Chair finds the amendment to be nongermane under general germaneness rule, which is applicable to this bill, and the point of order is sustained.

§ 40. Amendment Continuing Temporary Law to Bill Amending That Law

National Housing Act

§ 40.1 To that part of a bill making certain substantive changes in a section of the National Housing Act solely to limit the aggregate amount of liability for all insurance thereunder, an amendment was held to be not germane which also proposed to extend for an additional period the temporary operation of provisions of such section of the act.

In the 75th Congress a bill[12] was under consideration to amend the National Housing Act. The bill stated in part:[13]

> Sec. 2. The third sentence of subsection (a) of section 2 of the National Housing Act, as amended, is amended to read as follows: "The total liability incurred by the Administrator for all insurance heretofore and hereafter granted under this section and section 6, as amended, shall not exceed in the aggregate $100,000,000."

The following amendment was offered to the bill:[14]

> Amendment offered by Mr. [Byron N.] Scott [of California]: Page 2, line 24, strike out all of lines 24 and 25 and insert:
>
> Sec. 2. Section 2(a) of the National Housing Act, as amended, is amended by striking out "April 1, 1936, and prior to April 1, 1937" and inserting in lieu thereof "April 1, 1937, and prior to April 1, 1938", by striking out "April 1, 1936, exceed 10 percent" and inserting in lieu thereof "April 1, 1937, exceed 5 percent", and by amending the third sentence thereof to.

Mr. Henry B. Steagall, of Alabama, made the point of order that the amendment was not germane to the section or to the bill, and The Chairman,[15] without elaboration, sustained the point of order.

§ 41. Amendment Changing Existing Law to Bill Citing or Making Minor Revisions in That Law

It has been noted above[16] that where a bill amends existing law,

12. S. 1228 (Committee on Banking and Currency).

13. 81 CONG. REC. 3350, 75th Cong. 1st Sess., Apr. 9, 1937.

14. *Id.* at p. 3351.

15. Paul R. Greever (Wyo.).

16. For more general discussion of the principles governing the germane-

the germaneness of an amendment that further amends such law may depend on the extent of the change in law contemplated by the bill. If a bill seeks only to modify the law in a limited respect, an amendment will not be germane if it seeks to broaden the scope or alter the applicability of such law.[17] A bill narrowly amending a law in one respect does not necessarily allow as germane other amendments to that law which are not related to the subject of the bill;[18] and a bill narrowly amending one subsection of existing law for a single purpose does not necessarily open the entire section of the law to amendment.[19]

To a bill proposing a temporary change in law, an amendment making other permanent changes in that law is not germane,[20] and a bill extending or increasing an authorization for an agency but not substantively amending the permanent law does not necessarily open up that law to amendments which are not directly related to a subject contained in the bill.[1]

To a bill citing but not amending a law on another subject, an amendment incorporating that law by reference to broaden its application to the subject of the bill is not germane.[2]

Right To Enter into Union Shop Agreements—Amendment To Make Agreements Inapplicable to Members of Certain Religious Organizations

§ 41.1 To a bill repealing a part of the National Labor Relations Act and making conforming changes in two related sections of labor law, but having as its sole purpose the enunciation of the right of employers and labor unions to enter into union shop agreements under certain conditions, an amendment was held to be not germane which sought to make any such agreement inapplicable to members of certain religious organizations.

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ness of amendments to bills which amend existing law, see the introduction to § 35, supra.

17. See § 41.12, infra.

18. See § 41.5, 41.23, infra.

19. See § 41.22, infra.

20. See § 41.15, infra.

1. See § 41.14, infra. See also § 41.16, infra, in which an amendment to limit the use of authorized funds was ruled out as beyond the scope of an organizational bill transferring existing programs to a new department in that the amendment sought to affect substantively the laws governing administration of the programs.

2. See § 41.21, infra.

In the 89th Congress, a bill[3] was under consideration which stated:[4]

H.R. 77

A bill to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a)(3)) of the National Labor Relations Act, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 14 of the National Labor Relations Act, as amended, is hereby repealed.

(b) The first proviso of paragraph 3 of subsection (a) of section 8 of such Act is amended to read as follows: *Provided,* That nothing in this Act, or in any other statute of the United States or in any constitution or law of any State or political subdivision thereof, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in section 8(a) of this Act as an unfair labor practice) to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such labor organization is the representative of the employees as provided in section 9(a), in the appropriate collective-bargaining unit covered by such agreement when made, and (ii) unless following an election held as provided in section 9(e) within one year preceding the effective date of such agreement, the Board shall have certified that at least a majority of the employees eligible to vote in such election have voted to rescind the authority of such labor organization to make such an agreement:

(c) Subsection (b) of section 705 of the Labor-Management Reporting and Disclosure Act of 1959 is hereby repealed.

To such bill, the following amendment was offered:

Amendment offered by Mrs. [Edith S.] Green of Oregon: Page 2 on line 16 after the word "agreement" insert the following:

. . . except that no agreement under this subsection requiring membership in a labor organization will be applicable to any employee who (i) is a bona fide member of a religious sect . . . the established . . . teachings of which oppose a requirement that a member of such sect . . . join or financially support any labor organization.

A point of order was raised against the amendment, as follows:[5]

MR. [ADAM C.] POWELL [Jr., of New York]: [The amendment] is not germane and it has language . . . that is not embodied in the bill before us. . . .

Mr. James C. Wright, Jr., of Texas, asked to be heard on the

3. H.R. 77 (Committee on Education and Labor). See also §§ 37.1, 37.2, supra, for further discussion of amendments offered to this bill.

4. 111 CONG. REC. 18631, 89th Cong. 1st Sess., July 28, 1965.

5. *Id.* at pp. 18631, 18632.

point of order, and, arguing on the basis of a number of precedents which he cited, he stated in part: (6)

> Mr. Chairman, it seems quite clear to me . . . that the amendment offered by the gentlewoman from Oregon [Mrs. Green] is clearly an exception to, or a limitation upon, the provisions contained in the bill before us. . . .
>
> . . . "[T]o a provision delegating certain powers, a proposal to limit such powers is germane."
>
> Mr. Chairman, it seems obvious that the present bill would delegate certain powers to employers and the amendment would limit those powers. Therefore, in harmony with that principle, it would appear to be germane.
>
> . . . "[T]o a proposal to grant certain authority, an amendment proposing to limit such authority is germane."
>
> Mr. Chairman, the bill now before us grants certain authority and the amendment offered by the gentlewoman from Oregon limits that authority. . . .
>
> "To a section dealing with a designated class, an amendment exempting from the provisions of the section a certain portion of that class may be germane."
>
> Obviously, Mr. Chairman, the bill deals with a designated class; namely, those workers engaged under a common employment by a common employer.
>
> The amendment offered by the gentlewoman from Oregon exempts from the provision of the section one portion of that class; to wit, those belonging to certain religious organizations and holding certain religious convictions. . . .
>
> . . . [I]t is stated in Cannon's Precedents that provisions restricting authority may be modified by amendments providing exceptions. The bill before us today restricts authority, and the amendment offered by the gentlewoman from Oregon [Mrs. Green] provides certain exceptions. . . .
>
> "To a proposition extending certain benefits to a class, a proposal to establish qualifications limiting the number of individuals in that class . . . is germane.". . .
>
> On the question of an amendment which acts as a limitation upon the provisions of the section to which it is attached, or one which excepts or exempts from those provisions a certain group or number or specific portion of the general class, the precedents seem clear.

Mr. James G. O'Hara, of Michigan, arguing that the amendment was not germane, responded: (7)

> Mr. Chairman, the bill, H.R. 77, deals with only one subject, it has only one purpose, it deals with only one particular of the law, and that is so-called right-to-work laws.
>
> . . . The bill repeals section 14(b) which deals only with State right-to-work laws and makes only such other changes as are required to effectuate that single purpose.
>
> Mr. Chairman, it is elementary that the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill to which it is offered. . . .

6. *Id.* at p. 18632.

7. *Id.* at pp. 18632, 18633.

The fundamental purpose of the amendment offered by the gentlewoman from Oregon has to do with a question of religious conscience and not with State right-to-work laws in any sense. . . .

When a bill amends an existing law as to one particular, an amendment relating to the terms of the law rather than to those of the bill is not germane. . . .

Nor does the fact that the amendment is in the nature of a limitation free it from the requirements of the rule of germaneness. While a nongermane limitation upon an appropriation may sometimes be permitted, this is a legislative bill and amendments in the nature of limitations are subject to the same germaneness requirements as any other amendment. . . .

The Chairman,[8] in ruling on the point of order, stated:[9]

The Chair anticipated that questions might arise with respect to the germaneness of various amendments which were discussed during the consideration of the rule and under general debate on this bill and has reviewed the bill, the rules, and the precedents appertaining to the question of germaneness. Language in the bill and the provisions of existing law to which the bill refers have been examined with great care. The Chair thinks that the matter contained in the pending bill is very narrow in its scope.

The bill refers solely to the establishment of a uniform Federal rule governing union security agreements—the so-called right-to-work issue; and although the pending bill repeals section 14(b) of the National Labor Relations Act and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959, and affirmatively amends section 8(a) of the National Labor Relations Act, it is but a single subject that is affected by the aforementioned sections—the right-to-work issue.

It seems to the Chair that the pending bill deals only with one particular aspect of existing law and that an amendment relating to the terms of either law, including section references not within the pending bill or touching other aspects of section 14(b), 8(a), or 705(b) not relating to the question of the right to work, would be nongermane.

The Chair desires to call the attention of the Committee to a ruling made by Chairman McCormack on April 21, 1939. The then pending bill amended the Gold Reserve Act in two specific instances. He held that an amendment seeking to amend the act in a third particular instance which was not related to the pending bill was not germane.

Again, on April 11, 1940, Chairman Jones, of Texas, was presiding over the Committee during consideration of a bill proposing to amend an act in several particulars. He held that an amendment proposing to modify the act but not the bill was not germane.

The Chair would also like to direct the attention of the Committee to volume VIII of "Cannon's Precedents" of the House; sections 2946, 2947, and 2948.

In section 2946 the Chair held: "To a bill amending the Federal Reserve Act

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

9. 111 CONG. REC. 18633, 89th Cong. 1st Sess., July 28, 1965.

in a number of particulars an amendment relating to the Federal Reserve Act but to no portion provided for in the pending bill" was not germane.

In section 2947 the ruling was:

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

In section 2948 there was a similar ruling:

> To a bill amendatory of one section of an existing law an amendment proposing further modification of the law was held not to be germane.

The Chair might also call to the attention of the Committee an even older precedent which goes back to the turn of the century. In volume V of "Hinds" Precedents," section 5806, it was held that "to a bill amendatory of an existing law as to one specific particular, an amendment relating to the terms of the law rather than to those of the bill" was not germane. Sections 5807 and 5808 are to similar effect.

The Chair believes that the cases cited clearly demonstrate the rule of germaneness stated in clause 7 of rule XVI. That rule provides that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

For the reasons heretofore stated the Chair holds the amendment not germane and sustains the point of order.

—*Amendment Relating to Union Elections*

§ 41.2 To a bill repealing a part of the National Labor Relations Act and making conforming changes in related laws in order to permit employers and labor unions to enter into union shop agreements under some conditions, an amendment affecting another part of the act and pertaining to union elections and bargaining representation was held to be not germane to the bill.

In the 89th Congress, during consideration of a bill[10] relating to union shop agreements, the following amendment was offered:[11]

> Amendment offered by Mr. Ashbrook: On page 2, between lines 16 and 17, insert a new subsection (c) as follows:
>
> (c) That subsection (a) of section 9 of the National Labor Relations Act, as amended, is amended as follows:
>
> By adding after the phrase "conditions of employment:" the following: "*Provided*, such bargaining representatives shall have been certified by the Board as the result of an election conducted in accordance with section 9(c) hereof. . . ." And further that subsection (c) of section 10 of the Labor Management Relations Act of 1947, as amended, is amended as follows:

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10. H.R. 77 (Committee on Education and Labor). See also § 41.1, supra, for further discussion of the bill. And see §§ 37.1, 37.2, supra, for further discussion of amendments offered to this bill.

11. 111 CONG. REC. 18633, 89th Cong. 1st Sess., July 28, 1965.

By adding after the phrase "The same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope." the following:

"*Provided further,* the Board shall not issue an order to bargain in any case in which the bargaining representative shall not have been certified as a result of an election conducted in accordance with section 9(c) hereof. . . ."

Mr. Adam C. Powell, Jr., of New York, made the point of order that the amendment was not germane. Speaking in response, Mr. John M. Ashbrook, of Ohio, stated:[12]

The purpose of H.R. 77 is to prohibit a State government from outlawing a union shop agreement under certain conditions. It would therefore seem that any measure which is directed toward prescribing the conditions which must exist as a prerequisite to the prohibition of State action would be germane.

By providing that the labor organization must be the representative of the employees—I refer to page 2, lines 8 and 9—"as provided in section 9(a)" it says that H.R. 77 has incorporated at least by reference the first clause of this key section. Accordingly, it should be as much in order to offer amendments to section 9(a) of the act as it would be if H.R. 77 had repeated in full the language of the section. . . .

. . . [T]he fundamental purpose of the amendment is germane and pertinent to the fundamental purpose of the bill itself.

12. *Id.* at pp. 18633, 18634.

The Chairman,[13] in sustaining the point of order, stated:[14]

. . . The Chair will say that precedents recited by the Chair in connection with the point of order raised against the amendment offered by the gentlewoman from Oregon[15] are persuasive.

For the reasons heretofore stated the Chair holds the amendment not germane and sustains the point of order.

—*Amendment To Require Secret Ballot in Selection of Bargaining Unit*

§ 41.3 To a bill repealing parts of the National Labor Relations Act and the Labor Management and Disclosure Act and amending a part of the National Labor Relations Act for the purpose of establishing a uniform federal rule governing union security agreements, an amendment modifying one of the sections of law in question to require that the selection of a labor organization bargaining unit be by secret ballot was held to be not germane.

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

14. 111 CONG. REC. 18634, 89th Cong. 1st Sess., July 28, 1965.

15. See the discussion of the Green amendment in § 41.1, supra.

The ruling of the Chair in this instance,[16] made in response to a point of order raised by Mr. Adam C. Powell, Jr., of New York, was based on a prior ruling made with respect to an amendment that had been offered by Mrs. Edith S. Green, of Oregon, to the same bill.[17]

—*Amendment as Beyond Scope of Bill Although Modifying Same Sections of Law*

§ 41.4 To a bill repealing a part of one law and making conforming changes in related laws for purposes of permitting employers and labor unions to enter into union shop agreements under some conditions, an amendment in the nature of a substitute proposing to modify the same portions of existing law in respects beyond the scope of the bill was held to be not germane.

In the 89th Congress, a bill[18] was under consideration which sought to repeal or modify portions of existing law and which had as its objective to remove the power of states to prohibit closed shop agreements.[19]

An amendment in the nature of a substitute was offered to the bill by Mr. Robert P. Griffin, of Michigan.[20] Such amendment, while having the same general objective as the bill, provided further that any closed shop agreement would be illegal if the union involved had engaged in any of several specified "unfair labor practices." Such practices included restricting memberhsip or privileges on racial or religious grounds; using dues for political purposes; ousting members for exercising civil rights; and requiring membership of persons having religious convictions against joining labor organizations. That portion of the National Labor Relations Act setting forth the law as to unfair labor practices was not within the purview of the bill. Mr. Adam C. Powell, Jr., of New York, made a point of order against the amendment,[1]

16. See 111 CONG. REC. 18645, 89th Cong. 1st Sess., July 28, 1965. The Chairman was Leo W. O'Brien (N.Y.).

17. See § 41.1, supra, for further discussion of the bill under consideration, H.R. 77 (Committee on Education and Labor), and the basis of the Chair's ruling with respect to the Green amendment. See also §§ 37.1, 37.2, supra.

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

19. For further discussion of the bill and amendments thereto, see § 37.1, 37.2, and 41.1–41.3, supra.

20. 111 CONG. REC. 18634, 89th Cong. 1st Sess., July 28, 1965.

1. *Id.* at p. 18635.

stating that it was not germane and noting the fact that the amendment embodied language[2] that had already been held not to be germane. Responding to the point of order, Mr. Griffin stated:[3]

> The purpose of this bill H.R. 77, as indicated in the report, is to establish a uniform Federal rule governing union security agreements. I point out that my substitute bill would repeal section 14(b), as the committee bill does, although my bill attaches certain conditions and limitations. My substitute, like H.R. 77, would provide for a uniform Federal rule governing union security agreements.
>
> The report goes on to point out that the provisions of the Committee bill be controlling as to the validity of union security provisions. My provisions of my substitute bill go to the validity of union security provisions. My substitute bill would not restrict labor organizations generally. It would apply only to those labor organizations which enter into union shop agreements.
>
> Mr. Chairman, if the House through the bill before us can pass on the complete, outright repeal of section 14(b), we ought to be able to do something less. . . .

The Chairman[4] sustained the point of order,[5] observing that the amendment included a proposition previously held not to be germane.

Federal Deposit Insurance Act—Amendment Affecting Amount of Deposit Insurance Not Germane to Proposition Concerning Interest Rates

§ 41.5 To a substitute amendment proposing to modify several banking acts with respect to interest rates, and to amend in a limited way a part of the Federal Deposit Insurance Act, an amendment proposing further amendment of the Federal Deposit Insurance Act on the subject of amount of deposit insurance was held to be not germane to the issue of interest rates.

The following ruling, during consideration of a bill[6] relating to temporary interest rate controls, was made on Sept. 8, 1966:[7]

> THE CHAIRMAN:[8] . . . The amendment offered to the substitute by the gentleman from California (Mr. Hanna) proposes to amend the Federal Deposit Insurance Act and the National Housing Act to increase the

2. See the Green amendment discussed in § 41.1, supra.

3. 111 CONG. REC. 18634, 18636, 89th Cong. 1st Sess., July 28, 1965.

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

5. 111 CONG. REC. 18636, 89th Cong. 1st Sess., July 28, 1965.

6. H.R. 14026 (Committee on Banking and Currency).

7. 112 CONG. REC. 22043, 89th Cong. 2d Sess.

8. Edward P. Boland (Mass.).

amount of insurance on bank deposits and savings and loan accounts from $10,000 to $20,000.

The substitute amendment before the Committee, proposed by the gentleman from Georgia (Mr. Stephens), narrowly amends one of the laws—the Federal Deposit Insurance Act—touched by the amendment. The substitute amends section 18(g) of that act to permit the Board of Directors of the FDIC some flexibility in the regulation of interest rates on time and savings deposits. . . .

The Chair feels that the amendment is not germane. It deals with a different subject than that covered by the substitute. It falls within the general rule that where it is proposed to amend existing law in one particular, an amendment to further amend the law in another respect not covered by the bill is not germane. (Cannon's Precedents (VIII, sec. 2937).)

The Chair sustains the point of order.

Salaries of Government Employees—Amendment Relating to Salaries of Other Classes of Employees

§ 41.6 To a bill establishing a commission to regulate salaries of certain government employees, an amendment repealing existing law and seeking to abolish a commission regulating salaries of other classes of employees was held not germane.

In the 91st Congress, a bill[9] was under consideration which sought to establish a Federal Employee Salary Commission for purposes of achieving comparability of salary between government employees and employees in private industry. The bill sought to raise the salaries of certain groups of employees covered by the bill and by the Federal Salary Act of 1967. An amendment, offered as a new section to the bill,[10] sought to repeal certain portions of the Federal Salary Act of 1967, so as to abolish the Federal Commission on Executive, Legislative and Judicial Salaries. Mr. Morris K. Udall, of Arizona, raised the point of order that the amendment was not germane to the bill, stating that the pending bill did not seek to affect the Salary Act of 1967. The proponent of the amendment, Mr. Edward J. Derwinski, of Illinois, responding to the point of order, cited the rule that an amendment offered as a separate section to a bill need be germane only to the subject matter of the bill as a whole rather than to any particular section of the bill.[11] The Chairman[12] ruled that the

9. H.R. 13000 (Committee on Post Office and Civil Service).

10. 15 CONG. REC. 29972, 91st Cong. 1st Sess., Oct. 14, 1969.

11. *Id.* at p. 29972.

12. Charles M. Price (Ill.).

amendment was not germane, stating:[13]

> The Chair will point out . . . that the purposes of the bill under consideration are to set up a permanent method of adjusting the pay of Federal employees who are paid under one of the . . . statutory pay schedules—general schedule, postal field service schedules, foreign service schedules, and the schedules relating to physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration, and the elimination of the long-standing inequity in relation to the pay schedule of postal employees.
>
> The amendment . . . repeals section 225 of the Federal Pay Schedule Act relating to the (commission charged with regulating salaries of) Senators, Members of the House, cabinet officers, Justices, and judges. This particular bill deals with the setting up of a commission that has to do with the regulation of salaries for employees, and does not relate to the commission established by section 225. . . .

Bill Amending Agriculture Laws—Amendment Relating to Section Amended by Bill

§ 41.7 To bills amending several laws concerning the general subject of agriculture, including one section of the Soil Conservation and Domestic Allotment Act, amendments further relating to that section of the act was held to be germane.

On July 27, 1961, a bill[14] was under consideration[15] which, in part, sought to amend the Soil Conservation and Domestic Allotment Act by, first, adding a new feed grains program, and, second, amending the Great Plains conservation program. An amendment offered by Mr. Henry S. Reuss, of Wisconsin,[16] sought by further amending such Act to prohibit drainage of wet lands upon a finding being made and reported by the Secretary of the Interior to the effect that wildlife preservation would be materially harmed by the proposed drainage. The nature of the bill and the proposed amendment are revealed in the following discussion, which concerned a point of order raised against the amendment by Mr. H. Carl Andersen, of Minnesota:

> MR. ANDERSEN [of Minnesota]: Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane to the bill itself.
>
> Title II deals with the extension and amendment of Public Law 480 of the 83d Congress. Title II deals with the

13. 115 CONG. REC. 29973, 91st Cong. 1st Sess., Oct. 14, 1969.

14. H.R. 8230 (Committee on Agriculture), the Agricultural Act of 1961.

15. See portions of the bill at 107 CONG. REC. 13765, 13766, 87th Cong. 1st Sess.

16. *Id.* at p. 13770.

consolidation and simplification of the agricultural credit laws administered by the Farmers Home Administration. In title IV, we have the extension of the Great Plains conservation program, the extension of the special milk programs for children, the Armed Forces and veterans' dairy program, and the expansion of the food donations to certain State penal institutions.

Nowhere, Mr. Chairman, do we have anything in this bill to do with the ACP payments or the manner in which they shall be paid. The gentleman's amendment is clearly out of order and is not germane to the subject under discussion. . . .

MR. REUSS: . . . Mr. Chairman, I submit the amendment is germane to H.R. 8230, and to the page and line on which it is offered.

H.R. 8230 is an omnibus farm bill, known as the Agricultural Act of 1961. Among the purposes listed in its declaration of policy is "to reduce the cost of farm programs by preventing the accumulation of surpluses."

H.R. 8230 purports to amend section 16 of the Soil Conservation and Domestic Allotment Act of 1938, as amended, in two particulars: by setting up a special feed grains agricultural conservation program for 1962—section 132—and by amending the Great Plains conservation program—section 401. The Soil Conservation and Domestic Allotment Act of 1938 is the basic legislation setting up Federal cost-sharing for farm practices. Section 16, as amended, is a catchall provision: subsection (a) limits the obligations that may be incurred in any one calendar year, subsection (b) sets up the Great Plains conservation program, and subsection (c) sets up a special agricultural conservation program for the year 1961.

The Reuss amendment would prevent misuse of the Soil Conservation and Domestic Allotment Act by denying its benefits where a proposed drainage of farm wet lands would materially harm wildlife preservation.

The Reuss amendment would amend not only the Soil Conservation and Domestic Allotment Act of 1938 in general, but in the very part—section 16—in which it is sought to be amended by two provisions of H.R. 8230, pages 17 and 59.

The precedents are clear that the proposed amendment is germane. In 8 Cannon's Precedents, section 2942, it is stated:

> To a bill amending a law in several particulars, an amendment proposing modification in another particular was held to be germane. . . .

The Chairman[17] overruled the point of order, stating:

> The Chair would point out that the bill pending at this time amends the Soil Conservation Act in several instances. The amendment offered by the gentleman from Wisconsin [Mr. Reuss] places a further restriction on the Soil Conservation Act. It is therefore germane.

A substantially similar amendment was offered to the Food and Agricultural Act of 1962[18] in the second session of the 87th Con-

17. Paul J. Kilday (Tex.).

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

gress. The proceedings on June 20, 1962, were as follows:[19]

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

The Clerk read as follows:

Amendment offered by Mr. Reuss: Page 2, line 13, after line 12, strike out lines 13, 14, and 15 and insert the following:

(4) by adding the following new subsections at the end of section 16 of said Act:

"(e) The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this Act, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage. . . ."

MR. ANDERSEN of Minnesota: Mr. Chairman, a point of order.

THE CHAIRMAN:[20] The gentleman will state it.

MR. ANDERSEN of Minnesota: May I ask the gentleman from Wisconsin if this is not the same amendment that has already been passed on by the House and is now lying over in the Senate in the form of a separate bill?

MR. REUSS: The language of this amendment is identical.

MR. ANDERSEN of Minnesota: Mr. Chairman, I make the point of order that this particular amendment has already cleared the House and is awaiting action in the other body which does not care to act upon the matter. It has no place in the bill.

MR. REUSS: A point of order against the amendment on July 23, 1961, was overruled.

THE CHAIRMAN: The Chair is prepared to rule.

The question raised by the gentleman from Minnesota was raised when the same question came up last year. The Chairman at that time overruled the point of order holding that it was germane.

The point of order is overruled.

Foreign Assistance Act—Amendment to Act Referred to in Foreign Assistance Act

§ 41.8 Where a bill sought to amend the Foreign Assistance Act of 1961, and such act had provided for amendment of, and authorized use of funds generated under the Agricultural Trade Development and Assistance Act of 1954, an amendment proposing to amend the latter act was held to be germane.

During consideration of the Foreign Assistance Act of 1962,[1] an amendment was offered[2] which sought to amend the Agricultural Trade Development and Assistance Act of 1954 and which related to the power of the President to negotiate agreements with

19. 19. 108 Cong. Rec. 11211, 87th Cong. 2d Sess.

20. Francis E. Walter (Pa.).

1. H.R. 11921 (Committee on Foreign Affairs).

2. See 108 CONG. REC. 13431, 87th Cong. 2d Sess., July 12, 1962.

foreign nations for sale of surplus commodities in exchange for foreign currencies. Mr. Robert R. Barry, of New York, the proponent, explained the purposes of the amendment, as follows:

> Mr. Chairman, the amendment which I am proposing is intended to assure that our surplus farm commodities are sold on best possible terms—specifically, at rates of exchange not less favorable than the highest rates legally obtainable from the governments, or government agencies, of the purchasing countries. . . .
>
> A point of order was raised against the amendment, as follows:
>
> MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Chairman, the amendment here is to Public Law 480, which is the Agricultural Act, and the particular section to which it is addressed is section 101(f) of Public Law 480. That is not now before the House. The gentleman's amendment is not germane to any section of the bill. I therefore insist on the point of order.

The Chairman,[3] speaking with reference to an exchange between Mr. Barry and himself, stated that, "The burden of proof is always on the person who proposes an amendment." The Chairman then overruled the point of order. He stated:[4]

> The bill before the Committee, H.R. 11921, to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, refers, of course, to the act of 1961. In the act of 1961 itself specific provision was made for amendment of the Agricultural Trade Development and Assistance Act of 1954, to which the amendment offered by the gentleman from New York refers.
>
> The Chair believes that the subject matter of the Agricultural Trade Development and Assistance Act of 1954 is included within the purview of the Foreign Assistance Act of 1961, which is the bill before the Committee and, therefore, feels that the amendment offered by the gentleman from New York [Mr. Barry] is germane to the bill. The Chair overrules the point of order.

Bill Citing Neutrality Act—Amendment Affecting Provisions of Neutrality Act

§ 41.9 To a proposition that, "Nothing in this act . . . be construed" to authorize movements of American vessels in violation of the Neutrality Act of 1939, an amendment offered as a substitute which in effect amended the Neutrality Act by imposing certain obligations upon the President was held to be not germane.

In the 77th Congress, during proceedings related to a bill[5] promote the defense of the United

3. Wilbur D. Mills (Ark.).

4. 108 CONG. REC. 13432, 87th Cong. 2d Sess., July 12, 1962.

5. H.R. 1776 (Committee on Foreign Affairs).

States, the following proposition came under consideration: (6)

> (e) Nothing in this act shall be construed to authorize or permit the authorization of the entry of any American vessel into a combat area in violation of section 3 of the Neutrality Act of 1939.

Subsequently, a substitute for the above proposition was offered. Such substitute stated: (7)

> Nothing in this act shall be construed to repeal or suspend any of the provisions of section 2 or 3 of the Neutrality Act approved November 4, 1939. . . . Neither the President nor any governmental agency under authority of this act or otherwise shall send or cause to be sent any American merchant ship to any belligerent nation or into or through any combat area, unless the President by proclamation shall have declared that such nation has in fact ceased to be a belligerent or that such area has in fact ceased to be a combat area.

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

> MR. [SOL] BLOOM [of New York]: Mr. Chairman, I make the point of order against the amendment that it is an amendment changing the Neutrality Act and is not germane to this section.

The following exchange ensued with respect to the point of order: (8)

> MR. LUTHER A. JOHNSON [of Texas]: . . . (The objection) is that the amendment . . . seeks to change the neutrality law. That is the ground upon which the objection is made . . . that it does not simply adhere to the neutrality law but goes beyond the neutrality law and changes it. In other words, the gentleman seeks to change another act of Congress by this amendment.
>
> MR. [JAMES W.] MOTT [OF OREGON]: By what language? . . .
>
> MR. LUTHER A. JOHNSON: By this language. The amendment arbitrarily states that certain things shall and shall not be done, whereas the Neutrality Act leaves the question of danger zones to the executive discretion of the President. . . .
>
> MR. MOTT: . . . There are in this language things that limit the authority proposed to be granted under H.R. 1776, but, certainly, nothing that changes the provisions of the Neutrality Act; on the contrary, all of this language strengthens the provisions of sections 2 and 3 of the Neutrality Act.

The Chairman,(9) in ruling on the point of order, stated:

> The gentleman from New York [Mr. Bloom] has offered an amendment to the pending bill. The gentleman from Oregon [Mr. Mott] has offered an amendment in the nature of a substitute for the amendment offered by the gentleman from New York [Mr. Bloom]. . . . [T]he amendment offered by the gentleman from New York [Mr. Bloom] does not seek to amend or alter or change the existing law known as the Neutrality Act. . . .

6. 87 CONG. REC. 753, 77th Cong. 1st Sess., Feb. 7, 1941.

7. *Id.* at p. 757.

8. *Id.* at p. 758.

9. Jere Cooper (Tenn.).

. . . [T]he effect of the amendment is to make reference to and recognize the Neutrality Act, whereas the amendment offered by the gentleman from Oregon, after providing certain language in the first part of the amendment . . . goes further and imposes certain restrictions or obligations upon the President that would be a change of the so-called existing Neutrality Act. Therefore . . . the scope of the substitute amendment is much broader than the scope of the amendment offered by the gentleman from New York and would embrace sufficient additional provisions as to make the substitute amendment not germane to the pending amendment. Therefore the Chair sustains the point of order.

Rescission of Appropriations and Contract Authorizations—Amendment To Enact Provisions Affecting Demobilization

§ 41.10 To a bill providing for the rescission of certain appropriations and contract authorizations, containing a provision generally that the officer and enlisted personnel of the armed services shall be demobilized at a rate not less than would be necessary to keep within the amounts available for their pay, unless the President otherwise shall direct, an amendment seeking to enact into substantive law a proviso requiring the release of such personnel under certain conditions therein set out, was held not germane.

In the 79th Congress, a bill [10] was under consideration which stated in part: [11]

Be it enacted, etc., That the appropriations and contractual authorizations of the departments . . . available in the fiscal year 1946, and prior year unreverted appropriations, are hereby reduced in the sums hereinafter set forth. . . .

The officer and enlisted personnel strengths of the Army, Navy, Marine Corps, and Coast Guard shall be demobilized at a rate not less than would be necessary to keep within the amounts available for their pay in consequence of the provisions of this act, unless the President otherwise shall direct. . . .

The following amendment was offered to the bill:

Amendment offered by Mr. Rankin: On page 36, line 7, after the word "direct", strike out the period, insert a colon and the following:

Provided, That (a) there shall be discharged from . . . active duty . . . without delay, any person who requests such discharge . . . and who—

(1) has served on active duty 18 months or more since September 16, 1940; or

(2) has, at the time of making such request, a wife or a child . . . or

---

10. H.R. 4407 (Committee on Appropriations).

11. See 91 CONG. REC. 9846, 9868, 79th Cong. 1st Sess., Oct. 19, 1945.

(3) has . . . a mother or father dependent upon him for chief support; or

(4) desires to resume his education or training by enrolling in an educational or training institution. . . .

Mr. Emmet O'Neal, of Kentucky, made the point of order that the amendment was not germane to the bill.(12)

The following exchange then occurred: (13)

MR. [JOHN E.] RANKIN [of Mississippi]: . . . As the Chairman knows, the question of germaneness is one of procedure. . . . It is whether or not the amendment proposed injects new or extraneous matter into the bill or the provision to which it is offered. . . .

Suppose I had added some other provision there for additional money, or to take away a part of the appropriation, you would have said it was germane. In other words, it would be germane for me to cut off the soldier's supply of food, according to the argument of the opposition but not germane for me to ask for his discharge. . . .

MR. O'NEAL: . . . If you will read the gentleman's amendment offered to this paragraph, you will find that he goes into the question of defining the various classes of men in the Army, and writes a ticket going way beyond anything in the bill. This is a rescission bill cutting off money from all the departments of the Government, the Army included. The amendment attempts to define how demobilization shall take place, how people shall be judged, according to their families and how many children they have, and whether the children are going to school or not. This is writing a legislative bill in here. It is so far beyond anything in this bill. . . .

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

The amendment offered by the gentleman from Mississippi is clearly a general legislative expression and proposes substantive law, whereas the provision in the bill to which the amendment is offered is merely the expression of a hope that within the amounts available for their pay and in consequence of the provisions of this act demobilization will be carried on as rapidly as possible.

In the opinion of the Chair, clearly, under the limitations of the general provision on page 36, this amendment, being a general legislative provision with reference to demobilization and having the effect of substantive law, and not being restrictive is not germane. The Chair therefore sustains the point of order.

Mr. Rankin appealed from the ruling of the Chair, whereupon Mr. O'Neal moved to lay the appeal on the table. The Chairman having stated that, "The motion to lay on the table is not in order in the Committee," the issue of the appeal was debated under the five-minute rule. The Chairman left the chair to permit Mr. Jere

12. *Id.* at p. 9869.

13. *Id.* at pp. 9869, 9870.

14. Fritz G. Lanham (Tex.).

15. 91 CONG. REC. 9870, 79th Cong. 1st Sess., Oct. 19, 1945.

Cooper, of Tennessee, to preside and to put the question: (16)

> THE CHAIRMAN: The question is: Shall the decision of the Chair stand as the judgment of the Committee of the Whole?
>
> The question was taken: and the Chair announced that the "ayes" had it.
>
> So the decision of the Chair stands as the judgment of the Committee of the Whole.

Civil Rights—Amendment To Prohibit Discrimination in Membership of Professional Organizations

§ 41.11 To a bill amending several laws relating to civil rights, including one title of the Civil Rights Act of 1964, an amendment further modifying such act was held to be germane.

On Aug. 9, 1966, the Civil Rights Act of 1966,(17) a comprehensive civil rights bill prohibiting discrimination in the conduct of a number of public and private activities, was under consideration. The bill amended several laws in the civil rights field, including the Civil Rights Act of 1964 which dealt in part with fair employment practices. An amendment was offered to the bill which proposed to amend the Civil Rights Act of 1964 to prohibit discrimination in the membership of professional organizations and societies.(18) Explaining the purpose of the amendment, the proponent, Mr. Joseph Y. Resnick, of New York, stated: (19)

> Mr. Chairman, this amendment would bring professional societies and associations—as defined in the amendment—under the broad umbrella of employment rights in title VII of the Civil Rights Act of 1964, the equal employment opportunity title. This would mean that in addition to the numerous persons and groups listed in title VII, professional associations would also be prohibited from discriminating because of race, color, religion, sex, or national origin.
>
> Specifically, the amendment would make it an unlawful employment practice for a professional group to exclude or expel from its membership or otherwise discriminate against any individual because of his race, as is the current practice. . . .

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

> MR. [JACK] EDWARDS [of Alabama]: Mr. Chairman, I make the point of order that the amendment is not germane, that it seeks to inject private organizations into the bill, the title of

16. *Id.* at p. 9870.

17. H.R. 14765 (Committee on the Judiciary).

18. 112 CONG. REC. 18728, 18729, 89th Cong. 2d Sess.

19. *Id.* at p. 18729.

which makes it clear that public organizations only are involved. I insist upon my point of order.

In defense of the amendment, the proponent stated as follows: (20)

MR. RESNICK: . . . Mr. Chairman, this bill is an omnibus civil rights bill. It covers a wide variety of activities in the civil rights and human rights field. In addition, the bill in many places would amend titles of the Civil Rights Act of 1964. It does not do it in 1 place; it does not do it in 2 places; it does it in 17 places. The amendment, very simply, would amend it in still another place. Therefore, I believe my amendment is germane and is not subject to a point of order.

The Chairman,(1) in ruling on the point of order, stated: (2)

The gentleman from New York [Mr. Resnick] offers an amendment which proposes the addition of a new title VIII to the pending amendment in the nature of a substitute. The gentleman's proposal would further extend the writ of the Civil Rights Act of 1964, an act which is elsewhere amended in the proposal before the Committee, to prevent discrimination in the membership of certain professional societies and organizations. The Chair has examined the amendment and the provisions of existing law it amends. In view of the fact that the pending bill amends several laws dealing with the subject of civil rights, including the Civil Rights Act of 1964, and is comprehensive in its scope, touching on various aspects of civil rights, the Chair feels the amendment offered by the gentleman from New York is germane. He therefore overrules the point of order.

—Amendment Enlarging Scope of Law To Include Interference With Rights by Actions of United Nations Not Germane to Bill Increasing Penalties for Interference With Rights Under Existing Law

§ 41.12 To a bill proscribing interference with certain civil rights and amending existing law to increase the penalty for depriving, under color of law, an individual of constitutional rights, an amendment was held to be not germane which sought to enlarge the scope of existing law to include protection of individuals against such deprivation of their rights as might result from actions of the United Nations.

In the 90th Congress, a bill (3) was under consideration prescribing penalties for interference

20. *Id.* at pp. 18729, 18730.

1. Richard Bolling (Mo.).

2. 112 CONG. REC. 18730, 89th Cong. 2d Sess., Aug. 9, 1966.

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

with certain civil rights. The bill stated in part: (4)

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 13, Civil Rights, title 18, United States Code, is amended by inserting immediately at the end thereof the following new sections, to read as follows:
>
> "§ 245. Interference with civil rights
>
> "Whoever, whether or not acting under color of law, by force or threat of force, knowingly—
>
> "(a) injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person because of his race, color, religion, or national origin, while he is lawfully engaging or seeking to engage in—
>
> "(1) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election; . . .
>
> "(3) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States or by any State or subdivision thereof; . . .
>
> "(7) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or
>
> "(8) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments; or
>
> "(b) injures, intimidates, or interferes with, or attempts to injure, intimidate or interfere with any person (1) to discourage such person or any other person or any class of persons from lawfully participating or seeking to participate in any such benefits or activities without discrimination on account of race, color, religion, or national origin, or (2) because he has so participated or sought to so participate, or urged or aided others to so participate, or engaged in speech or peaceful assembly opposing any denial of the opportunity to so participate . . . shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life."
>
> "(b) Title 18, United States Code, is amended by adding to the analysis of chapter 13 at the end thereof the following:
>
> "Sec. 245. Interference with civil rights."
>
> Sec. 12. (a) Section 241 of title 18, United States Code, is amended by striking out the final paragraph thereof and substituting the following:
>
> "They shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to impris-

4. 113 CONG. REC. 22691, 90th Cong. 1st Sess., Aug. 15, 1967.

onment for any term of years or for life."

(b) Section 242 of title 18, United States Code, is amended by striking out the period at the end thereof and adding the following: "; and if death results shall be subject to imprisonment for any term of years or for life."

The following amendment was offered to the bill: (5)

Amendment offered by Mr. Rarick: On page 9, line 19, after (b), strike out lines 19, 20, 21, and 22, and insert:

(b) Section 242 of title 18, United States Code, is amended to read as follows:

"§ 242. Deprivation of rights under color of law

"Whoever, under color, of any law . . . regulation, or custom [including measures related to giving effect to United Nations decisions] willfully subjects any inhabitant of any State . . . or possession of the United States to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws . . . shall be fined . . . or imprisoned. . . .

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

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane in that in the bill before us all we do with reference to section 242 is to amend the penalties.

But in the amendment as offered by the gentleman from Louisiana the entire section and substance of section 242 of title 18 of the United States Code is added to the bill. . . .

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

MR. [JOHN R.] RARICK [of Louisiana]: Mr. Chairman, the bill before us today in subsection (b) does provide for amendment by additional penalties under section 242 of title 18, United States Code.

In substance the amendment that I have offered only provides that in addition to the penalties against States and State officials acting under color of law, an American citizen may also have his constitutional rights denied him by treaties and orders, et cetera, emanating from the United Nations and from other sources.

Therefore, Mr. Chairman, I certainly feel that the amendment is germane. . . .

The Chairman,(6) in ruling on the point of order, stated:

. . . [The amendment] goes well beyond the proposition before the House and adds additional penalties to title 18, section 242, which are not germane to the bill. . . .

Assistance to Localities in Control of Crime—Amendment To Make Employment Benefits Applicable to "Public Safety Officers"

§ 41.13 To a bill relating to assistance for localities in con-

5. 113 CONG. REC. 22768, 90th Cong. 1st Sess., Aug. 16, 1967.

6. Richard Bolling (Mo.).

trolling crime, which proposed to amend the Omnibus Crime Control and Safe Streets Act of 1968 and to effect administrative changes through amendment of the appropriate title of the United States Code, an amendment was held to be not germane which proposed through modification of another part of that title to extend certain benefits under the Federal Employees' Compensation Act to "public safety officers" and their survivors.

In the 91st Congress, a bill [7] was under consideration which sought to amend the Omnibus Crime Control and Safe Streets Act of 1968. The following amendment was offered to the bill: [8]

> Amendment offered by Mr. Jacobs: On page 15, line 18 after "Sec. 9" insert "(a)"
>
> On page 15, after line 20, add the following new subsections:
>
> (b) Section 8191 of title 5, United States Code, is amended to read as follows:
>
> "§ 8191. Determination of eligibility
>
> The benefits of this subchapter are available . . . to eligible public safety officers . . . and their survivors. For the purposes of this Act, an eligible officer is any person who is determined by the Secretary of Labor in his discretion to have been on any given occasion—
>
> "(1) employed as a law enforcement officer or fireman by a State or a political subdivision. . . ."
>
> (c) The heading at the beginning of subchapter III of chapter 81 of title 5, United States Code, and the item relating to such subchapter in the table of sections at the beginning of such chapter are amended by striking out 'Law Enforcement' and inserting in lieu thereof "Public Safety". . . .

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

> MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane. It refers to compensation and to personal liability and it has no relation whatsoever to the bill under consideration, which concerns law-enforcement assistance.

In defense of the amendment, the proponent stated as follows: [9]

> MR. [ANDREW J.] JACOBS [Jr., of Indiana]: . . . Mr. Chairman, the amendment that is proposed would simply extend to any policeman or fireman in the United States who is killed or totally disabled in line of duty benefits under the Federal Employees' Compensation Act.
>
> The amendment is offered as an amendment to section 9 of the pending legislation. Section 9 of the pending legislation deals with title V of the

7. H.R. 17825 (Committee on the Judiciary).

8. 116 CONG. REC. 21870, 91st Cong. 2d Sess., June 29, 1970.

9. *Id.* at pp. 21870, 21871.

United States Code, which contains the Employment Compensation Act. . . .

Under the rule . . . that the amendment must be "clearly and distinctly connected logically with the general scope and intent of the bill," the policeman and fireman amendment would be germane in the sense that it is offered as an amendment ultimately to the Omnibus Crime Control and Safe Streets Act of 1968.

This amendment, to provide survivor benefits to families of police and firemen killed in the line of duty, would provide essentially a form of additional compensation. Section 301, subsection (b) of the Safe Streets Act allows that up to one-third of any grant made under this section may be expended for compensation of personnel, which shows a germaneness. . . .

The Chairman,[10] in ruling on the point of order, stated:[11]

. . . The bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to assist States and local government to control crime and violence. It authorizes appropriations for 3 additional years; changes management from the 3-member board to a single administrator; sets up a new matching grant program relating to correctional facilities; and provides for matching grants for enforcement assistance and education.

The amendment of the gentleman from Indiana proposes upon a determination by the Secretary of Labor to make State and local policemen, as well as firemen, or their survivors, eligible for benefits under the Federal employee compensation for work injuries statutes.

The Chair does not believe that the amendment of the gentleman from Indiana is germane to the bill and therefore sustains the point of order.

Bill Increasing Authorization for Commission on Marihuana and Drug Abuse—Amendment To Increase Regulation of Amphetamines

§ 41.14 A bill extending or increasing an authorization for an agency but not substantively amending the permanent law does not necessarily open up that law to amendments which are not directly related to a subject contained in the bill; thus, to a bill amending one section of the Comprehensive Drug Abuse Prevention Act to increase the authorization of appropriations for the Commission on Marihuana and Drug Abuse, an amendment proposing to modify another section of that law for purposes of facilitating increased regulation of amphetamines was held to be not germane.

10. Daniel D. Rostenkowski (Ill.).

11. 116 Cong. Rec. 21871, 91st Cong. 2d Sess., June 29, 1970.

In the 92d Congress, a bill [12] was under consideration to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to increase the appropriation authorization for the Commission on Marihuana and Drug Abuse. An amendment [13] offered by Mr. Glenn M. Anderson, of California, sought to transfer amphetamines from "schedule III" to "schedule II" of the act, the effect of which was explained by Mr. Anderson as follows: [14]

> . . . Under current law, amphetamines are under schedule III. Under this schedule, all that a manufacturer, distributor, or dispenser of amphetamines must do, is notify the Justice Department that they are dealing in amphetamines. In order to obtain amphetamines from a manufacturer, a dispenser has no order forms. He simply writes a letter on his own stationery. In addition, there is no limit on the production of amphetamines and, in order to import or export amphetamines, a dispenser simply is required to notify the Justice Department.
>
> Under schedule II, first, a manufacturer, distributor, or dispenser of amphetamines would be required to register with the Department of Justice and prove that he has a legitimate operation and need for amphetamines. Second, in order to dispense amphetamines, a physician would be required to order them with Justice Department order forms. Thus, the Attorney General would be aware of who ordered how much. Third, the Department of Justice would give the manufacturer a production quota to coincide with the medical needs of the United States. Fourth, in order to import or export amphetamines, a dealer must obtain an authorization from the Department of Justice.
>
> Thus, Mr. Chairman, under schedule III, we can readily see that amphetamine production and distribution is very loosely controlled. Whereas under schedule II, amphetamines would be limited to the legitimate needs of the medical community, and its use would be severely restricted. . . .

A point of order was raised against the amendment, as follows: [15]

> MR. [HARLEY O.] STAGGERS [of West Virginia]: . . . I believe the amendment is not germane to the bill. This amendment deals with the existing law and this bill is simply for the authorization of additional expenditures. Therefore it is not germane.

Mr. Anderson responded to the point of order by citing the principle that an amendment offered as a separate section need not be germane to any particular section of the bill to which offered but merely should be germane to the subject matter of the bill as a whole, and pointing out that both

12. H.R. 5674 (Committee on Interstate and Foreign Commerce).

13. See 117 CONG. REC. 12318, 12319, 92d Cong. 1st Sess., Apr. 28, 1971.

14. *Id.* at p. 12319.

15. *Id.* at p. 12320.

the bill and his amendment sought to amend the Drug Abuse Prevention and Control Act. The Chairman,[16] in ruling on the point of order, stated:

> The bill under consideration amends section 601 of the Comprehensive Drug Abuse Prevention Act of 1970 to increase the authorization for the Commission on Marihuana and Drug Abuse from 1 to 4 million. No other section of the basic act is amended by the bill.
>
> The amendment, which is the text of H.R. 6825, proposes to amend section 202 of the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III to schedule II of the act.
>
> Where a bill proposes to amend a law in one particular, it is well established that amendments relating to the terms of the law rather than to the bill are not germane. This bill contains only one section.
>
> The Chair believes that the amendment goes to a subject not under consideration in the pending bill and sustains the point of order that the amendment is not germane.

Parliamentarian's Note: See also Sec. 39.33, supra, for a similar ruling wherein the bill merely extended an authorization of appropriations, and an amendment permanently changing the law was held to be not germane.

16. William S. Moorehead (Pa.).

Temporary Increase in Debt Ceiling—Amendment Proposing Permanent Changes in Liberty Bond Act

§ 41.15 To a bill proposing a temporary change in law, an amendment making other permanent changes in that law is not germane.

On Nov. 7, 1973,[17] during consideration of a bill reported from the Committee on Ways and Means providing for a temporary increase in the public debt ceiling for the current fiscal year, but not directly amending the Second Liberty Bond Act, an amendment was offered proposing permanent changes in that Act and also affecting budget and appropriations procedures (matters within the jurisdiction of other House committees).

> The Clerk read as follows:
>
> Sec. 2. Effective on the date of the enactment of this Act, section 101 of the Act of October 27, 1972, providing for a temporary increase in the public debt limit for the fiscal year ending June 30, 1973 (Public Law 92–599), as amended by the first section of Public Law 93–53, is hereby repealed.
>
> MR. [H.R.] GROSS [of Iowa]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Gross: On page 2, line 3, after the period,

17. 119 CONG. REC. 36240, 36241, 93d Cong. 1st Sess.

insert the following: *Provided further,* that the expenditures of the Government during each fiscal year, including reduction of the public debt in accordance with the provisions of section 3, shall not exceed its revenues for such year except—

(1) in time of war declared by the Congress . . .

Sec. 3. Section 21 of the Second Liberty Bond Act, as amended (31 U.S.C. 757b), is amended by inserting "(a)" after "Sec. 21." and by adding at the end thereof the following:

"(b) The public debt limit set forth in subsection (a) is hereby reduced as follows:

"(1) Effective on July 1, 1974, by an amendment equal to 2 percent of the net revenue of the United States for the fiscal year ending June 30, 1973;

"(2) Effective on July 1, 1975, by an amount equal to 3 percent of the net revenue of the United States for the fiscal year ending June 30, 1974;

"(3) Effective on July 1, 1976, by an amount equal to 4 percent of the net revenue of the United States for the fiscal year ending June 30, 1975;

"(4) Effective on July 1, 1977, and July 1 of each year thereafter, by an amount equal to 5 percent of the net revenue of the United States for the fiscal year ending on June 30, of the preceding year."

Sec. 4. (a) The Budget submitted annually by the President pursuant to section 201 of the Budget and Accounting Act, 1921, as amended, shall be prepared, on the basis of the best estimates then available, in such a manner as to insure compliance with the first section of this Act.

(b) Notwithstanding any obligational authority granted or appropriations made except such with respect to the legislative and judicial branches of the Government, the President shall from time to time during each fiscal year take such action as may be necessary (by placing funds in reserve, by apportionment of funds, or otherwise) to insure compliance with the first section of this Act.

Sec. 5. The Congress shall not pass appropriations measures which will result in expenditures by the Government during any fiscal year in excess of its estimated revenues for such year (as revenues have been estimated in the budget submitted by the President), except—

(1) to the extent of any additional revenues of the Government for such fiscal year resulting from tax legislation enacted after the submission of the budget for such fiscal year; or

(2) in time of war declared by the Congress; or

(3) during a period of grave national emergency declared in accordance with the first section of this Act; but, subject to paragraph (1) of this section, appropriations measures which will so result in expenditures in excess of estimated revenues may be passed by the Congress only during such a period of grave national emergency.

Sec. 6. This Act shall apply only in respect of fiscal years beginning after June 30, 1974.

MR. [AL] ULLMAN [of Oregon]: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN:[18] The gentleman will state his point of order.

MR. ULLMAN: Mr. Chairman, the bill before us provides for a temporary change in the debt ceiling in conformity with the Second Liberty Bond Act. The amendment offered by the gentleman from Iowa makes a permanent change in the Second Liberty Bond Act, and therefore is not germane to this bill. . . .

MR. GROSS: . . . Mr. Chairman, the entire thrust of the bill before us is the

18. William H. Natcher (Ky.).

national debt and the ceiling of that debt. The main thrust of this amendment is to control the Federal debt and reduce the ceiling.

Mr. Chairman, I believe the amendment is in order.

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

The bill presently before the House provides for a temporary change in the debt limit for this fiscal year, and the amendment constitutes a permanent change in the law.

In addition, the amendment also goes to the preparation of the budget under the Budget and Accounting Act which is under the jurisdiction of another committee. Volume 8 of the precedents of the House provides under section 2914 the following:

> To a section proposing legislation for the current year, an amendment rendering such legislation permanent was held to be not germane.

The Chair sustains the point of order.

Administration of Existing Programs Transferred to New Department of Education—Amendment To Prohibit Use of Authorized Funds for School Busing

§ 41.16 Although it is ordinarily germane by way of amendment to limit the uses to which an authorization of appropriations carried in a bill may be applied, that principle normally applies to annual authorization bills reported by the committees having legislative and oversight jurisdiction over the statutes for which the funds are authorized; but where the Committee on Government Operations has reported an organizational bill to create a new department in the executive branch, which transfers the administration of existing statutes and programs to that department without modifying such statutes and programs, and which contains a general authorization of appropriations for the department to carry out its functions under the Act, such a bill is not necessarily open to amendments which change the substantive laws to be administered.

On June 19, 1979, the Committee of the Whole had under consideration H.R. 2444, reported from the Committee on Government Operations, to establish a new Department of Education, and transferring to such Department the administration of federally funded programs within the jurisdiction of other committees. The bill contained an authorization of appropriations to carry out its provisions and to enable the Department to perform the func-

tions transferred to it, subject to existing laws limiting appropriations applicable to any of those functions.[19] An amendment was offered[20] to prohibit the use of any funds appropriated under such authorization to provide for transportation of students or teachers for purposes of establishing racial or ethnic quotas in schools. The amendment was ruled out as not germane, on the grounds that the bill was merely organizational in nature and only transferred the administration of educational laws to the Department without modifying those laws; and because the amendment would impinge on the jurisdiction of other House committees having jurisdiction over those basic laws. The proceedings were as follows:

AUTHORIZATION OF APPROPRIATIONS

Sec. 436. Subject to any limitation on appropriations applicable with respect to any function transferred to the Department or the Secretary, there are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act and to enable the Department and the Secretary to perform any function or conduct any office that may be vested in the Department or the Secretary. Funds appropriated in accordance with this section shall remain available until expended.

Amendment offered by Mr. Dornan: Page 90, after line 6, insert the following new section and redesignate the following sections accordingly:

PROHIBITION AGAINST THE USE OF PERSONNEL FUNDS TO FORCE RACIAL/ETHNIC QUOTA BUSING

Sec. 437. No funds appropriated under the authorization contained in section 436 may be used to assign Department of Education personnel to promote or to provide for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to establish racial or ethnic school attendance quotas or guidelines in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out such a plan in any school or school system.

MR. [JACK] BROOKS [of Texas]: Mr. Chairman, I make a point of order against the amendment. . . . (T)he language of section 436 that says that this authorization is subject to any limitation applicable with respect to any function transferred to the department, was added to the bill to negate any inference that this section authorizes any funds for programs so transferred.

Now, the section is designed to authorize only those additional appropriations which are necessary to establish and operate the department. Funds provided to public and private entities under the programs of the department are not authorized by this section, but by legislation subject to the jurisdiction of other committees and not now before the house.

An amendment to limit or constrain the use of those funds is, therefore, not germane to this bill. . . .

19. 125 CONG. REC. 14717, 96th Cong. 1st Sess., June 13, 1979.

20. 125 CONG. REC. 15570, 96th Cong. 1st Sess., June 19, 1979.

MR. [ROBERT K.] DORNAN [of California]: . . . Mr. Chairman, I may be supporting the bill. I do not think this is a frivolous amendment. I believe it is germane.

So as not to waste the time of this body or of this committee, I asked the parliamentarian last week to take an initial look at this. He said that it might take some further study, but that it looked germane at first view.

What it attempts to do, if it appears slightly redundant, is to make sure that the Department of Education is not crippled by the burden of reverse discrimination dealing with quotas, busing or teacher transfers. The teacher transfer problem is one to which my own brother has been subjected after teaching in a Los Angeles school system for 12 years.

I will accept whatever ruling the Chair issues to this, since they have already had a chance to look at it once.

I just simply state that it is germane in more than one section and not legislating in an appropriations bill, to point out areas in which money cannot be spent and to allocate any personnel to carry out someone else's school plan or to have a brand new department of education suffering under the burden of coming up with their own, I think would get the new department off to a bad footing for this or what I expect to be a whole new administration starting on January 20 of 1981. . . .

THE CHAIRMAN:[1] The Chair is prepared to rule.

The Chair recognizes that amendments are ordinarily germane which limit the uses to which an authorization of appropriations or an appropriation for an existing program may be put; however, the Chair knows of no precedent applying that principle to a bill which is only organizational in nature. Ordinarily, bills authorizing or making appropriations to carry out existing statutes emerge from the committees which have reported such statutes and which during the authorization and appropriation process have exercised oversight over the manner in which those programs are and should be carried out; but the fundamental issue involved with the pending bill is not whether those programs should be carried out as it is with annual authorizations or appropriations, but who should administer them. . . .

To allow as germane the amendment proposed by the gentleman from California would be to impinge upon the jurisdiction of the committees responsible for overseeing and authorizing the administration of the laws transferred by the pending legislation, and would broaden its scope beyond an organizational bill to one also modifying and limiting the programs proposed to be transferred intact to the new department.

The Chair believes that it is important to understand the impact which section 436 has upon the bill.

In this regard, the Chair will focus upon the first clause in that section, which on its face renders the authorization for appropriations subject to any limitations on appropriations applicable with respect to any function transferred to the department or secretary. Since the basic purpose of this bill is to create a new departmental entity to carry out existing educational programs and policies, it is reasonable

1. Lucien N. Nedzi (Mich.).

to infer that the thrust of section 436 is merely to assure under the rules of the House that appropriations both for substantive educational programs and for administrative expenses of the new department as an organizational entity will continue to be considered as authorized by and subject to provisions of existing law.

Thus, amendments to section 436 which attempt to restrict the availability of funds authorized therein in ways which are not addressed by existing law, such as the denial of funds to pay salaries and expenses to persons who promulgate regulations relating to some newly stated aspect of educational policy, are beyond the scope of title IV. Title IV establishes an administrative structure within the new department to carry out presently enacted educational programs and policies. Such a title should not, in an organizational bill, be open to amendments which redirect the administration of educational programs in ways not precisely contemplated by existing law.

Accordingly, the Chair sustains the point of order.

Annual Authorization—Amendment Changing Permanent Law Relating to Organization of Agency

§ 41.17 An amendment making permanent changes in the law relating to the organization of an agency is not germane to a title of a bill only authorizing annual appropriations for such agency for one fiscal year.

On Dec. 4, 1979,[2] during consideration of H.R. 2608[3] in the Committee of the Whole, Chairman Leon E. Panetta, of California, sustained a point of order against the amendment described above. The proceedings were as follows:

Title I reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1980

Sec. 101. (a) There is hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017), and section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), for the fiscal year 1980 the sum of $374,785,000 to remain available until expended. Of the total amount authorized to be appropriated: . . .

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lujan: On page 8, after line 11, insert the following:

Sec. 107. Section 201 (a) of the Energy Reorganization Act of 1974 as amended (42 U.S.C. 5841) is amended by adding immediately after para-

2. 125 CONG. REC. 34083, 34089, 34090, 96th Cong. 1st Sess.

3. The Nuclear Regulatory Commission Authorization Act.

graph (5) of that section a new paragraph to read as follows:

(6) Notwithstanding the provisions of subsection (a)(1) regarding decisions and actions of the Commission, the Commission may delegate to an individual Commissioner, including the Chairman, such authority concerning emergency response management as the Commission deems appropriate. . . .

MR. [MORRIS K.] UDALL [of Arizona]: . . . (T)he amendment amends section 201 of the Energy Reorganization Act. Neither title I we are now considering or the bill under consideration amends that law. While the rule does waive germaneness with respect to three amendments, nothing in that rule otherwise modifies the germaneness requirement, and I urge the point of order be sustained. . . .

MR. LUJAN: Mr. Chairman, let me point out that as to the germaneness and the appropriateness of this amendment, the rule makes out of order amendments to the Atomic Energy Act and not to the Energy Reorganization Act. For that reason I believe that the amendment is germane and in order.

THE CHAIRMAN: . . . [T]he Chair is prepared to rule.

Title I of the bill before the Committee provides for a 1-year authorization for the Nuclear Regulatory Commission while this amendment seeks to permanently amend the Energy Reorganization Act of 1974. Title I does not in any way amend the Energy Reorganization Act of 1974. Therefore, the Chair finds the amendment to be nongermane under general germaneness rule, which is applicable to this bill, and the point of order is sustained.

Temporary Authorization Bill Restricting Agency's Use of Funds—Senate Amendment Affecting Policy Over Several Years

§ 41.18 To a temporary authorization bill affecting existing law only to the extent of restricting an agency's use of funds authorized therein, a Senate amendment contained in a conference report, which was not limited to that agency's use of funds but rather proposed a multiyear change in policy under the organic law governing that agency's operations, was conceded to be not germane.

On Dec. 2, 1982,[4] during consideration of the conference report on H.R. 2330, the Nuclear Regulatory Commission authorization for 1982 and 1983, a point of order was made, pursuant to Rule XXVIII, clause 4, against a Senate amendment contained in the conference report. The Senate amendment as modified in the conference report stated in part as follows, and the point of order was made by Mr. Bill Frenzel, of Minnesota, as indicated below:

uranium supply

Sec. 23. (a)(1) Not later than 12 months after the date of enactment of

4. 128 CONG. REC. 28537, 97th Cong. 2d Sess.

this section, the President shall prepare and submit to the Congress a comprehensive review of the status of the domestic uranium mining and milling industry. This review shall be made available to the appropriate committees of the United States Senate and the House of Representatives. . . .

(b)(1) Chapter 14 of the Atomic Energy Act of 1954 is amended by adding the following new section at the end thereof:

"Sec. 170B. Uranium Supply.

"a. The Secretary of Energy shall monitor and for the years 1983 to 1992 report annually to the Congress and to the President a determination of the viability of the domestic uranium mining and milling industry and shall establish by rule, after public notice and in accordance with the requirements of section 181 of this Act, within 9 months of enactment of this section, specific criteria which shall be assessed in the annual reports on the domestic uranium industry's viability. The Secretary of Energy is authorized to issue regulations providing for the collection of such information as the Secretary of Energy deems necessary to carry out the monitoring and reporting requirements of this section. . . .

"e. (1) During the period 1982 to 1992, if the Secretary of Energy determines that executed contracts or options for source material or special nuclear material from foreign sources for use in utilization facilities within or under the jurisdiction of the United States represent greater than thirty-seven and one-half percent of actual or projected domestic uranium requirements for any two consecutive year period, then the Secretary shall immediately revise criteria for services offered under paragraph (A) of section 161 v. to enhance the use of source material of domestic origin for use in utilization facilities licensed, or required to be licensed, under section 103 or 104b. of this Act. . . .

"f. In order to protect essential security interests of the United States, upon the initiation of an investigation under subsection e. to determine the effects on the national security of imports of source material or special nuclear material pursuant to section 232 of the Trade Expansion Act of 1962, it shall be unlawful to execute a contract or option contract resulting in the import of additional source material or special nuclear material from foreign sources, which is intended to be used in domestic utilization facilities licensed, or required to be licensed, under section 103 or 104b. of this Act. This prohibition shall remain in effect for a period of two years or until the President has taken action to adjust the importation of source material and special nuclear material so that such imports will not threaten to impair the national security, whichever first occurs.". . .

MR. FRENZEL: Mr. Speaker, I have a point of order against section 23 of the conference report substitute. . . .

I make a point of order that the matter contained in section 23 of the conference report would not be germane to H.R. 2330 under clause 7 of rule XVI if offered in the House and is, therefore, subject to a point of order under clause 4 of rule XXVIII.

THE SPEAKER PRO TEMPORE:[5] Does the gentleman from Arizona (Mr. Udall) desire to be heard?

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5. William H. Natcher (Ky.).

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, we concede the substance of the point of order the gentleman is making.

THE SPEAKER PRO TEMPORE: The point of order is sustained.

MR. FRENZEL: Mr. Speaker, pursuant to the provisions of clause 4, rule XXVIII, I move that the House reject section 23 of the conference substitute recommended in the conference report.

THE SPEAKER PRO TEMPORE: The gentleman from Minnesota (Mr. Frenzel) is recognized for 20 minutes on his motion.

Authorization for Nuclear Regulatory Commission for Two Years—Senate Amendment To Amend Atomic Energy Act

§ 41.19 To a House bill authorizing appropriations for two years for the Nuclear Regulatory Commission but not amending the Atomic Energy Act with respect to nuclear energy policy, provisions in a Senate amendment contained in a conference report amending several sections of that Act making permanent changes in the law relating to limitation on use of special nuclear material, disclosure of Department of Energy information, and deadlines for promulgation of environmental standards by EPA and NRC for uranium mill tailings were conceded to be nongermane under Rule XXVIII, clause 4, permitting a divisible motion to reject those portions of the conference report.

On Dec. 2, 1982,[6] a point of order was made against portions of a conference report pursuant to Rule XXVIII, clause 4, which permits such points of order against nongermane matter contained in conference reports. The conference report stated in part as follows, and the point of order was made by Mr. Samuel S. Stratton, of New York, as indicated below:

LIMITATION ON USE OF SPECIAL NUCLEAR MATERIAL

Sec. 14. Section 57 of the Atomic Energy Act of 1954 (42 U.S.C. 2077) is amended by adding at the end thereof the following new subsection:

"e. Special nuclear material, as defined in section 11, produced in facilities licensed under section 103 or 104 may not be transferred, reprocessed, used, or otherwise made available by any instrumentality of the United States or any other person for nuclear explosive purposes.". . .

18. (a) Section 275 of the Atomic Energy Act of 1954 is amended—

(1) by striking in subsection a. "one year after the date of enactment of this section"

(B) the Commission's requirements are modified to conform to such standards.

Such suspension shall terminate on the earlier of April 1, 1984 or the date

6. 128 CONG. REC. 28544, 97th Cong. 2d Sess.

on which the Commission amends the October 3 regulations to conform to final standards promulgated by the Administrator under subsection b. During the period of such suspension, the Commission shall continue to regulate by product material (as defined in section 11 e (2)) under this Act on a licensee-by-licensee basis as the Commission deems necessary to protect public health, safety, and the environment.

"(3) Not later than 6 months after the date on which the Administrator promulgates final standards pursuant to subsection b. of this section, the Commission shall, after notice and opportunity for public comment, amend the October 3 regulations, and adopt such modifications, as the Commission deems necessary to conform to such final standards of the Administrator. . . .

(b)(1) Section 108(a) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding the following new paragraph at the end thereof.

"(3) Notwithstanding paragraphs (1) and (2) of this subsection, after October 31, 1982, if the Administrator has not promulgated standards under section 275 a. of the Atomic Energy Act of 1954 in final form by such date, remedial action taken by the Secretary under this title shall comply with the standards proposed by the Administrator under such section 275 a. until such time as the Administrator promulgates the standards in final form.".

(2) The second sentence of section 108(a)(2) of the Uranium Mill Tailings Radiation Control Act of 1978 is repealed. . . .

MR. STRATTON: Mr. Speaker, I make a point of order that the matter contained in sections 14, 17, and 18 of the substitute for the Senate amendment in the conference report would not be germane to H.R. 2330 if offered in the House and is, therefore, subject to a point of order under the rules of the House.

I make this point of order, Mr. Speaker, because sections 14, 17, and 18 would be permanent changes in law and this bill is a 2-year authorization bill; also, the three sections contain matters that fall within the jurisdiction of the Armed Services Committee.

THE SPEAKER PRO TEMPORE:[7] The Chair recognizes the gentleman from Arizona (Mr. Udall).

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, I concede the point of order and wish to be heard in the regular order on the motion.

THE SPEAKER PRO TEMPORE: The point of order is sustained.

MOTION OFFERED BY MR. STRATTON

MR. STRATTON: Mr. Speaker, I offer a motion.

THE SPEAKER PRO TEMPORE: The Clerk will report the motion.

The Clerk read as follows:

> Mr. Stratton moves that the House reject sections 14, 17, and 18 of the substitute recommended in the conference report.

THE SPEAKER PRO TEMPORE: The gentleman from New York (Mr. Stratton) will be recognized for 20 minutes, and the gentleman from Arizona (Mr. Udall) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from New York (Mr. Stratton).

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7. William H. Natcher (Ky.).

Mr. Stratton, in the ensuing debate, further addressed the issue of germaneness:

> Section 14 of the conference report . . . is nongermane as an amendment to the House bill authorizing appropriations for the Nuclear Regulatory Commission. Section 14 was a Senate amendment that deals with special nuclear material by amending the Atomic Energy Act of 1954, but special nuclear material is material that is used for the purpose of making nuclear weapons and is, therefore, under the jurisdiction of the Committee on Armed Services.
>
> The language of section 14, as adopted by the conferees, would therefore have been nongermane had such an amendment been offered in the House.
>
> Section 17, which was a Senate amendment to the House bill, is also nongermane since it would revise permanent law through a 2-year authorization. This section would revise a statute dealing with the release of information concerning security measures by the Secretary of Energy, and other matters that involve the nuclear weapons program of the Department of Energy.

Parliamentarian's Note: The motion to reject the nongermane portions of the conference report was substantively and grammatically divisible, so that a division of the question on any of the three sections could have been demanded by any Member prior to the Chair's putting the question on the motion to reject, in order to avoid a subsequent point of order against one of the sections just to obtain a separate subsequent vote on a motion to reject that one section.

Individual Proposition Not Germane to Another Individual Proposition—Amendment to Act Not Directly Amended by Bill

§ 41.20 To a portion of an amendment in the nature of a substitute regulating the importation of liquefied natural gas, but not directly amending the Natural Gas Act, an amendment to the Natural Gas Act to prohibit the Federal Power Commission from regulating the price of natural gas at the well-head was held to be not germane.

On Dec. 14, 1973,[8] during consideration of H.R. 11450[9] in the Committee of the Whole, it was demonstrated that an amendment changing existing law in order to achieve one individual purpose is not germane to a proposition which does not amend that law and which seeks to accomplish another individual purpose. The proceedings were as follows:

> MR. [ROBERT D.] PRICE of Texas: Mr. Chairman, I offer an amendment to

8. 119 CONG. REC. 41723–25, 93d Cong. 1st Sess.

9. The Energy Emergency Act.

the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers).

The Clerk read as follows:

> Amendment offered by Mr. Price of Texas to the amendment in the nature of a substitute offered by Mr. Staggers:
>
> Page 37, line 5 is amended to read as follows:
>
> Sec. 118. Deregulation of the Price of Natural Gas and Importation of Liquefied Natural Gas.
>
> Page 37, line 6, insert "(a)" before "The Emergency".
>
> Page 37, after line 18, insert the following new subsection:
>
> (b)(1) Section 2(6) of the Natural Gas Act is amended by inserting before the period at the end thereof the following: ", except that such term does not include a person engaged in the production or gathering and sale of natural gas whether or not such person is affiliated with any person engaged in the transmission of natural gas to consumer markets or the distribution of natural gas to the ultimate consumer".
>
> (2) Section 4(a) is amended by inserting before the period at the end thereof the following: ": *Provided*, however, That the Commission shall have no power to deny, in whole or in part, that portion of the rates and charges made, demanded, or received by any natural-gas company for or in connection with the purchase of natural gas from a person exempt under section 2(6)". . . .

MR. [HARLEY O.] STAGGERS [of West Virginia]: The amendment in the nature of a substitute does not contain provisions governing price regulations of natural gas. The gentleman's amendment proposes a direct amendment to provisions of the Natural Gas Act.

It is, therefore, not germane and out of order, because this pricing authority is assigned to the Federal Power Commission under that act and we do not deal with it in any way in our bill.

MR. PRICE of Texas: Mr. Chairman, in the report on page 5, section 106, coal conversion and allocation, it deals with the provision that is a primary energy source. . . .

> . . . To the extent coal supplies are limited to less than the aggregate amount of coal supplies which may be necessary to satisfy the requirements of those installations which can be expected to use coal (including installations to which orders may apply under this subsection), the Administrator shall prohibit the use of natural gas and petroleum products for those installations where the use of coal will have the least adverse environmental impact. . . .

It is further mentioned in section 118, importation of liquefied natural gas. Section 9 says:

> Sec. 9. Notwithstanding the provisions of section 3 of the Natural Gas Act (or any other provisions of law) the President may by order, on a finding that such action would be consistent to the public interest, authorize on a shipment-by-shipment basis the importation of liquefied natural gas from a foreign country. . . .

MR. [JOHN D.] DINGELL [of Michigan]: . . . Mr. Chairman, the requirements of the rule of germaneness are that the amendment be germane, first to the bill and second to the language of the section to which it is offered.

There is nothing in the bill dealing with deregulation of natural gas. Therefore, the amendment fails with regard to that point. Second, there is

nothing in the section to which the amendment alludes which deals with deregulation of natural gas.

The amendment purports to amend section 118 and it changes the title, deregulation of the price of natural gas and importation of liquefied natural gas. The section to which it alludes, section 118, is a section relating to the importation of natural gas.

By no distortion of the rules of the House or common logic or the English language may it be construed that deregulation of natural gas and importation are one and the same thing, or indeed are even germane to each other.

For those two reasons, Mr. Chairman, the amendment [violates] the rule of germaneness. . . .

MR. [JACK] KEMP [of Texas]: . . . Mr. Chairman, the title of the bill is as follows:

> To assure . . . that the essential energy needs of the United States are met . . .

I would suggest and submit that that certainly makes this amendment in order, as well as the section the gentleman in the well has alluded to in his remarks.

THE CHAIRMAN:[10] The Chair is ready to rule.

For the reasons essentially given by the gentleman from Michigan, which the Chair will repeat at least in part, very briefly, the amendment is not germane.

Those reasons are that the amendment which the committee is considering does not amend the Natural Gas Act. It should also be noted that the section deals with a single subject, and under the germaneness rule an individual proposition is not germane to another individual proposition.

Therefore, the Chair sustains the point of order.

Bill Citing But Not Amending Clayton Act—Amendment Making Provisions of Clayton Act Applicable to Subject of Bill

§ 41.21 To a bill citing but not amending a law on another subject, an amendment incorporating that law by reference to broaden its application to the subject of the bill is not germane; thus, to a title of a bill regulating financial institutions, referring to but not amending the Clayton Act, an amendment providing that the provisions of that title (relating to interlocking directorates) are deemed to be provisions of the Clayton Act, and authorizing the Attorney General to prosecute violations of such provisions in the same manner, and with the same authority, as under the Clayton Act, was held not germane.

During consideration of H.R. 13471[11] in the Committee of the Whole, the Chair sustained a

10. Richard Bolling (Mo.).

11. The Financial Institutions Regulatory Act of 1978.

point of order against the amendment described above. The proceedings of Oct. 5, 1978,[12] were as follows:

TITLE II—INTERLOCKING DIRECTORS

Sec. 201. This title may be cited as the "Depository Institution Management Interlocks Act". . . .

Sec. 206. A person whose service in a position as a management official began prior to the date of enactment of this title and was not immediately prior to the date of enactment of this title in violation of section 8 of the Clayton Act is not prohibited by section 203 or section 204 of this title from continuing to serve in that position for a period of ten years after the date of enactment of this title. The appropriate Federal banking agency (as set forth in section 209) may provide a reasonable period of time for compliance with this title, not exceeding fifteen months, after any change in circumstances which makes such service prohibited by this title. . . .

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. St Germain: . . .

Page 90, immediately after line 23, insert the following:

Sec. 205. Service as a management official of a depository institution or a depository holding company and as a management official of any other company not affiliated therewith shall be prohibited if such depository holding company and other company not affiliated therewith are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws. . . . For purposes of this section, the term "antitrust laws," shall have the definition assigned that term in the Act entitled "An Act to supplement existing laws against unlawful restraint and monopolies, and for other purposes," approved October 15, 1914 (Clayton Act, 38 Stat. 732, as amended). Renumber succeeding sections accordingly. . . .

Page 93, strike out lines 6 through 9, and insert in lieu thereof the following:

(6) the Attorney General with respect to any company. Whenever this title is enforced by the Attorney General, the provisions of this title shall be deemed provisions of the Clayton Act and a violation of this title shall be deemed a violation of the Clayton Act. All of the functions and powers of the Attorney General under the Clayton Act are available to the Attorney General to enforce compliance by any reason with this title, irrespective of any jurisdiction tests in the Clayton Act, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of the Clayton Act. All of the functions and powers of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice are available to the Attorney General or to such Assistant Attorney General to investigate possible violations of this title in the same manner as if such possible violations were possible violations of the Clayton Act. . . .

MR. [GARRY] BROWN of Michigan: Mr. Chairman, I insist upon my point of order. . . .

12. 24 CONG. REC. 33814–18, 95th Cong. 2d Sess.

Mr. Chairman, I would point out to the Chair that the amendment offered by the gentleman from Rhode Island goes far beyond the scope of the present legislation. It attempts circuitously to amend the Clayton Act. It is not germane and, therefore, should not be part of this legislation and, furthermore, it is within the jurisdiction of the Committee on the Judiciary. . . .

MR. ST GERMAIN: . . . Mr. Chairman, this amendment simply expands the provisions of title II. It does not raise issues outside the scope of the title. Title II, as adopted by the committee, deals with interlocking directorates among financial institutions and the anticompetitive effect of such interlocks.

This amendment simply extends anticompetitive tests to interlocks between banks and other types of financial institutions and is clearly germane.

It does not amend the Clayton Act and is not subject to challenge on this point.

The amendment does refer to the Clayton Act—but so does the title II adopted by the committee. The amendment does refer to the authority of the Attorney General—but again so does the title adopted by the committee. Clearly the reference to the Clayton Act and the Attorney General cannot be ruled nongermane when the bill itself already contains reference to both. . . .

THE CHAIRMAN:[13] The gentleman from Michigan (Mr. Brown) has made a point of order against the amendment offered by the gentleman from Rhode Island (Mr. St Germain) on the ground that the amendment is not germane.

The amendment seeks to prohibit certain interlocking directorates or other related functions between the management official of the depository institution and any other company. This includes any other company which might be in competition with a depository holding company.

The amendment would bring into play functions and powers of the Attorney General under the Clayton Act and give the Attorney General all the power he would have under that Act to enforce certain anticompetitive practices.

Based on the argument made by the gentleman from Michigan (Mr. Brown) and the Chair's reading of the amendment, that it shall be deemed to be part of the provisions of the Clayton Act and that violations of the amendment would be deemed violations of the Clayton Act, and because title II of the bill does not in fact amend the Clayton Act but merely refers to that law in a manner which does not change that law's application, the Chair holds the amendment not germane to title II.

The Chair sustains the point of order.

Bill Relating to One Criminal Activity—Amendment Changing Effective Date of Law Relating to Other Activities

§ 41.22 A bill narrowly amending one subsection of existing law for a single purpose does not necessarily open the

13. Mike McCormack (Wash.).

entire section of the law to amendment; thus, to a bill narrowly amending one subsection of existing law relating to one specific criminal activity, an amendment postponing the effective date of the entire section, affecting other criminal provisions as well as the one amended by the bill, and affecting other classes of persons, was held not germane.

During consideration of S. 869[14] in the Committee of the Whole on May 16, 1979,[15] the Chair sustained a point of order against the amendment described above. The proceedings were as follows:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 207 of title 18, United States Code, as amended by the Act of October 26, 1978 (Public Law 95–521, section 501(a); 92 Stat. 1864) is amended as follows: In clause (ii), strike "concerning" and insert "by personal presence at"; and in subparagraph (3), before "which was" insert ", as to (i)," and after "responsibility, or" insert ", as to (ii)." . . .

MR. [ROBERT] MCCLORY (of Illinois): Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McClory: On page 2, following line 2, add the following new section:

"Sec. 2. Section 503 of Public Law 95–521 is amended by striking "July 1, 1979" and inserting "January 1, 1980" in lieu thereof.". . .

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I will make the point of order now.

Mr. Chairman, the gentleman's amendment would add a section 2 to amend section 503 of Public Law 95–521 by striking "July 1, 1979" and inserting "July 1, 1980" in lieu thereof. I respectfully point out that the bill before us does not deal with section 503 of the bill Public Law 95–521. It does not deal with that section and, therefore, the gentleman's amendment would not be germane to the bill before us. . . .

MR. MCCLORY: Mr. Chairman, the amendment which I have offered relates to Public Law 95–521, which is the law which is referred to in the legislation which we have under consideration at the present time. The amendment which I have offered would delay the effective date of the entire legislation, including the section to which the gentleman from California (Mr. Danielson) has made reference, and which is referred to specifically in the measure, and would keep that part and the rest of the legislation from becoming effective until January 1, 1979.

It is, in my view, entirely germane. It is precisely relevant to the subject about which we are giving consideration now. sInstead of papering over something with a so-called technical amendment, what we are doing is to delay the effective date of the entire

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14. A bill relating to clarification of conflict of interest restrictions on former government employees.

15. 125 CONG. REC. 11466, 11467, 11470, 96th Cong. 1st Sess.

act in order that we can handle the subject not only technically but substantively as well. I urge that the Chairman overrule the point of order.

THE CHAIRMAN:[16] . . . This act applies to subsection (b) of section 207 of title 18, and it is a very narrowly drafted and defined bill as amended at this point. The amendment which the gentleman has offered seeks to extend the time for the entire act covering categories of persons other than those under subsection (b) of section 207, and under the precedents that the Chair has examined, the Chair will sustain the point of order accordingly.

Agency's Regulatory Authority Regarding Certain Toxic Wastes—Amendment Addressing Compensation to Those Affected by Wastes

§ 41.23 A bill narrowly amending a law in one respect does not necessarily allow as germane other amendments to that law which are not related to the subject of the bill; thus, to a bill amending the Solid Waste Disposal Act relating to an agency's regulatory authority to prevent improper disposal of solid wastes, and containing one section amending another law only with respect to reimbursement to states from the fund provided therein, an amendment proposing another unrelated amendment to that law, providing for payments from that fund for a new category of assistance for community relocation, was held not germane, since the bill did not address in a comprehensive way compensation for damages caused by previous toxic waste disposals.

On Oct. 6, 1983,[17] during consideration of H.R. 2867[18] in the Committee of the Whole, the Chair sustained a point of order in the circumstances described above:

> HAZARDOUS WASTE FACILITIES OWNED BY STATES OR POLITICAL SUBDIVISIONS
>
> Sec. 10. Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by—
>
> (1) striking out "owned" and substituting "owned and operated" in subparagraph (C)(ii); and
>
> (2) adding the following at the end thereof: "In the case of any State which has paid, at any time after the date of the enactment of this Act, in excess of 10 per centum of the costs of remedial action at a facility owned, but not operated by, such State or by a political subdivision thereof, the President shall use money in the Fund to provide reimbursement to such State for the amount of such excess." . . .

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16. E de la Garza (Tex.).

17. 129 CONG. REC. 27690, 27692, 27693, 98th Cong. 1st Sess.

18. The Hazardous Waste Control and Enforcement Act of 1983.

MR. [IKE] SKELTON (of Missouri): Mr. Chairman, I offer an amendment. . . .

The Clerk read as follows:

Amendment offered by Mr. Skelton: Page 30, line 25, insert:

COMMUNITY RELOCATION

Sec. 10A. (a) The second sentence of paragraph (23) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96–510) is amended by inserting after "not otherwise provided for," the phrase "costs of permanent relocation of residents where it is determined that such permanent relocation is cost effective or may be necessary to protect health or welfare," and by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: "In the case of a business located in an area of evacuation or relocation, the term may also include the payment of those installments of principal and interest on business debt which accrue between the date of evacuation or temporary relocation and thirty days following the date that permanent relocation is actually accomplished or, if permanent relocation is formally rejected as the appropriate response, the date on which evacuation or temporary relocation ceases. In the case of an individual unemployed as a result of such evacuation or relocation, it may also include the provisions of the assistance authorized by sections 407, 408, and 409 of the Disaster Relief Act of 1974;" . . .

(b) Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96–510) is amended by inserting before "authorized by section (b) of this section," the phrase "for permanent relocation or".

(c) Nothing in the amendments made by this section shall be construed to appropriate funds (or divert appropriated funds) for any purpose for which such funds would not otherwise be available. . . .

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Chairman, I would just say on my point of order that this amendment attempts to amend a portion of the Comprehensive Environmental Response, Compensation, and Liability act Superfund, which is not before this committee and, accordingly, is not germane.

On the merits of the proposal, I would just say that the gentleman is attempting to expand the scope of Superfund. That may very well be desirable, but it should be desirable at the appropriate time when we are dealing with that. . . .

MR. SKELTON: . . . The fact that section 10 deals with the Superfund in and of itself opens the door.

My colleague, the gentleman from New Jersey, has indicated his view that this money in the Superfund was intended for cleanup alone and that my amendment takes it beyond that purpose or that we should limit it to just that purpose.

I would remind my colleague that the very title of the Superfund law is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Section 101, paragraph 23, which I seek to amend, clearly provides for compensation as a result of actions taken by the Administrator or the President to protect the health and welfare of our citizens. That is the central purpose of the Superfund, to protect people. . . .

I would like to point out that this is not an entitlement, but it is rather a useful tool which the Administrator can use if it is appropriate.

We do not direct him to take these actions, but merely make it clear that they are there in case he needs them.

Now, I also submit to the chairman that section 10 is far more sweeping in its effect on the Superfund than my amendment is. The previous section, section 10, changes the amount of the State's contribution for State-owned sites from 50 percent to 10 percent, because in some cases they cannot afford the expense.

All my amendment would do is to clarify that the Administrator can in his discretion in those rare instances where such action is appropriate to take actions himself to help the residents of a contaminated area.

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

Section 10 of this bill does amend subsection 104(c)(3) of the Superfund law, Public Law 96–510, but only in a very narrow respect regarding State contributions and reimbursements from the fund. The bill does not so comprehensively amend the Superfund law as to permit further amendments to the law which are unrelated to the specific changes contained in the bill.

The amendment from the gentleman from Missouri relates to eligibility for certain community relocation assistance for the Superfund and is not related to the issue contained in the bill.

The Chair sustains the point of order.

19. Doug Barnard, Jr. (Ga.).

§ 42. Amendment Changing or Citing Existing Law to Bill Not Citing That Law

A point of order may lie against an amendment if it amends, either directly or by implication, a law which is not contemplated in the bill under consideration and which is not before the House.

Bill Amending Fair Labor Standards Act—Amendment To Change Tariff Act

§ 42.1 To a bill reported from the Committee on Education and Labor and amending the Fair Labor Standards Act, an amendment proposing to modify the Tariff Act of 1930, which was a matter within the jurisdiction of the Committee on Ways and Means, was held not germane.[20]

§ 42.2 To a bill amending two sections of the Fair Labor Standards Act and concerned with certain effects of imports on the domestic labor market, an amendment pro-

20. 113 CONG. REC. 27214, 90th Cong. 1st Sess., Sept. 28, 1967. See § 42.2, infra, for further discussion of this ruling.