bill and is in violation of clause 7 of rule XVI.

THE CHAIRMAN PRO TEMPORE: . . . If no one wishes to be heard on the point of order, the Chair is ready to rule.

The amendment does not pertain to the subject matter of the introduced bill and addresses a subject that is not covered by the bill and the point of order is sustained.

§ 9. General Amendments to Specific or Limited Propositions; Amendments Enlarging Scope of Proposition

It is well established that a specific proposition may not be amended by a proposition general in nature.[7] It has been stated that, "A measure relating to a limited and specific matter may not be amended to include matters general in character and scope."[8] The question for the Chair frequently consists in determining what comprises a "general" or "specific" proposition. It has been held that, to a bill limited in its application to certain departments and agencies of Government, an amendment applicable to all departments and agencies is not germane.[9] And to a proposition applying to named individuals, an amendment making such proposition one of general applicability was held not to be germane.[10]

In accordance with the rule, it is not in order to amend a private bill by a proposition of general legislation.[11]

An amendment which, by striking words in the bill, broadens the scope of the bill may be held not to be germane.[12] But in one case where words of qualification were permitted to be stricken, the Chair apparently took the view that such words were unnecessary, and that the essence of the bill was not changed by deleting them.[13]

The fact that a bill requires a study to be made as to the impact of the bill upon factors or activities that are not otherwise within the scope of the subject matter of the bill, does not render germane an amendment that seeks to directly affect such factors or activities, or one that seeks to make the effectiveness of the bill conditional upon factors not otherwise related to the subject matter of the bill.[14]

7. See §§ 9.6, 9.9, infra.

8. See § 9.9, infra.

9. See § 15.17, infra.

10. See § 27.41, infra.

11. See § 9.6, infra.

12. See § 20, infra.

13. See § 9.13, infra.

14. See, for example, the proceedings of Nov. 2 and Nov. 3, 1983, relating to

Provision Effective for One Year—Amendment Proposing Permanent Change in Law

§ 9.1 To a proposition establishing a ceiling on employment for one year, an amendment proposing a hiring preference system as permanent law is not germane as going beyond the year and the issue of the number of employees covered by the measure to which offered.

The proceedings of Oct. 11, 1989, relating to H.R. 3026, District of Columbia appropriations for fiscal 1990, are discussed in § 24.5, infra.

One Year Authorization—Amendment Permanently Extending Law

§ 9.2 To a proposition to appropriate or to authorize appropriations for only one year (and containing no provisions extending beyond that year) an amendment to extend the appropriation or authorization to another year is not germane.

H.R. 1234, the Fair Practices and Procedures in Automotive Products Act, discussed in § 31.20, infra.

On Nov. 13, 1980,[15] during consideration of the State and Local Fiscal Assistance Act Amendments of 1980[16] in the Committee of the Whole, it was held that to an amendment in the nature of a substitute only extending for one year the entitlement authorization for revenue-sharing during fiscal year 1981 and containing conforming changes in the law which would not effectively extend beyond that year, an amendment extending the revenue-sharing program for 3 years was broader in scope and was not germane. The proceedings were as follows:

> THE CHAIRMAN:[17] When the Committee rose on Wednesday, November 12, 1980, section 1 had been considered as having been read and opened for amendment.
>
> Are there any amendments to section 1?
>
> MR. [FRANK] HORTON [of New York]: Mr. Chairman, I offer an amendment in the nature of a substitute.
>
> The Clerk read as follows:
>
> > Amendment in the nature of a substitute offered by Mr. Horton: Strike out everything after the enacting clause and insert in lieu thereof the following:
>
> SECTION 1. SHORT TITLE.
>
> > This Act may be cited as the "State and Local Fiscal Assistance Act Amendments of 1980".

15. 126 CONG. REC. 29523–28, 96th Cong. 2d Sess.
16. H.R. 7112.
17. Gerry E. Studds (Mass.).

SEC. 2. EXTENSION OF PROGRAM.

(a) Authorization of Appropriations.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated to the Trust Fund $4,566,700,000 to pay the entitlements of units of local government hereinafter provided for the entitlement period beginning October 1, 1980, and ending September 30, 1981.". . .

An amendment was offered:

Amendment offered by Mr. Wydler to the amendment in the nature of a substitute offered by Mr. Horton: On page 1 of the amendment of the gentleman from New York, strike out section 2 and insert in lieu thereof the following:

SEC. 2. EXTENSION OF PROGRAM.

(a) Authorization of Appropriations for Local Share.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated to the Trust Fund to pay the entitlements of units of local government hereinafter provided $4,566,700,000 for each of the entitlement periods beginning October 1 of 1980, 1981, and 1982.". . .

"(d) Authorization of Appropriations for Allocations to State Governments.—

"(1) In general.—In the case of each entitlement period described in paragraph (2), there are authorized to be appropriated to the Trust Fund $2,300,000,000 for each such entitlement period to make allocations to State governments. . . .

"(2) Entitlement periods.—The following entitlement periods are described in this paragraph:

"(A) The entitlement period beginning October 1, 1981, and ending September 30, 1982; and

"(B) The entitlement period beginning October 1, 1982, and ending September 30, 1983.". . . .

MR. [JACK] BROOKS [of Texas]: Mr. Chairman, the amendment is not germane to the Horton substitute. It is in violation of rule XVI against nongermane amendments. The Horton substitute is limited to an extension of this legislation in 1981 only. The amendment, however, seeks to add language dealing with fiscal years 1982 and 1983. This is a different subject from that of the Horton substitute and does not conform to the rule. The Horton substitute was very carefully drafted and restricted to units of local government for the entitlement period beginning October 1, 1980, and ending September 30, 1981.

The proposed amendment is a different subject matter, dealing with State governments for a different period of time. . . .

MR. [JOHN W.] WYDLER [of New York]: Mr. Chairman, the amendment to the amendment that I have offered deals with exactly the same subject matter as in the amendment that has been offered by the gentleman from New York (Mr. Horton). It does deal with a longer time period, but it is the same time period exactly that is contained in the legislation. It deals with other matters which are contained in the general legislation, so I feel it is well within the parameters of the bill it is trying to be substituted for.

THE CHAIRMAN: The Chair is prepared to rule.

In the opinion of the Chair, the fundamental purpose of the amendment

offered by the gentleman from New York (Mr. Horton), in the nature of a substitute, is to extend for 1 year the entitlement authorization for revenue-sharing payments to local governments during fiscal year 1981.

Any amendment offered thereto must be germane to the Horton amendment. It will not be sufficient that the amendment be germane to the committee bill. Under the precedents, to a proposition to appropriate for only 1 year, an amendment to extend the appropriation to another year, is not germane; Cannon's Precedents, volume 8, section 2913.

In the opinion of the Chair, the Horton amendment and the conforming changes therein have as their fundamental purpose the extension of local entitlements for only 1 year and do not thereby open up the amendment to permanent or multiyear changes in the revenue-sharing law.

For that reason, the Chair sustains the point of order.

Bill Extending Time Limit for Settlement of Particular Labor Dispute—Amendment To Provide Permanent Procedures for Settlement of All Emergency Labor Disputes

§ 9.3 To a bill extending the time limit for negotiation of labor disputes under the Railway Labor Act for purposes of permitting additional time for negotiation of a particular labor dispute, an amendment providing permanent procedures for the settlement of all emergency labor disputes by amendment of the Railway Labor Act was held to be not germane.

In the 90th Congress, a bill[18] was under consideration which related to settlement of a labor dispute between certain railroad companies and their union employees. An amendment was offered[19] whose purpose was explained by the proponent, Mr. William E. Brock 3d, of Tennessee, as follows:[20]

> . . . I propose to do two things: first, to put off the strike for 90 days as is proposed in the bill, and second, during this period, to take an entirely different approach, based upon the problem, not the symptom that we are treating with compulsory arbitration. I would prohibit industrywide bargaining and require as an alternative carrier-by-carrier negotiations.

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

> MR. [JOHN D.] DINGELL [of Michigan]: . . . First, the amendment goes beyond the fundamental purpose of the legislation before the committee today. As such it is not germane to the fundamental purposes of the measure.

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18. H.J. Res. 559 (Committee on Interstate and Foreign Commerce).

19. See 113 CONG. REC. 15912, 90th Cong. 1st Sess., June 15, 1967.

20. *Id.* at p. 15914.

I would cite that the amendment deals with sections of the Railway Labor Act other than those presently before us. . . .

. . . [T]he pending measure is limited to a specific labor dispute, whereas the amendment . . . deals with all labor disputes.

The legislation pending before the committee today deals with railroads in one specific instance . . . whereas the amendment . . . deals with every industry covered by the Railway Labor Act, which would also include the airlines. . . .

Mr. Chairman, in addition to this I would point out that legislation dealing with a specific subject or a specific set of circumstances under the rules may not be amended by a provision which is general in nature even when of the class or the specific subject involved.

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

. . . The Chair will call attention to "Cannon's Precedents," volume 8, page 479, section 2912, which reads as follows:

> To a bill proposing measures to meet a declared emergency and limited in operation to a period of five years an amendment proposing permanent legislation of the same character was held not to be germane. . . .

Because the amendment offered by the gentleman from Tennessee is permanent legislation and the resolution before the committee is limited to an existing situation and is not permanent in nature, the Chair holds that the amendment is not germane.

1. Wilbur D. Mills (Ark.).

Amendment Directing Study of Subject Not in Bill

§ 9.4 To a bill mandating that a certain percentage of automobiles sold in the United States be manufactured domestically, imposing an import restriction on any person violating that requirement, and requiring diverse studies of the impact of the bill and of discriminatory practices of manufacturers affecting domestic production of automobile parts, an amendment directing the Attorney General to study the antitrust and tax implications of automobile manufacturers' sales-lease price differentials was held not germane as relating to a subject (antitrust and tax law) beyond the scope of studies and requirements contained in the bill.

During consideration of the Automotive Products Act of 1983[2] in the Committee of the Whole on Nov. 2 and 3, 1983,[3] the Chair sustained a point of order against the amendment de-

2. H.R. 1234.
3. 129 CONG. REC. 30527, 30781, 30782, 98th Cong. 1st Sess.

scribed above. The proceedings were as follows:

SEC. 9. STUDY OF DISCRIMINATORY PRACTICES AFFECTING DOMESTIC PRODUCTION OF MOTOR VEHICLE PARTS.

Within eighteen months after the date of the enactment of this Act, the Secretary and the Federal Trade Commission shall jointly undertake an investigation, and submit to Congress a written report, regarding those policies and practices of vehicle manufacturers that are used to persuade United States motor vehicle dealers, in choosing replacement parts for motor vehicles, to favor foreign-made parts rather than domestically produced parts. Such report shall include, but not be limited to, recommended administrative or legislative action that the Secretary and the Federal Trade Commission consider appropriate to assure that domestic producers of replacement parts are accorded fair access to the United States market for such parts.

SEC. 10. IMPACT STUDY REGARDING MOTOR VEHICLE DEALERSHIPS.

(a) In General.—The Secretary, in consultation with the Advisory Council, shall conduct a continuing study of the extent to which this Act has affected employment in any way at retail motor vehicle dealerships located in the United States including, but not limited to, dealerships which have either—

(1) franchises for at least one make of motor vehicle manufactured by domestic manufacturers for sale and distribution in interstate commerce and at least one make of motor vehicle imported into the United States for such sale and distribution; or

(2) franchises for one or more makes of motor vehicles imported into the United States for sale and distribution in interstate commerce but no franchises for any make of motor vehicle manufactured by domestic manufacturers for sale and distribution in interstate commerce.

The study shall identify and consider all factors affecting such employment and shall establish an employment base period for all such dealerships which the Secretary shall utilize in the conduct of the study. . . .

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Florio: On page 36, after line 4, insert the following new section:

SEC. 11. IMPACT STUDY REGARDING UNFAIR PRICE DISCRIMINATION.

(a) The Attorney General, in consultation with the Advisory Council, shall conduct a study of the antitrust and tax implications and of the impact on retail motor vehicle dealerships and consumers of the practice whereby manufacturers sell or lease, or offer to sell or lease, any passenger car, truck, or station wagon to any person (including any other automobile dealer) during any period of time at a price which is lower than the price at which the same model of passenger car, truck or station wagon, similarly equipped, is sold or leased, or offered for sale or lease, to such retail dealers during the same period. . . .

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, I make a

point of order that the amendment offered by the gentleman from New Jersey is out of order in accordance with rule XVI, clause 7, the rule of germaneness.

The gentleman has offered as an amendment a form of a bill which is pending before the gentleman's subcommittee which deals with the question of how leasing companies buy automobiles through dealerships and under what circumstances. . . .

The findings of the bill say that there has been serious injury due to increases in imports. The purposes of the bill are declared as they are going to remedy the serious injuries by not allowing foreign-made merchandise to be sold in the United States.

Clearly, this amendment, which deals with domestic-sales arrangements of domestic companies, has nothing whatever to do with the bill and should be declared out of order. . . .

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, as salutory as the purpose of this amendment is, I certainly would support it under other circumstances. It gives responsibilities to the Attorney General that are not in the bill. It requires a study of antitrust matters which are not at all pertinent to the bill before us and it deals with pricing.

For all those reasons, I believe it is nongermane and, therefore, regrettably, I have to assert a point of order.

THE CHAIRMAN:[4] Does the gentleman from New Jersey wish to be heard on the point of order? . . .

If not, the Chair is prepared to rule.

The basic test of germaneness is the question of whether the amendment relates to the basic subject matter of the bill. The basic subject matter of the bill before the House relates to the domestic content of automobiles.

This particular amendment, in part, provides for a study of antitrust and tax implications of manufacturers sale-lease practices.

In the opinion of the Chair, that takes it beyond the subject matter covered by the bill and it is not related to that subject matter.

Therefore, under rule XVI, clause 7, the Chair finds that the amendment is not germane and sustains the point of order.

Perfecting Amendment—Substitute Striking out Larger Portion of Text

§ 9.5 For a perfecting amendment to a subsection striking out one activity from those covered by a provision of existing law, a substitute striking out the entire subsection, thereby eliminating the applicability of existing law to a number of activities, was held more general in scope and not germane.

On Aug. 18, 1982,[5] during consideration of H.R. 5540, the Defense Industrial Base Revitalization Act, in the Committee of the

4. Leon E. Panetta (Calif.).

5. 128 CONG. REC. 21967, 21968, 97th Cong. 2d Sess.

Whole, the Chair made the following statement:

THE CHAIRMAN:[6] All time has expired.

Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the reported bill as an original bill for the purpose of amendment in lieu of the committee amendment in the nature of a substitute recommended by the Committee on Education and Labor.

The Clerk read as follows:

H.R. 5540

. . . Sec. 2. Title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) is amended by inserting after section 303 the following:

Sec. 303A. (a) It is the purpose of this section to strengthen the domestic capability and capacity of the Nation's defense industrial base. The actions specified in this section are intended to facilitate the carrying out of such purpose.

"(b)(1) The President, utilizing the types of financial assistance specified in sections 301, 302, and 303, and any other authority contained in this Act, shall take immediate action to assist in the modernization of industries in the United States which are necessary to the manufacture or supply of national defense materials which are required for the national security or are likely to be required in a time of emergency or war. . . .

"(c) The Secretary of Defense, in consultation with the Secretary of Commerce, shall—

"(1) determine immediately, and semiannually thereafter, those industries which should be given priority in the awarding of financial assistance under subsection (b);

"(2) determine the type and extent of financial assistance which should be made available to each such industry; and

"(3) with respect to the industries specified pursuant to paragraph (1), indicate those proposals, received under subsection (e), which should be given preference in the awarding of financial assistance under subsection (b) based on a determination that such proposals offer the greatest prospect for improving productivity and quality, and for providing materials which will reduce the Nation's reliance on imports. . . .

"(m)(1) All laborers and mechanics employed for the construction, repair, or alteration of any project, or the installation of equipment, funded, in whole or in part, by a guarantee, loan, or grant entered into pursuant to this section shall be paid wages at rates not less than those prevailing on projects of similar character in the locality as determined by the Secretary of Labor in accordance with the Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (40 U.S.C. 276a et seq.), and commonly known as the Davis-Bacon Act.

When consideration of H.R. 5540 resumed on Sept. 23, 1982,[7] an amendment was offered by Mr. Bruce F. Vento, of Minnesota, and proceedings ensued as follows:

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

6. Wyche Fowler, Jr. (Ga.).

7. 128 CONG. REC. 24963, 24964, 97th Cong. 2d Sess.

The Clerk read as follows:

> Amendment offered by Mr. Vento: Page 41, line 24, strike out ", or the installation of equipment,".
>
> Page 42, beginning on line 15, strike out ", or the installation of equipment,". . . .

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Erlenborn as a substitute for the amendment offered by Mr. Vento: Beginning on page 41, line 22, strike all of subsection (m) through page 43, line 2.

MR. VENTO: Mr. Chairman, I make a point of order against the amendment offered as a substitute by the gentleman from Illinois (Mr. Erlenborn). . . .

Mr. Chairman, the substitute offered by the gentleman is clearly not in order. Under rule 19, Cannon's Procedure VIII, section 2879, the precedents provide that "to qualify as a substitute an amendment must treat in the same manner the same subject carried by the amendment for which it is offered."

My amendment would remove language from the committee bill and limit the applicability of the Davis-Bacon Act in terms of one type of activity. The gentleman's substitute would strike the entire section of the committee bill which my amendment seeks to perfect and thereby eliminate the Davis-Bacon provisions of this legislation.

In this case, the amendment offered by the gentleman clearly does not treat the subject in the same manner which my amendment does. Also, under Deschler's Procedure, chapter 27, section 14.1, decisions made by the Chair on August 12, 1963, December 16, 1963, and June 5, 1974, a motion to strike out a section or paragraph is not in order while a perfecting amendment is pending. In addition, the decisions of the Chair of December 16, 1963, and June 5, 1974, and contained in Deschler's Procedure, chapter 27, section 14.4, provides that a provision must be perfected before the question is put on striking it out. A motion to strike out a paragraph or section may not be offered as a substitute for pending motion to perfect a paragraph or section by a motion to strike and insert. The gentleman's amendment attempts to accomplish indirectly something that he is precluded from doing directly. . . .

MR. ERLENBORN: . . . It does appear to me from what the gentleman has said in support of his point of order that he is claiming that my substitute would treat a different matter or in a different manner the same matter as the amendment offered by the gentleman.

The language to which both amendments are directed is language in the bill that is applying the Davis-Bacon Act to activities under the bill in question. The amendment offered by the gentleman is reducing the extent of that coverage by taking out the installation of equipment.

My substitute also reduces that by eliminating the language so there would be no extension of Davis-Bacon to the activities beyond the present coverage of Davis-Bacon.

So the amendment that has been offered by the gentleman from Min-

nesota (Mr. Vento) is affecting Davis-Bacon by reducing its coverage. Mine also would affect the reduction of Davis-Bacon, only in a broader manner; and I, therefore, believe the amendment is in order.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair sustains the point of order of the gentleman from Minnesota (Mr. Vento) for the reasons advocated by the gentleman from Minnesota that the substitute is too broad in its scope in its striking the whole of subsection (m).

The Chair would say to the gentleman from Illinois (Mr. Erlenborn) it would be appropriate as a separate amendment but it is not in order as a substitute because of the scope of the amendment.

The point of order of the gentleman from Minnesota is sustained.

Parliamentarian's Note: As the above proceedings indicate, a motion to strike out an entire subsection of a bill is not, in any event, a proper substitute for a perfecting amendment to the subsection, since it is broader in scope, but may be offered after disposition of the perfecting amendment.

Bill Authorizing Deportation of Named Individual—Amendment Authorizing Deportation of Class of Aliens

§ 9.6 To a bill authorizing the deportation of a named individual, an amendment authorizing deportation of any alien who is a member of an organization specified in the amendment was held not germane.

In the 76th Congress, a bill[8] was under consideration to authorize the deportation of Harry Bridges.[9] An amendment was offered[10] as described above. A point of order was raised against the amendment, as follows:[11]

MR. [JOHN] LESINSKI [of Michigan]: Mr. Chairman, I doubt that that amendment should be voted on, as it is general legislation, and we have before us a private bill, not general legislation. The amendment is not germane to this bill.

The Chairman[12] sustained the point of order.

Bill To Abolish Specified National Monument—Amendment Relating to Monuments Generally

§ 9.7 To a bill to abolish a particular monument created by executive order, an amendment requiring, in specified circumstances, Congres-

8. H.R. 9766 (Committee on Immigration and Naturalization).
9. See 86 CONG. REC. 8203, 76th Cong. 3d Sess., June 13, 1940.
10. *Id.* at pp. 8213, 8214.
11. *Id.* at p. 8214.
12. Millard F. Caldwell (Fla.).

sional approval of proclamations relating to preservation of American antiquities was held to be not germane.

In the 78th Congress, a bill[13] was under consideration to abolish the Jackson Hole National Monument. The following amendment was offered to the bill:[14]

> Amendment offered by Mr. [Antonio M.] Fernandez [of New Mexico]: After the end of the first section add another section as follows:
>
> Sec. 2. That section 2, of the act entitled "An act for the preservation of American antiquity, approved June 8, 1906 (34 Stat. 225, U.S.C., title 16, sec. 431.)," be, and the same is hereby, amended by adding at the end of said section the following words: "*Provided however,* That any proclamation hereafter made under authority of this act shall not become effective until approved by act of Congress if the lands embraced within or reserved as a part of the national monument created thereby exceed 10,000 acres in area."

Mr. J. Hardin Peterson, of Florida, raised the point of order that the amendment was not germane to the bill.[15] The Chairman,[16] in holding that the amendment was not germane, noted that, "The bill . . . refers to a very limited subject, applying only to the Jackson Hole National Monument and not to monuments generally."

Bill Prohibiting Interstate Shipment of Specified Mechanical Gambiling Devices—Amendment Expanding Prohibition To Include Racing Horses and Dogs

§ 9.8 To a bill to prohibit the transportation in interstate commerce of specific types of mechanical gambling devices, an amendment expending the prohibition to include racing horses and racing dogs was held to be not germane.

In the 81st Congress, a bill[17] was under consideration which related to transportation of gambling devices in interstate and foreign commerce. An amendment was offered[18] as described above. Mr. John W. Heselton, of Massachusetts, raised the point of order that the amendment was not germane to the bill. The Chairman,[19] noting that, "the bill as now amended is not directed at gambling in general", held the

13. H.R. 2241 (Committee on Public Lands).

14. 90 CONG. REC. 9192, 9193, 78th Cong. 2d Sess., Dec. 11, 1944.

15. *Id.* at p. 9193.

16. Wilbur D. Mills (Ark.).

17. S. 3357 (Committee on Interstate and Foreign Commerce).

18. 96 CONG. REC. 13651, 81st Cong. 2d Sess., Aug. 28, 1950.

19. Henry M. Jackson (Wash.).

amendment to be beyond the scope of the bill and therefore not to be germane.

Bill Providing Aid for School Construction in Federal Impact Areas— Amendment Providing Aid for School Construction Generally

§ 9.9 To a bill providing federal assistance for construction of schools in areas affected by certain federal activities, an amendment providing for federal assistance for school construction generally was held not to be germane.

In the 84th Congress, a bill[20] was under consideration providing federal assistance for school construction in specified areas. An amendment was offered[1] as described above. Mr. Noah M. Mason, of Illinois, raised the point of order that the amendment was not germane to the bill.[2] The Chairman, Charles Melvin Price, of Illinois, in ruling on the point of order, stated:[3]

> The bill under consideration . . . is one limited to financial assistance for the construction of schools in impacted areas. . . .
>
> The amendment . . . has for its purpose an authorization for school construction generally. . . . It is a well-recognized principle . . . that a measure relating to a limited and specific matter may not be amended to include matters general in character and scope.

The Chairman then sustained the point of order.

Counsel for Persons Charged Under Civil Rights Act— Counsel for Any Offense

§ 9.10 To an amendment providing for legal counsel for persons cited for alleged contempt under a civil rights act, an amendment to provide for legal counsel for persons "charged with any offense" was held to be not germane.

In the 85th Congress, during consideration of a bill[4] to protect civil rights of persons within the jurisdiction of the United States, the following amendment was offered:[5]

> Amendment offered by Mr. [Basil L.] Whitener [of North Carolina]: On page 8, immediately following line 24, in-

20. H.R. 11695 (Committee on Education and Labor).

1. 102 CONG. REC. 12027, 12028, 84th Cong. 2d Sess., July 7, 1956.

2. *Id.* at p. 12028.

3. *Id.* at pp. 12028, 12029.

4. H.R. 6127 (Committee on the Judiciary).

5. 103 CONG. REC. 9378, 9379, 85th Cong. 1st Sess., June 17, 1957.

sert: *Provided* That any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel (to be assigned by the Court in certain instances).

To such proposition, the following amendment was offered:[6]

Amendment offered by Mr. [Clare E.] Hoffman [of Michigan] to the amendment offered by Mr. Whitener: After the word "contempt" insert "or charged with any offense."

Mr. Kenneth B. Keating, of New York, raised the point of order that the amendment was not germane to the bill. The Chairman,[7] in sustaining the point of order, stated:

[T]he amendment of the gentleman from North Carolina has to do with contempt, whereas the amendment offered by the gentleman from Michigan has to do with any offense or charge, which broadens the scope of the pending amendment to a degree where the Chair holds that it is not germane. . . .

Bill Providing Remedies for One Form of Discrimination—Amendment To Establish Community Relations Service Addressing Broad Range of Discriminatory Practices

§ 9.11 To that title of a civil rights bill authorizing the Attorney General to bring actions on account of discriminatory practices in public facilities, an amendment striking that title and inserting provisions establishing a Community Relations Service to assist in resolving a broad range of disputes relating to discriminatory practices was held to be not germane.

In the 88th Congress, during consideration of the Civil Rights Act of 1963,[8] the following amendment was offered:[9]

Amendment offered by Mr. [Robert T.] Ashmore [of South Carolina]: Strike out all of title III and insert in lieu the following:

TITLE III—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

Sec. 301. There is hereby established a Community Relations Service. . . .

Sec. 302. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes . . . relating to discriminatory practices based on race . . . or national origin which impair the rights of persons . . . under the Constitution . . . or which . . . may affect interstate commerce. The Service may offer its services in cases of such disputes . . . whenever in its judgment

6. *Id.* at p. 9382.

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

8. H.R. 7152 (Committee on the Judiciary).

9. 110 CONG. REC. 2251, 88th Cong. 2d Sess., Feb. 6, 1964.

peaceful relations among the citizens of the community involved are threatened thereby. . . .

Sec. 303. (a) The Service shall whenever possible in performing its functions under this title seek and utilize the cooperation of the appropriate State or local agencies and may seek and utilize the cooperation of any nonpublic agency which it believes may be helpful.

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

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I am constrained to make the point of order that the amendment is not germane to the title III. Title III involves litigation. Litigation is the subject of title III.

The amendment of the gentleman from South Carolina involves the establishment of a community relations service, which is a sort of informal conciliatory agency to settle disputes.

The Chairman, Eugene J. Keogh, of New York, in ruling on the point of order, stated: (10)

It is to be noted that the title in the pending bill is limited to the denial of access to or full and complete utilization of any public facility which is owned, operated or managed by or on behalf of any State or subdivision thereof.

The Community Relations Service which is sought to be set up in the amendment of the gentleman from South Carolina goes far beyond the provisions of the title in the pending bill. It is the opinion of the Chair that the amendment is, therefore, not germane to the title in the pending bill and sustains the point of order.

Subsequently, a similar amendment was offered, as follows:

Amendment offered by Mr. [William C.] Cramer [of Florida]: On page 48, strike out all of title III and insert the following section:

Sec. 301. (a) There is hereby established in the Department of Commerce a Community Relations Service. . . .

Sec. 303. (a) The Service, shall, whenever possible, in performing its functions under this title, seek and utilize the cooperation of the appropriate State or local agencies.

Mr. Cramer, explaining the amendment, stated: (11)

. . . The wording I am offering sets up a community relations service and is that reported out by the subcommittee which, I am sure the gentleman knows, is substantially different in that the community relations service is transferred to the Department of Commerce, and is limited to six employees as compared to the administration's bill.

A point of order was again raised, as follows: (12)

MR. CELLER: Mr. Chairman, I reiterate and reaffirm the point of order which I made against the amendment offered by the gentleman from South Carolina (Mr. Ashmore).

The Chairman, in sustaining the point of order, stated:

10. *Id.* at p. 2252.

11. *Id.* at pp. 2252, 2253.

12. *Id.* at p. 2253.

The text of the new title III to be inserted (by the amendment) would create a community relations service in the Department of Commerce, and it would place in that commission far broader powers than are sought to be provided under the pending bill. . . .

The Chair is of the opinion that, similar to the amendment offered by the gentleman from South Carolina, the amendment offered by the gentleman from Florida is not germane to title III of the pending bill.

Bill Imposing Penalties for Obstruction of Desegregation Orders—Amendment Making Provisions Applicable to All Court Orders

§ 9.12 To that chapter of a bill making it a federal crime to obstruct court orders relating to desegregation of public schools, an amendment to broaden the chapter by making it applicable to all court orders was held to be not germane.

In the 86th Congress, during consideration of a bill[13] to enforce certain constitutional rights, the following amendment was offered:[14]

Amendment offered by Mr. [Samuel L.] Devine [of Ohio]: On page 1, beginning at line 10, strike out all down to and through line 23 on page 2, and insert:

§ 1509. Obstruction of court orders.

Whoever . . . willfully . . . obstructs . . . the due exercise of rights or the performance of duties under any order . . . of a court of the United States, shall be fined . . . or imprisoned. . . .

Mr. Emanuel Celler, of New York, made a point of order against the amendment. The Chairman, Francis E. Walter, of Pennsylvania, in sustaining the point of order, stated:[15]

The amendment offered by the gentleman from Ohio has the effect of making the ruling applicable to all court orders. The bill under consideration applies to certain court orders. It is quite limited in scope of application.

Subsequently, an amendment was offered to strike out the language that limited the application of the provisions to desegregation rulings, thus making the section applicable to the obstruction of all court orders.[16] Mr. Celler again made a point of order against the amendment. The following exchange ensued:

MR. SMITH of Virginia: Mr. Chairman, I make the point of order that the point of order comes too late. I had been recognized.

THE CHAIRMAN: The point of order does not come too late.

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13. H.R. 8601 (Committee on the Judiciary).

14. 106 CONG. REC. 6369, 86th Cong. 2d Sess., Mar. 23, 1960.

15. *Id.* at p. 6370.

16. *Id.* at p. 6381 (amendment offered by Mr. Howard W. Smith [Va.]).

Subsequently, the Chairman, in sustaining the point of order, cited the rule that, a proposal to eliminate portions of a text thereby extending the scope of its provisions to other subjects than those originally presented is in violation of the rule requiring germaneness.

Bill Authorizing Commission To Investigate Deprivation of Voting Rights Due to Discrimination—Amendment Striking Language so as to Expand Coverage to Any Deprivation of Voting Rights

§ 9.13 To a bill establishing a commission on civil rights and authorizing such commission to investigate deprivation of voting rights due to color, race, religion, or national origin, an amendment striking out such terms so that an investigation could encompass any deprivation of voting rights, was held to be germane.

In the 85th Congress, during consideration of a bill[17] relating to civil rights, an amendment was offered[18] as described above. A point of order was raised against the amendment, as follows:

> MR. [KENNETH B.] KEATING [of New York]: The point of order is that the adoption of this amendment would completely change the character of the legislation. It would leave in the bill simply the power to investigate the right to vote. Such a commission set up in this manner would not normally be created by the Committee on the Judiciary but, rather, by the Committee on House Administration.

Mr. Martin Dies, Jr., of Texas, in response to the point of order raised against the amendment, stated in part that "the right to vote is a civil right." The Chairman,[19] in ruling on the point of order, stated:

> The gentleman from Texas offers an amendment to the bill now under consideration that would strike out the words "by reason of their color, race, religion, or national origin." The paragraph to which it is offered deals with investigations to be made by the Commission and reads "investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote." Then comes the qualification.
>
> The Chair rules that those additional qualifications are not necessary. The intent of the paragraph is still carried out by virtue of the fact that it authorizes the Commission to investigate the allegation that someone is being deprived of his political right to vote and, therefore, overrules the point of order.

17. H.R. 6127 (Committee on the Judiciary).

18. 103 CONG. REC. 9019, 85th Cong. 1st Sess., June 13, 1957.

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

Substitute Amendment More Comprehensive Than Amendment

§ 9.14 To an amendment only decreasing the fiscal year 1984 authorization for Army ammunition funds in Title I of the Defense Department authorization bill, a substitute adding language prohibiting use of any Defense Department funds for the production or procurement of binary chemical weapons was held to be not germane because addressing funds not addressed by the pending amendment.

During consideration of H.R. 2969 in the Committee of the Whole on June 15, 1983,[20] the Chair, in sustaining a point of order against the amendment described above, indicated that a substitute for an amendment must be germane to the amendment to which offered:

> MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Zablocki: Page 2, line 15, strike out "$2,272,500,000" and insert in lieu thereof "$2,157,900,000". . . .

20. 129 CONG. REC. 15803, 15809, 98th Cong. 1st Sess.

> MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, I offer an amendment as a substitute for the amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Bethune as a substitute for the amendment offered by Mr. Zablocki: Page 2, line 15, strike out "$2,272,500,000" and insert in lieu thereof "$2,157,900,000".
>
> Page 10, after line 12, insert the following new section:
>
> PROHIBITION ON PROCUREMENT OF BINARY CHEMICAL MUNITIONS AND RELATED PRODUCTION FACILITIES, EQUIPMENT, AND PRECURSOR CHEMICALS
>
> Sec. 109. (a) None of the funds appropriated pursuant to the authorizations of appropriations in this title may be obligated or expended for procurement of binary chemical munitions or for production facilities, equipment, or precursor chemicals for such munitions.
>
> (b) No funds available to the Department of Defense may be made available for the production or procurement of binary chemical munitions (or for production facilities, equipment, or precursor chemicals for such munitions) through the use of reprogramming authority. . . .
>
> MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, under section 109 of the amendment, on line 9, it says,
>
> No funds available to the Department of Defense may be made available for the production or procurement of binary chemical munitions (or for production facilities, equipment, or precursor chemicals for such munitions) through the use of reprogramming authority.
>
> The point of order is that this bill is a bill that would authorize funds for

fiscal year 1984 exclusively, whereas the amendment deals with funds that might have been made available to the Department of Defense in other ways, prior years, or subsequent year, and, therefore, is outside of the scope of the pending legislation and is, therefore, out of order. . . .

THE CHAIRMAN PRO TEMPORE:[1] The Chair will rule.

The Zablocki amendment addresses the Army ammunition funds authorized by title I of the pending bill. The Bethune substitute addresses other funds available to the Department of Defense not authorized by the pending title I and is not germane to the Zablocki amendment.

The Chair sustains the point of order.

Provision Prohibiting Use of Specified Funds for Abortions—Motion To Strike Out Language as Broadening Scope of Prohibition to Include All Funds in Bill

§ 9.15 A motion to strike out a portion of the text of an amendment, thereby extending its scope to a more general subject, is not germane; thus, to a substitute amendment to the District of Columbia Appropriation bill prohibiting the use of annual federal payment funds therein for the performance of abortions, an amendment striking the reference to federal payment funds, thereby broadening the scope of the substitute to cover any funds contained in the bill, was held to be not germane.

During consideration of H.R. 4580[2] in the Committee of the Whole on July 17, 1979,[3] the Chair sustained a point of order against the amendment described above. The proceedings were as follows:

Amendment offered by Mr. Dornan: Page 17, after line 2, add the following new section:

"Sec. 221. None of the funds appropriated under this Act shall be used to pay for abortions.". . .

MR. CHARLES WILSON of Texas: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Charles Wilson of Texas as a substitute for the amendment offered by Mr. Dornan: "None of the funds in this Act provided by the Federal payment shall be used to perform abortions.". . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Bauman to the amendment offered

1. John P. Murtha (Pa.).

2. The District of Columbia Appropriations for fiscal 1980.

3. 125 CONG. REC. 19064, 19066, 96th Cong. 1st Sess.

by Mr. Charles Wilson of Texas as a substitute for the amendment offered by Mr. Dornan: delete from the amendment of the gentleman from Texas the following words: "provided by the Federal payment".

A point of order was made, as follows:

MR. CHARLES WILSON of Texas: . . . As I understand the amendment it in essence takes it back to the original Dornan amendment without providing for the substitute. . . .

MR. BAUMAN: Mr. Chairman, that is not a point of order, it simply is an accurate description of the amendment. . . .

MR. CHARLES WILSON of Texas: Mr. Chairman, I suppose the point of order is that it is a sham amendment in that it just repeats the intent of the original amendment.

THE CHAIRMAN:[4] In the opinion of the Chair, the gentleman from Texas is suggesting that the perfecting amendment broadens the scope of the substitute amendment, and for that reason is not germane. The point of order is sustained under the precedents that a motion to strike cannot broaden the scope of the pending proposition.

MR. BAUMAN: Mr. Chairman, I wonder if the Chair could cite a precedent for his ruling?

THE CHAIRMAN: Deschler's procedure chapter 28, section 15.3.

Amendment Relating to Funds in "This or Any Other Act"

§ 9.16 An amendment requiring the availability of funds "under this or any other Act" for certain humanitarian assistance was held to go beyond the scope of the pending bill and was ruled out as not germane, affecting funds in other provisions of law.

During consideration of the Vietnam Humanitarian and Evacuation Assistance Act[5] in the Committee of the Whole, the Chair sustained a point of order against the amendment described above. The proceedings of Apr. 23, 1975,[6] were as follows:

MR. [MATTHEW F.] MCHUGH [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McHugh: Page 3, immediately after line 12, add the following new section: "Sec. 8. (a) Funds made available under this Act or any other Act for humanitarian assistance shall be furnished under such international organizations, international agreements or voluntary relief agencies as the President may determine.

"(b) Within 90 days after the date of enactment of this Act and within each 90-day period thereafter, the President shall, to the fullest extent practicable, transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing fully and completely—

"(1) the amount of each type of humanitarian assistance provided under the Act;

4. Albert A. Gore, Jr. (Tenn.).

5. H.R. 6096.

6. 121 CONG. REC. 11550, 94th Cong. 1st Sess.

"(2) the actual and anticipated recipients of such assistance;". . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I make a point of order against the amendment in that some of the changes are subject to a point of order because in line 2 it quotes, "This act or any other act."

Therefore, it affects funds made available in other acts and limits their use. . . .

MR. MCHUGH: . . . Section 6, or what was section 6, provides for funds under the Foreign Assistance Act of $177 million. That is the other act referred to in the proposed section. Therefore, I think it is in order.

THE CHAIRMAN:[7] Unfortunately, the intention of the gentleman is not represented by the language of the amendment. The amendment is overly broad in scope, and accordingly, the point of order must be sustained.

The point of order is sustained, and the amendment is not allowed.

Provision Adding New Labor Standard—Amendment To Strike Section of Bill Covering Several Standards

§ 9.17 For an amendment inserting an additional labor standard to those contained in a section of a bill, a motion to strike out the entire section was ruled out as not a proper substitute for the perfecting amendment, and not germane in that it had the effect of enlarging the scope of the perfecting amendment.

During consideration of H.R. 14747 (amending the Sugar Act of 1948) in the Committee of the Whole on June 5, 1974,[8] it was demonstrated that a motion to strike out a section is not in order as a substitute for a perfecting amendment to that section. The proceedings were as follows:

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'Hara: Page 18, after line 5, insert:

(5) That the producer who compensates workers on a piece-rate basis shall have paid, at a minimum, the established minimum hourly wage.

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Michigan (Mr. O'Hara).

The Clerk read as follows:

Amendment offered by Mr. Symms as a substitute for the amendment offered by Mr. O'Hara: In lieu of the amendment offered by the gentleman from Michigan insert the following: "Section 11 of the bill, page 15, strike out all of line 11 through line 6 of page 17 and renumbering the '(3)' on line 7, page 17 as '(1)', and strike out line 15 on page 17 through line 5 on page 18.". . .

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

8. 120 CONG. REC. 17868, 17869, 93d Cong. 2d Sess.

MR. O'HARA: Mr. Chairman, I make a point of order against the amendment in that it is not germane to the provisions of my amendment. It deals with different parts of section 11. . . .

MR. SYMMS: . . . Mr. Chairman, this amendment is germane to the gentleman's amendment. It strikes it and all the labor provisions from the bill.

THE CHAIRMAN:[9] It is the ruling of the Chair that the amendment offered by the gentleman from Idaho (Mr. Symms) as a substitute for the amendment offered by the gentleman from Michigan (Mr. O'Hara) is not a proper substitute. The substitute would strike portions of section 11 not affected by the pending amendment. And, the substitute is broader in scope than the amendment to which offered and is not germane thereto. The Chair sustains the point of order.

Restriction of Funds in "This or Any Other Act"

§ 9.18 To a title of a bill primarily amending the Foreign Assistance Act reported from the Committee on Foreign Affairs to authorize assistance for Africa (containing one reference to another law, the Export-Import Bank Act, not directly amended and also within the jurisdiction of another committee), an amendment restricting the availability of funds in that bill "or any other Act" to support the activities of the African National Congress was held to be not germane.

During consideration of H.R. 3100[10] in the Committee of the Whole on Dec. 9 and 10, 1987,[11] it was held that to a bill amending an existing law to authorize a program, an amendment restricting authorizations under that or any other Act is not germane. The proceedings were as follows:

TITLE VIII—AFRICA

PART A—AFRICA FAMINE RECOVERY AND DEVELOPMENT

SEC. 801. SHORT TITLE.

This part may be cited as the "Africa Famine Recovery and Development Act". . . .

Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 6 the following new chapter:

"CHAPTER 7—AFRICA FAMINE RECOVERY AND DEVELOPMENT

"SEC. 476. OTHER ASSISTANCE PROGRAMS.

"To the maximum extent practicable, resources allocated for sub-Saharan Africa under chapter 4 of part II (relating to the Economic Support Fund), title IV of chapter 2 of this part (relating to the Overseas Private Investment Corporation), the Export-Import Bank Act of 1945, the Peace Corps Act, and the

9. James A. Burke (Mass.).

10. International Security and Development Cooperation Act of 1987.

11. 133 CONG. REC. 34592, 34595, 34675, 34676, 100th Cong. 1st Sess.

African Development Foundation Act shall be used to provide assistance which meets the criteria specified in section 472(b). To the maximum extent practicable, the agency primarily responsible for administering this part should use resources and authorities available under the Agricultural Trade Development and Assistance Act of 1954, section 416(b) of the Agricultural Act of 1949, and the Food for Progress Act of 1985 to complement the assistance provided under section 472. . . .

MR. [DAN] BURTON of Indiana: Mr. Chairman, I offer an amendment. . . .

The Clerk read as follows:

Amendment offered by Mr. Burton of Indiana: Page 201, after line 8, insert the following:

SEC. 830. PROHIBITION ON ASSISTANCE TO THE AFRICAN NATIONAL CONGRESS.

(a) Prohibition.—None of the funds authorized to be appropriated by this or any other Act may be used to support, directly or indirectly, activities of the African National Congress.

(b) Waiver.—Subsection (a) may be waived by the President if he certifies to the Congress that—

(1) the National Executive Committee of the African National Congress has taken a stand publicly and officially opposing the practice of "necklacing", the practice of execution by fire, used against South African blacks; . . .

(3) the African National Congress no longer receives its primary financial, military, and training support from the Soviet Union or other Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961. . . .

MR. [MICKEY] LELAND [of Texas]: Mr. Chairman, I raise a point of order against the amendment. . . .

The point of order has to do with germaneness, Mr. Chairman. The gentleman's amendment goes a lot farther beyond the purview of the responsibility of the Foreign Affairs Committee, and thus also the parameters of the bill itself that we are debating here. It reaches the interest of other agencies that are not within the jurisdiction of the consideration of this legislation at this time, and therefore it is nongermane to the arguments that we pursue here today.

Also, Mr. Chairman, the amendment that the gentleman has offered goes a lot farther than any other amendment that has been offered here today. It is much broader, the scope of which is too far reaching to be relevant to the discussions we have here today under the foreign aid bill. . . .

THE CHAIRMAN:[12] The Chair is prepared to rule.

The Chair would state that according to the Procedures of the House, and quoting from section 8, chapter 28, the following:

> . . . a bill authorizing appropriations for a particular program for 10 fiscal years, an amendment restricting authorizations under any act of Congress for any fiscal year contingent upon implementation of a plan to reduce spending under the bill was held not germane as not confined to the bill under consideration.

The Chair would note in reading that amendment of the gentleman from Indiana that the gentleman provides a prohibition on funds appropriated by this or any other act, and the Chair can find in no other instance in title VIII as amended where there is any similar prohibition.

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12. Les AuCoin (Ore.).

For that reason, the Chair would rule that the gentleman's amendment goes beyond the scope of title VIII and is not germane. Therefore, the point of order is sustained.

Specific Appropriation—Conditions Not Limited to Funds in Bill

§ 9.19 To a joint resolution making supplemental appropriations for relief, an amendment prohibiting use of federal relief money for political purposes but not limiting the prohibition to funds appropriated by the pending bill, was held to be not germane.

In the 75th Congress, a bill[13] was under consideration which stated in part:[14]

> *Resolved, etc.,* That to continue to provide relief, and work relief on useful public projects, as authorized in the Emergency Relief Appropriation Act of 1937 . . . there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000,000. . . .

The following amendment was offered:[15]

> Amendment offered by Mr. [Robert L.] Bacon [of New York]: Page 1, line 10, insert the following proviso: "*Provided however,* That it shall be unlawful to use Federal relief . . . funds . . . for political purposes; for anyone to . . . receive contributions for political purposes from anyone receiving . . . assistance out of Federal relief funds. . . ."

Mr. Sam Rayburn, of Texas, made the point of order that the amendment was not germane.[16] The Chairman,[17] in ruling on the point of order, stated:

> The amendment offered by the gentleman from New York [Mr. Bacon] unquestionably would apply to all relief funds heretofore appropriated. For this reason the amendment is broader than the scope of the joint resolution now under consideration and is therefore not germane.

Restriction on Funding in Bill—Amendment Restricting all Funds

§ 9.20 To a Senate amendment prohibiting the use of funds appropriated for a fiscal year for a specified purpose, a proposed House amendment prohibiting the use of funds appropriated by "this or any prior Act" for a different unrelated purpose is not germane.

The proceedings of June 30, 1987, relating to H.R. 1827, sup-

13. H.J. Res. 596 (Committee on Appropriations).

14. See 83 CONG. REC. 2069, 75th Cong. 3d Sess., Feb. 16, 1938.

15. *Id.* at p. 2070.

16. *Id.* at p. 2071.

17. Francis E. Walter (Pa.).

plemental appropriations for fiscal 1987, are discussed in section 27.4, infra.

Provision Affecting Specific Funds in Bill—Amendment Prohibiting Use of Funds in Bill or in Any Other Act for Particular Purpose

§ 9.21 To a proposition limiting the use of funds in a bill for a particular purpose, an amendment limiting the use of funds in other Acts and for a purpose more general in scope is not germane; thus, to a Senate amendment to an appropriation bill reported from conference in disagreement, striking out a House provision prohibiting the use of funds in the bill for a designated Outer Continental Shelf lease sale in California, a House amendment prohibiting the use of funds in the bill or in any other Act for that lease sale and other California lease sales was conceded to be nongermane as more general in scope.

On Oct. 5, 1983,[18] during consideration of the Department of the Interior appropriations for fiscal 1984 (H.R. 3363) in the House, a point of order was conceded and sustained in the circumstances described above. The proceedings were as follows:

THE SPEAKER PRO TEMPORE:[19] The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 95: Page 38, strike out all after line 21 over to and including line 15 on page 40.

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 95 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

Sec. 113. (a) No funds in this or any other act may be expended by the Department of the Interior for the lease or sale of lands within the Department of the Interior Southern California Planning Area described in (1) through (4) below. No funds may be expended for lease or sale of lands within the area described in (1) through (4) so long as adjacent State Tidelands continue to be designated as State Oil and Gas Leasing Sanctuary pursuant to Sec. 6871.1 et seq. of the California Public Resources Code . . .

(1) An area of the Department of the Interior Southern California Planning Area off the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.1 et seq. of the California Public Resources Code in effect September 29, 1983 . . . .

(4) An area within the boundaries of the Santa Barbara Channel Eco-

18. 129 CONG. REC. 27319, 27320, 98th Cong. 1st Sess.

19. Dale E. Kildee (Mich.).

logical Preserve and Buffer Zone, as defined by Department of the Interior, Bureau of Land Management Public Land Order 4587. . . .

(b) Until January 1, 1985, no funds may be expended by the Department of the Interior for the lease or sale of lands in OCS Lease Sale #80 which lie within an area located off the coastline of the State of California Oil and Gas Leasing Sanctuary as defined by Sec. 6871.1 et seq. California Public Resources Code in effect September 29, 1983 . . . .

(c) Until January 1, 1985, no funds may be expended by the Department of the Interior for the lease or sale of lands within the Department of the Interior Southern California Planning Area, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Santa Monica Bay, State of California, which lies within a line on the California (Lambert) Plane Coordinate System . . . .

(f) In OCS Lease Sale 80, lease or sale of lands affecting the responsibilities of the Department of Defense shall be with the concurrence of the Secretary of Defense. . . .

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Speaker, I make a point of order against Senate amendment No. 95, the point of order being that under rule XVI, clause 7, the provisions are not germane.

MR. YATES: Mr. Speaker, I concede the point of order.

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

Joint Resolution Continuing Appropriations for Certain Agencies—Amendment Imposing Restriction Affecting All Expenditures

§ 9.22 To a joint resolution "continuing" appropriations for one month, an amendment placing a restriction on the total administrative budget expenditures for the fiscal year and thus affecting funds not continued by the bill was held to be not germane.

In the 90th Congress, during consideration of a bill continuing appropriations through October 1967, an amendment was offered[20] as above described. A point of order was raised against the amendment, as follows:[1]

MR. [GEORGE H.] MAHON [of Texas]: . . . The amendment of the gentleman from Ohio seems clearly not to be in order because it is not germane. It limits the expenditure of money not in the bill and not covered in the resolution and it rescinds money not in the resolution and not contained in the pending measure.

In sustaining the point of order, Speaker John W. McCormack, of

20. 113 CONG. REC. 26957, 26958, 90th Cong. 1st Sess., Sept. 27, 1967. Under consideration was H.J. Res. 849 (Committee on Appropriations).

1. *Id.* at p. 26959.

Massachusetts, cited precedents "which stand for the general proposition that to a bill limited in its application to certain departments and agencies of Government, an amendment applicable to all departments and agencies is not germane."[2]

Amendment to Existing Law—Restriction on "This or Any Other Act"

§ 9.23 To a bill amending an existing law, an amendment prohibiting assistance under that Act or under any other Act for a particular purpose was held too general in scope, affecting laws not being amended by the bill and was held to be not germane.

On May 11, 1976,[3] during consideration of the Vocational Education Act amendments[4] in the Committee of the Whole, the Chair sustained a point of order against the following amendment:

> The Clerk read as follows:
>
> Amendment offered by Mr. Conlan: On page 190, between lines 3 and 4, add the following new subsection:
>
> "Sec. 302. (g) The General Education Provisions Act is amended by adding the following new section:
>
> "'Sec. ( ). No grants, contracts, or support are authorized under this or any other Act for any purpose in connection with the *Man: A Course of Study* (MACOS) curriculum program or materials, or in connection with the high school sequel to MACOS, *Exploring Human Nature*.'". . . .

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I make a point of order against the amendment because it is not germane.

THE CHAIRMAN:[5] The gentleman will state his point of order.

MR. PERKINS: It is funded by the National Science Foundation, Mr. Chairman. It affects the National Science Foundation; therefore, it is not germane. . . .

MR. [JOHN B.] CONLAN [of Arizona]: . . . Mr. Chairman, the National Institute for Education, which is a part of this bill, has the educational resource information clearing houses—18 of them—across the Nation, including the one at the University of Indiana, which is totally computerized and which disseminates information in this area. So I do think the matter is germane.

THE CHAIRMAN: The Chair is prepared to rule.

The gentleman from Kentucky makes a point of order against the amendment offered by the gentleman from Arizona on the basis of germaneness. The Chair in a quick examination of the amendment notes that the amendment reads:

> No grants, contracts, or support are authorized under this or any other Act . . .

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2. *Id.* at p. 26960. For more detailed discussion, see § 15.17, infra.

3. 122 CONG. REC. 13419, 13427, 94th Cong. 2d Sess.

4. H.R. 12835.

5. B.F. Sisk (Calif.).

And on that basis the Chair is going to sustain the point of order because of the fact that the amendment goes beyond the scope of this pending bill.

The Chair sustains the point of order.

Bill Pertaining to One Agency in Department—Amendment Affecting All Departmental Programs

§ 9.24 To a proposition limited in its application to a single agency within an executive department, an amendment applicable to all activities and agencies within the department is not germane; thus, to an amendment in the nature of a substitute authorizing funds for institutes within the National Institutes of Health, and granting new authority to the National Institutes of Health, an amendment restricting fetal and infant research within the entire Department of Health and Human Services (which includes the National Institutes of Health) was held to be not germane.

On Sept. 30, 1982,[6] during consideration of the Health Research Extension Act of 1982[7] in the Committee of the Whole, the Chair sustained a point of order against the following amendment:

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Broyhill: Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

Section 1. (a) This Act may be cited as the "Biomedical Research and Library Extension Act of 1982".

NATIONAL CANCER INSTITUTE

Sec. 2. (a) Section 410(a) of the Public Health Service Act (42 U.S.C. 286e(a)) is amended by striking out "and" after "1981;", and by inserting before the period a semicolon and "$925,450,490 for the fiscal year ending September 30, 1983. . . .

Sec. 5. (a) Title IV of the Public Health Service Act is amended by adding at the end the following new part: . . .

Sec. 481. (a) There is established in the Public Health Service a National Institute of Arthritis and Musculoskeletal Diseases (hereinafter in this part referred to as the "Institute"). The general purpose of the Institute is the conduct and support of research, training, health information, and related programs with respect to arthritis and musculoskeletal and skin diseases, including sports-related disorders. . . .

Sec. 6. (a)(1) The Secretary of Health and Human Services, through the Director of the National Institutes of Health, shall in accordance with subsection (b) arrange for the conduct of a study of the effectiveness of the existing combinations of disease research programs within the individual national research institutes and of the standards which should be followed in establishing

6. 128 CONG. REC. 26216–19, 26225, 26226, 97th Cong. 2d Sess.

7. H.R. 6457.

new or realigning existing national research institutes. . . .

Sec. 7. (a) The Secretary of Health and Human Services shall review—

(1) the actions being taken by the Department of Health and Human Services to support research to develop research and testing methodologies which will decrease the number of live animals used in biomedical and behavioral research;

(2) the actions taken by the Department to improve oversight of the use of animals in such research by entities which receive financial support for such research through the Department. . . .

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Dannemeyer to the amendment in the nature of a substitute offered by Mr. Broyhill: Page 18, after line 16, insert the following new section:

"FETAL AND INFANT RESEARCH

"Sec. 8. The Secretary of Health and Human Services shall not conduct or support research or experimentation in the United States or abroad on a living human fetus or infant, whether before or after induced abortion, unless such research or experimentation is done for the purpose of insuring the survival of that fetus or infant.". . .

MR. [HENRY A.] WAXMAN [of California]: Mr. Chairman, the amendment is in violation of rule XVI, clause 7, of the House of Representatives. The gentleman's amendment is not germane to the amendment for two reasons:

The subject matter of the Broyhill amendment is the reauthorization of the National Cancer and Heart, Lung, and Blood Institutes and the National Library of Medicine which is administered by NIH. The Broyhill amendment is limited specifically to the research conducted by the Cancer and Heart Institutes. The amendment proposes to limit research throughout the Department of Health and Human Services. The amendment would affect research conducted by the Alcohol, Drug Abuse, and Mental Health Administration, FDA, CDC, NIOSH, and the National Institute for Handicapped Research.

NIH is not the only research agency within the Department of Health and Human Services that conducts research involving infants. For example, the Center for Disease Control does or has done research on infants and nutrition—new strains of infectious diseases, adverse reactions to vaccines and drugs, infant mortality. . . .

Other agencies do extensive research on child health and infant mortality.

My second point is that a specific subject may not be amended by a provision general in nature, even when the same class of the specific subject. . . .

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

Insofar as the amendment may restrict the authority of the Secretary of HHS over programs not covered in the amendment in the nature of a substitute, and also may restrict research for experimentation of other agencies not within the province of the substitute, the Chair agrees with the point of order made by the gentleman from California (Mr. Waxman).

The Chair has also found a precedent in Deschler's Procedures, chapter 28, section 8.26, where—

8. Norman E. D'Amours (N.H.).

§ 8.26 To a bill amending the Bretton Woods Agreement Act, perfected by the Committee of the Whole to only address U.S. participation in and use of a special and limited International Monetary Fund financing facility, an amendment adding a new section to the act to impose certain policy directives on the U.S. Governor of the International Monetary Fund in relation to all IMF transactions was held not germane.

The Chair sustains the point of order.

Parliamentarian's Note: Section 7 of the Broyhill amendment in the nature of a substitute arguably did broaden the scope of such amendment sufficiently to allow the Dannemeyer amendment, since the provision as to animal research was not confined to the National Institutes of Health, but was applicable to the research efforts of the entire Department of Health and Human Services.

Bill Addressing Disclosure of Medicaid and Medicare Patients' Records—Disclosure by Any Government Employee of Other Records

§ 9.25 To a bill amending existing law for limited purposes, an amendment further changing that law but affecting programs beyond the scope of the bill and the law being amended and waiving other inconsistent provisions of law is not germane.

On Sept. 23, 1977,[9] the Committee of the Whole had under consideration a bill[10] jointly reported from the Committees on Ways and Means and Interstate and Foreign Commerce to enable the Department of Health, Education and Welfare to investigate and prosecute fraud and abuse in the medicare and medicaid health programs within their respective jurisdictions. An amendment was recommended by the Committee on Ways and Means to prohibit any federal officer or employee from disclosing any identifiable medical record in the absence of patient approval. The amendment was held not germane, as exceeding the scope and subject matter of the bill. The proceedings were as follows:

THE CHAIRMAN:[11] The Clerk will report the second amendment recommended by the Committee on Ways and Means.

The Clerk read as follows:

Amendment offered by the Committee on Ways and Means: Page 66, strike out line 22 down through and including line 5 on page 70 and insert in lieu thereof:

(l)(1) Part A of title XI of such Act (as amended by section 3(a) of this Act) is amended by adding after section 1124 the following new section:

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9. 123 CONG. REC. 30532–34, 95th Cong. 1st Sess.

10. H.R. 3, Medicare-Medicaid Antifraud and Abuse Amendments.

11. Gerry E. Studds (Mass.).

"DISCLOSURE OF INDIVIDUALLY IDENTIFIABLE MEDICAL RECORDS

"Sec. 1125. (a)(1) Notwithstanding any other provision of this Act except paragraph (2) of this subsection, no officer, employee, or agent of the United States, or any office, agency, or department thereof, or any Professional Standards Review Organization or any person acting or purporting to act on behalf of such Organization, may inspect, acquire, or require the disclosure of, for any reason whatever, any individually identifiable medical record of a patient, unless the patient has authorized such inspection, acquisition, or disclosure in accordance with subsection (b). . . .

(2) After taking into consideration the recommendations contained in the final report of the Privacy Protection Study Commission (established under section 5 of the Privacy Act of 1974), the Secretary of Health, Education, and Welfare shall prepare and submit, not later than three months after the date such Commission submits its final report, to the Committee on Interstate and Foreign Commerce and the Committee on Ways and Means of the House of Representatives and to the Committee on Human Resources and the Committee on Finance of the Senate a report containing specific recommendations (including draft legislation) for the timely development and implementation of appropriate procedures (including use of detailed written consent forms) in order to (A) maintain the confidentiality of individually identifiable medical records (whether they relate to medical care provided directly by, or through the financial assistance of, the Federal Government or not), and (B) prevent the unwarranted inspection by, and disclosure to, Federal officers, employees, and agents and Professional Standards Review Organizations of such records. . . .

MR. [RICHARDSON PREYER [of North Carolina]: Mr. Chairman, I raise a point of order against the amendment. . . .

[T]his amendment in its scope would apply far beyond the purpose of the bill and the jurisdiction of the committee. The jurisdiction of the committee and the purpose of the bill is to deal with the Department of Health, Education, and Welfare and increase the Department's ability to investigate and prosecute medicare and medicaid fraud and abuse.

However, the amendment covers not only the Department of Health, Education, and Welfare but all the officers, employees, and agents of the United States. The committee report specifically states, "Under the bill PSRO's and employees or agents of the Federal Government may not inspect, acquire or require the disclosure of individually identifiable medical records." The Ways and Means Committee does not have jurisdiction, for example, over the employees of the Department of Defense, the Veterans' Administration, or the Federal courts.

In addition this amendment clearly conflicts with the Deschler precedent in chapter 28, section 8.1, which states that—

> To a bill limited in its application to certain departments and agencies of government, an amendment applicable to all departments and agencies is not germane.

Finally, Mr. Chairman, I note the amendment attempts to supersede all other laws and regulations of the United States in conflict with this amendment. This violates the principle of the Deschler precedent in chapter 28, section 29.4, which states that—

To a bill referring to certain provisions of existing law, an amendment repealing a portion of that law was held not germane. . . .

MR. [PHILIP M.] CRANE [of Illinois]: . . . Mr. Chairman, I rise in opposition to the point of order. The Ways and Means amendment, set forth as section 5(1) of H.R. 3 as reported by that committee, is clearly germane to the original bill and the bill in its current form.

In the first place, Mr. Chairman, H.R. 3 ostensibly has as its purpose the prevention of fraud and abuse in the medicare and medicaid programs. To achieve that objective, a very complex set of provisions were put into the original bill, including provisions in section 5, that greatly strengthen the investigatory and enforcement roles of professional standards review organizations (PSRO's).

These organizations do not simply acquire and inspect records only of medicare and medicaid patients, or of doctors and other health professionals who treat only those patients. Quite the contrary is true. PSRO's are required to compile statistically valid "profiles" of patients and providers, in order to identify, among other things, patterns of suspected unnecessary services and treatment that does not conform to "appropriate" medical standards. In so doing, they not only may—they must—inspect, acquire, and require the disclosure of the records of private patients and their doctors. . . .

Mr. Chairman, I am well aware of the precedents of this body—and I am certain that my colleagues on the Ways and Means Committee are as well—that would not allow section 5(l) of H.R. 3 to be broader in scope than the original bill. The fact is, however, that section 5(h) of the bill now before us clearly extends the specter of unauthorized violations of patients' rights to confidentiality to all patients, by all Federal agencies and departments. There is no way for Congress to know, in advance, precisely who will seek to inspect, acquire or require the disclosure of the data and records gathered by a PSRO and mandated to be shared with others by the original language of H.R. 3. Furthermore, a private patient's medical record can be transformed into a medicare or medicaid patient's record simply by a change in the status of the patient—his becoming eligible, for example, through disability, age, or poverty. The medicare and medicaid programs have much to fear if the kinds of safeguards provided for in the Crane-Stark amendment are not extended to all records of patients and all Federal officials.

The Crane-Stark amendment most certainly relates to the fundamental purpose of H.R. 3, and applies only to those individuals, agencies and departments that are within the scope of the original bill. To decide otherwise would, I respectfully submit, significantly and adversely affect the very patients who are the intended beneficiaries of this important legislation. It would create potential barriers between patient and doctor by inhibiting free communication, since there would be no guarantees that their jobs would be secure or their friends and families would be free from interrogation and investigation by the Federal Government. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The gentleman from North Carolina makes the point of order against the

amendment recommended by the Committee on Ways and Means printed on page 66, line 22, through page 70, line 5, on the grounds that it is not germane to the bill H.R. 3.

The bill amends several titles of the Social Security Act to correct fraudulent activities under the medicare and medicaid programs by strengthening penalty sanctions, increasing disclosure of information requirements, improving the professional standards review program, and by proposing certain administrative reforms.

The amendment recommended by the Committee on Ways and Means, while addressing the role of professional standards review organizations in permitting disclosure of confidential medical records of patients under medicare and medicaid programs, goes beyond that issue and encompasses a prohibition against any officer or employee of the Federal Government from disclosing any identifiable medical record absent specific authorization from the patient. As drafted, the amendment would supersede any other provision of law which would otherwise permit Federal officials to disclose medical records, and would appear to affect health programs which are not medicare or medicaid related which do not involve PSRO participation and which are not established under the Social Security Act.

For this reason, the Chair holds that the amendment recommended by the Committee on Ways and Means is not germane to H.R. 3 and sustains the point of order.

Bill To Collect Medical Information for Study—Amendment Broadly Restricting Access of Government Employees to Medical Information

§ 9.26 To a bill providing for the collection of certain information, an amendment restricting access to a category of information which might be needed to conduct that study is not germane if it can be interpreted to more broadly deny access for any purpose to any information within that category; thus, to a bill authorizing a federal agency through grants or contracts to conduct a study of a child health assurance program, an amendment denying access to medical records to government employees and agents or to an organization conducting medical reviews for purposes of that study was conceded by the sponsor to deny access to medical records which were not necessarily to be utilized to conduct the study, and was held not germane as applying to medical records not otherwise covered by the bill.

On Dec. 11, 1979,[12] during consideration of the Child Health Assurance Act of 1979[13] in the Committee of the Whole, the Chair sustained a point of order against the amendment described above. The proceedings were as follows:

Sec. 14. (a)(1) The Secretary shall conduct or arrange (through grants or contracts) for the conduct of an ongoing study of the effectiveness of the child health assurance program under section 1913 of the Social Security Act. Not later than two years after the effective date prescribed by section 16(a)(1) and each two years thereafter, the Secretary shall report to Congress the results of the study and include in the report (1) the effect of preventive and primary care services on the health status of individuals under the age of 21 assessed under such program, (2) the incidence of the various disorders identified in assessments conducted under the program, and (3) the costs of identifying, in such program, such disorders. . . .

MR. PHILIP M. CRANE [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Philip M. Crane: On page 38, following line 15, insert the following new subsection:

(2)(a) No officer, employee, or agent of the Federal Government or of an organization conducting medical reviews for purposes of carrying out the study provided for in subsection (a)(1) of this section shall inspect (or have access to) any part of an individually identifiable medical record (as described in subsection (c)) of a patient which relates to medical care not provided directly by the Federal Government or paid for (in whole or in part) under a Federal program or under a program receiving Federal financial assistance, unless the patient has authorized such disclosure and inspection in accordance with subsection (b).

(b) A patient authorizes disclosure and inspection of a medical record for purposes of subsection (a) only if, in a signed and dated statement, he—

(1) authorizes the disclosure and inspection for a specific period of time;

(2) identifies the medical record authorized to be disclosed and inspected; and

(3) specifies the agencies which may inspect the record and to which the record may be disclosed.

(c) For purposes of this section:

(1) The term "individually identifiable medical record" means a medical, psychiatric, or dental record concerning an individual that is in a form which either identifies the individual or permits identification of the individual through means (whether direct or indirect) available to the public. . . .

MR. [HENRY A.] WAXMAN [of California]: Mr. Chairman, I reserve a point of order on the amendment. . . .

I would like to make an inquiry of the gentleman from Illinois (Mr. Philip M. Crane) who has offered the amendment, if I might. The section (2)(a) on page 38 following line 15 as it would be inserted by this amendment says:

No officer, employee, or agent of the Federal Government or of an organization conducting medical reviews for purposes of carrying out

12. 125 CONG. REC. 35425, 35438, 35439, 96th Cong. 1st Sess.

13. H.R. 4962.

the study provided for in subsection (a)(1) of this section shall inspect (or have access to). . . .

Is this a parenthetical clause: "Or of an organization conducting medical reviews for purposes of carrying out the study provided for," or are we also referring only to the officers, employees, or agents of the Federal Government who are conducting medical reviews for purposes of carrying out the study?

MR. PHILIP M. CRANE: If the gentleman will yield, the reason for the seeming redundancy of language was to guarantee that there would not be any commission or what I would classify as an agent, but which might be open to some debate, or group of private individuals performing a function under the auspices of the Federal Government. I would define that as an agent and, therefore, that language would be, then, redundant to that extent. My concern is quibbling over fine points of definitions, and to the extent that there is a potential here for some private group with the full authority of the Federal Government to conduct these kinds of studies, I want to make sure that those do not in any way have the possibility of falling into the hands of Government officials without the written consent of the patient involved.

MR. WAXMAN: If I might further inquire, is it fair to say that the limitation, "No officer, employee, or agent of the Federal Government" pertains specifically to the carrying out of the study provided for in subsection (a)(1)? Is it specifically addressed to carrying out that study? . . . I am trying to ascertain whether it is limited to carrying out the study provided for in subsection (a)(1) and the medical records are viewed only for the purpose of carrying out that study.

MR. PHILIP M. CRANE: Does the gentleman mean is it confined to that?

MR. WAXMAN: Yes.

MR. PHILIP M. CRANE: No, it is not. That would not be my understanding of the amendment. . . .

MR. WAXMAN: Mr. Chairman, as I read this section without the limitation that I tried to determine was included there, I believe it is overly broad and, therefore, not germane, and I make a point of order of the fact that it is not germane to the bill before us. . . .

MR. PHILIP M. CRANE: . . . I think it is, indeed, germane because, Mr. Chairman, the language of the amendment, I think, addresses the specific narrow concern that the Chairman has upon which he bases his point of order, but, on the other hand, there are implications in the language of the bill that I think this additional language in this paragraph addresses, and that is the potential to go beyond those narrow constraints that I think the gentleman, the Chairman, would presume exist within this legislation.

I am less sure and less confident that those restraints are there. I would argue that the specificity of the first part of this sentence that "No officer, employee, or agent of the Federal Government or of an organization conducting medical reviews for purposes of carrying out the study provided for in" that subsection indicated is language narrow enough to be germane to the intent of the bill.

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

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14. Bruce F. Vento (Minn.).

The Chair, in listening to and weighing the arguments, finds that the point of order is well taken. The argument seems to establish that the amendment offered by the gentleman from Illinois (Mr. Philip M. Crane) could go to confidentiality of other medical records that would not otherwise be covered by the pending legislation and as such represents, then, too broad an amendment. The records could deal with additional information that would usually be under the confidentiality of physician-and-patient relationship, that would be outside the services rendered through this program if the conduct of Federal officers is not to be confined to the carrying out of the study in section 14. Therefore, the Chair states that the point of order is well taken. . . .

The point of order is sustained. The amendment is ruled out of order.

Bill Authorizing Loans to Livestock Producers—Amendment To Expand Coverage of Bill to All "Agricultural" Producers

§ 9.27 To a bill authorizing emergency loans to livestock producers, an amendment changing the word "livestock" to "agricultural" was held to broaden the class of producers covered by the bill and was held to be not germane.

During consideration of H.R. 15560 (emergency loans to livestock producers) in the Committee of the Whole, it was demonstrated that a specific proposition may not be amended by a proposition more general in scope. The proceedings of July 16, 1974,[15] were as follows:

MR. [BENJAMIN A.] GILMAN [of New York]: Mr. Chairman, I have an amendment to section 1 of the bill now before us, as well as conforming amendments to sections 2, 3, and 8. . . .

The Clerk read as follows:

Amendments offered by Mr. Gilman: Page 5, line 24, strike the word "Livestock" and insert the word "Agricultural". . . .

Page 7, line 17, strike the word "livestock" and insert the word "agricultural", and at the end of line 23, strike the word "livestock" and insert the word "agricultural". . . .

MR. [BOB] BERGLAND [of Minnesota]: Mr. Chairman, I make the point of order against the amendment offered by the gentleman from New York (Mr. Gilman) on the ground that the amendment is nongermane. The amendment takes a number of specific subjects, beef, cattle, dairy cattle, swine, sheep, goats, chickens, and turkeys, and broadens the class by a general provision to include all other commodities such as beekeepers, catfish farmers, and others.

It is well settled in the precedents that a specific subject may not be amended by a provision general in nature. Under clause 7 of rule XVI, the amendment is not germane to the bill. . . .

MR. GILMAN: . . . The intent of the amendments refers to agricultural

15. 120 CONG. REC. 23333, 93d Cong. 2d Sess.

loans, and complies with the intent of the main bill.

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

The gentleman from Minnesota (Mr. Bergland) makes the point of order that the amendment violates clause 7, rule XVI. The general rule is that a general proposition is not in order as an amendment to a specific proposition, Cannon's VIII, 2998.

Specifically in point, however, is Cannon's Precedents, volume 8, section 3235:

> To a proposition authorizing loans to farmers in certain areas, an amendment authorizing loans without geographical restriction was held not germane.

The Chair would observe that the language of the bill is confined in scope to "livestock" producers, and contains definition of "livestock." The purpose of the amendment offered by the gentleman from New York (Mr. Gilman) would be to broaden the bill to all agriculture, including many products not livestock, and therefore the Chair sustains the point of order.

Provision Relating to Taxes on Specified Livestock Products—Amendment Relating to Taxes on Agricultural Products Generally

§ 9.28 To an amendment relating to taxes on certain livestock products, including pork, bacon, and ham, an amendment relating to taxes on "agricultural products" was held not germane.

In the 75th Congress, during consideration of the Revenue Bill of 1938,[17] an amendment was offered[18] to impose an excise tax upon the importation of pork and pork products. As a substitute for such amendment, an amendment was offered[19] as described above. Mr. Jere Cooper, of Tennessee, raised a point of order against the amendment.[20] The Chairman,[1] in sustaining the point of order, stated:

> The amendment offered by the gentleman from Illinois refers to particular products of livestock. The amendment of the gentleman from Wisconsin to the amendment of the gentleman from Illinois undertakes to bring in all agricultural products and is clearly subject to the point of order that it is not germane.

Bill Affecting Wheat Sold as Feed—Amendment Affecting all Feed Crops

§ 9.29 To a joint resolution increasing the quantity of wheat which may be sold for

16. Lloyd Meeds (Wash.).

17. H.R. 9682 (Committee on Ways and Means).

18. 83 CONG. REC. 3198, 75th Cong. 3d Sess., Mar. 10, 1938.

19. *Id.* at p. 3199.

20. *Id.* at p. 3200.

1. Clifton A. Woodrum (Va.).

feed by the Commodity Credit Corporation, an amendment providing that "any producer of any feed crop may feed such crop to his own stock without . . . penalty" was held not germane.

In the 78th Congress, a bill[2] was under consideration which sought to permit additional sales of wheat for feed and which stated:[3]

> *Resolved, etc.,* That the limitation contained in the Department of Agriculture Appropriation Act, fiscal year 1943, on the quantity of wheat which Commodity Credit Corporation can sell for feed is hereby increased from 125,000,000 to 225,000,000 bushels.

An amendment was offered[4] as described above. Mr. Hampton P. Fulmer, of South Carolina, having raised a point of order against the amendment, the Chairman, Robert E. Thomason, of Texas, ruled as follows:[5]

> The joint resolution applies to wheat and the amendment applies to any and all crops, and therefore is not germane. The point of order is sustained.

2. H.J. Res. 83 (Committee on Agriculture).
3. See 89 CONG. REC. 2014, 78th Cong. 1st Sess., Mar. 15, 1943.
4. *Id.* at p. 2015.
5. *Id.* at p. 2016.

Annual Appropriation—Amendment Permanently Changing Authorizing Law

§ 9.30 To a proposition appropriating funds for a program for one fiscal year, an amendment permanently amending the authorizing law relating to eligibility for funding in any fiscal year is more general in scope and is not germane.

On Oct. 5, 1983,[6] during consideration of H.R. 3363[7] in the House, the Chair held that, to a Senate amendment to an appropriation bill reported from conference in disagreement, striking funds for a certain fisheries program, a House amendment permanently amending the authorizing law to provide authority for funding for a state ineligible under existing law was not germane; the point of order was conceded and sustained. The proceedings were as follows:

> THE SPEAKER PRO TEMPORE:[8] The Clerk will designate the next amendment in disagreement.
>
> The amendment reads as follows:
>
> Senate amendment No. 16: Page 10, lines 10 and 11, strike out "; and

6. 129 CONG. REC. 27313, 27314, 98th Cong. 1st Sess.
7. The Department of the Interior Appropriations for fiscal 1984.
8. Dale E. Kildee (Mich.).

for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a–757f)".

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Yates moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: "; $4,000,000, to remain available until expended, for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a–757f), of which $500,000 shall be made available to the State of Idaho without regard to the limitation as stated in 16 U.S.C. 757e and without regard to the Federal cost sharing provisions in 16 U.S.C. 757a–757f: *Provided,* That 16 U.S.C. 757e is amended by adding the following new sentence: 'The State of Idaho shall be eligible on an equal standing with other states for Federal funding for purposes authorized by sections 757a to 757f of this title.' ". . .

MR. [JOHN B.] BREAUX [of Louisiana]: . . . My point of order is pursuant to clause 7 of rule XVI, the provisions of which indicate that [the amendment] is not germane.

Mr. Speaker, I make this point of order for two reasons, if the Speaker would want me to be heard at this time.

MR. YATES: Mr. Speaker, I concede the point of order.

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

Amendment Broadening a Specific Limitation on Appropriations That Had Been Struck by Senate Amendment

§ 9.31 A specific proposition may not be amended by a proposition more general in scope; thus, to a Senate amendment striking a provision in a general appropriation bill which precluded the use of funds therein by the Environmental Protection Agency to control air pollution by regulating parking facilities, a motion in the House to recede and concur in the Senate amendment with an amendment which temporarily prohibited the use of such funds to implement any plan requiring the review of any indirect sources of air pollution was held more comprehensive in scope and was held to be not germane.

On Dec. 12, 1974,[9] during consideration in the House of the conference report on H.R. 16901,[10] it was demonstrated that where a Senate amendment proposed to strike out language in a House

9. 120 CONG. REC. 39272, 39273, 93d Cong. 2d Sess.

10. Agriculture, Environment and Consumer Appropriations, fiscal 1975.

bill, the test of the germaneness of a motion to recede and concur with an amendment was the relationship between the language in the motion and the provisions in the House bill proposed to be stricken by the Senate amendment. The proceedings were as follows:

THE SPEAKER:[11] The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: Page 52, line 20, strike: "Sec. 510. No part of any funds appropriated under this Act may be used by the Environmental Protection Agency to administer any program to tax, limit, or otherwise regulate parking facilities."

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows:

"Sec. 510. No part of any funds appropriated under this Act may be used by the Environmental Protection Agency to implement or enforce any provision of a state implementation plan promulgated or approved pursuant to Section 110 of the Clean Air Act that requires the review of indirect sources, as defined in 40 CFR 52.22(b)(1), pending completion of judicial review, pursuant to Section 307(b) of the Clean Air Act, of the indirect source regulations set forth in 40 CFR 52.22, or any other such regulation relating to indirect sources.". . .

MR. [PAUL G.] ROGERS [of Florida]: Mr. Speaker, I raise a point of order on the ground of nongermaneness.

The House provision provided only for parking, and the Senate struck completely the House provision.

This language is not germane in that it goes far beyond parking. The amendment would cover airports, it would cover highways, it would cover shopping centers, and it would cover sports arenas, regardless of whether any parking facilities are attached or associated.

There is no question but what this is not germane. It is far beyond what the House had stated, and I think it is not appropriate to be in an appropriation bill at all. Therefore I ask that it be stricken in accordance with the arguments used against the amendment. . . .

MR. WHITTEN: . . . Mr. Speaker, the legislation to which the gentleman from Florida has referred has had the effect of stopping employment in the cities of this country. It has done this because they have to have a permit from the Environmental Protection Agency for parking. It has prevented new buildings in universities, hospitals, shopping centers—and this at a time of great unemployment in the United States.

It was felt when the bill passed in the House that in order to prevent that effect upon our economy and upon the growth of our cities, and in order to protect the inner cities so that efforts could be made to live there, that we, in

11. Carl Albert (Okla.).

12. 120 CONG. REC. 33620, 33621, 93d Cong. 2d Sess.

turn, should keep this one item from being used to effect this legislation.

In the Senate it was felt that since there are lawsuits pending throughout the United States, I think in at least four instances, that this legislation covering parking was the key, that that part which had parking in it should be included in the conference and the conferees felt that in the interest of the Nation that those related matters which are a part and parcel of the provisions to which we were trying to direct our attention, should be accepted, and it was accepted by the conferees.

So, Mr. Speaker, on that basis I respectfully submit that while we touched on only one part of this provision, that the other parts thereby came before the conference, and on that basis we have gone along with delaying this, not to prohibit, but to restrict EPA from causing such delays or work stoppages in this area until such time as the courts determine the issue. And, as I said, the question is now pending before the Federal courts in at least four cases. Of course neither of these provisions, either the House or the conference provision, affects the rights of the cities, towns or of a State from taking such action as they wish. . . .

THE SPEAKER: The Chair is ready to rule.

There is only one issue involved here and that is whether the amendment included in the motion of the gentleman from Mississippi is germane. It obviously is far more comprehensive than the House provision, and is not germane thereto. The Chair, therefore, sustains the point of order.

General Appropriation Bill—Amendment Delaying Availability of All Funds in Bill Pending Unrelated Contingency

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

In the proceedings of Oct. 2, 1974,[12] relating to supplemental appropriations for fiscal 1975,[13] the points of order made against the amendment in question were largely based on the contention that the amendment constituted legislation on an appropriation bill. Most points of order against amendments delaying the availability of funds pending an unrelated contingency are based on the issue of germaneness, and in the Chair's ruling it appeared that the defect in the amendment was that its scope was so broad as to affect funds in the bill other than those to which the limitation was directly related—in other words, that the amendment was not germane.

MR. JAMES V. STANTON [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

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

"Sec. 203. No funds shall be available for expenditure under this act until such time as Richard M. Nixon has made restitution to the United States Government in the amount of $92,298.03 as previously determined by the Joint Committee on Internal Revenue Taxation on page 201 of its report dated April 3, 1974.". . .

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

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

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

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

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

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

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

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

13. 13. H.R. 16900.

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

15. Supplemental Appropriations, fiscal

13. 13. H.R. 16900.

exist by any judicial determination unless this action is taken by this body.

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

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

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

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

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

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

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

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

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

Rescinding Agency's Funds for One Purpose—Amendment Conditioning Availability of All Agency Funds on State Compliance With Federal Standards for Seat Belt Use

§ 9.33 To a proposition rescinding an agency's funds for research and education on the subject of motor vehicle seat belts and passive restraints, an amendment conditioning the availability of all of that agency's funds on certain findings with respect to state compliance with federal standards for mandatory seat belt use was conceded to be not germane, in that it affected regulatory operations and was not confined to research and education funds.

During consideration of H.R. 2577[15] in the House on July 31, 1985,[16] a point of order against a motion to recede and concur with an amendment to the pending proposition was conceded and therefore sustained. The proceedings were as follows:

THE SPEAKER PRO TEMPORE:[17] The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 262: Page 75, lines 14 and 15, strike out "$7,500,000 or so much thereof as may be available on May 2, 1985" and insert "$2,000,000". . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 262 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "no funds shall be obligated until the Secretary has made a complete, definitive and binding ruling on the compliance of each state mandatory safety belt use law that has been enacted as of the date of this act with the minimum criteria set forth in Federal Motor Vehicle Safety Standard 208. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I make a point of order regarding amendment No. 262. The point of order is that that amendment is nongermane to the Senate amendment and so is violative of the rules of the House relative to this point.

MR. WHITTEN: Mr. Speaker, I concede the point of order.

THE SPEAKER PRO TEMPORE: The gentleman from Mississippi concedes the point of order. The point of order, therefore, is sustained.

Restricting Programs Not in Bill

§ 9.34 While an amendment may be germane which limits for certain purposes the au-

15. Supplemental Appropriations, fiscal 1985.
16. 131 CONG. REC. 21832–34, 99th Cong. 1st Sess.
17. Philip R. Sharp (Ind.).

thorities granted in a bill, the amendment must be confined to the agencies, authority and funds addressed by the bill and may not be more comprehensive in scope; thus, to a bill amending the Bretton Woods Agreement Act to ratify proposed amendments to the International Monetary Fund Articles of Agreement, to approve an increase in the United States quota in the Fund and to authorize dealing in gold in connection with the Fund, an amendment prohibiting the alienation of gold to any IMF trust fund, to any other international organization or its agents, or to any person or organization acting as purchaser for any central bank or governmental institution was held not germane, being more general in scope.

On July 27, 1976,[18] the Committee of the Whole had under consideration H.R. 13955 (amending the Bretton Woods Agreement Act), when a point of order against the amendment described above was sustained.

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

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

Page 3, after line 12, insert the following:

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

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

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

The Clerk read as follows:

> Amendment offered by Mr. Paul: On page 5, add the following new section:
>
> "Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States alienate any gold to any trust fund established by the Board of Governors of the International Monetary Fund, or to any other international organization or its agents, or to any person or organization acting as a purchaser on behalf of any central bank or governmental institution.". . .

MR. [THOMAS M.] REES [of California]: . . . The legislation before us is to provide for amendment of the

18. 122 CONG. REC. 24040, 24041, 94th Cong. 2d Sess.

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

It goes about 5 miles beyond the Bretton Woods Agreements Act.

Mr. Chairman, I submit that the amendment is not germane. . . .

MR. [JOHN H.] ROUSSELOT [of California]: . . . Mr. Chairman, on page 18, Article 5, Section 12, of the Jamaican Agreements, which is something which we are partially ratifying with this legislation, it does refer to this special trust fund.

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

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

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

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

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

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

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

Bill Amending One Law on Economic Development—Amendment To Require Study of Impact of All Laws on Employment Opportunities

§ 9.35 To a bill reported from the Committees on Public

19. Charles H. Wilson (Calif.).

Works and Transportation and on Banking, Finance and Urban Affairs amending an existing law to promote economic development through financial assistance to local communities, an amendment requiring the study of the impact of all federal, state and local laws and regulations (not merely the law being amended by the bill) on employment opportunities was held more general in scope and held to be not germane.

During consideration of the National Development Investment Act[20] in the Committee of the Whole on July 12, 1983,[1] the Chair sustained a point of order in the circumstances described above. The proceedings were as follows:

Amendment offered by Mr. Walker: On page 44, after line 23, add the following new section:

Sec. 103. The Secretary of Commerce shall, in conjunction with the appropriate state and local authorities, conduct a study of the impact on employment opportunities of Federal, State, and local laws and regulations.

(a) Such study shall identify those laws and regulations which have an adverse impact on employment opportunities and shall identify to what extent such regulations and laws cause or result in a reduction of permanent employment opportunities.

(b) The Secretary shall, not later than December 30, 1983, submit a report to Congress on the results of the study under subsection (a), together with its recommendations on methods to reduce or eliminate such adverse impact. . . .

MR. [JAMES L.] OBERSTAR [of Minnesota]: Mr. Chairman, the amendment offered by the gentleman from Pennsylvania is so broadly written as to be nongermane to this legislation. It directs the Secretary of Commerce to conduct a study of State and local laws, State and local regulations, in addition to Federal laws and regulations, in conjunction with employment opportunities, so broadly written as to have nothing to do with the legislation at hand.

I make the point of order that the amendment is not germane. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . This simply authorizes the Secretary of Commerce to take action in exactly the same areas that this bill covers. This bill covers a very broad range of economic activity in the country. It authorizes the Secretary of Commerce to take steps to assure employment opportunities. The amendment that I have offered here to title I is simply saying that there should be a study by the Federal Government in the same areas that this bill addresses; so I would ask the Chair to reject the point of order against the amendment.

THE CHAIRMAN:[2] The Chair is prepared to rule.

20. H.R. 10.

1. 129 CONG. REC. 18712, 18713, 98th Cong. 1st Sess.

2. Charlie Rose (N.C.).

The amendment of the gentleman from Pennsylvania requires a study of the impact of all Federal, State, and local laws, on employment. The bill under consideration only amends several laws within the jurisdiction of the Public Works and Transportation Committee and the Banking, Finance and Urban Affairs Committee dealing with economic development. An amendment bringing into issue all Federal, State and local laws as to their impact on employment is more general in scope and is not germane.

Therefore, the Chair sustains the point of order.

Bill Directed to One Function of Agency—Amendment Pertaining to All Agency Actions

§ 9.36 To a bill amending the Bretton Woods Agreements Act, perfected by the Committee of the Whole only to address United States participation in and use of a special and limited International Monetary Fund financing facility, an amendment adding a new section to the Act to impose certain policy directives on the United States Governor of the IMF in relation to all IMF transactions was held not germane.

On Feb. 23, 1978,[3] during consideration of H.R. 9214, it was demonstrated that an amendment adding a new section to the end of a bill must be germane to the bill as amended. The proceedings in the Committee of the Whole wherein the Chair sustained a point of order against such amendment were as follows:

The Clerk read as follows:

H.R. 9214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286–286k–2), as amended, is further amended by adding at the end thereof the following new section:

"Sec. 27. (a) For the purpose of participation of the United States in the Supplementary Financing Facility (hereinafter referred to as the 'facility') established by the decision numbered 5508–(77/127) of the Executive Directors of the Fund, the Secretary of the Treasury is authorized to make resources available as provided in the decision numbered 5509–(77/127) of the Fund, in an amount not to exceed the equivalent of 1,450 million Special Drawing Rights.

"(b) The Secretary of the Treasury shall account, through the Fund established by section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 882a), for any adjustment in the value of monetary assets held by the United States in respect of United States participation in the facility.". . . .

THE CHAIRMAN:[4] The Clerk will report the next committee amendment.

The Clerk read as follows:

3. 124 CONG. REC. 4421, 4426, 4427, 4451, 4452, 95th Cong. 2d Sess.

4. Lucien N. Nedzi (Mich.).

Committee amendment: On page 2, after line 15, insert:

Sec. 2. Section 3(c) of the Bretton Woods Agreements Act (22 U.S.C. 286a(c)) is amended by inserting "(1)" immediately after "(c)" and by adding at the end thereof the following:

(2) The United States executive director to the Fund shall not be compensated by the Fund at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code. . . .

(3) The Secretary of the Treasury shall instruct the United States executive director to the Fund to present to the Fund's Executive Board a comprehensive set of proposals, consistent with maintaining high levels of competence of Fund personnel and consistent with the Articles of Agreements with the objective of assuring that salaries of Fund employees are consistent with levels of similar responsibility within national government service or private industry. The Secretary shall report these proposals together with any measures adopted by the Fund's Executive Board to the relevant committees of the Congress prior to July 1, 1978.

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Neal to the committee amendment:

Page 2, strike out line 20 and insert in lieu thereof "The individual who represents the United States in matters concerning the Supplementary Financing Facility".

Page 2, lines 24 and 25, strike out "The United States alternate executive director to the Fund" and insert in lieu thereof "The alternate to the individual who represents the United States in matters concerning the Supplementary Financing Facility". . . .

Page 3, line 5, strike "United States executive director to the Fund" and insert in lieu thereof "individual who represents the United States in matters concerning the Supplementary Financing Facility". . . .

[The committee amendment was agreed to and the committee amendment, as amended, was agreed to.]

MR. [JOHN J.] CAVANAUGH [of Nebraska]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cavanaugh: At the end of the bill add the following:

The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2), as amended, is further amended by adding at the end thereof the following new section:

Sec. 29. The Secretary of the Treasury shall instruct the United States Executive Director to seek to assure that no decision by the International Monetary Fund on use of the Facility undermines or departs from United States policy regarding the comparability of treatment of public and private creditors in cases of debt rescheduling where official United States credits are involved. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Nebraska (Mr. Cavanaugh).

The amendment was agreed to.

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harkin: Page 3, immediately after line 14, insert the following:

Sec. 3. The Bretton Woods Agreements Act (22 USC 286–286k–2), as amended, is further amended by adding at the end thereof the following new section:

"Sec. 29. (a) The Secretary of the Treasury shall instruct the United States Executive Director on the Executive Board of the International Monetary Fund to initiate a wide consultation with the Managing Director of the Fund and other member country Executive Directors with regard to encouraging the IMF staff to formulate stabilization programs which, to the maximum feasible extent, foster a broader base of productive investment and employment, especially in those productive activities which are designed to meet basic human needs.

"(b) In accordance with the unique character of the International Monetary Fund, the Secretary of the Treasury shall direct the U.S. Executive Director to take all possible steps to the end that all Fund transactions, including economic programs developed in connection with the utilization of Fund resources, do not contribute to the deprivation of basic human needs, nor to the violation of basic human rights, such as torture, cruel or inhumane treatment or degrading punishment, prolonged detention without charge, or other flagrant denials of life, liberty and the security of person; and to oppose all such transactions which would contribute to such deprivations or violations. . . .

MR. NEAL: Mr. Chairman, I make a point of order against the amendment. . . .

Mr. Chairman, we have just established that we are only considering the so-called Witteveen Facility of the International Monetary Fund, and this amendment goes far beyond that. . . .

MR. HARKIN: . . . I would respond to that argument by saying that my amendment is entirely in order because, if we look at the different sections, the first section of my amendment goes toward instructing the U.S. Executive Director of the IMF to do certain positive things about initiating wide consultations, and so forth, which would help to promote those kinds of programs that would help meet the basic human needs in other countries. This is a directive to our Director on the Board of the International Monetary Fund.

The last part of my amendment, subparagraph (c) also mandates that the Executive Director do other positive things by submitting a report to the Congress not later than 180 days after the close of each calendar year outlining the effects of the policies that were followed on the Fund which were designed to meet these basic human needs of people in other countries.

As far as the Fund or the Witteveen Facility itself is concerned, my subparagraph (b), which is the human rights section, speaks directly to the Witteveen Facility and directs the U.S. Executive Director to make sure that the basic human rights of people are not violated. . . .

MR. [M. DAWSON] MATHIS [of Georgia]: . . . The gentleman from North Carolina (Mr. Neal) is attempting now to say that the legislation before us has been narrowed in scope to the point where it only deals with the Witteveen Facility, and that has been the thrust of the previous committee amendments that I have argued against, because I knew we were going to arrive at a point where the gentleman was going to raise this point of order.

Mr. Chairman, the clumsy attempt to do that has obviously failed in this

fashion because subsection (3) of section 2 of the bill still deals with the question of the Secretary of the Treasury instructing the Executive Director of the Fund to present a comprehensive set of proposals that do not deal with that issue. So the committee amendment, which has already been adopted, very clearly deals with the original Bretton Woods Act, and it is not restrictive in its scope. . . .

MR. HARKIN: Mr. Chairman, I think the gentleman from Georgia (Mr. Mathis) has raised an interesting point. In the bill, under paragraph (3) on page 3, it does in fact provide that the U.S. Executive Director to the Fund has to do a certain positive thing. He has to present to the Fund's Executive Board a comprehensive set of proposals, et cetera. So it does not speak simply about the Witteveen Facility.

I think that my amendment, which mandates that the Executive Director do other positive things, fits in very nicely with subparagraph (3). . . .

MR. NEAL: Mr. Chairman, I would say that the amendment before us is not germane because it is not germane to the fundamental purpose of the bill nor does it relate exclusively to the subject matter under consideration.

Under the Rules of the House, no motion or proposition on a subject different from that under consideration shall be admitted under disguise of an amendment. . . .

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

The gentleman from North Carolina (Mr. Neal) made a point of order that the amendment offered by the gentleman from Iowa (Mr. Harkin) is not germane to the bill H.R. 9214 in its perfected form. In its perfected form the bill, while amending the Bretton Woods Agreement Act, relates only to the authority of the United States to participate in the supplementary financing facility of the International Monetary Fund and to the salaries of the IMF employees who are employees who administer that supplemental financing facility, the so-called Witteveen Facility, but it does not deal with the other operations of the International Monetary Fund.

The precedents indicate:

> To a bill amending one section of existing law to accomplish a particular purpose, an amendment proposing changes in another section of that law in a [manner] not within the terms of the bill is not germane. (Deschler's Procedure, chapter 28, section 32.1, section 32.14.)
>
> In passing on the germaneness of an amendment, the Chairman considers the relationship of the amendment to the bill as modified by the Committee of the Whole. (Deschler's Procedure, chapter 28, section 2.4.)

The bill as modified by the Committee of the Whole is not sufficiently broad, in the opinion of the Chair, to permit amendments affecting operations of the IMF which are not directly and solely related to the Witteveen Facility. As indicated throughout the report on the bill, that special function of the IMF is separate and distinct from other operations of the IMF, both from the standpoint of qualification for participation in the facility and from the point of view of disposition of assets and the liabilities of participating nations.

Let the Chair just add that the Cavanaugh amendment to H.R. 9214

reserved itself to decisions by the IMF on the use of the facility, referring to the Witteveen Facility, thereby confining itself to that narrow aspect of the bill and not amending the entire act.

Accordingly, the Chair sustains the point of order.

Amendment Changing One Budget Category—Substitute Changing Several

§ 9.37 To a substitute amendment to a concurrent resolution on the budget changing one functional category only, an amendment changing not only that category but several other categories of budget authority and outlays and covering an additional fiscal year was held to be more general in scope and therefore was ruled out as not germane.

On May 2, 1979,[5] during consideration of House Concurrent Resolution 107 (first concurrent resolution on the budget, fiscal 1980), the Chair sustained a point of order against the amendment described above, thus demonstrating that a specific proposition may not be amended by a proposition more general in scope.

The amendment and proceedings were as follows:

MS. [ELIZABETH] HOLTZMAN [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. Holtzman: In the matter relating to the appropriate level of total new budget authority decrease the amount by $8,113 million;

In the matter relating to the appropriate level of total budget outlays decrease the amount by $2,705 million;

In the matter relating to the amount of the deficit decrease the amount by $2,705 million;

In the matter relating to the appropriate level of the public debt decrease the amount by $2,705 million;

In the matter relating to Function 050 decrease the amount for budget authority by $3,351 million; and decrease the amount for outlays by $1,177 million. . . .

In the matter relating to Function 350 decrease the amount for budget authority by $102 million; and decrease the amount for outlays by $34 million. . . .

In the matter relating to Function 450 decrease the amount for budget authority by $75 million; and decrease the amount for outlays by $25 million. . . .

MR. CHARLES H. WILSON of California: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Charles H. Wilson of California as a substitute for the amendment offered by Ms. Holtzman: In the matter relating to National Defense for fiscal year 1980, strike out the amount specified for new budget authority and insert in lieu thereof "$137,808,000,000".

5. 125 CONG. REC. 9556, 9562–64, 96th Cong. 1st Sess.

In the matter relating to National Defense for fiscal year 1980, strike out the amount specified for outlays and insert in lieu thereof "$125,070,000,000".

Increase the aggregate amounts in the first section (other than the amount of the recommended level of Federal revenues and the amount by which the aggregate level of Federal revenues should be decreased) accordingly. . . .

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

THE CHAIRMAN: The Clerk will report the amendment to the amendment offered as a substitute. . . .

MR. JOHN L. BURTON: My amendment is an amendment to the amendment offered by the gentleman from California (Mr. Charles H. Wilson) as a substitute for the amendment. . . .

The Clerk read as follows:

Amendment offered by Mr. John L. Burton to the amendment offered by Mr. Charles H. Wilson of California as a substitute for the amendment offered by Ms. Holtzman; Strike all after line 1 and insert:

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—

(1) the recommended level of Federal revenues is $510,800,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is zero;

(2) the appropriate level of total new budget authority is $586,255,609,000.

(3) the appropriate level of total budget outlays is $510,567,609,000.

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is zero and . . .

Sec. 3. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 301(a)(2) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1979, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):

(A) New budget authority, $112,974,000,000;

(B) Outlays, $101,686,000,000.

(2) International Affairs (150):

(A) New budget authority, $12,932,000,000;

(B) Outlays, $8,223,000,000. . . .

Sec. 6. Pursuant to section 304 of the Congressional Budget Act of 1974, the appropriate allocations for fiscal year 1979 made by H. Con. Res. 683 are revised as follows:

(a)—

(1) the recommended level of Federal revenues is $458,485,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $15,000,000;

(2) the appropriate level of total new budget authority is $555,659,000,000;

(3) the appropriate level of total budget outlays is $492,820,000,000. . . .

MR. [ROBERT N.] GIAIMO [of Connecticut]: . . . I raise the point of order against the amendment on the ground that it is not germane to the Wilson amendment, which addresses itself to one function, national defense, and this

addresses itself far beyond that; and, therefore, it is not germane. . . .

MR. JOHN L. BURTON: . . . It is my understanding that the Charles H. Wilson amendment although it only addressed itself to defense, it, by the language, inferred all that was in the amendment of the gentlewoman from New York, by striking that. It struck every section of the Holtzman amendment.

If I am not germane here, certainly I am germane to the Holtzman amendment and will offer my amendment to the Holtzman amendment in the nature of an amendment to the Holtzman amendment, if that be the necessary case.

THE CHAIRMAN:[6] The Chair is ready to rule upon the point of order of the gentleman from Connecticut (Mr. Giaimo).

The substitute offered by the gentleman from California (Mr. Charles H. Wilson) deals only with the national defense functional category for fiscal 1980. The amendment thereto offered by the gentleman from California (Mr. John L. Burton) deals not only with defense but with several other functional categories and is more general in scope.

Therefore, the amendment of the gentleman from California (Mr. John L. Burton) is not germane and the point of order is sustained.

6. William H. Natcher (Ky.).

Budget Resolution: Perfecting Amendment Changing Certain Figures for One Year—Amendment Rewriting Resolution and Effecting Changes for Two Years

§ 9.38 An amendment (in effect in the nature of a substitute) rewriting an entire concurrent resolution on the budget covering two fiscal years is not germane to a perfecting amendment proposing certain changes in figures for one of the years covered by the resolution.

On May 2, 1979,[7] during consideration of the first concurrent resolution on the Budget, fiscal year 1980 (House Concurrent Resolution 107), the Chair sustained a point of order against an amendment, thus holding that to a perfecting amendment to a concurrent resolution on the budget changing amounts in functional categories and aggregates only for one fiscal year, an amendment which addresses the budget for another fiscal year as well and which contains other unrelated matter, as a redraft of the entire resolution, is not germane. The proceedings were as follows:

Ms. [ELIZABETH] HOLTZMAN [of New York]: Mr. Chairman, I offer an amendment.

7. 125 CONG. REC. 9556, 9564–66, 96th Cong. 1st Sess.

The Clerk read as follows:

Amendment offered by Ms. Holtzman: In the matter relating to the appropriate level of total new budget authority decrease the amount by $8,113 million;

In the matter relating to the appropriate level of total budget outlays decrease the amount by $2,705 million;

In the matter relating to the amount of the deficit decrease the amount by $2,705 million;

In the matter relating to the appropriate level of the public debt decrease the amount by $2,705 million;

In the matter relating to Function 050 decrease the amount for budget authority by $3,351 million; and decrease the amount for outlays by $1,177 million. . . .

In the matter relating to Function 350 decrease the amount for budget authority by $102 million; and decrease the amount for outlays by $34 million. . . .

In the matter relating to Function 450 decrease the amount for budget authority by $75 million; and decrease the amount for outlays by $25 million. . . .

MR. JOHN L. BURTON [of California]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. John L. Burton to the amendment offered by Ms. Holtzman: Strike all after line 1 and insert:

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—

(1) the recommended level of Federal revenues is $510,800,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is zero; . . .

Sec. 6. Pursuant to section 304 of the Congressional Budget Act of 1974, the appropriate allocations for fiscal year 1979 made by H. Con. Res. 683 are revised as follows: . . .

MR. [ROBERT N.] GIAIMO [of Connecticut]: The gentleman's amendment is a substitute for the entire resolution; the Holtzman amendment is not. It touches on matters not dealt with in the Holtzman amendment, namely, changes for fiscal year 1979. It is, therefore, not germane to the amendment of the gentlewoman from New York (Ms. Holtzman). . . .

THE CHAIRMAN:[8] The Chair is ready to rule on the point of order made by the gentleman from Connecticut (Mr. Giaimo).

The amendment offered by the gentlewoman from New York (Ms. Holtzman) deals only with fiscal year 1980 targets. The amendment thereto offered by the gentleman from California (Mr. John L. Burton) deals not only with 1980 but with fiscal 1979 revisions and contains other language. The amendment is not germane to the Holtzman amendment. The Chair so rules and sustains the point of order.

Bill Amending Law With Respect to Certain Authority—Amendment Repealing Authority Under Any Provision of Law

§ 9.39 An amendment repealing authority under any pro-

8. William H. Natcher (Ky.).

vision of law is not germane to a bill amending only one law with respect to that authority; thus, to a bill amending the Defense Production Act to promote the development of synthetic fuels for defense purposes, and authorizing loans and contracts to assist such development, an amendment repealing authority under the Defense Production Act or under any other law to impose allocation and price controls on petroleum and natural gas was held not germane.

During consideration of H.R. 3930[9] in the Committee of the Whole on June 26, 1979,[10] it was demonstrated that a specific proposition may not be amended by a proposition more general in scope when the Chair sustained a point of order against the following amendment:

> Amendment offered by Mr. Dannemeyer: Page 11, after line 6, insert the following new section:
>
> REMOVAL OF CERTAIN CONTROLS IMPEDING PRODUCTION OF PETROLEUM AND NATURAL GAS
>
> Sec. 5. Title VII of the Defense Production Act of 1950 is amended by adding at the end thereof the following new section:
>
> "Sec. 721. Effective beginning 30 days after the date of the enactment of this section, allocation and maximum lawful price restrictions imposed on crude oil, natural gas, and refined petroleum products, by the provisions of this Act or any other law, and the authority to impose such restrictions under such provisions, is terminated.". . . .
>
> MR. [WILLIAM S.] MOORHEAD of Pennsylvania: I make a point of order against the amendment, Mr. Chairman. . . .
>
> The bill before us is a narrowly drawn bill dealing with the production of synthetic fuel. This amendment talks about lawful price restriction by the provision of this act or any other law. It far exceeds the scope of the legislation before the Committee and the amendment is not in order. . . .
>
> MR. [WILLIAM E.] DANNEMEYER [of California]: . . . Title 3 of the bill before the House deals with the expansion of productive capacity and supply. The amendment which I have tendered will remove certain controls impeding production of petroleum and natural gas. I submit on that basis it is germane, it is appropriate for us to consider to remove what really is the cause of the shortage of oil in this country; namely, the law that this Congress has enacted. It is not the oil companies or the OPEC nations, it is this place right here.
>
> If we want to have more oil, take the price off and that is the way to do it.
>
> THE CHAIRMAN:[11] The Chair is prepared to rule.

9. The Defense Production Act Amendments of 1979.

10. 125 CONG. REC. 16701, 96th Cong. 1st Sess.

11. Gerry E. Studds (Mass.).

The provisions of the act before the Committee relate solely to production of fuels for the national defense. The amendment offered by the gentleman from California effectively modifies the Petroleum Allocation Act and other laws not amended by the bill before us and the Chair sustains the point of order.

Joint Resolution Appropriating Funds for Emergency Fuel Assistance—Amendment To Prohibit Windfall Profits Taxes To Be Used for Other Purposes Except as Specified

§ 9.40 To a joint resolution appropriating funds to the Community Services Administration for emergency fuel assistance, an amendment providing that notwithstanding any other provision of law, no portion of any oil windfall profit taxes imposed by law may be transferred to any other use except to the extent that the amount of such taxes exceeded the amount appropriated by the joint resolution, was conceded to be subject to the point of order that it was not germane.

During consideration of House Joint Resolution 430 in the House on Oct. 25, 1979,[12] a point of order against the following amendment was conceded and sustained:

MR. [ROBERT N.] GIAIMO [of Connecticut]: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Giaimo: Page 3, after line 3, insert the following new sentence: "Notwithstanding any other provision of law (whether enacted before, on, or after the date of the enactment of this Act), no portion of any windfall profit taxes imposed by Federal law on producers of domestic crude oil may be tranferred to any other use except to the extent that the amount of such taxes exceeds the amount appropriated by this Act."

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Speaker, I make a point of order against the amendment offered by the gentleman from Connecticut (Mr. Giaimo).

MR. GIAIMO: Mr. Speaker, I concede the point of order.

THE SPEAKER PRO TEMPORE:[13] The gentleman from Connecticut (Mr. Giaimo) concedes the point of order and the Chair sustains the point of order.

Bill Relating to Information in One Agency—Amendment Relating to Information Throughout Government

§ 9.41 To a section of a bill requiring the Administrator of

12. 125 CONG. REC. 29639, 96th Cong. 1st Sess.
13. Dan Rostenkowski (Ill.).

the Energy Research and Development Administration to maintain a central source of information on energy resources and technology, and making such information maintained by ERDA available under provisions of the Freedom of Information Act for public inspection, an amendment to prohibit the disclosure of proprietary information obtained by compulsory process by any federal agency and maintained by ERDA was subject to the interpretation that such information, wherever situated, would not be subject to disclosure—thereby affecting the confidentiality of information held by other agencies, and was held to be not germane.

On June 20, 1975,[14] during consideration of the Energy Research and Development Administration authorization bill for fiscal 1976[15] in the Committee of the Whole, the Chair sustained a point of order in the circumstances described above. The section of the bill and the amendment offered thereto were as follows:

Sec. 307. The Federal Nonnuclear Energy Research and Development Act of 1974 (88 Stat. 1878; 42 U.S.C. 5901) is amended by adding at the end thereof the following new section:

"Sec. 17. The Administrator shall establish, develop, acquire, and maintain a central source of information on all energy resources and technology, including proved and other reserves, for research and development purposes. This responsibility shall include the acquisition of proprietary information, by purchase, donation, or from another Federal agency, when such information will carry out the purposes of this Act. In addition the Administrator shall undertake to correlate, review, and utilize any information available to any other Government agency to further carry out the purposes of this Act. The information maintained by the Administrator shall be made available to the public, subject to the provisions of section 552 of title 5, United States Code, and section 1905 of title 18, United States Code, and to other Government agencies in a manner that will facilitate its dissemination.". . .

MR. [BARRY] GOLDWATER [Jr., of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Goldwater: Page 43, line 6, before the period, insert the following ": *Provided* That any such proprietary information obtained by compulsory process by any Federal agency shall not be subject to the mandatory disclosure provisions of 5 U.S.C. 552 and further, where the Administrator so finds, any proprietary information

14. 121 CONG. REC. 19934, 19966, 19967, 94th Cong. 1st Sess.

15. H.R. 3474.

obtained by other means shall be deemed to qualify for exemption from mandatory disclosure under 5 U.S.C. 552(b)(4)". . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I make a point of order against the amendment. . . .

The point of order is that the amendment is not germane. The amendment appears to relate to the language of the bill at page 43, line 6. In point of fact, the amendment seeks to amend the Freedom of Information Act, 5 United States Code 552, which is cited therein. It might appear that the amendment is subject to a number of different meanings. I can think of at least two at the moment, and perhaps three or four others. The first instance is that any proprietary information received by compulsory process by any Federal agency shall not be subject to the mandatory disclosure provisions of 5 United States Code 552—and I am literally quoting from the language of the amendment—and that being so, the amendment is defective as seeking to amend legislation not presently before the House and not within the jurisdiction of the particular committee that is presenting the legislation before us, and relating to entirely different matters.

It is possible that it refers to earlier legislation or, rather, refers to earlier clauses and sentences of the legislation before us. It is also possible that the legislation that the amendment would have the law amended is that once proprietary information had fallen into the hands of the Federal Government by compulsory process and had, through any methodology whatsoever, arrived in the hands of ERDA, that the original Federal agency which had ownership or custody of that information would thereupon be sterilized in making that information available pursuant to the provisions of 5 United States Code 552, the Freedom of Information Act.

In either the first instance or in the second instance the amendment seeks to amend legislation not properly before us at this time, the Freedom of Information Act, which is not under the jurisdiction of the committee or which, by notice, has not properly been available to the Members as to the offering of this amendment.

The amendment is, therefore, in my view, on at least two of the three interpretations violative of the Rules of the House, and violative of the rules of germaneness, and is subject to a point of order. . . .

MR. GOLDWATER: . . . Mr. Chairman, I would point out to the gentleman from Michigan that if the gentleman will read the amendment it refers to not all proprietary information, but any such proprietary information, specifically narrowing it to ERDA as this particular bill addresses itself.

This amendment does not seek to amend the Freedom of Information Act, but merely to apply the Freedom of Information Act. It is, in essence, a limitation upon ERDA and as specifically authorized by the Freedom of Information Act under subsection (d), subsection (3). That this section, in other words, the Freedom of Information Act, does not apply to matters that are specifically exempted from disclosure by statute. The other statute is what, in essence, I am speaking. It is not an amendment to the Freedom of Information Act, but in essence is a

limitation on the activities of ERDA, and merely applies the regulations of the Freedom of Information Act. . . .

MR. [BOB] ECKHARDT [of Texas]: . . . The amendment states that any such proprietary information obtained by a compulsory process by a Federal agency shall not be subject to mandatory disclosure under the Freedom of Information Act. Such information refers back to the sentence immediately preceding the amendment in the bill on page 43, beginning in line 2:

> This responsibility shall include the acquisition of proprietary information, by purchase, donation, or from another Federal agency.

So if information is obtained from another Federal agency, and that Federal agency has obtained such by compulsory process, such purports to say that such information, wherever it may appear, is excluded from the effect of the Freedom of Information Act. The Freedom of Information Act provides that each agency in accordance with published rules shall make available for public inspection and copying any information of the type described here which appears in a final opinion or statement of policy on administrative staff manual or instructions to staff, et cetera. If that information has ultimately found its way to ERDA, it becomes such information, and under the terms of the amendment would, thus, be insulated from the Freedom of Information Act wherever it might appear. That, I think, clearly alters the Freedom of Information Act which specifically states in its last clause that the exceptions to the Freedom of Information Act do not authorize withholding of information or limit the availability of records to the public except as specifically stated in this section.

This adds another exception, and that is the exception of information that has passed into the hands of ERDA.

If the language is ambiguous, or if it is reasonably subject to more than one construction, and if a reasonable construction of the language alters another act, then it is the burden of the person offering the amendment to clarify the amendment to make absolutely certain that the amendment does not affect the other act.

The gentleman has not done so. The language is, therefore, subject reasonably to the construction of changing processes of other agencies and is, therefore, not germane.

THE CHAIRMAN:[16] The Chair is prepared to rule on this rather difficult question which confronts the committee at this time.

The burden of sustaining the germaneness of the amendment lies with the author. In the opinion of the Chair, the author of the amendment has not sustained that burden, and it does appear to the Chair that the amendment as presently offered would possibly mean that this restriction on the information would apply wherever the information might reside not just within ERDA. The amendment is, therefore, ambiguous and could be construed to go beyond the scope of the bill before the committee at this time.

The point of order is sustained.

Parliamentarian's Note: Although the language of the

16. J. Edward Roush (Ind.).

amendment, "any such proprietary information" in one interpretation, applied only to information held by ERDA, the Chair felt that an equally logical interpretation of the language substantially broadened its impact and rendered it not germane.

Crude Oil Pricing—Substitute Limiting Price of All Petroleum Products

§ 9.42 An individual proposition may not be amended by a proposition more general in scope, and a substitute for an amendment must be confined in scope to the subject of the amendment; thus, for an amendment prohibiting the Administrator from setting ceiling prices for domestic crude oil above a certain level in the exercise of the authority transferred to him in a bill creating a new Federal Energy Administration, a substitute directing the Administrator to set ceiling prices on crude oil and on petroleum products at designated levels was held to go beyond the scope of the pending amendment and was ruled out as not germane.

During consideration of the Federal Energy Administration Act (H.R. 11793) in the Committee of the Whole on Mar. 6, 1974,[17] the following amendment was ruled out as not being germane:

> MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I offer an amendment in the nature of a substitute to the amendment.
>
> The Clerk read as follows:
>
> Amendment in the nature of a substitute offered by Mr. Eckhardt to the amendment offered by Mr. Dingell: On page 20, after line 2, add the following: "In exercising the functions provided in item (5), above, the Administration shall take the following action:
>
> "(A) Immediately upon the enactment of this Act, the Administrator shall issue an order to establish a ceiling on prices of crude oil and petroleum products at levels not greater than the highest levels pertaining to a substantial volume of actual transactions by each business enterprise or other person during the fourteen-day period ending January 19, 1974, for like or similar commodities, or if no transactions occurred during such period, then the highest applicable level in the nearest preceding fourteen-day period.
>
> "(B) The ceiling on prices required under subsection (a) shall be applicable to all retail prices and to wholesale prices for unfinished, or processed goods.
>
> "(C) As soon as practicable, but not later than thirty days after the date of enactment of this section, the Administrator shall by written order stating in full the considerations for his actions, roll back prices for crude oil and petroleum products to levels no higher than those prevailing in the seven-day period ending Novem-

17. 120 CONG. REC. 5448, 5449, 93d Cong. 2d Sess.

ber 1, 1973, in order to reduce inflation. . . .

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I make a point of order against the amendment and offer that the amendment is nongermane to this bill under rule XVI, clause 7.

The amendment deals with subjects not included in this bill and also affecting policy which is not the subject of section 5 but, rather, other matters like petroleum products. . . .

MR. ECKHARDT: . . . Realizing, of course, that germaneness, like beauty, is in the eyes of the beholder, nevertheless, it seems to me to be clear that, when an amendment is before this body which amendment would have the effect of rolling back the price of crude oil, all of it, without any attention as to whether or not that oil is new oil produced at high prices or older oil produced at relatively low prices, it simply must be germane to the original amendment to put in a limitation with respect to that amendment to provide that there be reason respecting the rollback and that the rollback should not be applicable in such a way as to prohibit the production of new discoveries. . . .

THE CHAIRMAN:[18] The Chair is prepared to rule.

The gentleman from Texas (Mr. Eckhardt) has offered a substitute for the amendment offered by the gentleman from Michigan (Mr. Dingell). The opening lines of the substitute for the amendment read as follows:

> In exercising the functions so provided in item 5 above, the Administrator shall take the following action:
>
> (a) immediately upon the enactment of this act the Administrator shall issue an order to establish a ceiling on prices of crude oil and petroleum products at levels not greater than the highest levels pertaining to substantial volume of actual transactions.

The gentleman from New York (Mr. Horton) has made a point of order against the substitute amendment on the ground that it is not germane to the amendment offered by the gentleman from Michigan (Mr. Dingell).

The Chair rules that in order to qualify as a substitute for an amendment such substitute must treat in equal manner the same subject matter carried by the amendment for which proposed. The pending amendment offered by the gentleman from Michigan (Mr. Dingell), and the Chair reads from the language of that amendment, pertains only to the price for domestic crude oil. The substitute for the amendment goes beyond the scope of the amendment offered by the gentleman from Michigan (Mr. Dingell) and goes beyond the subject matter contained in the amendment.

For the reasons given by the gentleman from New York (Mr. Horton) in support of his point of order and for the reasons stated, the Chair sustains the point of order to the substitute for the amendment.

Provisions Relating to Production Goals for Synthetic Fuels To Meet Defense Needs—Amendment Requiring That Any Fuel Sold in Commerce Contain Specified Percentage of Synthetic Fuel

§ 9.43 Where a bill pending before the Committee of the

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

Whole amended the Defense Production Act to direct the President to achieve a national production goal of synthetic fuels to meet defense purposes, and there was pending an amendment only to increase the amount of that goal and to provide funding to meet that goal, a substitute for the amendment requiring that any fuel sold in commerce contain a certain percentage of synthetic fuel, and requiring the Secretary of Energy to promulgate regulations setting such percentage, was held not germane as going beyond the scope of the amendment and containing matter not within the jurisdiction of the reporting committee (Banking, Finance and Urban Affairs).

During consideration of the Defense Production Act Amendments of 1979 (H.R. 3930) in the Committee of the Whole on June 26, 1979,[19] amendments offered as a substitute for pending amendments were ruled out as going beyond the scope of the pending amendment and therefore not germane. The proceedings were as follows:

The Clerk read as follows:

EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

Sec. 3. (a) Section 301(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2091). . . .

(e) Title III of the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 305. (a) The President, utilizing the provisions of this Act and any other applicable provision of law, shall attempt to achieve a national production goal of at least 500,000 barrels per day crude oil equivalent of synthetic fuels and synthetic chemical feedstocks not later than five years after the effective date of this section. The President is authorized and directed to require fuel and chemical feedstock suppliers to provide synthetic fuels and synthetic chemical feedstocks in any case in which the President deems it practicable and necessary to meet the national defense needs of the United States. . . .

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Wright: Page 5, line 2, strike out the period after "section" and insert in lieu thereof "and at least 2,000,000 barrels per day crude oil equivalent of synthetic fuels and synthetic chemical feedstocks not later than ten years after the effective date of this section.". . .

Page 10, line 23, strike "appropriated $2,000,000,000" and insert in

19. 125 CONG. REC. 16663, 16668, 16673, 16674, 96th Cong. 1st Sess.

20. Gerry E. Studds (Mass.).

lieu thereof "appropriated from general funds of the Treasury not otherwise appropriated or from any fund hereafter established by Congress after the date of enactment of this sentence not to exceed $3,000,000,000." . . .

MR. [JAMES M.] JEFFORDS [of Vermont]: Mr. Chairman, I offer amendments as a substitute for the amendments.

The Clerk read as follows:

Amendments offered by Mr. Jeffords as a substitute for the amendments offered by Mr. Wright: Page 5, line 8, add new subsections "b" through "(f)".

"(b) Of the total quantity of gasoline and diesel fuel sold in commerce during any of the following years by any refiner (including sales to the Federal Government), replacement fuel shall constitute the minimum percentage determined in accordance with the following table: . . .

1987, 1988, and 1989–10 percent. . . .

(c) Not later than July 1, 1981, the Secretary shall prescribe, by rule, the minimum percentage replacement fuel, by volume, required to be contained in the total quantity of gasoline and diesel fuel sold each year in commerce in the United States in calendar years 1982 through 1986 by any refiner for use as a motor fuel. Such percentage shall apply to each refiner, and shall be set for each such calendar year at a level which the Secretary determines—

(1) is technically and economically feasible, and

(2) will result in steady progress toward meeting the requirements under this section for calendar year 1987. . . .

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, as much as I support the concept of the substitute of the gentleman from Vermont—I believe I am a cosponsor of his bill—I do not believe it is a proper part of this legislation in that it is not germane.

First, it is not germane to the Wright amendment which is a production amendment and a defense production amendment.

This amendment is a regulatory amendment dealing with "replacement fuels sold in commerce." It is not a production bill.

The same language is contained further down. It regulates the amount of synthetic fuel and diesel fuel sold each year in commerce in the United States and the guts of the bill are regulatory, rather than production aimed. Therefore, this amendment is not germane to the Wright amendment or to the bill. . . .

MR. JEFFORDS: Mr. Chairman, it seems to me that once the Wright amendment has been agreed to as being part of the bill, then a substitute which goes well beyond the original concept of the bill is also germane and in order.

I would point out that the Wright amendment, as I have said before, takes us totally out of just the needs for the Federal Government and goes out into the area of sales in commerce. I think because the Wright amendment is being considered as germane, the substitute should also.

THE CHAIRMAN:[20] The Chair is prepared to rule.

The amendment offered by the gentleman from Texas goes to goals for defense production of synthetic fuels and

20. Gerry E. Studds (Mass.).

to the funds to achieve those goals. The amendment offered by the gentleman from Vermont, for reasons stated by the gentleman from Pennsylvania, is not solely related to defense production but rather goes to all diesel fuel and gasoline sold in commerce whether defense related or not and does not speak solely to the production of synthetic fuels for defense purposes. It is therefore beyond the scope of the Wright amendment and is not germane, and the Chair is also constrained to point out the subject matter of the amendment offered by the gentleman from Vermont does not lie within the jurisdiction of the Committee on Banking, Finance and Urban Affairs.

For the foregoing reasons the Chair sustains the point of order.

Suspension of One Environmental Law—Suspension of All Other Environmental Requirements in Certain Instances

§ 9.44 To a section of an amendment in the nature of a substitute authorizing the Federal Energy Administrator to temporarily suspend stationary source fuel or emission limitations under the Clean Air Act where compliance with the limitations would be impossible due to unavailability of certain fuels, an amendment authorizing temporary suspension of those limitations "or other environmental protection requirements" if energy-producing facilities are unable to construct anti-pollution systems due to unavailability of materials was held to go beyond the scope of that section and was held to be not germane.

On Dec. 14, 1973,[1] during consideration of the Energy Emergency Act (H.R. 11450) in the Committee of the Whole, the Chair ruled that to a proposition temporarily suspending certain requirements of the Clean Air Act, an amendment temporarily suspending other requirements of all other environmental protection laws was not germane:

SEC. 201. SUSPENSION AUTHORITY.

Title I of the Clean Air Act (42 U.S.C. 1857 et seq.) is amended by adding at the end thereof the following new section:

"TEMPORARY AUTHORITY TO SUSPEND CERTAIN STATIONARY SOURCE EMISSION AND FUEL LIMITATIONS

"Sec. 119. (a)(1) The Administrator may, for any period beginning on or after the date of enactment of this section and ending on or before May 15, 1974, temporarily suspend any stationary source fuel or emission limitation as it applies to any person, if the Administrator finds that such person

1. 119 CONG. REC. 41751, 41752, 93d Cong. 1st Sess.

will be unable to comply with such limitation during such period solely because of unavailability of types or amounts of fuels. Any suspension under this paragraph and any interim requirement on which such suspension is conditioned under subsection (b) shall be exempted from any procedural requirements set forth in this Act or in any other provision of local, State, or Federal law. The granting or denial of such suspension and the imposition of an interim requirement shall be subject to judicial review only on the grounds specified in paragraphs (2)(B) and (2)(C) of section 706 of title 5, United States Code, and shall not be subject to any proceeding under section 304(a)(2) of this Act. . . .

MR. [JACK] EDWARDS of Alabama: Mr. Chairman, I offer an amendment to 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. Edwards of Alabama to the amendment in the nature of a substitute offered by Mr. Staggers:

On page 46, line 16, delete the word "paragraph" and insert the word "section."

On page 47, line 1, add a new section 119(a)(2) as follows:

"The Administrator shall, for any period beginning on or after the date of enactment of this section, temporarily suspend any stationary source fuel or emission limitation or other environmental protection requirement as it applies to any energy producing facility or refinery, if the Administrator finds that such facility or refinery will be unable to comply with such limitation during such period because of the unavailability of plant equipment or materials needed to construct an emission reduction system or other antipollution system and that such facility or refinery has entered into a contractual obligation to obtain the plant equipment or materials needed for such a system. . . .

On page 52, line 7, delete subsection (e) of section 119 and add a new subparagraph (e) as follows: "No State or political subdivision may require any person, energy producing facility or refinery, to whom a suspension has been granted under subsection (a) to use any fuel the unavailability of which is the basis of such person's suspension or to meet any requirement the compliance with which is prevented by the unavailability of plant equipment or materials needed to construct an emission reduction or other antipollution system. . . .

MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I must be constrained to make a point of order against this amendment. In checking the amendment, if one examines it carefully, it would amend the Federal Water Pollution Control Act, the Occupational Health and Safety Act, the Ocean Dumping Act; the Public Works Committee would be infringed upon; the Committee on Education and Labor would be infringed upon; the Committee on Merchant Marine and Fisheries would be infringed upon.

It is not germane. It also would amend the Solid Waste Disposal Act and the Coal Mine Health and Safety Act. It is not limited in time, nor constrained by any relationship to fuel shortage.

For all these reasons, a careful examination, I would think, would show that it is not germane and, furthermore, these matters have been already handled in the bill.

THE CHAIRMAN:[2] Will the gentleman from Florida cite the specific

2. Richard Bolling (Mo.).

language? The Chair is concerned, because he has reference to page 46 of the committee amendment in the nature of a substitute, title II, and the language appearing on that page and thereafter.

MR. ROGERS: Mr. Chairman, I think if the Chair would direct its attention to about the sixth line of the amendment, where it says, "Or other environmental protection requirement," which violates all of these other laws that this does not apply to at all, "To any energy producing facility or refinery."

The Chair can also direct its attention on the bottom, about four lines up, where it begins, "To meet any requirement the compliance with which is prevented by the unavailability of plant equipment or materials needed to construct an emission reduction or other antipollution system," so the language here is so broad it goes far beyond this act. It is an infringement on all of these other laws and on all the jurisdiction of these other committees. . . .

MR. EDWARDS OF ALABAMA: . . . This comes under the section called Suspension Authority, and in that section the Administrator is empowered to suspend the type of fuel an industry is required to use if it is not available.

By the same token, my amendment is limited to energy producing facilities or refineries which we desperately need now. And all it simply says is that if, in an effort to comply with EPA requirements, the Administrator finds that the material is not available, the Administrator has the right to suspend the requirement until the material is available if, in fact, the industry has made a good faith effort and a contract to obtain this equipment.

Mr. Chairman, to me this is a vital part of this particular legislation, trying to find ways to conserve fuel under the Emergency Energy Act. I think it is right on all fours with what this section is designed to do.

THE CHAIRMAN: The Chair is prepared to rule.

While the language in the bill is broad, suspending certain procedural requirements of law, the Chair, in the absence of specific knowledge as to all of the other environmental protection requirements that are involved in the language of the amendment, feels constrained to sustain the point of order.

The Chair believes he will sustain the point of order on the ground that this language is simply so broad as to suspend virtually every requirement of law, and the Chair out of caution sustains it for fear of further broadening a bill which is already very broad.

Precise Change in One Subsection of Existing Law—Comprehensive Amendment Affecting Provisions and Classes of Persons Not Within Scope

§ 9.45 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; 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[3] in the Committee of the Whole on May 16, 1979,[4] 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] 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 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. Instead of papering over something with a so-called technical amendment, what we are doing is to delay the effective date of the entire 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:[5] . . . This act applies to subsection (b) of section 207 of

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

4. 125 CONG. REC. 11466, 11467, 11470, 96th Cong. 1st Sess.

5. E de la Garza (Tex.).

5. E de la Garza (Tex.).

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.

Broadcasting to Cuba—To All Dictatorships in Caribbean

§ 9.46 A specific proposition may not be amended by a proposition more general in scope; thus, to a bill authorizing funds for radio broadcasting to Cuba, an amendment broadening the bill to include broadcasting to all dictatorships in the Caribbean Basin was held to be not germane.

During consideration of H.R. 5427 in the Committee of the Whole on Aug. 10, 1982,[6] Chairman William R. Ratchford, of Connecticut, sustained a point of order against an amendment as indicated below:

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Harkin: Page 2, beginning in line 4, strike out "Radio Broadcasting in Cuba Act" and insert in lieu thereof "Radio Broadcasting to Dictatorships in the Caribbean Basin". . . .

MR. [DANTE B.] FASCELL [of Florida]: . . . Mr. Chairman, let me make a point of order against this amendment under clause 7, rule XVI, because this is an amendment which is obviously an attempt to broaden the subject matter of this bill to include dictatorships in the Caribbean basin and to set other parameters that are just not in this bill and, therefore, it is not germane.

THE CHAIRMAN: Does the gentleman from Iowa wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair is prepared to sustain the point of order on the basis that the amendment, as proposed, is more general in scope and is not germane to the relatively narrow purpose of the bill.

Economic Sanctions Against One Country—Sanctions Against Any Other Country Violating Human Rights

§ 9.47 To a bill dealing with enforcement of United Nations sanctions against one country in relation to a specific trade commodity, an amendment permitting the President to suspend all economic relations and communications between the United States and any other country, on the basis of human rights violations as determined by the President, was held to be not germane.

6. 128 CONG. REC. 20263, 97th Cong. 2d Sess.

On Mar. 14, 1977,[7] the Committee of the Whole had under consideration H.R. 1746, amending the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome. The bill permitted the President to enforce United States compliance with United Nations Security Council sanctions against trade with Rhodesia particularly with reference to the importation of Rhodesian chrome. The proceedings were as follows:

Be it amended by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the United Nations Participation Act of 1945 (22 U.S.C. 287c) is amended—

(1) by adding at the end of subsection (a) the following new sentence: "Any Executive order which is issued under this subsection and which applies measures against Southern Rhodesia pursuant to any United Nations Security Council Resolution may be enforced, notwithstanding the provisions of any other law; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) During the period in which measures are applied against Southern Rhodesia under subsection (a) pursuant to any United Nations Security Council Resolution, a shipment of any steel mill product (as such product may be defined by the Secretary) containing chromium in any form may not be released from customs custody for entry into the United States if—

"(A) a certificate of origin with respect to such shipment has not been filed with the Secretary; or

"(B) in the case of a shipment with respect to which a certificate of origin has been filed with the Secretary, the Secretary determines that the information contained in such certificate does not adequately establish that the steel mill product in such shipment does not contain chromium in any form which is of Southern Rhodesian origin. . . .

The Clerk read as follows:

Amendment offered by Mr. [Elliott] Levitas [of Georgia]: Strike out all after the enacting clause and insert in lieu thereof the following:

That section 5(a) of the United Nations Participation Act of 1945 is amended—

(1) by inserting "(1)" immediately after "(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Subject to the conditions prescribed in subparagraph (B), if the President determines that the government of a foreign country is engaged in a consistent pattern of gross violations of internationally recognized human rights (including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person), the President may, through any agency which he may designate and under such orders, rules, and regulations as may be prescribed by him, suspend (in whole or in part) economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication between that foreign country or any national thereof or any person therein and

7. 123 CONG. REC. 7432, 7446, 7447, 95th Cong. 1st Sess.

the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States. . . .

MR. [DONALD M.] FRASER [of Minnesota]: Mr. Chairman, I make the point of order the amendment is not germane.

THE CHAIRMAN:[8] The Chair is prepared to rule.

The bill deals only with United Nations sanctions against importation of chrome, while the amendment offered by the gentleman from Georgia deals with embargoes and other economic sanctions on any material or commercial transaction. Also, the bill deals only with sanctions against Rhodesia, both in the title and in the body of the bill. The amendment offered by the gentleman from Georgia permits U.S. rather than U.N. sanctions to be imposed on products or communications from any foreign country. It is the opinion of the Chair that the amendment is not germane, and the Chair sustains the point of order.

There being no further amendments, under the rule, the Committee rises.

Restricting Aid to One Nation—Restricting Aid to Others

§ 9.48 To an amendment restricting the use of funds for military operations in South Vietnam, an amendment extending that restriction to other countries in Indochina was held to be more general in scope and was ruled out as not germane.

On Apr. 23, 1975,[9] during consideration of the Vietnam Humanitarian Assistance and Evacuation Act,[10] 10 in the Committee of the Whole, it was held that to a proposition dealing with a specific issue, an amendment more general in scope was not germane. The proceedings were as follows:

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Solarz: Page 1, line 5, insert "(a)" immediately after "Sec. 2.", and page 2, immediately after line 2, add the following new subsection:

(b) Notwithstanding any other provision of this Act, no funds authorized or made available under this Act may be used to finance, directly or indirectly, any combat activity, any involvement in hostilities, or any military or paramilitary operation, by the Armed Forces of the United States in, over, or off the shores of South Vietnam after the end of the 30-day period beginning on the first date after the date of enactment of this Act on which any American ground combat forces are introduced into South Vietnam in conjunction with any program of evacuation as defined by Section 4 of this Act. . . .

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

8. Neal Smith (Iowa).

9. 121 CONG. REC. 11514, 11521, 94th Cong. 1st Sess.

10. H.R. 6096.

Amendment offered by Mr. Harkin to the amendment offered by Mr. Solarz:

Amend the Solarz amendment as follows: After the word "Vietnam" used for the first time, insert the following: ", Cambodia, Laos, and North Vietnam".

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I make a point of order against the amendment. It seems to me it goes much farther geographically than anything in the bill. . . .

MR. HARKIN: . . . I think the amendment is well in order because it is speaking directly to this section about involvement in a military or paramilitary operation and we are talking about limiting those uses to a 30-day period. I think the amendment is in order because it does meet the limitations imposed on the bill by the amendment offered by the gentleman from New York (Mr. Solarz).

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

The amendment offered by the gentleman from Iowa (Mr. Harkin) does go in scope beyond the amendment offered by the gentleman from New York (Mr. Solarz), whose amendment is limited to the area of Vietnam. The amendment offered by the gentleman from Iowa goes beyond that by inserting Cambodia and Laos and North Vietnam.

The Chair sustains the point of order.

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

Provision Relating to Official Conduct of Federal Employees—Amendment Relating to All Conduct

§ 9.49 To a proposition relating only to official conduct of federal employees, an amendment concerned with any criminal conduct of those officials, whether or not related to the performance of official duties, was held nongermane as addressing a broader category of conduct.

On Oct. 12, 1978,[12] during consideration in the House of S. 555, the Ethics in Government Act of 1978, a point of order was sustained against a provision contained in the conference report. The proceedings were as follows:

MR. [CHARLES E.] WIGGINS [of California]: Mr. Speaker, I make a point of order against title VI of the conference report. That, for the Speaker's information, is the title dealing with the special prosecutor language in the conference report. . . .

Mr. Speaker, my point of order is based upon rule XXVIII, which is the germaneness section. It is my position, Mr. Speaker, that title VI is a nongermane Senate amendment and it violates that section of the House rules which I have cited. . . .

[T]he language in the special prosecutor amendment added by the Sen-

12. 124 CONG. REC. 36459–61, 95th Cong. 2d Sess.

ate is so broad and sweeping that it covers in several respects private individuals, that is to say, new classes of people who are not covered under the sweep of the ethics bill. . . .

The special prosecutor bill, which is tacked on to the ethics bill, is a complicated and important piece of legislation. It was considered in detail by a different subcommittee in the Committee on the Judiciary which did not consider the ethics bill. It is true that the Committee on the Judiciary reported out a special prosecutor bill but it was never brought to the floor of the House and, indeed, has never been debated nor subject to amendment by Members of this House.

It is a far-reaching piece of legislation, it is complicated, different in form, different in purpose, different in all respects from the ethics bill which we did consider several days ago.

I hope that the Speaker, when the Speaker is prepared to rule, will recognize that germaneness, if it is to have any meaning at all, is offended in a fundamental way by allowing the Senate to tack on an issue which is so basically different and unrelated to the ethics bill which we considered earlier. . . .

MR. [JAMES R.] MANN [of South Carolina]: . . . The House amendment to S. 555 is actually the text of H.R. 1 as passed by the House. The text of H.R. 1, as finally approved, was actually the text of an amendment in the nature of a substitute, as amended. Thus, the issue, as I understand it, is whether the provisions of title VI of the conference report would have been germane to the amendment in the nature of a substitute which eventually became the text of House bill, H.R. 1, had the provisions of title VI been offered as an amendment to the amendment in the nature of a substitute. I believe that the provisions of title VI would have been germane to the amendment in the nature of a substitute and that the chair should therefore overrule the point of order. . . .

The basic test for determining germaneness is whether the fundamental purpose of the amendment is germane to the fundamental purpose of the bill. The question here, then, is whether the fundamental purpose of title VI is germane to the fundamental purpose of the amendment in the nature of a substitute. I submit that it is. The purpose of the amendment in the nature of a substitute, which is subtitled the "Ethics in Government Act," is to promote ethical conduct by Federal Government officials and certain other private citizens. The purpose of title VI of the conference report is also to promote ethical conduct.

A second test for germaneness is whether the subject matter of the amendment relates to the subject matter of the bill. The question here is whether the subject matter of title VI of the conference report relates to the subject matter of the amendment in the nature of a substitute. I submit that it does.

The subject matter of the amendment in the nature of a substitute was broad. It encompassed ethical standards and conduct involving officials in all three branches of the Federal Government—legislative, executive, and judicial—as well as certain private citizens.

With regard to Federal Government employees and officials, it required de-

tailed financial disclosure statements to be filed by people in all three branches of Government. It established an Office of Government Ethics with broad authority, including the power to promulgate regulations pertaining to "conflicts of interest and ethics in the executive branch." It amended our Federal criminal law in the area of conflicts of interest. . . .

The gentleman from California concedes that the amendment in the nature of a substitute encompasses private citizens. He argues, however, that those private citizens are connected in some way with the Government.

Mr. Speaker, I submit that the private citizens covered in title VI of the conference report encompass only one narrow group. The President's campaign manager is connected to the Government just as much as the partner of some Government employee who may be violating some law in appearing before some Government agency. He is connected in the same way as the business partner of a Government employee would be connected. . . .

THE SPEAKER PRO TEMPORE:[13] . . . In looking at the gentleman's point of order in this instance the gentleman from California makes two points, one as title VI relates to new classes of persons not covered by the House-passed bill, and the other in terms of the breadth of the types of conduct subject to investigation by the special prosecutor.

It seems that under what is being considered here, the breadth of the investigation which the special prosecutor may undertake, goes far beyond the scope of the activity regulated by the House-passed bill. In looking at title VI, it authorizes the special prosecutor to investigate any violation of any Federal criminal law other than a violation constituting a petty offense—conduct which may or may not directly relate to the official duties of the persons covered. For that reason . . . the Chair does sustain the point of order.

Bill Governing Rights and Obligations Under Federal Employment System of Employees Engaging in Political Activities—Amendment To Prohibit Compensation From Any Employment Public or Private

§ 9.50 To a bill reported from the Committee on Post Office and Civil Service governing the political activities of federal employees and containing certain restrictions on federal employment relative to such activities, language in an amendment requiring federal employees who wish to become candidates for elective office to obtain leaves of absence, and also prohibiting them from receiving compensation from employment public or private during the period of their candidacy, was held to be beyond the scope of the bill and to be not germane.

13. Norman Y. Mineta (Calif.).

On June 7, 1977,[14] during consideration of H.R. 10[15] in the Committee of the Whole, Chairman James R. Mann, of South Carolina, sustained a point of order against the following amendment:

MR. [CLIFFORD R.] ALLEN [of Tennessee]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Allen: Delete from section 7326 subsections (b) and (c) thereof, substituting therefor a new subsection (b), below and change the designation of subsection (d) to "(c)":

"(b) An employee who desires to become a candidate for any elective office must first obtain a leave of absence and shall not work and/or earn compensation or other privileges of employment for a period beginning with the last workday preceding the day said employee shall either qualify as a candidate or announce his or her candidacy for such elective office, and ending with the day after said election, or the day after said employee withdraws as a candidate for elective office, whichever is sooner; and no such employee shall be entitled to use, during this period, any entitlement to sick leave or any other form of leave, except that said employee may be entitled to be paid during the foregoing period of absence from his employment for any period of accrued annual leave or compensatory time to which he was entitled on the day the foregoing period of absence commences, at the election of said employee.". . .

MR. [WILLIAM D.] FORD of Michigan: Mr. Chairman, pursuant to my reservation of a point of order, I would like to ask the gentleman in the well, the gentleman from Tennessee (Mr. Allen), if he could explain to us the meaning of the words beginning on lines 2 and 3 of paragraph (b) of his amendment which read "shall not work and/or earn compensation or other privileges of employment for a period beginning with the last workday preceding the day said employee shall either qualify as a candidate."

What does the gentleman mean that "an employee who desires to become a candidate—shall not work and/or earn compensation" during his leave of absence?

MR. ALLEN: It means if he is on a leave of absence without pay in order to make a political campaign for office, that he shall not work in the agency nor shall he withdraw pay or be entitled to any other emoluments or compensation during that period until the campaign is over or until he has withdrawn as a candidate. . . .

MR. FORD of Michigan: Mr. Chairman, I raise the point of order on the ground that the amendment offered by the gentleman from Tennessee is in violation of clause 7 of House Rule XVI which provides: "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

Mr. Chairman, the amendment under consideration is far broader than the Act which it attempts to amend and would not only affect the rights of the proposed candidate as an employee of the Federal Government but it also places a restriction on his ability to

14. 123 CONG. REC. 17711, 17712, 95th Cong. 1st Sess.

15. The Federal Employees' Political Activities Act of 1977.

otherwise provide support for himself and his family, particularly that language that talks about not working or earning any compensation or seeking any privileges of employment, and for that reason I believe the amendment is subject to a point of order as not germane to the bill before us. . . .

MR. ALLEN: . . . The present language of the bill is that:

> (b) An employee who is a candidate for elective office shall, upon the request of such employee, be granted leave without pay for the purpose of allowing such employee to engage in activities relating to such candidacy.
>
> (c) Notwithstanding section 6302(d) of this title, an employee who is a candidate for elective office shall, upon the request of such employee, be granted accrued annual leave for the purpose of allowing such employee to engage in activities relating to such candidacy. Such leave shall be in addition to leave without pay to which such employee may be entitled under subsection (b) of this section.

The language is certainly germane. It simply says that instead of him having to apply for the leave of absence—I mean, instead of being permitted to, he shall be required to ask for a leave of absence and during that period the Federal Government will pay him no money other than what he has already earned, or any other emoluments.

I understand the gentleman making the point of order is undertaking to read into the amendment what is not there and that is that it would prevent him from working outside. We are talking about working for the Federal Government and drawing pay from an agency of the Federal Government in which he is a civil service employee.

MR. FORD of Michigan: Mr. Chairman, in response to the gentleman, that is in effect the way the amendment reads; but, in addition to that, the gentleman has now further explained the amendment making it clear that the gentleman intends that the obtaining of a leave of absence from one's supervisory employer, I assume, is a condition precedent to seeking any elective public office, whether partisan or nonpartisan. I think that goes beyond the scope of this bill. That would amount to a restriction on the ability of an employee to participate in a right or privilege that he has contingent upon receiving permission from another employee and there is no such restriction now or ever before in the Hatch Act, nor in the Hatch Act amendment now before us, as amended, and it is still not germane for that reason.

THE CHAIRMAN: The Chair is prepared to rule. The gentleman from Michigan makes a point of order [against]) the language contained in the amendment, which is actually "shall not work and/or earn compensation or other privileges of employment for a period beginning with the last work day preceding the day said employee shall either qualify as a candidate or announce his or her candidacy for such elective office,".

The amendment goes beyond the scope and purpose of H.R. 10, in that it is not limited to compensation from or privileges incremental to Federal employment.

A plain reading of the language indicates that such limitation is not implicit in that language. The amendment would prevent Federal employees from obtaining any compensation, pub-

lic or private, and thus inhibit conduct of an employee that is not political—the earning of compensation, and that is not necessarily connected to Federal employment.

The Chair does not find it necessary to rule on the point concerning leave of absence as a prerequisite. Because of the language with reference to employment, which the Chair might also state could easily be corrected, the pending amendment provides language and regulates conduct beyond the scope of the committee bill and is not germane.

The Chair sustains the point of order.

Provision Waiving Laws Governing Removal of Government Employees—Amendment Proposing Removal of Noncitizens from Government

§ 9.51 To that section of a bill permitting, upon approval by the Secretary of War, waiver of certain provisions of law regarding removal of government employees, an amendment proposing that all government employees who are not American citizens shall be discharged was held to be not germane.

In the 76th Congress, a bill[16] to strengthen national defense was under consideration which stated in part:[17]

. . . Provided further, That in connection with the defense program of the United States the provisions of section 6 of the act of August 24, 1912 (U.S.C., 1934 ed., title 5, sec. 652), may be waived in any case when approved by the Secretary of War. . . .

An amendment was offered[18] which stated in part:

. . . [E]very officer, official, and employee of the United States Government and of each and every department, bureau, and agency thereof, regardless of position, class, grade, rating, or duties, who is not an American citizen, shall be discharged and removed from the Government service within 60 days after the passage of this act.

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

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, I make a point of order against the amendment on the ground that it deals with agencies that do not come within the scope of this bill. Therefore it is not germane.

In defense of the amendment, the proponent said:

MR. [STEPHEN] PACE [of Georgia]: . . . Section 6 is the section dealing with the removal for cause of a person engaged in the classified civil service. It applies only, Mr. Chairman, to one branch of the Government service, that is, to the War Department. . . .

[T]his amendment simply provides that instead of merely the Secretary of

16. H.R. 9850 (Committee on Military Affairs).

17. See 86 CONG. REC. 6852, 76th Cong. 3d Sess., May 24, 1940.

18. *Id.* at p. 6854.

War having the right to waive the provisions of section 6, the fact that a person in the Government service or in the classified civil service is not an American citizen, is declared to be cause for his removal for cause.

The Chairman,[19] in ruling on the point of order, stated:

The Chair is . . . of the opinion that the amendment offered by the gentleman from Georgia goes entirely beyond the scope of the bill under consideration, and therefore sustains the point of order.

Bill Affecting Federal Employees' Retirement Benefits—Amendment Affecting State and Local Retirement Benefits

§ 9.52 To a bill which related to retirement benefits of federal employees and which sought to exempt annuity payments from taxation, an amendment affecting recipients of state and local retirement benefits was held not germane.

In the 79th Congress, a bill[20] was under consideration to amend the Civil Service Retirement Act to exempt annuity payments under such act from taxation. The bill stated:[1]

Be it enacted, etc., That section 18 of the Civil Service Retirement Act approved May 29, 1930, as amended, is amended to read as follows:

Sec. 18. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, taxation, or other legal process: *Provided however,* That the exemption from taxation as provided herein shall apply only to so much of any annuity as does not exceed $1,440 in any calendar year.

The following amendment was offered:[2]

Amendment offered by Mr. [Reid F.] Murray [of Wisconsin]: Page 1, line 6, after the word "act", insert "or moneys received by recipients of State, county, city, or village retirement payments."

Mr. Robert Ramspeck, of Georgia, raised the point of order that the amendment was not germane to the bill. The Chairman,[3] in sustaining the point of order, stated:

The bill under consideration deals strictly with civil-service retirement benefits to Federal employees. The gentleman's amendment would include all recipients of State, county, city, and village retirement benefits. It is very clearly outside of the scope of the bill.

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19. John W. Boehne, Jr. (Ind.).

20. H.R. 2948 (Committee on Civil Service).

1. 91 CONG. REC. 9093, 79th Cong. 1st Sess., Sept. 27, 1945.

2. *Id.* at p. 9095.

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

Provision Improving Research Facilities of Library of Congress—Amendment To Create Office of Technology Assessment

§ 9.53 To a provision designed to improve the research facilities of Congress and concerned primarily with restructuring the appropriate department in the Library of Congress, an amendment creating a new Office of Technology Assessment comprised partly of personnel outside the legislative branch was held to be not germane.

The following exchange, in which the proponent of the amendment, Mr. Emilio Q. Daddario, of Connecticut, explained the purposes of the amendment, took place on Sept. 16, 1970: (4)

> MR. DADDARIO: Mr. Chairman, I offered this amendment as a proper part of the reorganization bill. It really is an extension of something that the Reorganization Act attempts to do and that is to change the Legislative Reference Service into the Congressional Research Service. . . . It adds to the ability of a Congress to have research done for it through the Congressional Research Service. . . .
>
> It appears to me that while we are talking about the reorganization of the Congress, that is an all-encompassing term. . . . This amendment, because it is a part of the reorganization, does give to the Congress strengths and abilities it does not have. . . .

The Chairman, (5) in ruling that the amendment was not germane, stated: (6)

> The amendment proposes the establishment of an Office of Technology Assessment, in the legislative branch of Government, responsible to the Congress.
>
> The Office is to consist of a Technology Assessment Board and a Director. The Board is broadly constituted, drawing its membership from the Congress and including in addition . . . the Comptroller General, the Director of the Congressional Research Service, and six public members. . . .
>
> All . . . agencies of the executive branch . . . are directed to furnish the Office, upon the request of the Director, such information as the Office deems necessary. The Office is directed to maintain a continuing liaison with the National Science Foundation and to report to the President and the Congress annually on its findings and recommendations. It would also provide the Board with subpena powers, authority to hire consultants, and to contract for studies and research. . . .

4. 116 CONG. REC. 32210, 91st Cong. 2d Sess. Under consideration was H.R. 17654, the Legislative Reorganization Act of 1970 (Committee on Rules).

5. William H. Natcher (Ky.).

6. 116 CONG. REC. 32210, 91st Cong. 2d Sess., Sept. 16, 1970.

The Chair feels that the creation of this new Office, with the broad authority conferred on it by this amendment, goes beyond the scope of the bill before the committee and is not germane.

Bill Extending Subsidy of Certain Nonprofit Mail—Amendment To Establish New Class of Mail and Postal Rate

§ 9.54 A bill extending the phased subsidization of certain categories of nonprofit mail was held insufficiently broad in scope to admit as germane an amendment establishing a new class of mail and postal rate therefor.

During consideration of S. 411 in the Committee of the Whole on June 19, 1974,[7] it was held that, to a bill extending the phasing period during which nonprofit mailers in certain categories may absorb increased postal rates, and providing that all Postal Service appropriations requests be submitted directly to Congress without revision by the President, an amendment adding a new section to provide a one-cent postage rate for post cards was ruled out as not germane.

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gonzalez: Page 3, immediately after line 8, add the following new section:

Sec. 4. (a) Subchapter V of chapter 36 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"Sec. 3686. One cent postage rate for postal and post cards

"Notwithstanding any other provision of this title or of any other law, the rate of postage for the use (other than any use which is related to a trade or business) of each single postal card and for each portion of a double postal card, including the cost of manufacture, and for each post card and the initial portion of each double post card is 1 cent until otherwise provided by law. . . .

MR. [THADDEUS J.] DULSKI [of New York]: Mr. Chairman, I make a point of order against the amendment on the ground that the amendment is not germane to the bill. . . .

[T]he question is whether the matter contained in the amendment is in violation of House rule XVI, clause 7, which provides, in part, that—

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The bill under consideration, S. 411, relates to the following subject matters.

The first section amends section 3626 of title 39, United States Code, to extend the rate phasing for certain classes of mail, namely:

First, from 10 to 16 years for nonprofit and preferred rate second-class mail, nonprofit third-class, and the special library fourth-class rate, and

Second, from 5 to 8 years for regular second and third-class mail, controlled

7. 120 CONG. REC. 19817, 93d Cong. 2d Sess.

circulation mail, and special commercial books and records fourth-class mail. . . .

The instant amendment proposes to add a new section to chapter 36 of title 39 relating to the establishment of a new class of mail and thus attempts to establish postal rates.

In my opinion, the subject matter of the amendment is not similar to any of the subject matters involved in S. 411 which I have just outlined and is not germane. . . .

MR. GONZALEZ: . . . This whole transaction is concerned with the matter of postal rates. The whole thrust of this legislation before the House is that point, a decision made by the Postal Rate Commission.

My amendment goes to the heart of germaneness . . . It merely says, as my predecessor attempted to do in his amendment in this particular category, as it has been known as a post card, that we shall stimulate for private use, family use, noncommercial use, the penny postcard. . . .

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

The Chair has listened to the point of order and has studied the bill and the report. In the opinion of the Chair, the gentleman from New York (Mr. Dulski) has properly characterized the bill. It is very narrow in scope and relates only to a period of phasing of certain classifications of mail and of budget submission.

It certainly is not broad enough to open the whole subject of postal rate adjustments. The amendment would establish a 1-cent post card, a subject not within the scope of the bill.

The Chair is not against the amendment of the gentleman from Texas, but the Chair must hold that the amendment is not germane, and sustains the point of order.

Bill Authorizing President To Reactivate Reserve and Retired Military—Amendment Restricting Authority Under Bill or Any Other Law

§ 9.55 To a bill authorizing the President to order reservists and retired army personnel into active service, an amendment providing that nothing in the bill "or in any Federal statute or rule or regulation of any Federal department" shall authorize the President to interfere in any manner with the duties of any federal, state or municipal election official was held to be not germane.

In the 76th Congress, during consideration of a bill[9] relating to compulsory military training, an amendment was offered[10] as described above. Mr. Andrew J. May, of Kentucky, raised the point of order that the amendment was not germane. In defense

8. Joseph P. Addabbo (N.Y.).

9. H.R. 10132 (Committee on Military Affairs).

10. 86 CONG. REC. 11723, 76th Cong. 3d Sess., Sept. 7, 1940.

of the amendment, the proponent stated as follows:

> MR. [CLARE E.] HOFFMAN [of Michigan]: [The amendment] is a limitation upon authority. . . .
>
> . . . (I)t takes out of the class over which the President is given authority, certain officials, State and Federal, which are referred to in the first part of the paragraph.

The Chairman,[11] stating that the amendment "goes far beyond the purview of the pending bill," sustained the point of order.

Bill To Stimulate Volunteer Enlistments in Regular Military and Naval Establishments—Amendment Relating Generally to Discharge of Military Personnel

§ 9.56 The Chair ruled that, to a bill proposing to stimulate volunteer enlistments in the Regular Military and Naval Establishments, an amendment dealing generally with the discharge of United States military personnel was not germane.

In the 79th Congress, a bill[12] was under consideration which stated in part:[13]

> Be it enacted, etc., That this act may be cited as the "Armed Forces Voluntary Recruitment Act of 1945."
>
> Sec. 2. The Secretary of War and the Secretary of the Navy are authorized and directed to initiate and carry forward intensive recruiting campaigns to obtain volunteer enlistments and reenlistments in the Regular Military and Naval Establishments.

The following amendment was offered to the bill:

> Amendment offered by Mr. [Daniel A.] Reed of New York: Page 1, after line 9, insert a new section to read as follows:
>
> "That there shall be discharged from, or released from active duty in, the military and naval forces of the United States, as rapidly as discharge facilities will permit, all members of such forces whose active duty therein has been of a duration of 18 or more months since September 16, 1940, except that no commissioned officer of the Regular Military or Naval Establishment shall be discharged or released under this act, and no member of the military or naval forces who is serving therein under an enlistment need be discharged or released from such forces under this act prior to the expiration of the contract period of enlistment."
>
> MR. [ANDREW J.] MAY [of Kentucky]: Mr. Chairman, I make the point of order that the amendment is not germane. . . .

The Chairman[14] ruled as follows:

> The gentleman from Kentucky makes the point of order against the

11. Jere Cooper (Tenn.).

12. H.R. 3951 (Committee on Military Affairs), Armed Forces Voluntary Recruitment Act of 1945.

13. See 91 CONG. REC. 8646, 8647, 79th Cong. 1st Sess., Sept. 17, 1945.

14. Wilbur D. Mills (Ark.).

amendment offered by the gentleman from New York that it is not germane. The amendment offered by the gentleman from New York applies to and affects the Army of the United States, whereas the bill before the Committee is more limited in scope and applies only to volunteer enlistments in the Regular Army. Therefore the amendment is not germane, and the Chair sustains the point of order.

Bill Authorizing Reactivation of Reservists and Retired Army Personnel—Amendment Authorizing Prohibition on Liquor Sale to all Armed Forces

§ 9.57 To a bill authorizing the President to order reservists and retired army personnel into active service, an amendment authorizing the President to prohibit the sale of liquor to all men of the land and naval forces of the United States was held not germane.

In the 76th Congress, during consideration of a bill[15] relating to compulsory military training, an amendment was offered[16] as described above. Mr. Andrew J. May, of Kentucky, raised the point of order that the amendment was not germane.[17] The Chairman,[18] in ruling on the point of order, stated:

> If the gentleman from Kansas had confined his amendment to affect only those covered by the pending bill, it would have undoubtedly been germane. . . . However, the amendment is all-inclusive and covers the officers and enlisted men of the land and naval forces of the United States. It goes far beyond the scope of this bill. Therefore, the Chair sustains the point of order.

Provision Funding Training Vessel for One State Maritime Academy—Amendment Affecting All Maritime Academies' Use of Training Vessels

§ 9.58 To a Senate amendment providing for a training vessel for one state maritime academy, a proposed House amendment relating to training vessels for all state maritime academies was held not germane as more general in scope.

During consideration of H.R. 1827 (supplemental appropriations for fiscal 1987) in the House on June 30, 1987,[19] it was demonstrated that a specific proposition may not be amended by a

15. H.R. 10132 (Committee on Military Affairs).

16. 86 CONG. REC. 11740, 11741, 76th Cong. 3d Sess., Sept. 7, 1940.

17. *Id.* at p. 11741.

18. Lindsay C. Warren (N.C.).

19. 133 CONG. REC. 18297, 100th Cong. 1st Sess.

proposition more general in scope, when a point of order against the following motion was conceded and sustained:

The text of the amendment is as follows:

Senate amendment No. 33: Page 8, after line 21, insert:

OPERATIONS AND TRAINING

Funds appropriated under this head in Public Law 98–396 for a training vessel for the State University of New York Maritime College shall be available for acquisition, preconversion and conversion costs of such vessel.

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Speaker Pro Tempore:[20] The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

Funds appropriated under this head in Public Law 98–396 for a training vessel for the State University of New York Maritime College shall be available for acquisition, preconversion and conversion costs of such vessel: *Provided,* That prior to the obligation of such funds and prior to the obligation of unobligated funds appropriated under this head for state maritime academies in Public Law 99–500 and Public Law 99–591, except for obligations necessary to complete current shipyard work and voyages in progress, all state maritime academies furnished a training vessel shall agree to such sharing of training vessels as shall be arranged by the Maritime Administration: *Provided further,* That the Maritime Administration shall submit its final plans for such a ship-sharing arrangement to the state maritime academies by October 1, 1987. . . .

MR. [GERRY E.] STUDDS [of Massachusetts]: Mr. Speaker, I make a point of order against the motion on the ground that the amendment that it purports to add to the Senate amendment is not germane to said amendment. The Senate amendment deals solely with the New York State Maritime Academy. The amendment proposed on the part of the House to the Senate amendment deals with the full range of all the state maritime academies and as such is beyond the scope of the Senate amendment and is not germane thereto. . . .

MR. [NEAL] SMITH of Iowa: Mr. Speaker, I concede the point of order.

THE SPEAKER PRO TEMPORE: The gentleman concedes the point of order.

The point of order is sustained.

Bill Authorizing President To Requisition Materials and Provide Compensation Therefor—Amendment Providing That Compensation to Certain Foreign Governments Be in Form of Credit on Indebtedness

§ 9.59 To a bill authorizing the President to requisition materials for the use of the United States, and con-

20. Dan Glickman (Kan.).

taining a provision for compensation of the owners of such materials, an amendment was held to be not germane which provided that when such material is obtained from a foreign government that is in default of its obligations to the United States, a receipt for partial payment of the obligations shall be given as compensation.

In the 76th Congress, a bill[1] was under consideration which stated in part:[2]

> Sec. 2. Whenever the President shall requisition and take over any article or material pursuant to the provisions of this act, the owner thereof shall be paid as compensation therefor such sum as the President shall determine to be fair and just.

An amendment was offered prohibiting payments to any foreign government that is in default in its obligations to the United States, and providing instead for credits as described above. Mr. Andrew J. May, of Kentucky, raised the point of order that the amendment was not germane to the bill. The Chairman,[3] in sustaining the point of order, stated:

> . . . I think the provisions of the amendment are entirely too broad and beyond the scope entirely of this bill, because it says that no payment shall be made to any government, which would cover the entire field of governmental debts. . . .

Provision Making Teachers in Peace Corps Eligible for Partial Cancellation of Education Loans—Amendment To Permit Loan Recipients To Choose Repayment Plan Based on Income

§ 9.60 To an amendment adding teachers in the Peace Corps to those eligible for partial cancellation of certain education loans, an amendment permitting loan recipients to choose an alternative repayment plan based on a percentage of their net taxable incomes was held to be not germane.

In the 88th Congress, a bill[4] was under consideration comprising the National Defense Education Act Amendments of 1964. The bill stated in part:[5]

> (3) not to exceed 50 per centum of any such loan (plus interest) shall be cancelled for service as a full-time (A)

1. H.R. 10339 (Committee on Military Affairs).
2. 86 CONG. REC. 10767, 76th Cong. 3d Sess., Aug. 22, 1940.
3. Clyde Williams (Mo.).
4. H.R. 12363 (Committee on Education and Labor).
5. See 110 CONG. REC. 19678, 88th Cong. 2d Sess., Aug. 14, 1964.

teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States. . . .

Mr. James G. O'Hara, of Michigan, offered an amendment.[6]

Amendment offered by Mr. O'Hara of Michigan: Page 6, line 21, after education, strike out "or"; and on line 23 after the word "States" insert "or in a Peace Corps project as a Peace Corps volunteer".

The following amendment was then offered as a substitute for the O'Hara amendment:[7]

Amendment offered by Mr. [Neal] Smith of Iowa as a substitute for the amendment offered by Mr. O'Hara of Michigan: On page 8 between lines 7 and 8 add a new subsection as follows:

(D) In lieu of other provisions in this Act relative to the rate of repayment of such a loan, the recipient shall be given an alternative of entering into a written agreement providing that each year beginning with the second taxable year that a scholar who received a loan under this Act is no longer a full-time student . . . the recipient shall pay to the Commission a sum equal to 5 percentum of his personal net taxable income. . . .

Mr. Peter H. B. Frelinghuysen, Jr., of New Jersey, raised the point of order that the amendment was not germane to the bill. The Chairman,[8] noting that the O'Hara amendment "deals with the problem of forgiveness," sustained the point of order.

Specific Aircraft Flight Restrictions—General Amendment to Federal Aviation Act

§ 9.61 To a bill providing for a study of minimum altitude by aircraft flying over units of the national park system and regulating air traffic over a specific national park, an amendment to a law not amended by the bill establishing standards for aircraft collision avoidance not confined to overflights in the national parks was held to be not germane.

On Sept. 18, 1986,[9] during consideration of H.R. 4430 in the Committee of the Whole, the Chair sustained a point of order against the amendment described above, thus demonstrating that a specific proposition may not be amended by a proposition more general in scope. The proceedings were as follows:

(a) Yosemite National Park.—During the applicable study and review period it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude of less than 2,000 feet over the surface of Yosemite National Park. . . .

6. *Id.* at p. 19685.

7. *Id.* at p. 19686.

8. Richard Bolling (Mo.).

9. 132 CONG. REC. 24082–84, 99th Cong. 2d Sess.

SEC. 3. GRAND CANYON NATIONAL PARK.

(a) Noise associated with aircraft overflight at the Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the Park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users. . . .

MR. [ROBERT K.] DORNAN of California: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

At the end of the bill add the following:

SEC. 4. COLLISION AVOIDANCE SYSTEM.

Section 312(c) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1353(c)), which relates to research and development, is amended by inserting "(1)" immediately after "(c)" and by adding at the end thereof the following new paragraph:

"(2) In carrying out his functions, powers, and duties under this section pertaining to aviation safety, the Secretary of Transportation shall coordinate and take whatever steps necessary (including research and development) to promulgate standards for an airborne collision avoidance system for all United States aircraft, civil and military, to improve aviation safety. . . .

MR. [BRUCE F.] VENTO [of Minnesota]: Mr. Chairman, under the rule of germaneness, rule XVI, clause 7, no subject different from that under consideration shall be admitted under the color of an amendment. The amendment of the gentleman from California [Mr. Dornan] violates that rule and I must reluctantly insist on my point of order, Mr. Chairman. . . .

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

The gentleman from California [Mr. Dornan] has offered an amendment adding a section 4 pertaining to the collision avoidance system.

The Chair has had an opportunity to examine the amendment and it is the opinion of the Chair that the amendment is not germane. The bill before us, H.R. 4430, is a narrow one addressing only overflights over certain national park areas.

The amendment goes to an unrelated subject amending an act not amended by the bill.

Therefore, the Chair sustains the point of order.

Bill Exempting Certain Instances of Joint Operation of Newspapers From Antitrust Laws—Amendment To Prevent Publication of More Than One Newspaper Using Subsidized Class of Mail

§ 9.62 To a bill exempting certain instances of joint operation of newspapers from the antitrust laws, an amendment was held to be not germane which sought in part to prevent single owners from publishing more than one newspaper within a normal circulation area if the newspaper "utilizes any subsidized class of U.S. mail" for delivery.

10. J. J. Pickle (Tex.).

In the 91st Congress, during consideration of the Newspaper Preservation Act,[11] the following amendment was offered:[12]

> (d) It shall be unlawful for any one owner to publish or offer for sale more than one daily or weekly newspaper in any one normal circulation area if the newspaper utilizes any subsidized class of U.S. mail for delivery of any of its papers anywhere or if the sale of any of the papers affect interstate commerce.

Mr. Robert W. Kastenmeier, of Wisconsin, made the point of order that the amendment was not germane. The Chairman,[13] sustaining the point of order, stated:

> The bill deals with a very narrow area of joint operation of newspapers in relation to the antitrust law. The gentleman's amendment obviously goes far beyond the matter covered in the bill and brings into consideration matters of the ownership of newspapers, which is not concerned in the bill. It also brings in the involvement of subsidized mail.

§ 10. Specific Amendments to General Propositions; Amendments as Within Scope

A general subject may be amended by specific propositions of the same class.[14] Thus, where a bill has a broad objective, an amendment prescribing a specific endeavor may be germane;[15] and where a bill seeks to accomplish a general purpose, by diverse methods, an amendment providing a specific method has been held germane.[16] Similarly, to a proposition conferring a broad authority to accomplish a particular result, an amendment authorizing and directing a specific approach to be taken in the exercise of such authority is germane.[17] The precedents included in this section are those in which the issue of germaneness was raised following the introduction of an amendment, relatively narrow in its terms, during consideration of a proposition of a more comprehensive nature. The question to be decided in such cases, of course, is whether the amendment falls within the scope of the broader subject or subjects addressed in the proposition sought to be amended. The section includes several examples of amendments which can be seen to comprise subtopics of the broader topic covered in the bill to which offered.[18]

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11. H.R. 279 (Committee on the Judiciary).

12. 116 CONG. REC. 23174, 91st Cong. 2d Sess., July 8, 1970.

13. Thomas J. Steed (Okla.).

14. Compare the principles stated in § 9, supra.

15. See § 10.10, infra.

16. See § 10.12, infra.

17. See § 10.10, infra.

18. See, for example, § 10.14, infra.