

the Whole is now considering seeks to regulate the various transactions involving rifles, shotguns, and handguns. It provides for the identification of such firearms by manufacturers and importers and, as amended by the Committee on the Judiciary and by this committee earlier this afternoon, specifies that this identification shall include serial numbers. Licensed importers, dealers, and manufacturers are required to retain descriptions of the firearms with which they deal.

The amendment proposed by the gentleman from Illinois [Mr. McClory] is drafted as a further amendment to title 18, United States Code, the same portion of the Code amended by the pending bill. It carries the concept of registration or identification to the persons having handguns in their possession. The system of registration established by the amendment would be under the jurisdiction of the Secretary of the Treasury, the same officer designated for this purpose by the bill.

The Chair notes that the bill makes at least three major innovations in the existing law concerning gun control: it extends that law with respect to transactions in rifles and shotguns; it brings ammunition within the scheme of the law; and it modifies the law regarding shipment and sale of destructive devices. Since present law is modified in the foregoing ways, an additional change in the law and the bill—a change that is an extension of a subject already carried in the bill—is germane.

The Chair therefore overrules the point of order.

§ 12. Amendment Extending Coverage of Bill to Other Subjects of Same Class

Frequently, it is sought by amendment to extend the coverage of the bill to other subjects of the same class as that discussed in the bill. Depending on the circumstances, one or more of the principles discussed in this chapter may be applicable in determining the germaneness of such amendments. Thus, if the bill comprises two or more propositions of the same class, an amendment that merely adds a related proposition may be germane.⁽³⁾ It may be necessary to discern whether the amendment would enlarge the scope of the bill to cover a distinct new “class,” or would merely include a new “category” within a “class” already covered by the bill.⁽⁴⁾ If, on the other hand, the bill comprises an individual proposition or one of a limited nature, an amendment, even though related in subject, may be ruled out as not germane.⁽⁵⁾ As a further example, a

3. See § 11, *supra*.

4. See § 12.1, *infra*.

5. See § 8, Individual Proposition Offered as Amendment to Another Individual Proposition, and § 9, General Amendments to Specific or Limited Propositions, *supra*.

general subject may ordinarily be amended by specific propositions of the same class.⁽⁶⁾

Adding Category Within Same Class

§ 12.1 To an amendment covering a certain class, an amendment extending coverage to an additional category within that class is germane; thus, to a Senate amendment providing for prepayment of certain loans by Rural Electrification Administration borrowers serving a specified density of population, a proposed House amendment eliminating the population density criterion to broaden the applicability of the Senate amendment to additional borrowers within the same class was held germane.

During consideration of H.R. 1827 (supplemental appropriations, fiscal 1987) in the House on June 30, 1987,⁽⁷⁾ the Chair overruled points of order in the circumstances described above. The proceedings were as follows:

6. See § 10, supra.

7. 133 CONG. REC. 18307, 18308, 100th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:⁽⁸⁾ The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 223: Page 49, after line 17, insert:

RURAL ELECTRIFICATION
ADMINISTRATION

Notwithstanding the amount authorized to be prepaid under section 306A(d)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 936a(d)(1)), a borrower of a loan made by the Federal Financing Bank and guaranteed under section 306 of such Act (7 U.S.C. 936) that serves 6 or fewer customers per mile may, at the option of the borrower, prepay such loan (or any loan advance thereunder) during fiscal year 1987 or 1988, in accordance with section 306A of such Act.

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

THE SPEAKER PRO TEMPORE: 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 223 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

RURAL ELECTRIFICATION
ADMINISTRATION

Hereafter, notwithstanding section 306A(d) of the Rural Electrification Act of 1936 (7 U.S.C. 936(d)), a borrower of a loan made by the Federal Financing Bank and guaranteed under section 306 of such Act (7 U.S.C. 936) may, at the option of the

8. Dan Glickman (Kan.).

borrower, prepay such loan (or any loan advance thereunder) in accordance with section 306A of such Act. . . .

MR. [RON] PACKARD [of California]: Mr. Speaker, I make a point of order, the following points of order, actually:

No. 1, that subject to rule 21, clause 2, this amendment is legislating on appropriation bills.

No. 2, that this amendment is not germane to the supplemental appropriations bill. . . .

MR. WHITTEN: Mr. Speaker, I rise in opposition to the point of order. This amendment is germane to the amendment of the Senate.

What the amendment does is quite straightforward. It removes the phrase "that serves 6 or fewer customers per mile" from the Senate amendment. This has the direct result of allowing REA's that have population density of up to 12.4 customers per mile to qualify, rather than just 6 customers per mile.

The amendment does not change the class of borrowers that can prepay; it simply enlarges the same class. It does not add some other type of borrower.

The Senate amendment allows Rural Electrification Administration borrowers who serve 6 or fewer customers per mile of line to refinance their REA guaranteed debt with the Federal Financing Bank without being assessed a prepayment penalty.

There are 51 borrowers whose loans bear an interest rate such that they would be worthwhile to refinance at present interest rates.

At present there are 31 borrowers with loans whose density is 6 or fewer per mile.

There are 20 borrowers with loans whose density is greater than 6 customers per mile of line.

The conference agreement would allow all 51 borrowers to refinance their loans rather than only 31 borrowers.

This type of amendment is clearly in order and is germane.

Cannon's procedures states, "A general subject may be amended by specific proposition of the same class." Mr. Speaker, this is exactly what is being done.

In fact, the amendment is even stricter. In effect, what is involved is a proposition being amended by the same proposition in the same class. Clearly, such an amendment expands the scope, but is germane. . . .

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

With respect to the issue of whether this motion constitutes legislation on an appropriations bill, the Chair rules that it is not in violation of clause 2 [of Rule XX], since the amendment was brought back in disagreement for a separate vote, not as part of the conference report. . . .

With respect to the germaneness issue that the gentleman raises, the motion is germane to the Senate amendment since relating to the same class of borrowers covered by the Senate amendment and the Senate amendment itself is being brought back in disagreement for a separate vote. Therefore, there is no valid germaneness point of order with respect to the motion disposing of the Senate amendment. . . .

Therefore, the Chair overrules the various points of order.

Bill To Set Price Supports for Commodities—Amendment Adding Commodity

§ 12.2 To a bill amending a law dealing with several subjects within a definable class, an amendment further amending that law to add another subject within the same class is germane; thus, to a bill temporarily amending for one year an existing law establishing price support levels for several agricultural commodities, an amendment adding another agricultural commodity to be covered by the same provisions of law for that year was held germane.

During consideration of H.R. 4296 (a bill concerning emergency price supports for 1975 crops) in the Committee of the Whole, the Chair overruled a point of order in the circumstances described above. The language of the bill to which the amendment was offered read as follows:⁽⁹⁾

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following new section 108:

9. See 121 CONG. REC. 7388, 94th Cong. 1st Sess., Mar. 20, 1975.

“Sec. 108. (a) Notwithstanding sections 103, 105, and 107 of this Act, the established price for the 1975 crops of upland cotton, corn, and wheat shall be 48 cents per pound, \$2.25 per bushel, and \$3.10 per bushel, respectively, and the Secretary shall make available to producers loans and purchases on the 1975 crops of upland cotton, corn, and wheat at 40 cents per pound, \$1.87 per bushel, and \$2.50 per bushel, respectively; *Provided*, That the rates of interest on commodity loans made by the Commodity Credit Corporation to all eligible producers shall be established quarterly on the basis of the lowest current interest rate on ordinary obligations of the United States: *Provided further*, That the nonrecourse loan for 1975 crop upland cotton as set forth in section 103(e)(1) of the Agricultural Act of 1949, as amended, shall be made available for an additional term of eight months at the option of the cooperator.

“(b) Notwithstanding the provisions of section 301 of this Act, the Secretary shall make available to producers loans and purchases on the 1975 crop of soybeans at such levels as reflect the historical average relationship of soybean support levels to corn support levels during the immediately preceding three years.”

THE CHAIRMAN:⁽¹⁰⁾ The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 15, after the word “cooperator” strike the period and insert “, except that for the 1975 crops of upland cotton, feed grains and wheat, the Secretary shall establish, insofar as is

10. John Brademas (Ind.).

practicable, the same terms and conditions relative to storage costs and interest rates on all nonrecourse loans extended on such crops.”.

THE CHAIRMAN: The question is on the committee amendment.

The committee amendment was agreed to.

During the proceedings of Mar. 20, 1975,⁽¹¹⁾ the following amendment was offered:

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Conte: Page 2, after line 25, add this new section:

“(c) Notwithstanding the provisions of section 301 of this Act or common sense, the Secretary shall make available to producers loans and purchases on the 1975 crop of fruit nuts at such levels as reflect the historical average relationship of fruit nut support levels to dingleberry support levels during the immediately preceding one hundred and ninety-nine years” . . .

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, the chairman of the committee finds it necessary to insist on his point of order.

I know the gentleman who has offered the amendment is a strong supporter of fruit nuts and is in great seriousness in an effort to improve the bill, but the reference in the amendment is to a standard which cannot be administered because the country was not organized, the Congress was not organized at the time he alleges in the

amendment the dingleberry support price was created. But principally because under rule XVI, clause 7, the fundamental purpose of this amendment does not relate to the fundamental purpose of the bill, which is to effect changes in the target prices of loan rates on wheat, feed grain, and cotton.

The nuttiness of an amendment has never been found in the precedents of the House as an argument against germaneness. . . .

MR. CONTE: . . . I feel that this amendment is germane in the context of this bill. The whole bill is nutty, and I am merely institutionalizing what the American people have known all along, that farm subsidies do not grow on trees.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair would observe that the purpose of this bill as set forth in the report is to establish an emergency price support program in the 1975 crop commodity year for upland cotton, wheat, feed grains, soybeans, and milk.

Under the general proposition that it is in order to add another subject to a proposition containing subjects of the same class, the Chair would point out that the amendment of the gentleman from Massachusetts adds another agricultural commodity to the commodities proposed to be supported under the bill during the same period of time.

The Chair rules, therefore, that the gentleman's amendment is germane and overrules the point of order.

Parliamentarian's Note: The Chair looked beyond the obvious facetious intent of the offeror of

11. 121 CONG. REC. 7652, 94th Cong. 1st Sess.

the amendment, and upon discovering that the “dingleberry” was indeed a fruit nut and therefore an existing agricultural commodity, determined that the amendment came within the class potentially covered by the bill.

Adjustment of Existing Postal Rates—Amendment To Abolish Franking Privilege

§ 12.3 To a bill to readjust postal rates, an amendment proposing to abolish franking privileges was held to be not germane.

In the 82d Congress, a bill⁽¹²⁾ was under consideration which sought to readjust postal rates. The following amendment was offered to the bill:⁽¹³⁾

Amendment offered by Mr. [Carl T.] Curtis of Nebraska: On page 26, line 9, insert a new section as follows:

No mail matter of any kind shall be sent through the mails by any department or agency of the United States Government, including the legislative branch, without full payment of the postal rates provided by law for similar mail matter sent by other users.

Responding to a point of order raised by Mr. Thomas J. Murray, of Tennessee, that the amendment

12. H.R. 2981 (Committee on Post Office and Civil Service).

13. 97 CONG. REC. 11685, 82d Cong. 1st Sess., Sept. 19, 1951.

was not germane to the bill, Mr. Curtis stated:

This bill is to adjust postal rates. It deals with various classes and kinds of mail and services rendered by the Post Office Department. . . . If you can raise rates under this bill from a given rate to a higher rate, certainly you can raise free mail to some sort of rate.

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

The bill before us is for the purpose of adjusting postal rates. The gentleman from Nebraska offers an amendment which would not adjust existing postal rates but would define classes of mail which should be subject to payment of postage. Neither of the classes included within the amendment proposed is included within the bill. The amendment is beyond the scope of the bill. Therefore, the Chair sustains the point of order.

Bill Relating to Compensation for Mail Carriers Under Star-Route Contracts—Amendment Requiring Cost Estimates in Advertisements for Bids for Star Routes

§ 12.4 To a bill providing additional compensation for star-route carriers for increased mileage above the contract terms, an amendment providing that the Postmaster General in advertising for bids for any star route shall publish the estimated actual

14. Paul J. Kilday (Tex.).

cost for carrying the route including a reasonable wage for the carrier was held to be germane.

In the 75th Congress, a bill⁽¹⁵⁾ was under consideration which related to additional compensation for star-route carriers and which stated in part:⁽¹⁶⁾

Be it enacted, etc., That section 3951 of the Revised Statutes . . . is hereby amended by adding at the end thereof the following new paragraphs:

The Postmaster General may . . . allow extra pay to a contractor for necessary increased travel caused by obstruction of roads, destruction of bridges, or discontinuance of ferries occurring during the contract term, but no extra pay allowed shall be proportionately greater than the rate established by the contract involved. . . .

Sec. 2. Proposals for carrying the mail on star routes shall not be considered unless the bidder is a legal resident of the county or counties traversed by the roads over which the mails are to be carried. . . .

To such bill, the following amendment was offered:

Amendment offered by Mr. [Frederick E.] Biermann [of Iowa]: Page 2, after line 26, insert:

Sec. 3. The Postmaster General in advertising for bids for any star route shall publish the estimated actual cost

of carrying the route, which estimate shall include a reasonable wage for the carrier. No bid shall be accepted which is more than 10 percent below the estimated actual cost.

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

MR. [JAMES M.] MEAD [of New York]: . . . I make the point of order against the amendment that it is not germane. It is writing into the bill a new principle of law. . . .

MR. BIERMANN: Mr. Speaker, this bill deals with a method of compensating star-route carriers. At the time when a star route is let the Postmaster General publishes the price that the present carrier is getting for transporting the route. My amendment simply provides for the publication of another figure in place of that. . . .

THE SPEAKER:⁽¹⁷⁾ . . .

. . . As the Chair understands the major purpose of the bill now under consideration, it deals with the subject of providing additional compensation for star-route carriers for necessary increased mileage, and for other purposes, and although the bill itself purports only to amend an existing statute, it undertakes in terms to set out certain provisions under which the Postmaster General may let these bids for the carrying of star-route contracts. Although the word "wage" does seem to be mentioned in the amendment offered by the gentleman from Iowa, the Chair is clearly of the opinion that as the bill has been proposed, it is merely an addition to the terms under which the contract shall be let.

15. H.R. 7879 (Committee on Post Office and Post Roads).

16. 81 CONG. REC. 8017, 75th Cong. 1st Sess., Aug. 2, 1937.

17. William B. Bankhead (Ala.).

The Chair therefore overrules the point of order.

Bill Promoting Development of Synthetic Fuels—Amendment To Include Methane Within Definition

§ 12.5 To a bill promoting the development of synthetic fuels, defined as fuels and chemical feedstocks produced by the conversion of renewable and nonrenewable resources, an amendment including within the definition of such fuels methane produced from coal seams, geopressurized brine, tight sands and devonian shale was held germane as adding another subject to subjects of the same class.

On June 26, 1979,⁽¹⁸⁾ during consideration of the Defense Production Act Amendments of 1979⁽¹⁹⁾ in the Committee of the Whole, the Chair overruled a point of order against the following amendment:

MR. [TIMOTHY E.] WIRTH [of Colorado]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wirth: Page 10, line 6, insert after the first

18. 125 CONG. REC. 16687, 16688, 96th Cong. 1st Sess.

19. H.R. 3930.

period the following new sentence: "Such terms also include methane produced from such sources as coal seams, geopressurized brine, tight sands and Devonian shale."

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

Mr. Chairman, the bill deals with production of synthetic fuels. The amendment offered by my good friend, the gentleman from Colorado, deals with production from conventional sources of hydrocarbons from within the Earth. Given that circumstance, regrettably, I observe that the amendment does not conform with the requirements of the rules relating to germaneness.

The bill also deals with creating synthetic feedstocks. The particular section, section 3, with which we deal at this time, deals with synthetic feedstocks.

The proposal that the gentleman from Colorado (Mr. Wirth) has before us deals with a broad series of productions from conventional or semiconventional sources of hydrocarbon from within the Earth and, as such, it is therefore not germane. . . .

MR. WIRTH: Mr. Chairman, at the bottom of page 9, line 24 in the bill is the definition of what is intended by the committee to be covered by the legislation in H.R. 3930. That definition in the amendment which I have offered is broadened to include coverage by the provisions of this act for hard-to-obtain natural gas.

The purpose of the legislation, as I understand the gentleman from Pennsylvania and the committee, is to increase production of energy and the area of hard-to-get natural gas. That

which is described in the amendment which I offered clearly is a matter of the kind of stimulus that the gentleman from Pennsylvania and members of the committee have defined in the bill, and in broadening the definition offered by the committee, this is consistent with the purposes of H.R. 3930.

THE CHAIRMAN:⁽²⁰⁾ The Chair is prepared to rule.

The section of the bill which defines synthetic fuels, page 9, line 24 reads as follows:

The term synthetic fuels—“. . . means fuels and chemical feedstocks produced by the conversion of renewable and nonrenewable resources, including, but not limited to, . . .” a consecutive category of resources.

In the opinion of the Chair, the definition is sufficiently broad as to allow the amendment offered by the gentleman from Colorado.

The Chair overrules the point of order.

Bill Providing for Limited Transfer of Functions to New Consumer Protection Agency—Amendment Authorizing Director of Office of Management and Budget To Transfer Designated Types of Function to Agency

§ 12.6 To a bill creating a non-regulatory Consumer Protection Agency, providing for a limited transfer of functions to the agency but author-

izing the Administrator to utilize the services of offices of other agencies performing similar activities, an amendment authorizing the Director of the Office of Management and Budget to transfer to the agency such programs or activities of various agencies as were duplicative of or could be performed more appropriately by the new agency and which could be transferred without further Congressional action, was held to be germane to the bill as a whole since provisions in the bill brought the activities of those offices within the scope of the bill, and all offices transferred were within the same generic class of nonregulatory intra-agency entities whose transfer would not enlarge the authority of the new agency beyond that contemplated by the bill.

During consideration of H.R. 7575⁽¹⁾ in the Committee of the Whole on Nov. 6, 1975,⁽²⁾ the Chair overruled a point of order against the amendment described above, stating, in part, that the

1. The Consumer Protection Act of 1975.
2. 121 CONG. REC. 35374, 35375, 35376, 94th Cong. 1st Sess.

20. Gerry E. Studds (Mass.).

test of germaneness of adding a new section at the end of a bill is the relationship between the amendment and the bill as a whole. The proceedings were as follows:

The Clerk will read.
The Clerk read as follows:

SAVING PROVISIONS

Sec. 14. (a) Nothing contained in this Act shall be construed to alter, modify, or impair the statutory responsibility and authority contained in section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)(4)), or of any provision of the antitrust laws, or of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.

(b) Nothing contained in this Act shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of the consumer. . . .

MR. [PAUL N.] McCLOSKEY [Jr., of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCloskey: Page 26, immediately after line 5, insert the following new Section 15 and renumber succeeding sections accordingly:

TRANSFER OF PROGRAMS, OPERATIONS AND ACTIVITIES

Sec. 15. (a)(1) Except to the extent prohibited by law, the Director of the Office of Management and Budget is authorized and directed to transfer to the Agency such programs, operations, and activities of each Federal

agency as (A) are duplicative of or can be performed more appropriately by the Administrator under the authority contained in this Act, and (B) may be transferred without the need for Congressional action.

(2) Transfers authorized and directed under paragraph (1) shall include but not be limited to those programs, operations, and activities defined in paragraph (1) which are, on the date of enactment of this Act, performed by the following Federal departments and agencies: The Office of Consumer Affairs of the Department of Health, Education, and Welfare; the Office of Ombudsman for Business of the Department of Commerce . . . the Advisory Committee on Water Data for Public Use of the Department of the Interior; the Science Advisory Board's Executive Committee of the Environmental Protection Agency; and the Citizen's Advisory Committee on Transportation Quality of the Department of Transportation. . . .

(c) The Administrator, pursuant to section 4 of this Act, shall be responsible for incorporating such programs, operations, and activities as are transferred pursuant to subsection (a) in such manner and to the extent he deems consistent with the Agency's responsibilities under section 5 of this Act, and issuing such organizational directives as he deems appropriate to carry out the purposes of this section. . . .

MR. [JOHN N.] ERLBORN [of Illinois]: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from California (Mr. McCloskey) on the grounds that it is in violation of clause 7 of rule XVI of the House of Representatives.

The amendment offered by the gentleman from California proposes a new section to the bill which involves a substantial transfer of functions from ex-

isting Federal agencies and departments.

The Director of OMB is directed to transfer consumer-related programs, operations, and activities from existing agencies and departments to the Agency for Consumer Protection. H.R. 7575 has several provisions directing Federal agencies to cooperate in providing information, documents, and other materials to the Agency for Consumer Protection. In addition, section 15 provides for a very narrow and specific transfer of the Consumer Product Information Coordinating Center in the General Services Administration to the new Consumer Agency. The amendment offered by the gentleman from California would involve the wholesale transfer of nearly 20 functions from various Federal departments and agencies. Such a massive shift of responsibility by the Federal agencies is neither the intent nor purpose of H.R. 7575.

In addition, the transfer in section 15 is limited to a Consumer Product Information Coordinating Center, and does not involve the transfer of substantive responsibilities for consumer representation, intervention in agency proceedings, or other such administrative and policy responsibilities. In this regard, I think a distinction can be drawn between the limited type of transfer contemplated in section 15 and the massive transfer proposed in the amendment.

In addition, the amendment alters existing statutory and administrative mandates placed upon Federal agencies and departments. The administration, over and above statutory mandates, has made significant steps in increasing consumer representation

within Federal agencies. The proposed amendment would wipe out all those positive gains, and have OMB decide which functions to transfer rather than for Congress to exercise its oversight responsibility. . . .

MR. MCCLOSKEY: First of all, Mr. Chairman, the Chair will note that points of order were waived as to section 15 of the act, which accomplishes the transfer of the Consumer Protection Information Coordinating Center. This, in effect, is a new section 15.

Second, unlike the suggestion of the gentleman from Illinois, this amendment specifically does not attack anything created by an act of Congress. It refers only to administratively created organizations. I refer the Chair to the first paragraph, section 15(a)(1), which says:

Sec. 15. (a)(1) Except to the extent prohibited by law, the Director of the Office of Management and Budget is authorized and directed to transfer to the Agency such programs, operations, and activities of each Federal agency as (A) are duplicative of or can be performed more appropriately by the Administrator under the authority contained in this Act, and (B) may be transferred without the need for Congressional action.

Clearly, the amendment does not purport to change any congressionally mandated consumer office, but only those created by executive order.

Paragraph C of the amendment asks the Director of Office of Management and Budget to identify and report to the committees of the House and send the reorganizations for such additional transfers as may be necessary to avoid duplication with programs, operations, and activities, but which require congressional action.

Mr. Chairman, I would like, finally, to cite a prior act of the Congress for the authority to accomplish this. Section 210 of the Federal Property and Administrative Services Act of 1949 provides, in part:

Whenever the Director of the Office of Management and Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator [of GSA] all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States . . . [etc.]

This amendment clearly does nothing more than authorize and direct the Director of Office of Management and Budget to accomplish those transfers which in his judgment are duplicated by the creation of this new agency and may more appropriately be formed by the Administrator under the authority that this law will give him. . . .

MR. [JACK] BROOKS [of Texas]: Mr. Chairman, the amendment is a reorganization of the executive branch, clearly, the jurisdiction of the Committee on Government Operations, under rule 10, page 3, which includes the Government Operations responsibilities and authorities, the reorganization in the executive branch of Government.

The amendment transfers programs in existence which do not require the change of any statutes. . . .

MR. [BENJAMIN S.] ROSENTHAL [of New York]: . . . Mr. Chairman, I rise in opposition to the point of order.

Those activities and functions authorized to be transferred to the agency include only those which may already be performed under the author-

ity provided in the remainder of the bill. The functions of the administrator are not expanded, nor is his authority or power increased by the amendment.

Additionally, the functions proposed to be transferred, as both the gentleman from Texas (Mr. Brooks) and the gentleman from New York (Mr. Horton) have already suggested, were created by administrative action and were not created by statute. The proposed transfer does not impair or amend statutes governing the operations of the agency from which transfers would be made. . . .

THE CHAIRMAN:⁽³⁾ The Chair is ready to rule. . . .

The gentleman from Illinois (Mr. Er-lenborn) has made a point of order to the amendment offered by the gentleman from California (Mr. McCloskey) on the grounds that the amendment is not germane.

The Chair will state initially that since the amendment proposes to add a new section to the bill, the rule on germaneness does not require that the amendment be germane to one particular section, it being sufficient if it is germane to the subject matter of the bill as a whole—Deschler's Procedure, chapter 28, section 14.4.

The subject of the amendment, the transfer of various executive agency functions, is clearly within the jurisdiction of the committee reporting the bill. While the transfer envisioned by the amendment is more comprehensive than the transfers contained in section 15 of the bill, as noted, the test of germaneness is the relationship between the amendment and the bill as a whole. Thus, despite the limited trans-

3. Edward P. Boland (Mass.).

fer provisions in the bill, the Chair notes that on page 4, lines 13 to 15, the new agency is authorized to utilize the services and personnel of other Federal agencies and of State and private agencies and instrumentalities.

On page 5, lines 7 to 11, if the Administrator of the new agency so requests, each Federal agency is authorized and directed to make its services, personnel, and facilities available to the new agency. Finally, on page 26, lines 3 to 5, the bill provides that nothing contained in the act shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of the consumer.

The Chair believes that activities of the offices transferred to the agency by this amendment are already brought into the operation of this act by the sections of the bill just cited.

In addition, it is the opinion of the Chair that the express language of the amendment itself refutes the argument that it broadens the scope of the powers of the agency beyond those contemplated in the bill. The amendment would transfer only such functions as duplicate or can be performed under the express authority contained in the bill. Therefore, no functions, activities or powers may be transferred under the amendment which are not already within the powers granted to the new agency in the bill.

It has been argued that the amendment would change statutory and administrative duties. However, the Chair is unaware of any legislation creating the offices referred to in the amendment and is unaware of any regulatory power conferred on them by

statute. It would appear that the offices mentioned have been created solely by departments and agencies of the executive branch.

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

Bill Authorizing Commission To Investigate Abridgment of Certain Civil Rights—Amendment Enlarging Scope To Include Study of Rights Reserved to States and to People

§ 12.7 To a bill authorizing a commission to investigate abridgment of certain civil rights, an amendment to enlarge the scope of the investigation to authorize the commission to study and collect information concerning the rights reserved to the states and to the people, was held to be germane.

In the 84th Congress, a bill⁽⁴⁾ was under consideration which provided, in part, that a commission should investigate allegations that certain citizens were being deprived of their right to vote or being subjected to unwarranted economic pressures by reason of their color, race, or religion; and that such commission should further study and collect information concerning economic, social, and

4. H.R. 627 (Committee on the Judiciary).

legal developments constituting a denial of equal protection of the laws. An amendment was offered⁽⁵⁾ authorizing the commission, in addition, to study and collect information concerning rights reserved to the states and to the people under the Constitution. Speaking in response to a point of order made by Mr. Kenneth B. Keating, of New York, Mr. James P. Richards, of South Carolina, who had offered the amendment, stated:

Mr. Chairman, I think [the amendment] is patently germane, because in the subsection it seeks to amend, you provide for the collection of information and you provide for studies in regard to equal protection of the laws under the Constitution. And if that section itself means what it says, then I am sure the provisions of the 10th amendment of the Constitution itself would warrant a study and investigation to see how those provisions are applied under the Constitution that is mentioned.

The following statement was made by Mr. William M. Colmer, of Mississippi, in opposition to the point of order.

Mr. Chairman, I contend that this amendment is germane, not only for the reasons stated by the gentleman from South Carolina but in line with the ruling of the Chair on yesterday on another amendment, where the Chair

differentiated between the labor amendment and the age amendment, in that the Chair ruled that the matter was within the province and jurisdiction of that particular committee. . . .

Mr. Keating stated:⁽⁶⁾

Mr. Chairman, the part of this section which is sought to be amended here has to do with the equal protection of the laws provision of the Constitution, no other part of the Constitution.

It is true that amendments to the Constitution come under the jurisdiction of the Judiciary Committee, but the parallel between the ruling of yesterday and this amendment does not follow. The amendment offered by the gentleman from South Carolina would bring in a part of the Constitution which is not in any way under the purview of this section. It would be like trying to change the prohibition amendment under the Constitution in this bill. It has to do with an entirely different part of the Constitution, and it is not germane to the consideration of this bill.

The Chairman,⁽⁷⁾ without elaboration, held that the amendment was germane.

***Army Officers' Retirement—
Amendment Affecting Other
Branches of Service***

§ 12.8 To a bill extending certain retirement privileges to officers of the Army who

5. 102 CONG. REC. 13728, 84th Cong. 2d Sess., July 20, 1956.

6. *Id.* at p. 13729.

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

served in the Spanish-American War, a committee amendment proposing to extend such privileges to officers of the Navy, Marine Corps, and Coast Guard was held to be not germane.

In the 76th Congress, a bill⁽⁸⁾ was under consideration which stated in part:⁽⁹⁾

Be it enacted, etc., That the act of Congress approved April 23, 1904, authorizing the retirement to the next higher grade of officers of the United States Army who served in the Civil War is hereby extended to include those officers not above the grade of colonel who served in the War with Spain between April 21, 1898, and April 11, 1899.

The following committee amendment was offered:

Page 1, line 8, after the figures, insert a colon and the following proviso: "Provided, That the advanced rank on the retired list shall be extended in like manner to those officers of the Navy, Marine Corps, and Coast Guard, who have been retired, or may be retired, in accordance with existing law for retirements in these respective services."

Mr. Carl Vinson, of Georgia, made the point of order that the committee amendment was not

8. S. 839 (Committee on Military Affairs).

9. See 84 CONG. REC. 8957, 76th Cong. 1st Sess., July 12, 1939.

germane to the bill. The Speaker⁽¹⁰⁾ sustained the point of order.⁽¹¹⁾

Adding To Class in Original Amendment

§ 12.9 To an amendment prohibiting indirect foreign assistance to four designated countries, offered to a paragraph of a bill denying only direct assistance to those countries, an amendment adding other countries to the indirect prohibition contained in the original amendment was held germane thereto.

On Aug. 3, 1978,⁽¹²⁾ during consideration of the foreign assistance appropriations for fiscal 1979⁽¹³⁾ in the Committee of the Whole, Chairman Abraham Kazen, Jr., of Texas, overruled a point of order against an amendment to an amendment, holding that to a proposition prohibiting indirect foreign assistance to several foreign countries, an amendment including additional countries within that prohibition is

10. William B. Bankhead (Ala.).

11. 84 CONG. REC. 8958, 76th Cong. 1st Sess., July 12, 1939.

12. 124 CONG. REC. 24232, 24244, 95th Cong. 2d Sess.

13. H.R. 12931.

germane. The proceedings were as follows:

The Clerk read as follows:

Sec. 107. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Uganda, Cambodia, Laos, or the Socialist Republic of Vietnam.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

MR. [C. W. BILL] YOUNG of Florida: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Young of Florida: On page 11, line 15, after the word "directly" add "or indirectly".

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

The Clerk read as follows:

Amendment offered by Mr. Harkin to the amendment offered by Mr. Young of Florida: Page 11, line 17, strike the period and insert the following: "Provided, That none of the funds appropriated pursuant to this act shall be obligated or expended to finance indirectly Chile, Argentina, Uruguay, Korea, Nicaragua, Indonesia, and the Philippines". . . .

MR. YOUNG of Florida: Mr. Chairman, I make the point of order that the gentleman's amendment to my amendment goes far beyond the scope of the original amendment and is, therefore, out of order. . . .

MR. HARKIN: . . . This amendment does not go beyond the scope of the gentleman's amendment because I have limited the amendment only to indirect aid and not to direct aid.

Therefore, it is in order. It would not be in order if I had covered both direct and indirect aid. The gentleman would be right in that case, but I have limited it only to indirect aid. . . .

MR. YOUNG of Florida: . . . In rebuttal to the gentleman's point, the amendment does not name countries. The amendment adds only the words "or indirectly."

The gentleman's amendment proceeds to add countries to that amendment. The original amendment does not add any countries.

MR. HARKIN: Mr. Chairman, that is why my amendment amends the gentleman's amendment.

THE CHAIRMAN: The Chair is ready to rule.

The section of the original bill to which the amendment of the gentleman from Florida (Mr. Young) refers does contain the names of four countries. The gentleman is amending a section with countries named in it and is in effect offering a further prohibition with respect to those four countries.

The amendment of the gentleman from Iowa (Mr. Harkin) refers to indirect aid, and all it does is to add additional countries.

MR. YOUNG of Florida: Mr. Chairman, may I make a parliamentary inquiry prior to the ruling?

THE CHAIRMAN: The gentleman will state it.

MR. YOUNG of Florida: It is my understanding under the rules that the amendment must be germane to the amendment as opposed to the bill.

THE CHAIRMAN: The amendment is germane to the amendment because it refers only to indirect aid and adds ad-

ditional countries to those affected by the gentleman's original amendment. But the main thrust of the amendment is to indirect aid, which is not changed by the amendment offered by the gentleman from Iowa (Mr. Harkin). The Chair respectfully overrules the point of order.

Penalty for Commission of Felony by Use of Firearm—Amendment Providing for Trial of Offense in Federal or State Court

§ 12.10 To a proposition making it a federal crime to use, during the commission of a felony that may be prosecuted in a federal court, a firearm, an amendment making it a crime, in a state where such activity is not already felonious, to carry a firearm during the commission of a felony and providing for the trial of such offense in either a state or federal court was held to be germane.

In the 90th Congress, a bill⁽¹⁴⁾ was under consideration relating to the control of firearms. The following amendment to the bill was agreed to on July 19, 1968:⁽¹⁵⁾

(c) Whoever—

14. H.R. 17735 (Committee on the Judiciary).

15. 114 CONG. REC. 22231, 22248, 90th Cong. 2d Sess.

(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, shall be sentenced to a term of imprisonment. . . .

Subsequently, an amendment to the bill was offered which provided that:⁽¹⁶⁾

Whoever on or after January 1, 1971 in a State in which it is not a felony to use or unlawfully to carry a firearm in the commission of any felony in such State, uses a firearm to commit any felony or carries a firearm unlawfully during the commission of any felony in such State shall upon conviction be sentenced to a term of imprisonment. . . .

Concurrent jurisdiction for the enforcement of the provisions of this Act is hereby conferred upon the appropriate District Court of the United States and upon the State Court which shall try the person charged with the commission of the felony in which a firearm shall be used or unlawfully carried.

In disposing of a point of order raised against the amendment,⁽¹⁷⁾ the Chairman⁽¹⁸⁾ stated:⁽¹⁹⁾

16. 114 CONG. REC. 22789, 90th Cong. 2d Sess., July 23, 1968.

17. Mr. Emanuel Celler, of New York, objected on the ground that the amendment was not germane to the bill. *Id.* at p. 22789.

18. John J. Rooney (N.Y.).

19. 114 CONG. REC. 22789, 90th Cong. 2d Sess., July 23, 1968.

The amendment offered by the gentleman from Florida [Mr. Pepper] would impose a Federal penalty when a firearm is used or carried by a person in the commission of a felony in a State in which there is no State law making the carrying or use of a firearm a felony. The amendment confers jurisdiction on the State courts to try persons charged with violating the provisions of the amendment.

The bill, as amended by the Committee of the Whole, presently contains a provision for similar penalties when a firearm is unlawfully carried during the commission of a felony which is prosecuted in a Federal court.

The amendment does not create a new State crime. It describes an act which is to be unlawful under Federal law and provides for the prosecution of that act in either a Federal or State court.

The Chair believes that the amendment, which extends the provisions of the so-called Poff amendment—adopted by this Committee on last Friday—to felony prosecutions in State courts, is a modification of a matter already introduced into this bill by amendment, and is therefore germane.

§ 13. Proposition and Amendment as Affecting Different Classes of Persons or Entities

Where a proposition and an amendment offered thereto affect different classes of persons, the amendment is frequently ruled

out as not germane. Thus, to a bill to provide for the common defense by increasing the strength of the armed forces, an amendment seeking to impose certain sanctions on persons outside the armed forces was held not to be germane.⁽²⁰⁾ Generally, to a bill relating to relief for one class, an amendment seeking to include another class is not germane.⁽¹⁾ Accordingly, to a bill extending the benefits of a federal program to one class, an amendment to include other classes as recipients of such benefits is not germane.⁽²⁾

Bill Mandating Study of Pay Practices Within Civil Service—Amendment Extending Coverage to Impact on Wages in Other Jobs

§ 13.1 To a bill relating to a certain class of federal employees, an amendment to bring other classes of employees within the scope of the bill is not germane; thus, to a bill mandating a study of equitable pay practices within the federal civil service (defined as only those employees of executive agen-

²⁰. See §§ 13.11, 13.12, *infra*.

¹. See §§ 8.19, 8.24, *supra*.

². See § 39.18, *infra*.