THE CHAIRMAN:[17] I will say to the gentleman from Indiana that is not a substitute for the Jensen amendment. The Jensen amendment applied only to the section at the bottom of page 6 of the bill.

MR. HARNESS of Indiana: It is the same section that I am striking out by my amendment.

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, I make a point of order against the substitute amendment.

THE CHAIRMAN: The gentleman may offer his amendment after the Jensen amendment is disposed of. . . .

MR. HARNESS of Indiana: Mr. Chairman, the Jensen amendment proposes to strike out, beginning on page 6, line 11, all of that section down to line 25 and add the word "a." My amendment strikes out that same section and also provides for the repeal of the same section which is in the 1939 act.

THE CHAIRMAN: The Chair must hold that the amendment is not germane to the Jensen amendment. The gentleman's amendment can be offered after the Jensen amendment is disposed of.

§ 37. Amendments to Bills Which Repeal Existing Law

To a bill repealing several sections of an existing law, an amendment proposing to repeal the entire law may be germane.[18]

Where a bill repeals a provision of law, an amendment modifying that provision rather than repealing it may be germane; but the modification must relate to the provision of law being repealed.[19] Thus, where a bill seeks to repeal a provision of existing law, an amendment proposing modification of that law may be held germane[20] or not germane,[1] depending on whether the amendment relates specifically to the fundamental purpose of the bill and to the provision of law being repealed by the bill.

To a bill consisting of two sections, the first stating the title of the bill, the second repealing a narrow provision of an existing act, an amendment inserting a statement of congressional policy applicable not only to the pending bill but to the administration of the whole act is not germane.[2]

National Labor Relations Act

§ 37.1 To a bill repealing a provision of existing labor law, thereby depriving the states of the power to prohibit "closed shop contracts," an amendment modifying the provision of law, to permit

17. George A. Dondero (Mich.).
18. See § 37.4, infra.
19. See § 37.8, infra.
20. See § 37.13, infra.
1. See §§ 37.1, 37.2, 41.1–41.4, infra.
2. See § 37.9, infra.

states to retain the power to bar the application of "closed shop" agreements to veterans of military service, was ruled out as not germane.

The following proceedings took place on July 28, 1965,[3] during consideration of a bill[4] repealing portions of the National Labor Relations Act as described above:

The Clerk read as follows:

Amendment offered by Mr. Findley: Page 1, line 4 strike the word "repealed" and insert the following: "amended to read as follows:

"With respect to any individual who has served the United States on active military duty during wartime or during the Korean or Vietnam conflicts, nothing in this act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law."

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, I make a point of order against the amendment that it is not germane.

The Chairman (Mr. Leo O'Brien [of New York]): The gentleman from New York makes the point of order that the amendment is not germane, and the Chair must rule that it is not germane.

MR. [PAUL] FINDLEY [of Illinois]: May I be heard on the point of order? . . . I was on my feet seeking recognition.

THE CHAIRMAN: The gentleman may proceed.

MR. FINDLEY: Mr. Chairman, the amendment just read deals only with the language of 14(b); in fact, the amendment contains the exact language of 14(b) with a very simple but clear limitation. . . .

THE CHAIRMAN: The Chair has ruled that the amendment offered by the gentleman from Illinois is not germane.

§ 37.2 To a bill repealing a provision of existing labor law, thereby depriving the states of the power to prohibit "closed shops," an amendment permitting the states to retain the power to prohibit such shops but authorizing labor organizations to enter into agreements requiring nonunion members to pay an agency fee for collective bargaining representation, was held not to be germane.

In the 89th Congress, a bill[5] was under consideration repealing portions of the National Labor Relations Act as described above.

3. See 111 CONG. REC. 18636, 89th Cong. 1st Sess.

For other important rulings on the germaneness of amendments offered during consideration of this bill, see §§ 41.1–41.4, infra.

4. H.R. 77 (Committee on Education and Labor).

5. H.R. 77 (Committee on Education and Labor).

The following amendment was offered to the bill: (6)

> Amendment offered by Mr. [Charles McC.] Mathias [Jr., of Maryland]: On page 1, lines 3 and 4, strike out lines 3 and 4 and in lieu thereof insert: "Subsection (b) of Section 14 of the National Labor Relations Act is amended to read as follows:
>
> > "(b) Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or territory in which such execution or application is prohibited by State or Territorial law. The Act, however, does authorize the execution or application of agreements requiring all members of a collective bargaining unit to pay in equal proportion for the services rendered by a certified collective bargaining agent."

Mr. Adam C. Powell, Jr., of New York, made a point of order against the amendment as not germane. In defense of the amendment, the proponent stated:

> . . . [The amendment] is so intimately connected with the right-to-work issue that it meets the objections to the repeal of 14(b) and yet obtains the objectives of the repeal of 14(b). . . .

Mr. James G. O'Hara, of Michigan, also speaking on the point of order, stated:

> . . . The amendment offered by the gentleman from Maryland attempts to amend the section that deals with right-to-work laws by adding an amendment having to do with what the gentleman termed "the agency shop." Agency shop arrangements or provisions are in nowise affected by H.R. 77, the bill before us. I contend, therefore, that the amendment is not germane to the bill.

The Chairman (7) ruled without elaboration that the amendment was not germane.

Parliamentarian's Note: The Chair ruled on the germaneness of six amendments to this bill. In four of the rulings, carried in §§ 41.1 through 41.4, infra, the amendments ruled nongermane clearly raised issues beyond the narrow purpose of the bill and affected other portions of the law in question. In the two rulings cited above, the amendments were drafted as limitations or exceptions from the repeal in question, in order to preserve to the states authorities to ban certain closed shop agreements involving particular employees or permit alternative "agency" shop agreements under certain circumstances. Because the fundamental purpose of the bill was to achieve a uniform federal law prohibiting the states from barring "closed shops," amendments which deviated from

6. 111 CONG. REC. 18637, 89th Cong. 1st Sess., July 28, 1965.

For other important rulings on the germaneness of amendments offered during consideration of this bill, see §§ 41.1–41.4, infra.

7. Leo W. O'Brien (N.Y.).

that purpose and related instead to the coverage of certain classes of employees under that and other sections of the law were held not germane.

Neutrality Act

§ 37.3 To a bill seeking to repeal a portion of the Neutrality Act for purposes of permitting the President to arm American vessels, an amendment relating to insurance for certain persons on military duty was held not germane.

In the 77th Congress, a bill[8] was under consideration which stated:[9]

> *Resolved, etc.*, That section 6 of the Neutrality Act of 1939 (relating to the arming of American vessels) is hereby repealed; and, during the unlimited national emergency proclaimed by the President on May 27, 1941, the President is authorized, through such agency as he may designate, to arm, or to permit or cause to be armed, any American vessel as defined in such act. . . .

The following amendment was offered:

> Amendment offered by Mr. [Edouard V.M.] Izac [of California]: In line 11, after period, add the following: "For life insurance protection to the families of armed guard detachments detailed as guns' crews on American vessels so armed, all personnel on active duty in the Navy, Marine Corps, and Coast Guard . . . shall be granted insurance under sections 602 (a), (b), (c), and (d) of the National Service Life Insurance Act of 1940. . . ."

The Chairman,[10] ruling on a point of order raised by Mr. Sol Bloom, of New York, stated:[11]

> The Chair has examined the amendment. It relates to a provision for insurance for men who arm these vessels, a provision fairly within the jurisdiction of committees other than the Foreign Affairs Committee. Unquestionably the amendment is not germane to this resolution and the Chair, therefore, sustains the point of order.

§ 37.4 To a joint resolution repealing several sections of an existing neutrality law, an amendment in the nature of a substitute proposing to repeal the entire law was held germane.

In the 76th Congress, a joint resolution[12] was under consideration which stated in part:[13]

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8. H.J. Res. 237 (Committee on Foreign Affairs).

9. See 87 CONG. REC. 8026, 77th Cong. 1st Sess., Oct. 17, 1941.

10. Clifton A. Woodrum (Va.).

11. 87 CONG. REC. 8027, 77th Cong. 1st Sess., Oct. 17, 1941.

12. H.J. Res. 306 (Committee on Foreign Affairs).

13. See 84 CONG. REC. 8282, 76th Cong. 1st Sess., June 29, 1939.

PROCLAMATION OF A STATE OF WAR BETWEEN FOREIGN STATES

Section 1. (a) That whenever the President shall find that there exists a state of war between foreign states, and that such war endangers the lives of citizens of the United States and threatens the peace of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

(b) Whenever the conditions which have caused the President to issue any proclamation under the authority of this section have ceased to exist, he shall revoke the same.

A later section of the bill, Section 15, referred to by Mr. Fish in his point of order against the amendment offered here, stated:

Sec. 15. The act of August 31, 1935 (Public Res. No. 67, 74th Cong.), as amended by the act of February 29, 1936 (Public Res. No. 74, 74th Cong.), and the act of May 1, 1937 (Public Res. No. 27, 75th Cong.), and the act of January 8, 1937 (Public Res. No. 1, 75th Cong.), are hereby repealed.

Section 15 was modified by a committee amendment subsequently agreed to on June 30.[14]

The following amendment was offered:[15]

Amendment offered by Mr. [Robert G.] Allen of Pennsylvania: Page 2, line 1, strike out all of section 1 and insert in lieu thereof the following as a substitute for the joint resolution:

REPEAL OF NEUTRALITY ACTS OF 1935, 1936, 1937

The act of August 31, 1935 (Public Res. No. 67, 74th Cong.), as amended by the act of February 29, 1936 (Public Res. No. 74, 74th Cong.), and the act of May 1, 1937 (Public Res. No. 27, 75th Cong.), and the act of January 8, 1937 (Public Res. No. 1, 75th Cong.), are hereby repealed.

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

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Chairman, it seems to me this amendment is not germane to section 1 but would be germane to section 15, now called section 16, on page 15, the repeal of the acts of 1935, 1936, 1937. . . . It seems to me there is but one place for [the amendment] and that would be that section of the bill where reference is made to the specific laws that are repealed. There is no reference to any of these laws in the first section of the bill.

The Chairman,[16] in ruling on the point of order, stated:

The Chair is of the opinion that the amendment is clearly germane to the pending resolution, because the pending resolution contains a section repealing certain provisions of existing neutrality laws. The amendment offered by the gentleman from Pennsylvania seeks to repeal the neutrality law. The amendment is, therefore, germane. As to the point of order made by

14. See 84 CONG. REC. 8501, 8502, 76th Cong. 1st Sess.

15. *Id.* at p. 8288.

16. Jere Cooper (Tenn.).

the gentleman from New York that it is not germane to the section the Chair invites attention to section 2905 of volume VIII of Cannon's Precedents of the House which state:

> A substitute for an entire bill may be offered only after the first paragraph has been read or after the reading of the bill for amendment has been concluded.

The Chair is of opinion, in keeping with the precedent to which attention has been invited, that the amendment offered by the gentleman from Pennsylvania is in order at this point.

Parliamentarian's Note: The Chair properly treated the Allen amendment as "in the nature of a substitute" for the entire joint resolution, since it substituted language for the entire text, although not drafted to "strike out all after the resolving clause and insert. . . ."

§ 37.5 To a proposition to repeal the neutrality laws, a substitute amendment expressing the sense of Congress that the world "be put on notice" that Congress would not declare war except in certain situations involving the safety of the United States was held not to be germane.

In the 76th Congress, during consideration of the Neutrality Act of 1939,[17] an amendment was offered, as follows:[18]

> MR. [MARTIN J.] KENNEDY [of New York]: Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Pennsylvania.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Martin J. Kennedy: On page 2, line 1, after the enacting clause strike out all of the language of the resolution down through and including section 14, and insert the following: . . .
>
> > Whereas under the Constitution the Congress of the United States has the sole power to declare war; and
> >
> > Whereas the neutrality law has come to a termination: Therefore be it
> >
> > *Resolved by the House of Representatives (the Senate concurring),* That it is the sense of the Congress. . . that the entire world be put on notice that the Congress. . . will not declare war on any country unless our own safety is directly. . . involved by a hostile force or by an actual violation of international law which endangers the safety of our country. . . .

Mr. Luther A. Johnson, of Texas, made the point of order that the amendment was not germane. The Chairman[19] sustained the point of order, relying in part on the rule that a preamble can

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17. H.J. Res. 306 (Committee on Foreign Affairs). For further description of the joint resolution, see Sec. 37.4, supra.

18. 84 CONG. REC. 8294, 76th Cong. 1st Sess., June 29, 1939.

19. Jere Cooper (Tenn.).

be in order only after the body of a bill or joint resolution has been perfected. The Chairman further stated that, "the resolving clause contained in the amendment offered by [Mr. Kennedy] is not germane to the [pending amendment to the] joint resolution. . . ." (20)

Chinese Exclusion Acts

§ 37.6 To a bill seeking the repeal of Chinese Exclusion Acts, an amendment relating to immigration generally was held not germane.

In the 78th Congress, during consideration of a bill (1) to repeal the Chinese Exclusion Acts, the following amendment was offered: (2)

> Amendment offered by Mr. [A. Leonard] Allen of Louisiana: Page 4, after line 4, add a new section, to read as follows:
>
> Sec. 4. That, beginning with the end of hostilities of the present war, no immigrant (as defined in sec. 203, title 8, U.S.C.) shall be admitted into the United States during any calendar year until the number of unemployed persons, including United States war veterans, within the United States, is less than 1,000,000. . . .

Mr. Thomas E. Scanlon, of Pennsylvania, made a point of order against the amendment on the ground that it was not germane to the bill. The point of order having been conceded,(3) the Chairman (4) sustained the point of order.

Bill Repealing Narrow Subsection of Selective Service Act—Amendment Proposing Comprehensive Revision of Law

§ 37.7 To a bill repealing one narrow subsection of existing law, an amendment proposing a comprehensive revision of the whole law in question was conceded not to be germane and was ruled out on a point of order.

In the 91st Congress, a bill (5) was under consideration which stated: (6)

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Selective Service Amendment Act of 1969."

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20. 84 CONG. REC. 8295, 76th Cong. 1st Sess., June 29, 1939.

1. H.R. 3070 (Committee on Immigration and Naturalization).

2. 89 CONG. REC. 8633, 78th Cong. 1st Sess., Oct. 21, 1943.

3. *Id.* at p. 8635.

4. Emmet O'Neal (Ky.).

5. H.R. 14001 (Committee on Armed Services), amending the Selective Service Act.

6. 115 CONG. REC. 32464, 91st Cong. 1st Sess., Oct. 30, 1969.

Sec. 2, Section 5(a)(2) of the Military Selective Service Act of 1967 (50 App. U.S.C. 455(a)(2)) is hereby repealed.

The following amendment was offered to the bill:

Amendment offered by Mr. [Richard H.] Ichord [II, of Missouri]: Strike out all after the enacting clause and insert the following: . . .

Sec. 2. (a) Section 5 of the Military Selective Service Act of 1967 (50 App. U.S.C. 455) is amended by striking out subsection (a), by redesignating subsections (b) and (c) as subsections (g) and (h), respectively, and by inserting immediately before subsection (g) (as so redesignated) the following new subsections: . . .

(b) The order of induction of registrants found qualified for induction shall be determined as follows:

(1) Selection of persons for induction to meet the military manpower needs shall be made from persons in the prime selection group, after the selection of delinquents and volunteers.

(2) The term "prime selection group" means persons who are liable for training and service under this title, and who at the time of selection are registered and classified and are nineteen years of age and not deferred or exempted. . . .

Sec. 3. (a) Subsection (h)(1) of section 6 of the Military Selective Service Act of 1967 (50 App. U.S.C. 456) is amended to read as follows:

(h)(1) The President is authorized under such rules, and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of persons [under specified conditions]. . . .

A point of order having been raised by Mr. F. Edward Hébert, of Louisiana, Mr. Ichord conceded that the amendment was not germane, and the Chairman[7] thereupon sustained the point of order.[8]

—*Amendment Modifying Subsection in Manner Not Relating to Subject of Bill*

§ 37.8 To a bill repealing a narrow subsection of law relating to the order of induction of selective service registrants, amendments modifying that subsection of law for the purpose of placing restrictions on the assignment of personnel to Vietnam without their consent was ruled out as not germane.

In the 91st Congress, during consideration of a bill[9] amending the Selective Service Act, an amendment was offered which provided that, subject to certain limitations, "[N]o person inducted under this title on or after such date of enactment may be assigned, without his express consent, to active duty in Vietnam. . . ."[10] Mr. William F. Ryan, of New York, the proponent

7. Robert L.F. Sikes (Fla.).

8. 115 CONG. REC. 32465, 91st Cong. 1st Sess., Oct. 30, 1969.

9. H.R. 14001 (Committee on Armed Services). See § 37.7, supra, for further discussion of the bill.

10. 115 CONG. REC. 32466, 91st Cong. 1st Sess., Oct. 30, 1969.

of the amendment, stated as follows in response to a point of order raised by Mr. F. Edward Hébert, of Louisiana:

> . . . Mr. Chairman, I submit the amendment which I have offered is germane to the bill in that my amendment would permit the President to institute a random selection method, it does repeal the section 5(a)(2)) of the Military Selective Service Act which is the same section the bill before us repeals.
>
> At the same time, it says that no one inducted under the Selective Service Act of 1967, regardless of how he is inducted, shall be sent to Vietnam without his consent unless there is a declaration of war.
>
> It seems to me that nothing could be more germane to the question of the draft than where and under what conditions one is going to be asked to give his life.(11)

The Chairman,(12) in ruling on the point of order, stated:

> Section 5(a)(2)) deals only with the order of the induction for registrants within the various age groups found to qualify for induction. . . .
>
> The amendment . . . refers to the assignment of personnel after their induction. . . .
>
> The Chair does not believe that, because this bill provides for the induction of personnel, that it opens up for general consideration the subsequent military service and careers of those inducted. The assignment of personnel . . . (is) not within the contemplation of the present bill.
>
> The Chair therefore holds that the amendment is not germane, and sustains the point of order.

Mr. Ryan then offered a modified version of the amendment. Such version contained the following language:(13)

> . . . [N]o person inducted pursuant to any such change as may be made under the authority of the preceding provisions of this paragraph may be assigned, without his express consent, to active duty in Vietnam. . . .

Mr. Hébert again made a point of order against the amendment, and Mr. Ryan stated:

> . . . Mr. Chairman, this amendment which I have offered is considerably more restrictive than the previous amendment. I submit it is germane because it deals, as does the pending bill, H.R. 14001, only with the order of induction of various age groups which would be changed under the proposed repeal.
>
> The bill . . . repeals section 5(a)(2)) of the Military Selective Service Act of 1967. In other words, it repeals the 1967 prohibition upon the President effecting a change in the method of determining the relative order of induction of registrants from the method in effect upon the date of enactment of the 1967 act. . . .
>
> . . . [T]he bill . . . repeals the prohibition. My amendment repeals it in part. Certainly, it is germane, to limit

11. *Id.* at p. 32467.

12. Robert L.F. Sikes (Fla.).

13. 115 CONG. REC. 32467, 91st Cong. 1st Sess., Oct. 30, 1969.

the repeal in that fashion, and I submit it is very much germane because it is on the very subject of the method of selection, and under the rules of the House an amendment is germane if it is on the subject under consideration.

The Chairman again sustained the point of order. He stated in part:

The Chair must hold that the language of the amendment would open up for present consideration a broader field than that which is contained in the language of the bill. The situation is four-square with that of the amendment offered immediately prior by the gentleman from New York (Mr. Ryan). The Chair therefore holds that the amendment is not germane. . . .

—*Amendment Stating Congressional Policy as to Application of Whole Act*

§ 37.9 To a bill repealing one subsection of the Selective Service Act relating to the President's authority to determine the relative order of induction for selective service registrants within certain age groups, an amendment inserting in the bill a statement of congressional policy concerning the application of the whole of the Selective Service Act was ruled out as not germane.

In the 91st Congress, during consideration of a bill[14] amending the Selective Service Act, the following amendment was offered:[15]

Amendment offered by Mr. [Leonard] Farbstein [of New York]: On page 1, insert between lines 4 and 5 the following:

Sec. 2. The Congress declares that . . . although the implementation of . . . a random system of selection would be a significant step toward achieving fairness in the existing conscription system, it would be still more equitable to suspend such system as soon as possible. . . .

The Chairman,[16] ruling on a point of order raised by Mr. F. Edward Hébert, of Louisiana, stated:[17]

The bill is aimed at the accomplishment of a single, narrow objective: the repeal of one subsection of the Military Selective Service Act, which it relates only to the President's authority to determine the relative order of induction for selective service registrants within age groups.

Since the amendment is of more general application and goes to the whole subject of the existing selective service system, the Chair holds that it is not germane. The point of order . . . is, therefore, sustained.

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14. H.R. 14001 (Committee on Armed Services). See §§ 37.7, 37.8, supra, for further discussion of the bill.

15. 115 CONG. REC. 32465, 91st Cong. 1st Sess., Oct. 30, 1969.

16. Robert L.F. Sikes (Fla.).

17. 115 CONG. REC. 32466, 91st Cong. 1st Sess., Oct. 30, 1969.

Federal Judgeship in Missouri—Amendment Affecting Jurisdiction of Federal Courts

§ 37.10 To a bill relating to the permanency of a federal judgeship in Missouri, an amendment relating to requirements for jurisdiction of federal courts was held not germane.

In the 81st Congress, a bill [18] was under consideration which provided: [19]

> That the judgeship for the eastern and western districts of Missouri provided for by the act entitled "An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri," approved December 24, 1942 (Public Law 837, 56 Stat. 1083), shall hereafter be a permanent judgeship. Accordingly, in order to incorporate the permanent provisions of the said act into the United States Code, as a continuation of existing law and not as a new enactment, title 28, United States Code, section 133, is amended to read as follows, with respect to the eastern and western districts of Missouri:
>
> [Missouri, eastern and western districts—2 judges]
>
> Sec. 2. The act entitled "An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri," approved December 24, 1942 (50 Stat. 1083), is hereby repealed, but its repeal shall not affect the tenure of office of the incumbent of the judgeship created by such act who shall henceforth hold his position under title 28, United States Code, section 133, as amended by this Act.

The following amendment was offered to the bill:

> Amendment offered by Mr. [Francis E.] Walter [of Pennsylvania]: Page 3, line 10, add a new section:
>
> Sec. 3. That sections 1331 and 1332 of title 28, United States Code, are amended to read as follows: . . .
>
> Sec. 1332. Diversity of citizenship; Amount in Controversy
>
> "(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of $10,000, exclusive of interest and costs, and is between—
>
> "(1) citizens of different States. . . ."

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

> MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Pennsylvania (Mr. Walter) to the bill to repeal the proviso against the filling of the vacancy in the office of district judge for the eastern and western districts of Missouri is not germane to the main purposes of the bill. . . . [The amendment] increases jurisdiction, lifting the present minimum amount from $3,000

18. H.R. 7009 (Committee on the Judiciary).

19. See 96 CONG. REC. 12018, 81st Cong. 2d Sess., Aug. 8, 1950.

to a higher amount, and it certainly has no relation whatever to a judgeship in the State of Missouri. It is general legislation on a specific bill for a specific purpose.

The Chairman,[20] without elaboration, ruled that the amendment was not germane.

Termination of Powers of President Relating to Issuance of United States Note—Amendment Affecting Powers of Federal Reserve and Treasury as to Limitations on Credit Expansion

§ 37.11 To that section of a bill terminating the powers of the President regarding the issuance of United States notes, an amendment was held not germane which sought to enable the President to establish a parity between gold and silver and to enable the Federal Reserve in connection with the Treasury Department to issue directions to the Federal Reserve banks to limit credit expansion.

In the 79th Congress, a bill[1] was under consideration which sought to amend the Federal Reserve Act and which stated in part:[2]

> Sec. 4. All power and authority of the President and the Secretary of the Treasury under section 43(b)(1) of the act approved May 12, 1933 (48 Stat. 31, 52), with respect to the issuance of United States notes, shall cease and terminate on the date of enactment of this act.

The following amendment was offered:

> Amendment offered by Mr. [Jesse P.] Wolcott [of Michigan] Page 4, line 15, strike out all of section 4 and insert in lieu thereof the following:
>
> > Sec. 4. Section 43 of the act approved May 12, 1933 (48 Stat. 3152) is hereby repealed.

The effect of the amendment was described as follows by Mr. Brent Spence, of Kentucky, who raised the point of order that the amendment was not germane:

> Mr. Chairman, that amendment repeals the Thomas amendment. The gentleman's amendment goes very much further than the bill, and provides that the President may establish a parity between gold and silver and it also provides that the Federal Reserve in connection with the Treasury Department may issue directions to the Federal Reserve banks to limit credit expansion. It makes legal tender the Federal Reserve notes; and if you strike out this amendment, there will be no legal tender or money except sil-

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

1. H.R. 3000 (Committee on Banking and Currency).

2. See 91 CONG. REC. 5289, 79th Cong. 1st Sess., May 29, 1945.

ver certificates and the small coins to the extent of $10. It does not do any thing to silver, because those who are interested in silver rely on the Silver Purchase Act, which provides that one-fourth of the monetary stock of the United States shall be in silver bullion.

I do not think that the amendment is germane in any respect. It is a most far-reaching amendment—one that if adopted, I am sure, would delay the passage of this bill and might cause a delay which would be very injurious to the activities of the Federal Reserve System in regard to our public-debt transactions. . . .

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

The amendment offered by the gentleman from Michigan, it appears clearly, goes beyond the language of section 4 and therefore is not germane to the bill. The Chair, therefore, sustains the point of order made by the gentleman from Kentucky.

District of Columbia Changes in Zoning

§ 37.12 To a bill relating to dwellings situated in alleys in the District of Columbia, a committee amendment proposing to change zoning provisions in the District by authorizing improvements to be made on specified property so as to facilitate the operation of a gasoline station thereon was held not to be germane.

In the 83d Congress, a bill[4] was under consideration which read in part as follows:[5]

Be it enacted, etc., That the act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia," approved September 25, 1914 (38 Stat. 716), as amended (secs. 5–101, 102, D.C. Code, 1951 edition), is hereby repealed.

Sec. 2. Subsections (b), (c), and (d) of section 4 of the act entitled "An act to provide for the discontinuance of the use of dwellings of buildings situated in alleys in the District of Columbia, and for the replatting and development of squares containing inhabited alleys, in the interest of public health, comfort, morals, safety, and welfare, and for other purposes,' approved June 12, 1934 (48 Stat. 932), as amended (sec. 5–106, D.C. Code, 1951 edition), are hereby repealed. . . .

The following amendment was offered to the bill:

The Clerk read the committee amendment as follows:

On page 2, line 8, insert a new section as follows:

Sec. 3. The Board of Commissioners of the District of Columbia are authorized to permit the erection, construction, alteration, conversion, maintenance, and use of such buildings and

3. Wilbur D. Mills (Ark.).

4. S. 3506 (Committee on the District of Columbia).

5. See 100 Cong. Rec. 13807, 83d Cong. 2d Sess., Aug. 9, 1954.

other improvements on square 1928, lot numbered 800 (southeast corner of the intersection of Wisconsin and Massachusetts Avenues Northwest), situated in the District of Columbia, as the Commissioners may deem appropriate for the purpose of conducting the business which is being conducted on such land on the date of enactment of this act.

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

MR. [JOSEPH P.] O'HARA of Minnesota: Mr. Speaker, I make a point of order against the amendment on the ground that it is not germane to the bill as passed by the Senate. That bill related only to the amendment of the Alley Dwelling Act of the District of Columbia on June 12, 1934, so as to remove therefrom provisions which would make it unlawful after June 30, 1955, to use or occupy any alley building or structure as a dwelling in the District of Columbia. . . .

Mr. Speaker, the District of Columbia Committee of the House amended S. 3506 so as to add thereto a provision which would permit the reconstruction of nonconforming gasoline filling stations located in an area of the District which has been zoned as residential (A). This amendment to the bill is in effect an amendment to the Zoning Act of 1935 and not in any way related to the matter of alley dwellings. . . . In other words, the bill as passed by the Senate referred to alley dwellings and the amendment offered by the gentleman from South Carolina dealt with an entirely different subject—zoning law and zoning regulations. . . .

Mr. John L. McMillan, of South Carolina, in support of the amendment, stated:

Mr. Speaker, I contend the amendment is germane to the bill, S. 3506, on the ground the purposes of the amendment and the purposes of the bill, S. 3506, relate to alley improvement. I also contend it is germane on the ground that both the bill S. 3506 and the amendment is for the purpose of granting permission to repair and improve property here in the District of Columbia.

The Speaker,[6] both responding to a parliamentary inquiry and ruling on the point of order, stated:

In response to the parliamentary inquiry propounded by the gentleman from Nebraska [Mr. Miller] the Chair may say that the committee amendment assumes the same status in the House as any other amendment that might be offered from the floor. That is why the Committee on Rules is sometimes asked to report special rules waiving points of order against committee amendments. Those points of order usually involve questions of germaneness.

The Chair has examined the bill and the committee amendment.

The bill itself relates solely to the use of alley dwellings and the prohibition against the erection of structures in alleys for dwelling purposes. The proposed committee amendment has for its purpose a change in the zoning provisions in the District of Columbia.

6. Joseph W. Martin, Jr. (Mass.).

It does not seem to the Chair that the committee amendment has any direct relationship to the purpose of the bill.

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

—*School Appropriations: Amendment To Modify Rather Than Repeal Provisions Relating to Teaching or Advocating Communism*

§ 37.13 To a bill seeking to repeal a provision of existing law, an amendment proposing a modification in such provision of the law was held to be germane as an alternative exception from the prohibition contained in the law sought to be repealed.

In the 75th Congress, a bill[7] was under consideration which stated:[8]

Be it enacted, etc., That the proviso appearing in the fourteenth paragraph, under the subheading "Miscellaneous", under the heading "Public Schools", in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, approved June 14, 1935 (49 Stat. 356), and reading as follows: "*Provided* That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating communism" is hereby repealed.

The following amendment was offered to the bill:[9]

Amendment offered by Mr. McCormack: On page 1, line 11, after the word "communism", strike out "is hereby repealed" and insert in lieu thereof "is hereby amended to read as follows: '*Provided*, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person advocating . . . but no official or teacher shall be required to make any special declaration of nonviolation hereof as a condition for payment of salary.' "

Mr. Maury Maverick, of Texas, made the point of order that the amendment was not germane to the bill. The Chairman,[10] in ruling on the point of order, stated:

The Chair thinks that the test of the amendment offered by the gentleman from Massachusetts is whether it would have been germane to the so-called "red rider" amendment. If it would have been germane to that amendment, it is germane to this bill. The amendment offered by the gentleman from Massachusetts simply deletes from the so-called "red rider" the inhibition against teaching but retains the advocacy of such doctrine, and the Chair thinks it would have been germane to the original amendment, and, therefore, is germane to the pending bill. The Chair overrules the point of order.[11]

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7. H.R. 148 (Committee on the District of Columbia).

8. See 81 CONG. REC. 998, 75th Cong. 1st Sess., Feb. 8, 1937.

9. *Id.* at p. 999.

10. Clifton A. Woodrum (Va.).

11. But see § 37.8, supra, and §§ 41.1–41.4, infra, for discussion of in-