide for the furnishing of emergency medical services and supplies to departmental employees.

The amendment of the gentleman from Ohio is limited to restricting such services and supplies for certain medical purposes and is germane to that section.

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14. Lucien N. Nedzi (Mich.).

Accordingly, the Chair overrules the point of order.

Provisions Permitting Use of Facilities of Department of Education—Restriction on Use by Certain Educational Institutions

§ 32.8 To a bill establishing a new Department of Education and authorizing the department to allow the use by public and private agencies of facilities maintained by the department at remote locations, an amendment prohibiting the use of such facilities by any higher education institution which uses mandatory student fees to perform certain abortions was held germane.

On July 11, 1979,[15] during consideration of H.R. 2444[16] in the Committee of the Whole, the Chair overruled a point of order against the amendment offered to the following section:

> Sec. 429. (a) With their consent, the Secretary may, with or without reimbursement, use the research, equipment, services, and facilities of any agency or instrumentality of the United States, of any State or political subdivision thereof, or of any foreign government, in carrying out any function vested in the Secretary or in the Department.
>
> (b) In carrying out his duties, the Secretary, under such terms, at such rates, and for such periods (not exceeding five years), as the Secretary may deem to be in the public interest, is authorized to permit the use by public and private agencies, corporations, associations, or other organizations, or by individuals of any real property, or any facility, structure, or other improvement thereon, acquired pursuant to sections 427 and 428, under the custody and control of the Secretary for Department purposes. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ashbrook: On page 85, in line 18, strike out the period and insert in its place: "; except that the Secretary may not permit such use by any institution of higher education which uses mandatory student fees to pay for the performance of abortions, except where the life of the mother would be endangered if the fetus were carried to term.".

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

I think this is a little different from the other. The other amendment offered by the gentleman from Ohio had to do with the services that were rendered or to be under the control of the Secretary with regard to employees at remote locations.

In this one, it seems to me that it is different. It seems to me that we are creating a new law. This is not under the jurisdiction of the Committee on Government Operations.

It is inappropriate for our committee to be acting on this. This is a reorga-

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15. 125 CONG. REC. 18022, 18052, 96th Cong. 1st Sess.

16. The Department of Education Organization Act.

nization plan. It seems to me we ought not to be legislating new law with regard to this section of the bill.

MR. ASHBROOK: . . . My colleague from New York is correct in one important instance. This is a different section; but a full reading of section 429, particularly lines 13 through 21, clearly indicate the Secretary may require permittees under this section to recondition or maintain to a satisfactory standard at their own expense the real property, facilities, structures, and improvements involved.

This is merely a limitation on the authorization the Secretary has to permit the use by public and private agencies of the facilities.

For the reasons indicated before on the previous point of order, it is also a limitation on a specific authority given to the Secretary and does not impose any new duties.

I suggest that it is germane for that reason.

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

The Chair concurs that section 429 involves or covers the use of facilities.

Pursuant to subparagraph (b) of that section, the Secretary is authorized to permit the use by public and private agencies of certain facilities under this statute, including facilities by its terms which are made available under sections 427 and 428 which could include medical facilities.

The amendment of the gentleman from Ohio seeks to limit that authorization by restricting the use of such facilities for certain medically related purposes.

Accordingly, the Chairman overrules the point of order.

Restrictions on Activities of State and Local Agencies Receiving Federal Funds

§ 32.9 To a proposition amending several laws providing federally funded assistance, an amendment restricting the activities of the state and local agencies which are the recipients of those funds and also providing a judicial remedy where the restrictions imposed upon those agencies are not complied with is germane.

The proceedings of Mar. 26, 1974, during consideration of H.R. 69, to amend and extend the Elementary and Secondary Education Act, are discussed in § 3.15, supra.

Limitation on Discretionary Authority of Federal Energy Administrator

§ 32.10 To a bill extending the Federal Energy Administration Act, including the Administrator's authority under that Act to conduct energy programs delegated to him, an amendment seeking to restrict the manner in which the Administrator was to submit energy action pro-

17. Lucien N. Nedzi (Mich.).

posals to Congress was held germane to the law being extended as a limitation on discretionary authority conferred in that law, and therefore germane to the bill.

On June 1, 1976,[18] during consideration of H.R. 12169 (Federal Energy Administration extension), it was held that to a bill continuing and reenacting an existing law, a germane amendment modifying the provisions of the law being extended was in order:

> The Clerk read as follows:
>
> Amendment offered by Mr. Eckhardt: Page 10, after line 4, insert the following:
>
> LIMITATION ON DISCRETION OF THE ADMINISTRATOR WITH RESPECT TO SUBMISSION OF ENERGY ACTIONS
>
> Sec. 3. Section 5 of the Federal Energy Administration Act of 1974 is amended by adding at the end thereof the following:
>
> "(c) The Administrator shall not exercise the discretion delegated to him pursuant to section 5(b) of the Emergency Petroleum Allocation Act of 1973 to submit to the Congress as one energy action any amendment under section 12 of the Emergency Petroleum Allocation Act of 1973 which exempts crude oil or any refined petroleum product or refined product category from both the allocation provisions and the pricing provisions of the regulation under section 4 of such Act.". . .
>
> MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I think at least two, and perhaps more, basic principles of germaneness make the Eckhardt amendment nongermane. The first one is this:
>
> The fundamental purpose of an amendment must be germane to the fundamental purpose of the bill (Cannon's Precedents, page 199).
>
> Mr. Chairman, the Dingell bill's fundamental purpose is to authorize appropriations to the Federal Energy Administration Act of 1974—section 1—and to extend the life of that Agency—section 2. These are the only two sections of the bill and the only fundamental purpose of the bill.
>
> Mr. Chairman, a bill amending several sections of an act does not necessarily bring the entire act under consideration so as to permit amendment to any portion of the act sought to be amended by the bill—Cannon's Precedents, page 201.
>
> The Dingell bill amends only two sections of the Federal Energy Administration Act, section 29, dealing with the authorization of appropriations, and section 30, dealing with the termination date of the act. The Eckhardt amendment does not apply to either one of these sections.
>
> Mr. Chairman, I would also like to cite from Deschler's Procedure 28, section 5.10 and section 5.11, as follows:
>
> An amendment repealing sections of existing law is not germane to a bill citing but not amending another section of that law, where the fundamental purposes of the bill and amendment are not related.
>
> Then I cite section 5.11, Mr. Chairman, which says the following:
>
> To a section of a committee amendment in the nature of a sub-

18. 122 CONG. REC. 16045, 16046, 94th Cong. 2d Sess.

> stitute having as its fundamental purpose the funding of urban highway transportation systems, an amendment broadening that section to include rail transportation within its ambit is not germane. . . .

. . . [T]he amendment is, in effect, a modification of the Energy Petroleum Allocation Act, as amended by the Federal Energy Policy and Conservation Act, rather than an amendment of the Federal Energy Administration Act, the only legislation touched by H.R. 12169. . . .

This is an amendment which directly modifies the provisions of section 12 of EPAA—added by EPCA—which provides in subsection (c)(1):

> Any such amendment which, with respect to a class of persons or class of transactions (including transactions with respect to any market level), exempts crude oil, residual fuel oil, or any refined petroleum product or refined product category from the provisions of the regulation under section 4(a) as such provisions pertain to either (A) the allocation of amounts of any such oil or product, or (B) the specification of price or the manner for determining the price of any such oil or product, or both of the matters described in subparagraphs (A) and (B), may take effect only pursuant to the provisions of this subsection. . . .

The effect of the Eckhardt amendment is to strike the words "or both" from section 12(c)(1) of EPAA. As such it is, in effect, an amendment to EPAA, not to the FEA Act under consideration here, and is therefore, nongermane. . . .

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, the purpose of the amendment is, as is stated, to limit the discretion of an administrator with respect to submission of energy actions. The Federal Energy Administration Act of 1974 provided that subject to the provisions of the procedures set forth in this act, the administrator shall be responsible for such actions as are taken by this office that adequate provision is made to meet the energy needs of the nation. To that end, they shall make such plans and direct and conduct such programs related to the production, conservation, use, control, distribution, rationing and allocation of all forms of energy as are appropriate in connection with only those authorities or functions—and then it lists them.

What the amendment does, it limits the discretionary authority of the administrator. The act itself creates the agency and gives general authority to the administrator. It is true, of course, that there are other acts that call for certain processes but these processes are conducted under the authority of the administration as described in the energy act.

The effect of this amendment is simply to require that the FEA submit to Congress, separate from other matters, the question of price decontrol. That is, it may not package in a single proposal to Congress both price decontrol and allocation decontrol. . . .

THE CHAIRMAN:[19] The Chair is ready to rule.

The gentleman from Ohio (Mr. Brown) makes a point of order against the amendment offered by the gentleman from Texas (Mr. Eckhardt) on the ground that it is not germane to the bill.

The amendment would amend section 5 of the Federal Energy Adminis-

19. William H. Natcher (Ky.).

tration Act to restrict the discretion of the Administrator in the method of submitting energy action proposals to Congress, a function delegated to him by the President under the Petroleum Allocation Act of 1973. Section 5 of the Federal Energy Administration Act directs the Administrator to prepare for and conduct programs for production, conservation, use, control, distribution, rationing, and allocation of energy in connection with authorities transferred to him by law or delegated to him by the President.

The amendment of the gentleman from Texas would place a specific restriction on the exercise of that discretion to perform functions under other laws.

On March 6, 1974, when the original Federal Energy Administration Act was being considered for amendment in the Committee of the Whole, an amendment was offered to section 5 of the bill, the section of the act presently in issue. The amendment would have prohibited the Administrator from setting ceiling prices on domestic crude oil above a certain level in the exercise of the authority transferred to him in the bill, and Chairman Flynt ruled that the amendment was germane as a limitation on the discretionary authority conferred on the Administrator in that section and as a limitation not directly amending another existing law.

For the reasons stated, the Chair finds that the amendment is germane to the bill under consideration and to the Federal Energy Administration Act which it extends, and overrules the point of order.

Development of Synthetic Fuels—Restriction on Contracts With Major Oil Companies

§ 32.11 To a bill authorizing appropriations and providing contracting authority, an amendment restricting the use of the authorization or contracting authority for the benefit of a certain class of recipients is germane; thus, to a bill authorizing appropriations to enter into contracts for the development of synthetic fuels, an amendment prohibiting the use of the funds authorized to enter into contracts with any major oil company was held germane.

During consideration of the Defense Production Act Amendments of 1979[20] in the Committee of the Whole on June 26, 1979,[1] Chairman Gerry E. Studds, of Massachusetts, held the following amendment germane:

> Amendment offered by Mr. Udall: On page 11, after line 2, insert the following:
>
> "(3) by inserting "(1)" before the first word of section (a) and by inserting the following after the last sentence.

20. H.R. 3930.

1. 125 CONG. REC. 16694–96, 96th Cong. 1st Sess.

"(2) No funds authorized in subparagraph (1) above to carry out the purposes of Sections 305(d)(3) and 305(d)(5) may be used to contract for the purchase or the commitment to purchase any amount of synthetic fuel or synthetic chemical feedstock with any major oil company. For the purposes of this section:

(A) The term 'major oil company' means any person, association, or corporation which, together with its affiliates, either produces or refines a daily world-wide volume of 1,600,000 barrels of crude oil, natural gas liquids equivalents, and natural gas equivalents. . . .

MR. [STEVE] SYMMS [of Idaho]: Mr. Chairman, according to rule XVI, clause 7—that is the germaneness rule of the House—one of the tests is the jurisdiction of the committee of jurisdiction. Certainly a bill of this nature which we are talking about, when we have sort of a divestiture of certain oil companies, legislation of this sort should come from the Committee on the Judiciary.

Second, the title of the bill is another test of jurisdiction. According to the title, this is a bill "to amend the Defense Production Act of 1950 to extend the authority granted by such act and to provide for the purchase of synthetic fuels and synthetic chemical feedstocks, and for other purposes."

Certainly that does not come under germaneness test and the defense title of the bill. If there is any purpose to this bill, it is to provide for the production because of defense purposes, and this is an attempt to interfere and stop a substantial section of our country from participating in the program.

So, Mr. Chairman, I think certainly under rule XVI, clause 7, my argument stands up. . . .

MR. [MORRIS K.] UDALL [of Arizona]: . . . The amendment is carefully drafted as a limitation on authorization. It says, "No funds authorized . . . to carry out the purposes of sections" so-and-so "may be used to contract for the purchase or the commitment to purchase any amount of synthetic fuel or synthetic chemical feedstock with any major oil company."

The amendment is clearly germane to the bill. . . .

MR. [BRUCE F.] VENTO [of Minnesota]: . . . Mr. Chairman, I rise to suggest that the point of order is not well taken. The provisions of this act that provide for an opportunity for Government-based cooperation provides for the limitation on the size of the contract in terms of 100-billion-a-day equivalent synthetic fuels. It has all sorts of parameters in the nature of purchases by contractors and the nature of the agreement. I think this is one further limitation that is in order in terms of this legislation. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The Chair cannot see any questions of germaneness raised by the amendment offered by the gentleman from Arizona (Mr. Udall). It appears to the Chair to be simply an additional restriction or condition on the contracting authority granted under this act and, therefore, to be germane.

The Chair overrules the point of order.

Transfer of Property to Provide Homeless Shelter—Restriction on Noncharitable Use of Property

§ 32.12 To a bill authorizing the transfer of Federal property to accomplish a particular purpose, an amendment rescinding the transfer if the use of the property is not consistent with that purpose (as defined in another law) is germane if that law refers to the same purpose covered by the bill; thus, to a bill providing for the transfer of a specified property in the District of Columbia solely for the purpose of providing shelter to homeless and to protect the public health, amended to include restrictions on liability and maintenance responsibilities, an amendment requiring reversion of the property if not used for that charitable purpose as defined under a provision of the Internal Revenue Code was held germane as a further restriction on the same use of the property.

During consideration of H.R. 4784 in the Committee of the Whole on June 5, 1986,[2] Chairman Pro Tempore John P. Murtha, of Pennsylvania, overruled a point of order against the amendment described above. The proceedings were as follows:

The Clerk read as follows:

H.R. 4784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall, within five days after the date of enactment of this Act, transfer jurisdiction over the property located at 425 Second Street, Northwest, in the District of Columbia, to the municipal government of the District of Columbia in accordance with section 1 of the Act of May 20, 1932 (40 U.S.C. 122), other than the first proviso of such section, solely for purposes of administration and maintenance of such property for providing shelter and related services to homeless individuals in the District of Columbia and for other use in the protection of the public health. . . .

THE CHAIRMAN PRO TEMPORE: The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: At the end of the bill add the following new section:

Sec. 2. Upon the transfer of jurisdiction pursuant to the first section of this Act, the Federal Government (1) shall not be liable for injuries or damages that occur while the property is under the jurisdiction of the municipal government of the District of Columbia and that arise out of the operation, maintenance, repair, renovation, reconstruction, or other capital improvement of that property by such municipal government; and (2)

2. 132 CONG. REC. 12592–94, 99th Cong. 2d Sess.

shall not be responsible for the operation, maintenance, repair, renovation, reconstruction, or other capital improvement of that property while the property is under the jurisdiction of such municipal government. Nothing in this section shall be deemed to prohibit the Federal Government from funding the renovation of the property. . . .

The committee amendment was agreed to. . . .

MR. [JOSEPH J.] DIOGUARDI [of New York]: Mr. Chairman, I offer an amendment. ;

The Clerk read as follows:

Amendment offered by Mr. DioGuardi. At the end of the bill add the following new section:

Sec. 4. (a) If any organization selected by the municipal government of the District of Columbia to administer such property as a shelter for homeless individuals uses such property in a manner that would cause a charitable organization as described in section 501(c)(3) of the Internal Revenue Code of 1954 to lose its tax exempt status under section 501(a) of the Internal Revenue Code of 1954—

(1) the property shall be considered to have ceased being used for the purposes described in the first section of this Act; and

(2) jurisdiction over such property shall revert to the United States. . . .

MR. [THEODORE S.] WEISS [of New York]: Mr. Chairman, the amendment offered by the gentleman from New York is not germane to H.R. 4784. It places restrictions on the use of the building in question that are not within the jurisdiction of the Government Operations Committee, have nothing to do with the transfer of Federal property, which this bill addresses, and is otherwise in violation of rule XVI. . . .

THE CHAIRMAN PRO TEMPORE: . . . The Chair agrees with the gentleman from New York that this amendment merely places additional restrictions on the use of the property covered by this bill in addition to those other restrictions which are already in the bill. So the Chair thinks the amendment is germane and overrules the point of order.

Juvenile Delinquency Control Act—Limitation on Assistance to Projects in District of Columbia

§ 32.13 To a bill authorizing federal assistance on the city, state, and national levels for projects designed to prevent juvenile delinquency, an amendment to limit the federal assistance to projects within the District of Columbia was held to be germane.

In the 87th Congress, during consideration of the Juvenile Delinquency Control Act of 1961,[3] an amendment was offered[4] as described above. A point of order was raised against the amendment, as follows:

MR. [JAMES] ROOSEVELT [of California]: Mr. Chairman, I make the point of order on the ground that if

3. H.R. 8028 (Committee on Education and Labor).

4. 107 CONG. REC. 17612, 87th Cong. 1st Sess., Aug. 30, 1961.

this amendment is in order it would take the legislation completely out of the jurisdiction of the Committee on Education and Labor and transfer it to the Committee on the District of Columbia and, therefore, would completely change the character of the bill.

The Chairman,[5] in ruling on the point of order, stated:[6]

In the opinion of the Chair, the amendment offered is clearly a limitation and actually confines the activity, and for that reason the amendment is germane and the point of order is overruled.

Restrictions on Subsidies to Copper Producers

§ 32.14 To a bill authorizing funds for stabilizing production of copper, lead, and certain other commodities through subsidies to domestic producers, an amendment prohibiting subsidy payments to any producer who declares a dividend or transfers funds to a surplus account was held to be germane.

In the 85th Congress, a bill[7] was under consideration which sought to stabilize production of copper, lead, zinc, acid-grade fluorspar, and tungsten from domestic mines. The following exchange[8] concerned a point of order raised by Mr. John J. Rhodes, of Arizona, against the amendment, which had been offered by Mr. John James Flynt, Jr., of Georgia:

MR. RHODES [of Arizona]: Mr. Chairman, the amendment is not germane to the bill. . . .

MR. FLYNT: Mr. Chairman, may I say that the amendment is as germane to the bill as the provision in the bill which precedes the point at which the amendment is offered, providing a time limit on the disbursement of payments under the act. My amendment would simply provide and place a limitation on eligible producers who can participate under the proceeds of the act. . . .

The Chairman,[9] without elaboration, overruled the point of order.

Certain Panama Canal Employees Required To Be American Citizens

§ 32.15 To an amendment relating to compensation of employees on the Panama Canal and authorizing, under certain conditions, engagement of persons having specified qualifications, an amendment requiring that des-

5. Francis E. Walter (Pa.).
6. 107 CONG. REC. 17613, 87th Cong. 1st Sess., Aug. 30, 1961.
7. S. 4036 (Committee on Interior and Insular Affairs).
8. 104 CONG. REC. 18960, 85th Cong. 2d Sess., Aug. 21, 1958.
9. Joseph L. Evins (Tenn.).

ignated classes of employees be American citizens was held germane.

In the 76th Congress, a bill[10] was under consideration which stated in part:[11]

> Be it enacted, etc., That the improvement and enlargement of the capacity of the Panama Canal . . . is hereby authorized to be prosecuted by the Governor of the Panama Canal. . . . For the purposes aforesaid, the Governor of the Panama Canal is authorized to employ such persons as he may deem necessary and to fix their compensation without regard to any other law affecting such compensation, to authorize the making of any contracts . . . deemed necessary for the prosecution of the work herein authorized . . . and in general to do all things proper and necessary to insure the prompt and efficient completion of the work herein authorized.

The following committee amendment was offered:[12]

> Committee amendment offered by Mr. Bland: Page 2, line 9, insert after the word "authorized", the letter "a" in parentheses, strike out the word "with" on line 10 and all of lines 11, 12, 13, 14, and 15, insert a colon and the following: "*Provided*, That the compensation of such persons shall not be lower than the compensation paid for the same or similar services to other employees of the Panama Canal: . . . [and] That the Governor of the Panama Canal, with the approval of the Secretary of War, is authorized to engage, under agreement, when deemed necessary, expert assistance in the various arts and sciences upon terms and rates of compensation for services and incidental expenses in excess of the maximum compensation provided by law for employees of the Panama Canal. . . ."

To such amendment, an amendment was offered which provided:[13]

> Amendment offered by Mr. [Joe] Starnes of Alabama to the committee amendment: On page 1, line 3, after the word "Canal" strike out the colon and insert a comma and the following: "and all such persons occupying skilled, technical, clerical, administrative, and supervisory positions shall be citizens of the United States."

Mr. Schuyler Otis Bland, of Virginia, raised the point of order that the amendment was not germane. The Speaker,[14] in ruling on the point of order, stated:

> . . . . From a . . . hurried reading of the committee amendment it appears that the first part of that proviso deals with the compensation of such persons; that is, persons who may be employed on the Canal. As the Chair reads the amendment offered by the gentleman from Alabama, it is a limitation upon the nature and character of such employees. The Chair is, therefore, of the

10. H.R. 5129 (Committee on Merchant Marine and Fisheries).

11. See 84 CONG. REC. 10725, 76th Cong. 1st Sess., Aug. 1, 1939.

12. *Id.* at pp. 10725, 10726.

13. *Id.* at p. 10728.

14. William B. Bankhead (Ala.)

opinion that the amendment is germane to the committee amendment, and overrules the point of order.

More Limited Treatment of Subject of Bill: Variances in Permitted Levels of Concentration of Pollutants

§ 32.16 For an amendment to the Clean Air Act authorizing state governors to permit variances affecting permitted levels in concentration of two pollutants from stationary sources in two classes of areas, a substitute authorizing governors to permit increases in concentration of one of those pollutants in one class of areas was held germane as a more limited approach to the subject treated in the amendment.

During consideration of H.R. 6161[15] in the Committee of the Whole, it was demonstrated that for an amendment changing certain language in a pending section, a substitute changing that text and also additional language in the section may be germane if it has the effect of dealing with the same subject in a related and more limited way, when a point of order against the amendment described above was overruled. The proceedings of May 25, 1977,[16] were as follows:

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 296, strike out lines 4 through 23 and insert in lieu thereof the following:

"(c)(1) Each applicable implementation plan shall contain an area classification plan based on maximum allowable increases in ambient concentrations of, and maximum allowable levels of ambient concentrations of, sulfur dioxide and particulate matter, in the case of increases based on concentrations permitted under national ambient air quality standards for any period of twenty-four hours or less, such regulations shall provide that the Governor of the State may, upon application of any person and after notice and opportunity for hearing, permit the maximum allowable increases specified for each pollutant to be exceeded during five percent of the hours of the year with respect to such pollutant in Class I and Class II areas. . . .

MR. [K. GUNN] MCKAY [of Utah]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. McKay as a substitute for the amendment offered by Mr. Breaux: Strike out the text of the Breaux amendment and insert in lieu thereof the following:

"(c)(1) Except as may otherwise be permitted under subsection (d) in the case of air pollutants other than sulfur oxides and particulates, each applicable implementation plan shall

15. The Clean Air Act Amendments of 1977.

16. 123 CONG. REC. 16648, 16652, 16653, 95th Cong. 1st Sess.

contain an area classification plan based on maximum allowable increases in ambient concentrations of, and maximum allowable levels of ambient concentrations of, any air pollutant for which a national ambient air quality standard is established. In the case of an increase based on concentrations permitted under national ambient air quality standards for any period of twenty-four hours or less, such regulations shall permit such limitations to be exceeded during one such period per year and, in addition, in the case of the maximum allowable increase of sulfur dioxide for the three-hour period of exposure, a class II increment variance may be granted as provided in section 162. Such classification plan shall apply to all areas in each State where the national primary and secondary ambient air quality standards for any air pollutant are not being exceeded. Such classification plan shall provide for designation of all such areas as either class I, class II, or class III as to each such pollutant. Until such designation is effective, all such areas shall be deemed to have been designated as class II, except as may be otherwise provided under paragraph (3)(B). . . .

MR. BREAUX: Mr. Chairman, I make a point of order against the amendment offered as a substitute for the amendment. . . .

Mr. Chairman, I have discussed this amendment with the author of the amendment, the gentleman from Utah (Mr. McKay), and I think the amendment should be offered. However, I do not think it should be offered as a substitute for the particular amendment that is now pending:

The reason is, No. 1, that I think the amendment offered by the gentleman from Utah (Mr. McKay) goes considerably farther in bringing in other sections of the act that is before us than does my amendment.

My amendment does not speak to any duties or obligations of the Administration of EPA. It does not put any authority on or require the Federal land manager to take any steps or actions in this 5-percent exception that my amendment provides for.

My amendment regulates class I in two areas. The amendment offered by the gentleman from Utah (Mr. McKay) only talks to class II areas.

My amendment regulates and pertains to two potential pollutants, SO_2 and particulates. The gentleman's amendment, as I understand it, only relates to particulates.

While the amendment offered by the gentleman from Utah (Mr. McKay) may be proper at some other point in this particular legislation, I would object to his offering it at this point because it is not germane and because it goes considerably farther than does the pending amendment . . .

MR. MCKAY: Mr. Chairman, I think what the gentleman from Louisiana (Mr. Breaux) seeks to do is also what I seek to do in many respects, except that my amendment merely narrows what he is trying to do. It only deals with one pollutant, SO_2, as the gentleman has indicated. It does not violate the principle or the intent of the act here proposed.

So, Mr. Chairman, I think this is just a narrowing of the language and becomes very valid in connection with the amendment . . .

MR. [PAUL G.] ROGERS [of Florida]: . . . Mr. Chairman, both of the amendments to section 108 concern the same issues. They go to the increments and

variances, and I think the amendment offered by the gentleman from Utah (Mr. McKay) is very much in order as a substitute.

THE CHAIRMAN PRO TEMPORE:[17] The Chair has heard and considered the point of order and the arguments in support of and in opposition thereto and will now rule.

The McKay amendment is germane as a substitute for the Breaux amendment. The McKay amendment deals with the same subject of variances for sulfur dioxide pollutants. The Breaux amendment is broader insofar as it affects particulate matter pollutants as well as sulfur dioxide. The McKay substitute, while technically containing more language inserted at another place in section 108, nevertheless deals with the same subject in a more limited way.

The point of order is overruled.

Amendment in Guise of Limitation

§ 32.17 A different subject from that under consideration may not be proposed in the guise of a limitation; thus, to propose an amendment in the mere form of a limitation does not make the amendment germane.[18]

17. George E. Danielson (Calif.).
18. See Sec. 31.35, supra.

§ 33.—Amendments Affecting Powers Delegated in Bill

To a provision delegating certain powers, a proposal to limit such powers is germane.[19] For example, a proposal to grant the President certain discretionary authority can be amended by a provision limiting such authority.[20] And where a bill continues the authority of an official to set maximum interest rates on loans, an amendment placing a limit on such authority is germane.[1]

Authority of President To Enter Foreign-Trade Agreements .

§ 33.1 To a bill extending the period during which the President is authorized to enter into foreign-trade agreements, an amendment providing that no such agreements shall become effective until approved by Congress (but not changing the rules of the House) was held to be germane.

19. See Sec. 33.22, 33.32, infra.
20. See Sec. 33.1, 33.7, infra.
1. See Sec. 33.28, infra.