

**bill being read for amendment by titles is its relationship to the title to which offered; even where the amendment would also have been germane to a previous title of a bill which has been passed in the reading, an amendment germane to the pending title is not subject to a point of order on the grounds that it indirectly affects, or is inconsistent with, an amendment adopted to a previous title.**

The proceedings of Sept. 5, 1980, relating to H.R. 7235, the Rail Act of 1980, are discussed in § 3.24, *supra*.

**§ 18.17 To a diverse title of a bill reforming the economic regulation of railroads being read for amendment by titles, entitled “railroad inter-carrier practices” but dealing also with bankruptcy and employee protection issues, an amendment addressing those issues as well as railroad rates and rate-making and including a provision requesting a study of the impact of possible tax law changes relating to railroads, was held germane even though portions of the amendment on rates indi-**

**rectly affected a previous title of the bill already perfected by amendment.**

The proceedings of Sept. 5, 1980, relating to H.R. 7235, the Rail Act of 1980, are discussed in § 3.24, *supra*.

### **§ 19. Amendment Adding New Section or Title to Bill**

The rule of germaneness does not require that an amendment offered as a separate section be germane to the preceding section of the bill; it may be sufficient that it is germane to the subject matter of as much of the bill as a whole as has been read,<sup>(9)</sup> or to the title to which offered.

To a bill being read for amendment by title, an amendment in the form of a new section within a title need not be germane to a specific section therein, it being sufficient that it be germane to the title as a whole.<sup>(10)</sup>

An amendment adding a new title to a bill being read for amendment by titles must be germane to the totality of titles considered up to that point.<sup>(11)</sup>

9. See § 19.11, *infra*.

10. 122 CONG. REC. 30476, 30477, 94th Cong. 2d Sess., Sept. 15, 1976, discussed in § 11, *supra*.

11. See, for example, the proceedings of Oct. 18, 1979, relating to H.R. 3000,

An amendment adding a new section to the end of a bill must be germane to the bill as amended.

Where a perfecting amendment adding a new section to a title is offered pending a vote on a motion to strike out the same title, the perfecting amendment must be germane to the text to which offered, not to the motion to strike out.<sup>(12)</sup>

On occasion, while holding an amendment not to be germane in the form in which offered, the Chair has indicated that the same amendment might be germane if offered as a new section.<sup>(13)</sup> Sometimes, moreover, an amendment which would be held not germane when offered to a particular title of a bill would be considered germane if offered as a new title.<sup>(14)</sup> And an amendment offered in the form of a new title in a bill may be germane to the bill even though the same amendment might be improper if offered as a substitute for another pending amendment.<sup>(15)</sup>

The general rule that an amendment must be germane to

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the Department of Energy Authorization Act for fiscal 1980 and 1981, discussed in § 10.7, *infra*.

**12.** See § 19.13, *infra*.

**13.** See § 18.15, *supra*.

**14.** See § 18.7, *supra*.

**15.** See § 21.11, *infra*.

the portion of the bill to which offered is limited by the proposition that an amendment in the form of a new section or paragraph need not necessarily be germane to the section or paragraph immediately preceding it.<sup>(16)</sup> Each precedent should be examined separately to determine the structure of the bill to which the new section or paragraph is offered. See, for example, the proceedings of June 19, 1939,<sup>(17)</sup> where an amendment offered as a new section to a tax bill (to a title dealing with transfers of securities), was held not germane, since there was already a section dealing with the subject matter to which the amendment would have been germane (in a preceding title) and this section had been passed in reading for amendment.

In reading a bill by sections in the Committee of the Whole, it is not in order except by unanimous consent to return to a section which has been passed.<sup>(18)</sup> On occasion, however, an amendment proposing a new section which, in effect, would modify a section previously read and passed, has been held to be germane to the bill and in order.<sup>(19)</sup>

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**16.** 8 Cannon's Precedents §§ Sec. 2932, 2935.

**17.** 84 CONG. REC. 7500, 7501, 76th Cong. 1st Sess.

**18.** See § 19.11, *infra*.

**19.** See § 19.11, *infra*.

An amendment may be germane at more than one place in a bill. Thus, where the first several sections of a bill pertain to one category within the subject under consideration, and the subsequent sections introduce other such categories, an amendment adding a further such category may be offered at either of two places: the point where, in the reading of the text, the sections dealing with the first category have been passed; or at the end of the text. An example may be found in the Record of the 91st Congress. The Committee of the Whole was considering a title of a bill<sup>(20)</sup> amending the rules of the House. The first several sections of the title related solely to the committee system, and the remainder of the sections broadened the scope of the title by amending other rules. The proponent of an amendment to the bill was desirous of withdrawing the amendment for the purpose of perfecting it with the understanding that it would be in order to offer the amendment at a later time. In response to a parliamentary inquiry, Chairman William H. Natcher, of Kentucky, indicated that a germane amendment in the form of a new section would be in order at the end of the title.<sup>(1)</sup>

20. H.R. 17654, Legislative Reorganization Act of 1970 (Committee on Rules).

1. See 116 CONG. REC. 26046, 91st Cong. 2d Sess., July 28, 1970 (parliamentary inquiry of Mr. Meeds).

### ***New Title: Test of Germaneness***

**§ 19.1 The test of germaneness of an amendment adding a new title to a bill is its relationship to the bill read, as perfected by amendments.**

The proceedings of Aug. 10, 1984, relating to H.R. 5640, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, are discussed in Sec. 4.10, *supra*.

### ***New Title at End of Bill: Test of Germaneness***

**§ 19.2 Where an amendment is in the form of a new title to be inserted at the end of the bill, the Chair, in determining its germaneness, must consider the relationship of the amendment to the bill as a whole and as modified by the Committee of the Whole.**

The proceedings of Oct. 8, 1985, during consideration of H.R. 2100, the Food Security Act of 1985, are discussed in Sec. 4.67, *supra*.

**§ 19.3 The germaneness of an amendment adding a new title at the end of a bill is determined by its relationship to the bill as a whole in its perfected form.**

The proceedings of July 11, 1985, during consideration of H.R.

1555, the International Security and Development Act of 1985, are discussed in Sec. 4.54, *supra*.

***New Title as Germane to Portion of Bill Already Read; Special Rule Making Certain Proposals in Order***

**§ 19.4 An amendment offered as a new title need not be germane to the immediately preceding title or to the next title not yet read, it being sufficient that the amendment is germane to that portion of the bill already read; and where a resolution providing for the consideration of a bill makes in order a specific amendment to the bill, such amendment may be offered as a new title, and it need not be germane to an existing title.**

In the 88th Congress, the Committee of the Whole was considering the Civil Rights Act of 1963,<sup>(2)</sup> pursuant to a resolution providing that certain specific proposals<sup>(3)</sup> would be in order as an amendment to the bill under consideration. Such proposals, relating to employment opportunities

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

3. The proposals were embodied in H.R. 980.

and economic advancement for Indians, were set forth in an amendment in the form of a new title to the bill.<sup>(4)</sup> The following exchange<sup>(5)</sup> concerned a point of order made against the amendment:

MR. [EMANUEL] CELLER [of New York]: . . . Mr. Chairman, enough has been read of the amendment to indicate that it is subject to a point of order, and I make the point of order that we have not completed the reading of the bill, therefore this is not the proper place to consider the amendment.

THE CHAIRMAN:<sup>(6)</sup> The Chair reminds the gentleman from New York that the amendment offered by the gentleman from South Dakota has been made in order by the resolution under which this bill is being considered. The gentleman is offering the amendment at this time, and the Chair would be impelled to hold that the amendment is in order.

MR. CELLER: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. CELLER: Mr. Chairman, would it be in order to offer this amendment to title VII, or must there be a new title read?

THE CHAIRMAN: The gentleman from South Dakota is offering his amendment as a new title VIII to the bill.

4. 110 CONG. REC. 2738, 2739, 88th Cong. 2d Sess., Feb. 10, 1964.

5. *Id.* at pp. 2739, 2740.

6. Eugene J. Keogh (N.Y.).

***Bill To Increase Supplies of Fossil Fuels and Promote Conversion to Coal—Amendment To Assist Industry in Liquefaction and Gasification of Coal***

**§ 19.5 To a bill designed to increase supplies of fossil fuels, and increase the use of domestic energy supplies other than petroleum through conversion to coal, and containing an entire title dealing with industrial conversion from oil and gas to coal, an amendment adding a new title providing government loans and other assistance to private industry for the construction and operation of facilities for the liquefaction and gasification of coal was held germane as within the scope of the bill.**

On Sept. 18, 1975,<sup>(7)</sup> the Committee of the Whole having under consideration the Energy Conservation and Oil Policy Act of 1975 (H.R. 7014), an amendment was offered to add a new title to the bill to which a point of order was raised and overruled. The proceedings were as follows:

MR. [TIM LEE] CARTER [of Kentucky]:  
Mr. Chairman, I offer an amendment in the form of a new title to title VIII.

7. 121 CONG. REC. 29338-41, 94th Cong. 1st Sess.

The Clerk read as follows:

Amendment offered by Mr. Carter: On page 356, line 6, insert the following new Title and renumber subsequent Titles accordingly:

**TITLE VIII—COAL GASIFICATION AND LIQUEFACTION DEVELOPMENT**

Sec. 801. (a) The Administrator shall establish a program of assistance to private industry for the construction and operation of one or more facilities for the liquefaction and gasification of coal. In order to effectuate such program, the Administrator may make loans and issue guarantees to any person for the purpose of engaging in the commercial operation of facilities designed for the liquefaction or gasification of coal.

(b)(1) For the purpose of making loans or issuing guarantees under this section, the Administrator shall consider (A) the technology to be used by the person to whom the loan or guarantee is made or issued, (B) the production expected, (C) reasonable prospect for repayment of the loans. . . .

Sec. 802. (a) The Administrator is authorized . . .

(3) Each lease shall further provide that the lessee shall have options to purchase the facilities at any time within ten years after the date of the respective lease at a price to be agreed upon by the parties. Each option shall be conditioned, however, upon the right of the Administrator within the ten-year term to offer the facilities for sale at public auction and the lessee shall be entitled to purchase the facilities if he meets the highest bona fide offer in excess of the agreed option price. In order that an offer may be considered bona fide, it shall be offered by a bidder who shall have been determined by the Administrator to be financially

and technically qualified to purchase and operate the facilities. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I raise a point of order that the amendment is not germane. . . .

The point of order is as follows: A reading of the amendment will show that under subsection 801(a), it would authorize a very large program of loans and grants for the construction and operation of facilities for the liquefaction and gasification of coal.

Nowhere else in the bill are there loans and grants, and nowhere else in the bill are there provisions for that kind of stimulus for the construction of facilities for the liquefaction or gasification of coal.

In addition to these loans and guarantees, the Administrator is vested with authority to guarantee performance of contracts of persons receiving loans from the administration for the purchase, construction, and acquisition of equipment and supplies necessary to construct and operate such a facility. This again, Mr. Chairman, is not within the purview of the bill.

In addition to this, construction plans and construction of facilities, further down under (d)(2), could be financed in whole or in part, including exploration and development.

In addition to this, the possibility of exemptions and exceptions from the air and water pollution laws are included under (c)(2)(d), or, rather, under paragraph (d).

To go along further, by no stretch of the imagination could my colleagues be anticipated to anticipate an amendment of this kind and character coming to this bill and relating to the air and

water pollution laws. Indeed the language is sufficiently broad to make this exempt from State statutes, as well as from Federal statutes, and that is a matter clearly not before the committee at this particular time. Then we have the question of compliance with Federal and State air pollution laws. . . .

In addition to this, under section 802(a)(3), the amendment provides for acquisition of private interests in all such facilities as may have heretofore been constructed or acquired relating to gasification of coal and other types of energy uses. Again this goes far beyond the scope and sweep of the bill before the committee.

Again, under section 802(b)(1), these facilities could then be leased or rented under conditions and terms as agreed on by and between the parties, apparently without regard to existing Federal statutes relating to the sale, leasing, or disposal of real estate, and that is a matter which is under the jurisdiction of other committees and which is the subject of control under other statutes not presently before the House and not mentioned or alluded to in the provisions of H.R. 7014 now before the committee. . . .

MR. [CLARENCE J.] BROWN [of Ohio]: As much as I am reluctant to do so, I would have to suggest to the chairman of the subcommittee that I think that the gentleman's amendment is germane.

I would like to cite the provisions of the purposes of the act, section 102. Item (3) in that section says, "to increase the supply of fossil fuels in the United States, through price incentives and production requirements."

The gentleman's amendment squares, it seems to me, specifically with that. As the gentleman from Kentucky (Mr. Carter) has pointed out, item (6) says "to increase the use of domestic energy supplies other than petroleum products and natural gas through conversion to the use of coal."

This would certainly encourage the use of coal.

Section 606 in the bill provides similar incentives to those provided by the amendment of the gentleman from Kentucky (Mr. Carter) for coal mines. Pollution requirements would not be overridden by the legislation or the legislative modification of the gentleman from Kentucky unless specified, that is, those existing pollution requirements would not be overridden unless they were specified in the amendment, and they are not specified in the amendment. They would, therefore, continue to apply.

It seems to me that the amendment of the gentleman from Kentucky specifically does encourage the development and use of additional fossil fuels by the various provisions in his amendment and that those provisions are in the bill and have been added by other amendments, and, therefore, would be germane to this legislation.

THE CHAIRMAN:<sup>(8)</sup> The Chair is ready to rule.

For substantially the reasons just outlined by the gentleman from Ohio (Mr. Brown), and in view of the fact that title III has several provisions going to the general issue of maximizing availability of energy supplies, including coal, and, as pointed out, title VI encourages industrial conver-

sion from oil and gas to coal, for example, by a similar loan guarantee mechanism as proposed in the amendment, the Chair finds that the amendment inserting a new title is germane to the bill under consideration and overrules the point of order.

***Energy Use and Conservation—  
Energy Used in Production of  
Beverage Containers***

**§ 19.6 A bill of several titles dealing generally with energy use and conservation and containing a title specifically dealing with efficiency of energy-using consumer products and requiring energy efficiency labeling of such products, was held sufficiently broad in scope to admit as germane an amendment in the form of a new title dealing with energy use in the production of certain non-energy consuming products (beverage containers) and incorporating the labeling requirements in the bill to demonstrate energy production requirements of such products.**

On Sept. 18, 1975,<sup>(9)</sup> it was demonstrated that the test of germaneness of an amendment adding a new title to a bill being read

8. Richard Bolling (Mo.).

9. 121 CONG. REC. 29322-25, 94th Cong. 1st Sess.

by titles is the relationship between the amendment and the bill as a whole. The proceedings during consideration of H.R. 7014<sup>(10)</sup> in the Committee of the Whole were as follows:

TITLE V—IMPROVING ENERGY EFFICIENCY OF CONSUMER PRODUCTS

PART A—AUTOMOBILE FUEL MILEAGE

Sec. 501. Definitions.

Sec. 502. Average fuel economy standards applicable to each manufacturer. . . .

PART B—ENERGY LABELING AND EFFICIENCY STANDARDS FOR CONSUMER PRODUCTS OTHER THAN AUTOMOBILES

Sec. 551. Definitions and coverage.

Sec. 552. Test procedures.

Sec. 553. Labeling.

Sec. 554. Energy efficiency standards. . . .

Mr. [JAMES M.] JEFFORDS [of Vermont]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jeffords: Page 331, after line 10, add the following:

TITLE VI—ENERGY LABELING AND EFFICIENCY STANDARDS FOR BEVERAGE CONTAINERS

DEFINITIONS AND COVERAGE

Sec. 601.—For purposes of this part—

(1) The term “beverage container” means a bottle, jar, can, or carton of

glass, plastic, or metal, or any combination thereof, used for packaging or marketing beer or any other malt beverage, mineral water, soda water, or a carbonated soft drink of any variety in liquid form which is intended for human consumption. . . .

(4) The term “energy efficiency” means the ratio (determined on a national basis) of: The capacity of the beverage container times the number of times it is likely to be filled, to the units of energy resources consumed in producing such container (including such container’s raw materials) and in delivering such container and its contents to the consumer.

The Commissioner, in determining the energy efficiency shall adjust any such determination to take into account the extent to which such containers are produced from recycled materials. . . .

LABELING

Sec. 603. The provisions of section 553, except paragraph (B) of subsection (a)(1), shall be applicable to beverage containers as defined in section 601. In addition, if the Commissioner determines that a beverage container achieves the energy efficiency target described in section 604, then no labeling requirement under this section may be promulgated or remain in effect with respect to such type. . . .

REQUIREMENTS OF MANUFACTURERS AND PRIVATE LABELERS

Sec. 605. The provisions of section 555 of this act with respect to consumer products to which a rule under section 553 applies shall be applicable to beverage containers as defined in section 601. . . .

Mr. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, the point of order [is] on the ground that the amendment is not germane to the bill before us. The amendment seeks to impose effi-

10. The Energy Conservation and Oil Policy Act of 1975.

ciency standards on the manufacture of beverage containers. There is nothing in the bill relating to beverage containers. The amendment seeks to change efficiency standards imposed upon beverage containers themselves. There is nothing in this bill relating to beverage containers.

Furthermore, Mr. Chairman, not only is the amendment not germane to the bill but it also fails because it is not germane to the bill as amended because as the Chairman recalls all references to the efficiency standards have been removed from the bill with respect to industrial processes. If the amendment were to be offered relating to efficiency in manufacturing processes, it more appropriately should have been offered in sections relating to efficiency in manufacturing.

Those have now been deleted, of course. The amendment is not germane because it comes too late in the bill, for that matter, after it has been considered and acted upon in the House.

The amendment is very, very complex, setting up standards for efficiency in a whole series of devices. With regard to the mechanism we are under, this efficiency is judged and it goes into a lengthy complex set of judgments that must be exercised by the administrators with regard to this efficiency; but dealing solely with the question of bottles and containers. As I pointed out, there is no reference in the bill to bottles and containers. For that reason, the amendment is not germane. . . .

MR. [CLARENCE J.] BROWN of Ohio: . . . In Cannon's Procedures of the House of Representatives, the rule of germaneness occurs at section 794. It

says that while the committee may report a bill embracing different subjects, it is not in order during the consideration of a bill to introduce a new subject. . . .

Mr. Chairman, the nature of the new subject in this legislation, it seems to me, is embraced in section 604 of the amendment as submitted by the gentleman from Vermont (Mr. Jeffords), in which we are not dealing with the set of standards of the operation of appliances as we were in the appliance section, or automobiles, as we were in the automobile standards section; but rather in the design of a nonenergy consuming product which the author of the amendment seeks to prohibit with reference to its possibilities of reuse. It gives the authority to the Secretary to prohibit a product on the basis of its design. So we are, in effect, impacting on the product with reference to the manufacture of the product in some mechanical or energy-consuming way. That, it seems to me, is a new direction or a new subject under the rule of germaneness, as opposed to the other approaches which the bill as reported out of the committee has taken. It is an area which I rather doubt comes under the purview of our committee, in that the purview of the committee relates to the consumption of energy as such and the licensing of that energy and the pricing of it and so forth. . . .

MR. [PHILLIP H.] HAYES of Indiana: Mr. Chairman, I simply wanted to add in regard to the standard . . . of looking to the fundamental purpose of an amendment in qualifying its germaneness, that this particular amendment would seek to add for the first time in the bill a class of product which does not in and of itself consume an average

annual per household energy factor, nor does it consume in and of itself energy at all. . . .

MR. JEFFORDS: Mr. Chairman, never have I had an opportunity to tell so many distinguished gentlemen that they are wrong at the same time. First, let us go back to the basics here. What are we concerned with when we talk about the germaneness? Let us look at the legislative manual.

The fundamental purpose of an amendment is that it must be germane to the fundamental purpose of the bill. What is the fundamental purpose?

Let us take a look at the title, "Energy Conservation and Oil Policy Act of 1975." Look what we are trying to do. We are trying to conserve energy. Let us take a look at title III, with its broad powers over the whole area of development of petroleum. There are tremendous powers over the whole industry in allocation, production, as to where the industry goes. . . .

Let us get to the argument made by many, and that is it is different because we are talking about energy consumed in the production of the consumer product rather than the consumer himself.

The FEA is not going to go around this country chasing after people with electric toothbrushes to see whether they brush properly or to see whether they are plugged in properly. They are going to go to the manufacturer and say, "You have a toothbrush here that has to have a certain energy efficiency improvement." So we are saying when the product is sold that particular beverage container must consume less than a certain amount of energy. It is identical in purpose. The bill does not

try to go out and nail the consumer. It gets to him by labeling. It says, "Here is a consumer product that uses less energy." My amendment will say, "Here is something that uses less energy." I see no difference whatsoever. Its basic purpose and fundamental purpose is the same as the bill, to conserve energy and conserve oil. How anybody can argue that this is not germane is impossible for me to see.

THE CHAIRMAN:<sup>(11)</sup> The Chair is ready to rule.

The gentleman from Indiana, the gentleman from Michigan, the gentleman from Ohio, and the gentleman from Texas have made points of order against the amendment offered by the gentleman from Vermont (Mr. Jeffords) on the ground that it is not germane to the bill.

The Chair would like to state that if the amendment had been offered to title V, the arguments of many of the gentlemen would have more significance.

The amendment offered would add a new title to the bill relating to energy conservation in the production of beverage containers.

The test of germaneness in such a situation is the relationship between the new title to be added by the amendment and the entire bill.

The Chair would state, initially, that he has reexamined the precedents contained in section 6.13 and section 6.19 of chapter 28 of Deschler's Procedure, wherein an amendment prohibiting the production of nonreturnable beverage containers was held not germane to the Energy Emergency Act, and finds that the situations are distinguishable.

11. Richard Bolling (Mo.).

As noted, the germaneness is dependent upon the relationship between the amendment in the form of a new title and the entire bill to which offered.

The 1973 bill was designed to regulate and promote the production, allocation, and conservation of energy resources and contained no reference to the production of consumer goods. In that context, the nonreturnable container amendment was not germane.

However, the bill now under consideration contains several diverse titles, all relating to use, consumption, availability, and conservation of energy.

The Chair notes specifically the provisions of title V relating to end use and energy consumption of certain consumer products.

The Chair, therefore, believes that the bill is sufficiently broad in scope to admit as germane an amendment in the form of a new title which is drafted in the form presented by incorporating by reference certain standards in the bill, and which relates to the conservation of energy by an industry engaged in the production of a consumer product, specifically, beverage containers.

The Chair, therefore, overrules the point of order.

***Bill Authorizing Participation in Inter-American Development Bank and African Development Fund and Addressing Policies Thereof—Amendment To Encourage Institutions in Bill To Promote Energy Measures***

**§ 19.7 To a bill authorizing appropriations for, and in-**

**creased United States participation in, the Inter-American Development Bank, the Asian Development Bank and the African Development Fund, which had been amended to include titles addressing export opportunity enhancement, human rights reporting and refugee assistance by such institutions, an amendment adding a new title to the bill directing the United States to encourage those institutions to promote and support energy production from renewable resources was held germane.**

As noted by the Chair in his ruling of Mar. 6, 1980,<sup>(12)</sup> the Committee of the Whole, during consideration of H.R. 3829, had adopted provisions either in the form of amendments or titles of the bill as reported, which stated in part as follows:<sup>(13)</sup>

Amendment offered by Mr. Wolff: Page 4, immediately after line 21, insert the following new section:

Sec. 202. The Asian Development Bank Act, as amended by Section 201 of this Act, is further amended by adding at the end thereof the following new section:

“Sec. 25(a)(1) Upon the establishment of a special refugee fund ad-

12. 126 CONG. REC. 4977, 96th Cong. 2d Sess.

13. *Id.* at pp. 4960, 4973.

ministered by the Asian Development Bank, the United States Governor of the Bank is authorized to contribute to that fund on behalf of the United States 25 percent of the total amount contributed by all countries to that fund, subject to the limitation contained in subsection (b) of this section. This special refugee fund shall assist regional developing member countries of the Bank impacted by service as sites for temporary asylum for refugees from South and Southeast Asia prior to their resettlement in third countries.

“(2) The special refugee fund should also be available to help any regional developing member country which may wish to formulate development plans for regions of that country which that country judges to be suitable for permanent resettlement of refugees from South and Southeast Asia. . . .

“(c)(1) The President shall encourage other countries to support the establishment of, and to contribute to, the special fund described in subsection (a) of this section.

“(2) In addition, the President shall encourage the World Bank and other appropriate multilateral development banks to establish funds similar to that described in subsection (a) of this section to aid in the permanent resettlement in third countries of refugees from South and Southeast Asia.” . . .

#### TITLE IV—EXPORT OPPORTUNITY ENHANCEMENT

Sec. 401. The Secretary of the Treasury shall instruct the United States Executive Directors of the Inter-American Development Bank, the Asian Development Bank and the African Development Fund to take all possible steps to assure that information relative to potential procurement opportunities for United States firms is expeditiously communicated to him/her, the Secretary of State and the Secretary of Com-

merce. Such information shall be disseminated as broadly as possible to both large and small business. . . .

#### TITLE V—HUMAN RIGHTS REPORTING

Sec. 501. Section 701 of an Act approved October 3, 1977 (Public Law 95-118; 91 Stat. 1069), is amended—

(1) in subsection (c)—

(A) by inserting “(1)” after “(c)”; and

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

“(2)(A) The Secretary of the Treasury shall report quarterly on all loans made by the institutions listed in subsection (a) to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. . . .”

#### An amendment was offered:

Amendment offered by Mr. Long of Maryland: Page 8, after line 25, insert the following new title:

#### TITLE VIII—USE OF RENEWABLE RESOURCES FOR ENERGY PRODUCTION

Sec. 701. The Congress hereby finds that—

(1) without an adequate supply of energy at affordable prices the world's poor will continue to be deprived of jobs, food, water, shelter and clothing, and poor countries will continue to be economically and politically unstable;

(2) dependence on increasingly expensive fossil fuel resources consumes too much of the capital available to poor countries with the result that funds are not available to meet the basic needs of poor people;

(3) in many developing countries the cost of large central generators and long distance electrical distribution makes it unlikely that rural energy by means of a national grid will

contribute to meeting the needs of poor people . . .

(7) recent initiatives by the international financial institutions to develop and utilize decentralized solar, hydro, biomass, geothermal and wind energy should be significantly expanded to make renewable energy resources increasingly available to the world's poor on a wide scale.

Sec. 702. (a) The United States Government, in connection with its voice and vote in the Inter-American Development Bank, the African Development Fund, and the Asian Development Bank, shall encourage such institutions—

(1) to promote the decentralized production of renewable energy;

(2) to identify renewable resources to produce energy in rural development projects and determine the feasibility of substituting them for systems using fossil fuel;

(3) to train personnel in developing technologies for getting energy from renewable resources;

(4) to support research into the use of renewable energy resources, including hydropower, biomass, solar photovoltaic and solar thermal;

(5) to create an information network to make available to policy makers the full range of energy choices;

(6) to broaden their energy planning, analyses and assessments so as to include consideration of the supply of, demand for, and possible uses of renewable energy resources;

(7) to encourage the international financial institutions to coordinate the work of the Agency for International Development and other aid organizations in supporting effective rural energy programs. . . .

(c) The Secretary of the Treasury in consultation with the Director of the International Development Cooperation Agency shall report to the Congress not later than six months after the date of enactment of this

Act and annually thereafter on the progress toward achieving the goals set forth in this title. . . .

THE CHAIRMAN:<sup>(14)</sup> Does the gentleman from Ohio (Mr. Stanton) insist on his point of order?

MR. [J. WILLIAM] STANTON [of Ohio]: I do, Mr. Chairman.

THE CHAIRMAN: The gentleman from Ohio will state his point of order.

MR. STANTON: Mr. Chairman, the amendment offered by the gentleman from Maryland (Mr. Long) goes far beyond the scope of the bill that we have under consideration this afternoon. In reading the amendment, in paragraph (7) on the second page, and in the last paragraph of the bill, it continually refers to, No. 1, Mr. Chairman, the duty of the Secretary of the Treasury in consultation with the Director of the International Development Corporation. That is not under the scope of this legislation here today. That is point No. 1.

No. 2, Mr. Chairman, what we have, as I understand it, is an authorizing legislation in dollars and cents for the Asian Development Bank, the African Development Fund, and so forth. This puts definite restrictions on what these particular agencies specifically should do with regard to energy. I would hate to have us start telling the Director of the African Development Fund, for example, that they should do something about synfuels or some particular goal that we have over in our country.

I think we should leave the operation and the scope of these things up to them. But I would say to the gentleman that I think certainly his lan-

14. Robert Duncan (Ore.).

guage would be absolutely appropriate in his committee, were foreign aid directly given to the Agency for International Development and we pay the full cost of that, and it should go.

That is my point of order, Mr. Chairman.

THE CHAIRMAN: The Chair understands the point of order to be made on germaneness, that the amendment goes beyond the scope of the bill.

MR. STANTON: That is correct. . . .

THE CHAIRMAN: The Chair is prepared to rule on the point of order based upon the germaneness of the amendment.

The Chair notes that the germaneness of the amendment must be applied from the perspective of the bill as it has been perfected by the committee up to the point at which the point of order is made. The Chair notes that title IV of the bill as reported dealing with the export opportunity enhancement, that title V of the committee amendment dealing with human rights reporting, and that the Wolff amendment dealing with a special refugee fund have all been adopted by the committee. In view of the expansion of the scope of the bill by the adoption of those amendments and the existence of title IV in the bill as reported, the Chair is constrained to rule that the amendment is germane and, therefore, overrules the point of order.

***Test of Germaneness of Amendment Adding New Section: Senate Provision Contained in Conference Report***

**§ 19.8 The test of the germaneness of that portion of a Sen-**

**ate amendment in the nature of a substitute adding a new section to a House bill is the relationship of that section to the subject of the House bill as a whole.**

On Mar. 26, 1975,<sup>(15)</sup> during consideration of a conference report on H.R. 2166 (Tax Reduction Act of 1975), it was held that to a House bill containing several sections amending diverse portions of the Internal Revenue Code to provide individual and business tax credits, a part of a Senate amendment in the nature of a substitute which added a new section relating to tax credits for new home purchases and amending a portion of the law amended by the House bill was germane:

CONFERENCE REPORT (H. REPT. 94-120)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 to provide for a refund of 1974 individual income taxes, to increase the low income allowance and the percentage standard deduction, to provide a credit for certain earned income, to increase the investment credit and the surtax exemption, and for other purposes, having met, after full and free conference, have agreed to recommend and do rec-

15. 121 CONG. REC. 8900, 8902, 8930, 8931, 94th Cong. 1st Sess.

commend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

**TITLE II—REDUCTIONS IN INDIVIDUAL INCOME TAXES . . .**

Sec. 208. Credit for purchase of new principal residence. . . .

**TITLE VI—TAXATION OF FOREIGN OIL AND GAS INCOME AND OTHER FOREIGN INCOME . . .**

Sec. 602. Taxation of earnings and profits of controlled foreign corporations and their shareholders. . . .

**TITLE VII—MISCELLANEOUS PROVISIONS**

Sec. 701. Certain unemployment compensation.

Sec. 702. Special payment to recipients of benefits under certain retirement and survivor benefit programs. . . .

Sec. 208. Credit for Purchase of New Principal Residence

“(a) Allowance of Credit.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowed) is amended by redesignating section 44 as section 45 and by inserting after section 43 the following new section:

**“SEC. 44. PURCHASE OF NEW PRINCIPAL RESIDENCE.**

“(a) General Rule.—In the case of an individual there is allowed, as a credit against the tax imposed by this chap-

ter for the taxable year, an amount equal to 5 percent of the purchase price of a new principal residence purchased or constructed by the taxpayer. . . .

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Speaker, I make a point of order against the conference report on the ground it contains matter which is in violation of provision 1, clause 7, of rule XVI. The nongermane matter I am specifically referring to is that section of the report dealing with the tax credit on sales of new homes. It appears in section 208 of the conference report, on page 14, as reported by the Committee on Conference. . . .

[A] careful scrutiny of the titles of the House bill, as it was sent to the Senate, shows many types of tax measures, but nothing relating to the sale of homes. This clearly is an addition of a very divergent nature to the bill and deals with the nonbusiness and nonpersonal type of credit. . . .

MR. [AL] ULLMAN [of Oregon]: Mr. Speaker, I would like to speak against the point of order.

Mr. Speaker, this is a very broad bill. It was a broadly based bill when it left this House to go to the other body. It has many diverse sections and many different kinds of tax treatments. It does deal with tax credits. It did deal with tax credits when it left the House, both for individuals and for corporations.

Mr. Speaker, it seems to me this falls totally within the purview of the bill as we passed it in the House and should be considered germane to the bill.

THE SPEAKER:<sup>(16)</sup> The Chair is ready to rule.

**16.** Carl Albert (Okla).

The gentleman from New York (Mr. Conable) makes the point of order against section 208 of the conference report on the bill H.R. 2166 on the ground that it would not have been germane to H.R. 2166 as passed by the House and is thus subject to the provisions of clause 4, rule XXVIII.

In passing upon any point of order against a portion of the Senate amendment in the nature of a substitute which the conferees have incorporated in their report, the Chair feels it is important to initially characterize the bill H.R. 2166 in the form as passed by the House. The House-passed bill contained four diverse titles, and contained amendments to diverse portions of the Internal Revenue Code of 1954. Title I of the House bill provided a refund of 1974 individual income taxes. Title II provided for reductions, including credits, in individual income taxes. Title III made several changes in business taxes, and title IV further affected business taxes by providing for the repeal of the percentage depletion for oil and gas.

The Senate amendment in the nature of a substitute contained provisions comparable to all four titles in the House-passed bill, and also contained a new title IV amending other portions of the Internal Revenue Code, making further amendments to the code with respect to tax changes affecting individuals and businesses, and a new title VI and title VII, relating to taxation of foreign and domestic oil and gas income and related income, and to the tax deferral and reinvestment period extension, respectively. The provision against which the gentleman makes the point of order was contained in section 205 of title II of

the Senate amendment in the nature of a substitute.

The Chair would call the attention of the House to the precedent contained in Cannon's VIII, section 3042, wherein the Committee of the Whole ruled that to a bill raising revenue by several diverse methods of taxation . . . an amendment in the form of a new section proposing an additional method of taxation—a tax on the undistributed profits of corporations—was held germane. The Chair would emphasize that the portion of the Senate amendment included in the conference report against which the point of order has been made was in the form of a new section to the House bill, and was not an amendment to a specific section of the House bill. As indicated in Deschler's Procedure, chapter 28, section 14.4, the test of germaneness in such a situation is the relationship between the new section or title and the subject matter of the bill as a whole.

The Chair would also point out that section 203 of the House bill, on page 10, amends the same portion of the code which this part of the conference report would amend.

For these reasons, the Chair holds that section 208 of the conference report is germane to the House-passed bill and overrules the point of order.

***New Section at End of Bill;  
Test of Germaneness***

**§ 19.9 The test of germaneness of an amendment adding a new section at the end of a bill is its relationship to the bill as a whole, as perfected by the Committee of the Whole.**

On Aug. 1, 1979,<sup>(17)</sup> during consideration of S. 1030<sup>(18)</sup> in the Committee of the Whole, Chairman Dante B. Fascell, of Florida, ruled that to a bill authorizing the imposition of rationing plans by the President to conserve energy, providing mechanisms to avoid energy marketing disruptions, and broadened by amendment to provide for monitoring of middle distillates and supplies of diesel oil, an amendment adding a new section to require a set-aside program to provide middle distillates for agricultural production was germane. The proceedings were as follows:

Amendment offered by Mr. [Thomas J.] Tauke [of Iowa]: Page 50, after line 2, insert the following new section:

MONITORING OF MIDDLE DISTILLATE  
SUPPLY AND DEMAND

Sec. 4. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall establish and maintain a data collection program for monitoring, at the refining, wholesale, and retail levels, the supply and demand levels of middle distillates on a monthly basis in each State.

(b) The program to be established under subsection (a) shall provide for—

(1) the prompt collection of relevant demand and supply data under the au-

thority available to the Secretary of Energy under other provisions of law;

(2) making such data available to the Congress, as well as to appropriate State agencies and the public in accordance with otherwise applicable law, beginning on the 5th day after the close of the month to which it pertains, together with projections of supply and demand levels for the then current month; and

(3) the review and adjustment of such data and projections not later than the 15th day after the initial availability of such data and projections under paragraph (2).

(c) For purposes of this section, the term "middle distillate" has the same meaning as given that term in section 211.51 of title 10, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(d) The program established under this section shall not prescribe, or have the effect of prescribing, margin controls or trigger prices for purposes of the reimposition of price requirements under section 12(f) of the Emergency Petroleum Allocation Act of 1973.

Redesignate the following sections accordingly.

After some debate, Mr. Tauke made a request, as follows, and the amendment was agreed to, as modified:<sup>(19)</sup>

MR. TAUKE: Mr. Chairman, I ask unanimous consent to modify my amendment as follows:

On line 16 strike "5th" and insert in lieu thereof "10th".

17. 125 CONG. REC. 21964-68, 96th Cong. 1st Sess.

18. Emergency Energy Conservation Act of 1979.

19. 125 CONG. REC. 21966, 96th Cong. 1st Sess.

THE CHAIRMAN: Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk will report the modification to the amendment.

The Clerk read as follows:

On line 16 strike "5th" and insert in lieu thereof "10th".

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Iowa [Mr. Tauke], as modified.

The amendment, as modified, was agreed to.

Thereafter, Mr. Tauke offered the following amendment:<sup>(20)</sup>

Amendment offered by Mr. Tauke: Page 50, after line 2, insert the following new section:

NATIONAL MIDDLE DISTILLATE SET-ASIDE PROGRAM FOR AGRICULTURAL PRODUCTION

Sec. 4. (a) Not later than 60 days after the date of the enactment of this Act, the President shall establish and maintain a national set-aside program to provide middle distillates for agricultural production.

(b) The program established under subsection (a) shall—

(1) be made effective only if the President finds that a shortage of middle distillates exists within the various regions of the United States generally, or within any specific region of the United States, and that shortage—

(A) has impaired or is likely to impair agricultural production; and

(B) has not been, or is not likely to be, alleviated by any State set-aside program or programs covering areas within that region;

(2) provide that, in regions in which such program is effective, prime suppliers of such fuel be required to set aside each month 1 percent of the amount of the middle distillates to be supplied during that month in that area;

(3) provide that amounts of fuel set aside under such program be directed to be supplied by such prime suppliers to applicants who the President determines would not otherwise have adequate supplies to meet requirements for agricultural production;

(4) provide that such prime suppliers may meet such responsibilities for supplying fuel either directly or through wholesale purchasers who resell fuel, but only in accordance with the requirements established under such program; and

(5) shall not supersede any State set-aside program for middle distillates established under the Emergency Petroleum Allocation Act of 1973.

(c) For purposes of this section—

(1) The term "agricultural production" has the meaning given it in section 211.51 of title 10, Code of Federal Regulations, as in effect on the date of the enactment of this section, and includes the transportation of agricultural products.

(2) The term "prime supplier", when used with respect to any middle distillate, means the supplier, or producer, which makes the first sale of the middle distillate into any region for consumption in that region.

(3) The term "middle distillate" has the same meaning as given that term in such section 211.51.

<sup>20</sup> *Id.* at p. 21967.

(4) The term "region" means any PAD district as such term is defined in such section 211.51. Redesignate the following sections accordingly.

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

Mr. Chairman, I insist upon my point of order.

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

MR. DINGELL: Mr. Chairman, the bill before us is a conservation bill. It deals with conservation of petroleum and petroleum products and energy. It deals also with rationing.

Mr. Chairman, if the chairman will observe the amendment before him, he will notice it creates a national middle distillate set-aside program for agricultural production. Now, Mr. Chairman, it is quite possible this is a highly desirable thing but that is not the question before the Chair. The question before the Chair is Does this bill deal with the set-aside of middle distillates or set-asides of other petroleum products?

The answer to that question is a resounding no. The legislation, S. 1030 before us, contains nothing relating to set-aside of petroleum products or matters relating to set-aside of petroleum products.

The members of the committee could not have reasonably expected set-aside amendments to be laid before them on the basis of the legislation which lies before us; so the purposes of the bill and the purposes of the amendment are quite different and distinct. I would, therefore, urge on the chair that this amendment is not germane.

I would further state that the proposal goes on to deal with a number of

set-aside matters which are not included in the proposal before us, but which are embodied in other statutes, such as the Emergency Petroleum Allocation act. The legislation deals with the term "agricultural production" as defined in section 211.51 of title X, which is not under the jurisdiction of the Commerce Committee.

The proposal deals with and defines the term prime supplier of middle distillate and the term defines a number of other matters which are not found in the legislation here.

As a matter of fact, it would convert the legislation before us from essentially a conservation program to an allocation program, something which would not be the intention of the committee, as opposed to a rationing program which was. . . .

MR. TAUKE: . . . Mr. Chairman, in this particular measure that we are considering, we have taken great pains during the past several hours to provide specific consideration for certain businesses that are part of our economy. We considered, for example, nursing homes and health institutions. We have considered with the last amendment of the gentleman from Michigan a whole host of other special businesses in this country. This is a special consideration for the agricultural industry.

In addition, I think it is appropriate to note that in this measure that the bill has been dealing with the allocation of fuels when supplies are scarce. That is what is the exact purpose of this amendment is, to deal with the allocation of fuels at a time when supplies are scarce.

So in view of both of those items, it occurs to me that it is appropriate that

this amendment be considered a part of this measure. . . .

MR. [CHARLES] PASHAYAN [Jr., of California]: The point of order, I believe, has something to do with the substance of the amendment as it relates to the bill. The point I am making is that although this is dealing with the set aside, that is only the form. The substance, in fact, relates to the bill, because it is the only way agriculture can be protected under the bill; whereas other businesses do not need set asides and that is the only way we can protect agriculture, so I do think it relates to the substance of the bill. . . .

MR. [CLARENCE J.] BROWN of Ohio: . . . Mr. Chairman, this bill before us deals with EPCA in the rationing section and adds a section on conservation.

Now, EPCA stands for the Emergency Energy Policy and Conservation Act. It is in the conservation parts of this bill that we have the Tauke amendment offered.

The Department of Energy regulations, based on the Emergency Energy Policy and Conservation Act, include those DOE regulations based on that act, include set aside programs for energy conservation or energy usage; so it seems to me that the amendment of the gentleman from Iowa is clearly germane in that he is dealing with set asides as a method of conservation, but from the standpoint of concern about the agricultural community and whether or not the agricultural community will have adequate energy to meet its needs in the interests of the society. . . .

MR. [RICHARD L.] OTTINGER [of New York] Mr. Chairman, I would like to be heard in favor of the point of order.

Mr. Chairman, I just would like to point out briefly that this is, unlike the other amendments we have had which deal with hospitals, nursing homes and the whole other host of special interests sought to be protected, those all sought to be protected under conservation plans that might be put forward under this bill and the limitation of Presidential powers to put forward such plans.

This amendment is quite different. It seeks to set up an allocation plan specifically to set aside certain amounts of fuel for agriculture.

Therefore, it seems to me quite different from anything else in this bill. It is unrelated and I believe it clearly is out of order. . . .

MR. BROWN of Ohio: . . . One other point that omitted my attention until the staff drew it to my attention, and it is that the very rationing part of this bill was added as an amendment to the basic legislation in the subcommittee. Therefore, making the legislation quite broad in its approach and for that reason of breadth and for the reason that we accepted that rationing amendment or that rationing portion as an amendment in the subcommittee, it seems to me that the offering of the gentleman from Iowa is very appropriate in the full House at this time.

THE CHAIRMAN: The Chairman is prepared to rule.

The Chair has examined the amendment offered by the gentleman from Iowa and considered the point of order as to its germaneness to the bill raised by the gentleman from Michigan.

The text of a new section in its relationship for germaneness is to the bill as read to this point and in that case

we have a bill at this point in which section 2 deals with rationing.

Section 3 deals with conservation and market disruption, specifically the purpose which the gentleman from Indiana pointed out on page 24 which establishes mechanisms to alleviate disruptions in gasoline and diesel oil markets; in addition to which, a new section 4 has been agreed to by the committee which provides for the monitoring of middle distillates and supply of diesel oil.

Therefore, the scope of the bill as read to this point is significantly broadened and it is now considerably more diverse than any one section thereof.

The Chair, therefore, overrules the point of order and holds that the amendment is germane.

**§ 19.10 To a bill containing diverse sections (1) continuing United States participation under the International Development Association Act; and (2) repealing existing law which prohibited United States citizens from holding gold, an amendment adding a new section at the end of the bill directing the United States representative to IDA to oppose loans to nations not party to a nuclear non-proliferation treaty was held in order as a germane restriction on authority contained in section 1 of the bill.**

On July 2, 1974,<sup>(1)</sup> during consideration of H.R. 15465<sup>(2)</sup> in the Committee of the Whole, the Chair overruled a point of order against an amendment, as indicated below:

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Long of Maryland: Page 2, immediately after line 20, insert the following:

Sec. 3. The International Development Association Act (22 U.S.C. 284 et seq.) is amended by inserting at the end thereof the following:

“Sec. 15. The United States Governor is authorized and directed to vote against any loan or other utilization of the funds of the Association for the benefit of any country which develops any nuclear explosive device, unless the country is or becomes a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483).”

Redesignate the succeeding section accordingly.

MR. [CHARLES W.] WHALEN [Jr., of Ohio]: Mr. Chairman, I raise a point of order against the amendment. . . . [T]he Chair has ruled that the amendment previously offered by the gentleman from New York (Mr. Biaggi) was out of order because it should have been offered during the committee's consideration of section 1 which deals directly with the International Development Association.

1. 120 CONG. REC. 22029, 93d Cong. 2d Sess.
2. The International Development Association Act.

Mr. Chairman, this is a very similar amendment to the one previously ruled out of order, except it creates a new section instead of amending an existing one.

This is an effort to thwart the Chair's earlier ruling. Therefore, Mr. Chairman, I insist upon my point of order.

THE CHAIRMAN:<sup>(3)</sup> Does the gentleman from Maryland care to be heard on the point of order?

MR. LONG of Maryland: I should respond by saying that the gentleman's objection is specious. The amendment is a genuine amendment. It fits in logically in the place that it is offered. I see no substance at all to the point of order.

THE CHAIRMAN: The Chair is prepared to rule on the point of order raised by the gentleman from Ohio.

The Chair would observe that when the gentleman from New York (Mr. Biaggi) offered his amendment it was ruled out of order because section 2 of the bill had already been read; but since the pending amendment is offered as a separate subsequent section, as a new section 3, the amendment is in order and the Chair overrules the point of order.

The gentleman from Maryland is recognized.

*Parliamentarian's Note:* An amendment in the form of a new section need not necessarily be germane to the preceding section of the bill, it being sufficient where the bill contains diverse subjects that the amendment re-

3. John Brademas (Ind.).

late to the portion of the bill as a whole which has been read.<sup>(4)</sup>

***New Section Offered as Qualification of Prior Section***

**§ 19.11 To a bill establishing rules for judicial interpretation of acts of Congress, an amendment proposing a new section limiting the application of a prior section of the bill was held to be germane.**

In the 86th Congress, a bill<sup>(5)</sup> was under consideration establishing rules of interpretation for federal courts involving the doctrine of federal preemption. The following exchange<sup>(6)</sup> concerned a proposed amendment, offered as a new section, having the effect of modifying a section of the bill previously read and passed:

MR. [EMANUEL] CELLER [of New York:] Mr. Chairman, I ask unanimous consent to go back to section 1. I have an amendment to section 1. . . .

MR. [EDWIN E.] WILLIS [of Louisiana]: Mr. Chairman, I object.

MR. CELLER: Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. Celler:  
On page 3, line 7, insert:

4. 8 Cannon's Precedents § 2935.
5. H.R. 3 (Committee on the Judiciary).
6. 105 CONG. REC. 11790, 86th Cong. 1st Sess., June 24, 1959.

“Sec. 3. Section 1 of this Act shall be applicable only to Acts of Congress hereafter enacted.” . . .

MR. WILLIS: Mr. Chairman, this bill is in two sections. Section 1 provides the broad rule of preemption, and section 2 is directed to the decision of the Supreme Court in the specific Nelson case.

This bill has been read in full; both sections 1 and 2 have been read. An amendment to section 1 is obviously not in order. The addition of section 3, proposed by the amendment offered by the gentleman from New York, is a complete circumvention of the rule because as drafted what does the language of section 3 do? It does one single, solitary thing, that is, to amend section 1. I therefore make the point of order that the amendment offered by the gentleman from New York is not in order and is in violation of the rules. It comes too late at this time. . . .

MR. CELLER: The gentleman from New York simply states that there are more ways than one to offer an amendment, and there is no reason why section 3 cannot be offered to amend any part of the bill. . . .

THE CHAIRMAN:<sup>(7)</sup> . . . The new section is merely a modification of a section already in the bill. The Chair therefore thinks it is germane and overrules the point of order.

**§ 19.12 To a bill providing rules for judicial interpretation of acts of Congress, an amendment qualifying a prior section of the bill by limiting the application of**

7. Clark W. Thompson (Tex.).

**the rules in certain areas of federal regulation was held to be germane.**

In the 86th Congress, a bill<sup>(8)</sup> was under consideration to provide rules for the judicial interpretation of acts of Congress. The following amendment, in the form of a new section, was offered as a qualification of a prior section of the bill:<sup>(9)</sup>

Amendment offered by Mr. [Harold R.] Collier [of Illinois]: On page 3, following line 6, add as section 3 the following: *Provided* however, That nothing . . . contained in this Act shall be construed as subjecting foods . . . or other articles distributed interstate in compliance with . . . requirements of Federal laws and regulations . . . to . . . additional requirements made by or under State laws or regulations.

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

MR. [GEORGE] MEADER [of Michigan]: Mr. Chairman, I make a point of order against the amendment. . . .

As I understand, the gentleman offers his amendment to page 3, line 6, which has to do with amending the title of the code.

Referring to the ruling of the Chair on a similar issue,<sup>(10)</sup> the

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

9. 105 CONG. REC. 11799, 86th Cong. 1st Sess., June 24, 1959.

10. See §21.20, *infra*, for discussion of that issue and the ruling thereon.

proponent of the amendment stated:

In my opinion the ruling of the Chair on the amendment offered by the gentleman from New York [Mr. Lindsay] as to its being in order and as to its propriety, would apply with equal force to this amendment which does nothing more than add as section 3 a clarification of the subject matter of section 1.

The Chairman,<sup>(11)</sup> in ruling on the point of order, stated:

Again, the Chair has only to rule on the question of the germaneness of the amendment. The Chair believes the amendment is germane and, therefore, overrules the point of order.

***Amendment Offered While Motion To Strike Pending***

**§ 19.13 To that title of a military procurement authorization bill permitting, in part, the Committee on Armed Services to utilize the services and information “of any government agency,” an amendment directing the Comptroller General to review defense contracts was held to be germane.**

In the 91st Congress, a bill<sup>(12)</sup> was under consideration comprising military procurement authorization for fiscal 1970. Subse-

11. Clark W. Thompson (Tex.).

12. H.R. 14000 (Committee on Armed Services).

quent to a motion offered by Mr. Samuel S. Stratton, of New York, to strike Title V of the bill,<sup>(13)</sup> the following amendment was offered to Title V:<sup>(14)</sup>

Amendment offered by Mr. [Andrew] Jacobs [Jr., of Indiana] to title V: On page 17, immediately after line 13 insert the following:

Sec. 505. (a) The Comptroller General of the United States . . . is authorized and directed . . . to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration . . . and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. . . .

A point of order was raised against the amendment, as follows:<sup>(15)</sup>

MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Chairman, I submit that this amendment is not germane because the amendment before embodied is to strike the section. How can you have an amendment to a section that is to be stricken?

The Chairman,<sup>(16)</sup> in ruling on the point of order, stated:

The Chair has gone through the precedents and has found that where

13. See 115 CONG. REC. 28454, 91st Cong. 1st Sess., Oct. 3, 1969.

14. *Id.* at pp. 28454, 28455.

15. *Id.* at p. 28455.

16. Daniel D. Rostenkowski (Ill.).

the Committee of the Whole has agreed that the further reading of a title of a bill is dispensed with and open to amendment at any point, a perfecting amendment adding a new section may be offered notwithstanding the fact that an amendment proposing to strike out the title is pending. Perfecting amendments to a title in a bill may be offered while there is pending a motion to strike out such title.

The Chairman then ruled that the amendment was germane to that part of the bill to which offered. The following exchange ensued:

MR. STRATTON: Mr. Chairman, a point of order. My recollection is that on a previous amendment, the Chair ruled it out of order because it brought in another agency.

THE CHAIRMAN: That was because the Whalen amendment was not germane to that title or section of the bill.

MR. STRATTON: Does not that same point lie against this amendment?

THE CHAIRMAN: The Chair has ruled that the Jacobs amendment is germane to title V.

***Scope of Bill Previously Broadened by Amendment***

**§ 19.14 To a bill establishing a commission to adjust salary levels of certain classes of government employees, broadened by amendment to include legislative employees, an amendment to restrict certain political activi-**

**ties of employees paid from Members' clerk-hire allowances was held to be germane.**

In the 91st Congress, a bill<sup>(17)</sup> was under consideration relating to salaries of government employees. The bill, as amended, included legislative employees. The following amendment was offered to the bill as a new section:<sup>(18)</sup>

Amendment offered by Mr. [William L.] Hungate [of Missouri]: . . . Any person paid from a clerk hire allowance of the House of Representatives who travels to a Congressional district in a State other than the State of the member by which he is employed for the purpose of influencing in any manner the outcome of a Congressional election, including any future Congressional election, shall be paid for only one-half the pay period during which the Clerk of the House is informed of the activities as provided in subsection (b) of this section.

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

MR. [WILLIAM L.] SCOTT [of Virginia]: Mr. Chairman, I make the point of order that the amendment is not germane to the bill that is being considered.

The Chairman,<sup>(19)</sup> in ruling on the point of order, stated:

- 17. H.R. 13000 (Committee on Post Office and Civil Service).
- 18. 115 CONG. REC. 29966, 91st Cong. 1st Sess., Oct. 14, 1969.
- 19. Charles M. Price (Ill.).

. . . The Chair would like to point out that the amendment offered by the gentleman from Arizona (Mr. Udall) that was adopted, goes to the point of clerk hire in the House and also in the Senate. The bill having been opened up on that subject by the adoption of that amendment, and since the amendment offered by the gentleman from Missouri [Mr. Hungate] also addresses itself to the matter of clerk hire in the House, the Chair holds that the amendment is germane and therefore overrules the point of order.

***Bill Addressing Agencies Regulation of Energy Conservation—Amendment To Prohibit Use of Fuel for School Busing***

**§ 19.15 The test of the germaneness of an amendment in the form of a new section to a title of a bill being read by titles is the relationship between the amendment and the pending title.**

On Sept. 17, 1975,<sup>(20)</sup> during consideration of a title of a bill<sup>(1)</sup> designed to enable agencies of the government to formulate policies of energy conservation, an amendment thereto prohibiting certain uses of fuel (for school busing) by any person and imposing criminal penalties for such use was held

20. 121 CONG. REC. 28925-27, 94th Cong. 1st Sess.

1. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

not germane to the fundamental purpose of the title.

MR. [JAMES M.] COLLINS of Texas: Mr. Chairman, I offer an amendment which has been printed in the Record.

The Clerk read as follows:

Amendment offered by Mr. Collins of Texas: Page 273, insert after line 4 the following new section:

ENERGY CONSERVATION THROUGH  
PROHIBITION OF UNNECESSARY  
TRANSPORTATION

Sec. 450. (a)(1) No person may use gasoline or diesel fuel for the transportation of any public school student to a school farther than the public school which is closest to his home offering educational courses for the grade level and course of study of the student and which is within the boundaries of the school attendance district wherein the student resides.

(2) Any person who violates subsection (1) of this section shall be fined not more than \$5,000 or imprisoned not more than one year, or both, for each violation of such subsection. . . .

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, I make a point of order against the amendment. . . .

[T]his is clearly beyond the scope of the matters that are dealt with in this title of the bill. It would very substantially introduce administrative duties that are not provided for in any way in the bill, and it is clearly beyond the jurisdiction of this committee. . . .

MR. COLLINS of Texas: Mr. Chairman, we have had a similar amendment in conservation bills before which have passed the House before, and in this particular bill. It comes in conjunction with sections on energy con-

servation through van pooling arrangements, through the use of car pools. It is an identical type of conservation measure as the limitation of limousines we discussed earlier, and the conservation of gasoline.

This is very much consistent because what we are talking about here in conservation, the unnecessary and unneeded uses of transportation. Also, we have the jurisdiction over the FEA, and it seems to me that we would be concerned with this. . . .

THE CHAIRMAN:<sup>(2)</sup> The gentleman from New York makes a point of order against the amendment offered by the gentleman from Texas (Mr. Collins) on grounds that it is not germane to title IV. The gentleman from Texas, in responding to the point of order, has cited certain amendments that have been adopted to the bill during debate, and the Chair is not clear as to whether he is talking only about this bill or about earlier bills.

MR. COLLINS OF TEXAS: Mr. Chairman, I understand that specifically this bill itself, in this particular bill itself on page 270, we have a section of this bill which says, "Energy Conservation Through Van Pooling Arrangements."

On page 271, we have a section called "Use of Carpools." We just adopted the Santini amendment, which is related to it. We talked about limousines. We have been talking about transportation and vehicles. Here we are talking about conservation, and we could conserve a great deal of gasoline and diesel fuel. . . .

MR. [JOHN D.] DINGELL [of Michigan]: . . . I would point out that the

bill before us relates to allocation of gasoline. It relates to the conservation of energy. But this amendment adds a criteria category and purpose to the bill which is above, apart and different from anything else found anywhere else in the bill, and that is a specific prohibition of the use of fuels for a particular purpose, which carries us beyond the purposes of the bill.

Again, Mr. Chairman, I would cite to the Chair that the nature of the amendment must be such as to notify the House that it might reasonably anticipate it and might be related for the purposes of which the bill is drawn.

Mr. Chairman, I might add further that the amendment adds criminal sections, imposing, for example, penalties on bus drivers of school buses, and goes well beyond the allocation powers or the conservation powers which are vested in the Federal Government, adding, essentially, a new criminal section of the bill which was not previously before us and which is not in the bill. . . .

MR. [M. G.] SNYDER [of Kentucky]: Mr. Chairman, I would like to call the attention of the Chair to title VI of the bill, particularly section 605, where we have a section that prohibits the use of natural gas as boiler fuel for the generation of electricity.

It would seem to me that here we have a similar type of fuel—gasoline—and the gentleman from Texas (Mr. Collins) by his amendment would prohibit the use of that fuel in transporting school children. . . .

MR. COLLINS of Texas: Mr. Chairman, there is one further thing I wish to say. We have talked about whether there were penalties or not provided in this bill.

2. Richard Bolling (Mo.).

In the bill itself, in previous sections, violations were set out and there were penalties of \$5,000. There are several sections in the FEA sections that provide for penalties. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The Chair would like to state at the outset that the point of order made by the gentleman from New York (Mr. Ottinger) against the amendment offered by the gentleman from Texas (Mr. Collins) is on the ground that the amendment is not germane to title IV, and we are in effect limited in our consideration to the matters contained in title IV.

As will be clear in the statement which the Chair will make, the ruling that the present occupant of the Chair made under seemingly similar circumstances on an earlier bill is different.

The amendment would prohibit the use by any person—and that is the key to the ruling of the Chair—of gasoline or diesel fuel for certain transportation of public school students, and would establish a criminal penalty for violation of the amendment's provisions. The Chair has noted the Chair's ruling, cited in Deschler's Procedure, chapter 28, section 26.9, that an amendment restricting the regulatory authority of the President, who was authorized by the bill to establish priorities among users of petroleum products, was germane where the amendment required the product so allocated be used only for certain transportation of public school students.

It appears to the Chair that the ruling on that occasion was specifically directed to the fact that the bill con-

ferred certain regulatory authority upon the President, and that the amendment placed a specific limitation and direction on the power so delegated. The amendment now in question does not address itself to the authority of an agency of Government, except in its last subsection relating to certain determinations by the Administrator of the Federal Energy Administration. But the direct thrust of the amendment is to prohibit certain uses of fuel by any person.

It is true that the title to which the amendment is offered deals with the subject of the conservation of energy, but the provisions of title IV address the goal of conservation through actions and encouragement by an agency of Government, not through prohibitions on the use of fuel by any person.

The Chair is unable to discover in title IV or in the basic act being amended criminal prohibitions applicable to any person using the fuel in a certain way.

The Chair, therefore, finds that the amendment is not germane to the fundamental purposes of the title to which offered and sustains the point of order.

***Bill To Protect Civil Rights—  
New Title To Establish Commission on Equal Job Opportunity Under Government Contracts***

**§ 19.16 To a bill having as its fundamental purpose the protection of political rights, an amendment in the form of a new title to establish a Commission on Equal Job**

**Opportunity Under Government Contracts was held to be an economic proposition and was ruled out as not germane.**

In the 86th Congress, a bill <sup>(3)</sup> was under consideration relating to enforcement of constitutional rights.

The following amendment was offered to the bill:<sup>(4)</sup>

Amendment offered by Mr. [Emanuel] Celler [of New York]: On page 12, after title V, insert the following new title VI and renumber the remaining titles and sections accordingly:

“TITLE VI

“COMMISSION ON EQUAL JOB OPPORTUNITY UNDER GOVERNMENT CONTRACTS

“Sec. 601. There is hereby created a Commission to be known as the ‘Commission on Equal Job Opportunity Under Government Contracts,’ hereinafter referred to as the Commission. . . .

“(b) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations . . . .’

A point of order was raised against the amendment, as follows:<sup>(5)</sup>

3. H.R. 8601 (Committee on the Judiciary).
4. 106 CONG. REC. 5477, 86th Cong. 2d Sess., Mar. 14, 1960.
5. *Id.* at p. 5478.

MR. [HOWARD W.] SMITH [of Virginia]: Mr. Chairman, I made the point of order that the amendment is not germane. It is not germane because it introduces to this legislation a subject entirely foreign to the bill, as reported by the committee. There is nothing in the bill relating to the subject of work discrimination. There is nothing in the bill which provides for the appointment of any other commission, and this sets up an entirely new commission and an entirely new bureau and is totally unrelated to all of the other provisions of the bill.

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

MR. CELLER: . . . Mr. Chairman, this amendment is offered to the bill as a new title. . . .

It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration within the meaning of this rule, and it is particularly difficult to do so when, as in the case of this bill under consideration, H.R. 8601, there are separate and distinct subjects which are touched upon in the five titles of the bill.

The subjects of the bill are, first, the obstruction of court orders; second, flight to avoid prosecution; third, preservation of Federal election records; fourth, the powers of the Civil Rights Commission; and, finally, fifth, the education of the children of members of the Armed Forces. It is logical, therefore, that the addition of a new subject as contained in this amendment is germane to the subject matter contained in the bill itself. In effect, adding one more stone to the necklace.

. . . In determining germaneness, one must look to the fundamental underlying purpose of the bill. Here there is no question that the fundamental purpose of the legislation under consideration is to provide means for the enforcement of constitutional rights called civil rights as well as for other purposes. This is the identical same purpose of the amendment. The subject matter of the amendment is to provide a remedy to enforce the right of a person to work without discrimination, a civil right, where a Government contract is involved. This is consistent with the purpose of each of the five titles contained in the bill.

We must keep in mind that this is not a narrow, single-purpose bill; but, on the contrary, this is a broad multi-purpose bill which has as its objective the enforcement of constitutionally guaranteed rights. . . .

In Cannon's Precedents, volume VIII, section 3010, we find:

To a bill including several propositions of the same class an amendment adding another proposition of that class is germane. . . .

The Chairman,<sup>(6)</sup> in ruling on the point of order, stated:<sup>(7)</sup>

The question of germaneness depends entirely on the basic purpose of the bill under consideration. The basic purpose of this bill is to preserve certain rights. True, it is, there are sections that relate to other subjects, but the basic purpose, the fundamental purpose, that the gentleman spoke about in the precedents he recited is

6. Francis E. Walter (Pa.).

7. 106 CONG. REC. 5479, 86th Cong. 2d Sess., Mar. 14, 1960.

the matter contained in the bill before us.

The pending amendment introduces an economic question of whether or not employment should be interfered with or affected through the enactment of legislation which it seems to the Chair is foreign to the purpose of the pending bill.

For that reason, the Chair is constrained to sustain the point of order. In the opinion of the Chair, this amendment does not introduce a subject matter that is in the same class as the legislation under consideration.

An appeal was taken from the decision of the Chairman:

MR. CELLER: Mr. Chairman, I most respectfully appeal from the ruling of the Chair.

THE CHAIRMAN: The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and on a division (demanded by Mr. Celler) there were—ayes 157, noes 67.

So the decision of the Chair stands as the judgment of the Committee. .

**—Amendment To Enfranchise Citizens of District of Columbia .**

**§ 19.17 To a bill to eliminate deprivation of the right to vote because of race or color, an amendment to enfranchise citizens of the District of Columbia was held to be not germane.**

In the 86th Congress, a bill <sup>(8)</sup> was under consideration relating

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

to political rights including voting rights. The following amendment was offered to the bill:<sup>(9)</sup>

Amendment offered by Mr. [Frank T.] Bow [of Ohio]: On page 12, after line 7, add a new title and insert:

Citizens of the District of Columbia eligible to vote for delegates to national conventions to political parties shall here have the right to vote for President and Vice President of the United States in the same manner and on the same dates as elections for President and Vice President are held in the various States.

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

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I make the point of order that the amendment is not germane; that it concerns rights to be granted to citizens of the District of Columbia in connection with presidential elections, which is a subject entirely separate and distinct from the general tenor and import and specific provisions of the bill itself. In any event, it is a constitutional amendment.

The Chairman,<sup>(10)</sup> in ruling on the point of order, stated:<sup>(11)</sup>

The Chair feels that the amendment offered by the gentleman from Ohio goes beyond the scope of the bill under consideration, the bill being confined

entirely to deprivation of the right to vote because of race or color. For that reason the point of order is sustained.

***Bill Authorizing Attorney General To Bring Proceedings To Prevent Abridgment of Civil Rights—Amendment To Permit Certain Proceedings Against Attorney General by Persons Affected***

**§ 19.18 To a bill authorizing the Attorney General to institute proceedings against persons engaged in, or about to engage in, acts abridging an individual's civil rights, an amendment to permit an individual to institute proceedings against the Attorney General upon belief that the Attorney General was about to institute such proceedings against him, was held to be germane.**

In the 84th Congress, a bill<sup>(12)</sup> was under consideration relating to the protection of civil rights of persons within the jurisdiction of the United States. The following amendment was offered to the bill:<sup>(13)</sup>

9. 106 CONG. REC. 6388, 86th Cong. 2d Sess., Mar. 23, 1960.  
10. Francis E. Walter (Pa.).  
11. 106 CONG. REC. 6389, 86th Cong. 2d Sess., Mar. 23, 1960.

12. H.R. 627 (Committee on the Judiciary).  
13. 102 CONG. REC. 13742, 13743, 84th Cong. 2d Sess., July 20, 1956.

Amendment offered by Mr. [Jamie L.] Whitten [of Mississippi]: On page 25, after line 6, insert a new section:

Fourth—subsection (a). Whenever any private individual believes the Attorney General or any representative of the Federal Government has engaged or is about to engage in any acts or practices authorized in this act, such private individual may institute for the real party in interest a civil action or other appropriate proceeding for redress, or preventive relief, including an application for a permanent or temporary injunction. . . .

The following exchange<sup>(14)</sup> concerned a point of order raised against the amendment:

MR. [KENNETH B.] KEATING [of New York]: Mr. Chairman, I make the point of order that the amendment is not germane. . . .

MR. WHITTEN: Mr. Chairman, this amendment which has been presented, would attempt to give to the people of the country somewhat the same rights that this act would give to the Attorney General. . . . Whenever a citizen saw that the Attorney General, or any representative of the Federal Government, was about to engage in any action, which would bring people into court as parties defendant, then that individual could go into a Federal court, with the Federal Government standing the cost so that at least such private individual would be in a position of equality before the court. . . .

This bill is broad enough to make this amendment germane, and I refer to its title as follows:

To provide means for further securing and protecting the civil rights

of persons within the jurisdiction of the United States. . . .

MR. KEATING: Mr. Chairman, I insist on my point of order.

Mr. Chairman, we are here seeking to amend section 1980 of the Revised Statutes. The first three sections provide for certain remedies in cases of interference with a United States officer in the performance of his duty. . . .

What the gentleman from Mississippi is seeking to do, as I read his amendment, is to give a cause of action to an individual against the Attorney General. Perhaps we should broaden, extend, or consider the statutes relating to the liability of a public official for not doing his duty, or going beyond the scope of his duty. These are statutes on our books having to do with the violation of duty by a public official and the right of those injured thereby. But that has nothing to do with legislation we are considering here today. Therefore, the amendment offered by the gentleman is not germane to the bill. . . .

THE CHAIRMAN:<sup>(15)</sup> The Chair has examined the language of the bill and also the language of the amendment and comes to the conclusion that the language of the amendment is merely a reversal of the medal of the language as appears in the bill and for that reason concludes that the amendment is germane and, therefore, overrules the point of order.

14. *Id.* at p. 13743.

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

***Defense Authorization Bill: Amendment Adding New Section Repealing Prohibition on Funds for Legal Officers' Training***

**§ 19.19 To a general authorization bill for the Department of Defense, an amendment adding a new section providing for legal training of armed forces officers at civilian institutions and for the repeal of legislation prohibiting such legal training, was held to be germane to the bill as a whole.**

In the 84th Congress, a bill<sup>(16)</sup> was under consideration which was intended in part to enact into permanent law certain provisions included at the time in the Department of Defense Appropriation Act and the Civil Functions Appropriation Act. The following amendment was offered to the bill:<sup>(17)</sup>

Amendment offered by Mr. [Craig] Hosmer [of California]: Page 13, line 23, add a new section 27, as follows:

Sec. 27. (a) The number of officers of the regular components of the Armed Forces detailed each year to commence training in law at civilian institutions shall not exceed the fol-

lowing numbers: Army, 15; Navy, 5; Air Force, 15; and Marine Corps, 10.

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

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order that this amendment is not germane to the bill. The bill relates to points of order. This is not an item that would have been subject under the rules of the House to a point of order. It is a provision whereby without other action by the House it would permit the Department to go ahead and spend money. It is an elaborating proposition, and it practically constitutes an appropriation. Under the circumstances it is not only not germane but it constitutes an appropriation by a committee not authorized by law to bring in such a proposition.

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

MR. HOSMER: Mr. Chairman, I realize that all the gentleman has said is true with regard to the former section 10, but this bill is for stated and other purposes. This subject is under the legislative cognizance of the Congress of the United States. Therefore, it is a subject that is cognizant with respect to this bill and therefore germane.

The Chairman,<sup>(18)</sup> without elaboration, ruled that the amendment was germane.

16. H.R. 7992 (Committee on Armed Services).

17. 102 CONG. REC. 13843, 84th Cong. 2d Sess., July 21, 1956.

18. Charles B. Deane (N.C.).

***Section of Bill Authorizing Military Construction—Amendment To Strike and Insert Provision Repealing Prohibition on Funds for Legal Officers' Training***

**§ 19.20 To that section of a bill authorizing certain minor military construction and repealing the monetary limitation on minor naval construction, a committee amendment striking that provision and inserting a provision for legal training of armed forces officers at civilian institutions and repealing legislation prohibiting use of funds for such legal training, was held to be not germane.**

The following exchange<sup>(19)</sup> in the 84th Congress took place during consideration of a bill<sup>(20)</sup> which sought to enact into permanent law certain provisions included at the time in the Department of Defense Appropriation Act and the Civil Functions Appropriation Act.

MR. [JOHN] TABER [of New York]: I make the point of order against the amendment to section 10 which reads as follows:

19. 102 CONG. REC. 13841, 84th Cong. 2d Sess., July 21, 1956.

20. H.R. 7992 (Committee on Armed Services).

On page 5, line 20, strike lines 20 through 25, inclusive, and on page 6, strike lines 1 through 6, inclusive, and insert the following:

Sec. 10. (a) The number of officers of the Regular components of the Armed Forces detailed each year to commence training in law at civilian institutions shall not exceed the following numbers: Army, 15; Navy, 5; Air Force, 15; and Marine Corps, 10.

(b) Section 623 of the Department of Defense Appropriation Act, 1956, approved July 13, 1955, is repealed—

On the ground that the amendment is not germane to the matter sought to be stricken. . . .

MR. [CARL] VINSON [of Georgia]: May I say to the gentleman that the Armed Services Committee has jurisdiction under the rules of the House over any legislation in this or any other form if it relates to the Department of Defense. This deals with certain specific statutes. It does not make any difference whether they originated in the Appropriations Committee or they are something new that we are writing in. We are well within our jurisdiction when we deal with this particular subject matter.

The Chairman,<sup>(1)</sup> without elaboration, sustained the point of order.

***Authorities of Department of Defense—Amendment Prohibiting Use of Lands for Defense Purposes Pending Study***

**§ 19.21 To a bill containing diverse provisions relating to**

1. Charles B. Deane (N.C.).

**authorities of the Department of Defense, an amendment adding a new title precluding that department from utilizing certain real property for deployment of a weapons system pending a study was held germane as confined solely to activities of the Defense Department and not extending to issues of the release of public lands through another department.**

On May 21, 1980,<sup>(2)</sup> during consideration of H.R. 6974<sup>(3)</sup> in the Committee of the Whole, Chairman Dan Rostenkowski, of Illinois, overruled a point of order in the circumstances described above:

MR. [DAVID D.] MARRIOTT [of Utah]:  
Mr. Chairman, I offer an amendment.  
The Clerk read as follows:

Amendment offered by Mr. Marriott:

**TITLE X—RESPONSE TO MX/MPS SYSTEM IMPACT BY THE SECRETARY OF DEFENSE**

Sec. 1000. The Secretary of Defense may not use any land made available for the deployment of any part of the MX/MPS system until the Secretary of Defense has provided Congress and the States affected by the system with the following—

(1) A report setting forth specific social, economic and environmental

impacts of the MX/MPS system on the people, lands, and resources affected, and detailing the amount of public land to be partially or completely closed to any or all public use, and setting forth any circumstances which would require the use of area security, rather than point security, for the system;

(2) A proposal outlining the methods of addressing the social, economic, and environmental impacts of the MX/MPS system so as to minimize the negative effects of such impacts, including specific steps that can be taken to eliminate delays in delivery of necessary impact aid funds to affected states, counties, and communities;

(3) A study of the feasibility of basing parts of the MX/MPS system in more than two States, so as to minimize the social, economic, and environmental impacts on any single State. . . .

MR. [RICHARD H.] ICHORD [of Missouri]: . . . I observe that the amendment applies to the MX-MPS system which is contained in title II and was fully debated by the committee.

The gentleman sets up a new title X applying solely to MX lands.

Mr. Chairman, I would raise a point of order against the amendment on two grounds. First, the amendment is not now in order as a separate title X. It should have been offered to title II.

The gentleman would have to ask unanimous consent to open up the MX issue.

Mr. Chairman, as a second ground, fully appreciating the good and honorable intentions of the highly esteemed gentleman from Utah in offering this amendment, I make the point of order that the amendment is not germane to the legislation under consideration today since this bill in even a remote

2. 126 CONG. REC. 11972, 11973, 96th Cong. 2d Sess.

3. The Department of Defense Authorization for fiscal 1981.

respect, Mr. Chairman, does not authorize the acquisition of public lands in any fashion, nor are the agencies of Government concerned nor the public lands within the jurisdiction of this bill.

If we examine the amendment, the gentleman deals strictly with three conditions for the withdrawal of land. Therefore, such an amendment would not properly find its place in H.R. 6974. In fact, Mr. Chairman, the law is such that if we make a withdrawal of land over 5,000 acres it has to be done by other legislation. I am constrained, even though appreciating the good intentions of the gentleman from Utah, to make the point of order that the amendment offered by the gentleman from Utah (Mr. Marriott) is not germane to the bill under the provisions of House rule XVI, clause 7. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The Chair observes that the gentleman from Utah (Mr. Marriott) has offered his amendment as a new title X, which is an amendment which must be germane to the bill as a whole and, the Chair feels that the amendment certainly relates to the bill, and that under the precedent a subject may be germane at more than one place in the bill.

The Chair also makes the observation that the amendment only addresses the authority of the Secretary of Defense to use any available lands for research on and deployment of the MX. Such an amendment is germane since it is not addressed to the question of the acquisition of public lands or the release of public lands by the Department of the Interior and since other

authorities of the Defense Department are contained in the bill. Therefore, the Chair overrules the point of order raised by the gentleman from Missouri.

***Bill Amending Universal Military Training and Service Act—New Section on Subject Not Covered in Bill or Act (Combat Pay)***

**§ 19.22 To a bill amending the Universal Military Training and Service Act, an amendment relating to additional pay for combat service for all of the armed forces was held to be not germane.**

In the 82d Congress, a bill<sup>(4)</sup> was under consideration amending the Universal Military Training and Service Act. The following amendment was offered to the bill:<sup>(5)</sup>

Amendment offered by Mr. [Olin E.] Teague [of Texas] to the amendment offered by Mr. [Graham A.] Barden [of North Carolina]: Page 20, after line 18, add a new section, as follows:

That members of the Army, Navy, Marine Corps, and Air Force entitled to receive basic pay shall in addition thereto be entitled to receive a special pay at the monthly rate of \$100 per month for officers and \$75 per month for enlisted persons for combat duty while actually engaged in combat. . . .

4. S. 1-1951 (Committee on Armed Services).
5. 97 CONG. REC. 3781, 82d Cong. 1st Sess., Apr. 12, 1951.

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

MR. [CARL] VINSON [of Georgia]: Mr. Chairman, I make the point of order that the amendment is not germane, as it relates to combat pay, and there is nothing in this bill or the Original Draft Act of 1948 dealing with the question of pay or combat pay at all.

The Chairman,<sup>(6)</sup> in ruling on the point of order, stated:<sup>(7)</sup>

The Chair invites attention to the fact that the amendment offered by the gentleman from Texas covers a subject matter which is not covered in the pending bill or in the act which is sought to be amended by the pending bill.

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

***Defense Production Act—New Title Amending Housing Act***

**§ 19.23 To the Defense Production Act of 1950, establishing a system of priorities and allocations for materials and facilities, an amendment proposing to amend the Housing and Rent Act of 1947 was held not germane.**

In the 81st Congress, during consideration of the Defense Pro-

6. Jere Cooper (Tenn.).  
7. 97 CONG. REC. 3783, 82d Cong. 1st Sess., Apr. 12, 1951.

duction Act of 1950,<sup>(8)</sup> the following amendment was offered:<sup>(9)</sup>

TITLE VII—RENT CONTROL

Sec. 501. Section 4(c) of the Housing and Rent Act of 1947, as amended, is amended by striking out "June 30, 1951" and inserting in lieu thereof, "June 30, 1952. . . ."

Sec. 508. Section 204(i) of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

(3) The Housing Expediter, upon recommendation of a local advisory board, or upon his own initiative, whenever in his judgment such action is necessary or proper in order to effectuate the purposes of this title or to promote national defense, may by regulation or order establish or reestablish maximum rents for any or all housing accommodations in any defense-rental area. . . .

In response to the point of order raised by Mr. Jesse P. Wolcott, of Michigan, that the amendment was not germane to the subject matter of the bill, the proponent of the amendment<sup>(10)</sup> stated:<sup>(11)</sup>

Mr. Chairman, this is a bill of controls. Certainly nothing could be more germane to such a bill than control over the prices that people can charge for housing. . . .

The Chairman,<sup>(12)</sup> in ruling on the point of order, stated:

- 8. H.R. 9176 (Committee on Banking and Currency).
- 9. 96 CONG. REC. 11751, 81st Cong. 2d Sess., Aug. 3, 1950.
- 10. Barratt O'Hara (Ill.).
- 11. 96 CONG. REC. 11752, 81st Cong. 2d Sess., Aug. 3, 1950.
- 12. Howard W. Smith (Va.).

The Chair has considered the amendment rather briefly. It seems to relate to a subject that is nowhere touched on in this present bill now before the Committee.

The Chair is constrained to rule . . . that the amendment is not germane to the pending substitute; therefore sustains the point of order.

***Bill as Amended Addressing Diverse Aspects of Foreign Policy, Foreign Aid and Trade—Amendment To Remove Sanctions Against Rhodesia Under Certain Conditions***

**§ 19.24 The test of germaneness of an amendment adding a new section at the end of a bill is its relationship to the entire bill as perfected; thus, where a bill authorizing foreign military assistance had been broadened in its scope by amendments relating to economic assistance to other nations, trade and other aspects of relations with the Soviet Union, matters of foreign policy with respect to human rights abroad, actions to be taken by various countries respecting their internal affairs in order to qualify for assistance from the United States, and issues pertaining to Congressional travel expenses,**

**an amendment to remove military and economic trade sanctions against Rhodesia under certain conditions was held germane to the bill as a whole in its perfected form.**

During consideration of H.R. 12514<sup>(13)</sup> in the Committee of the Whole on Aug. 2, 1978,<sup>(14)</sup> the Chair overruled a point of order against the following amendment:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. Bauman: On page 19, after line 20, insert the following new section:

Sec. 26. Section 533(d) of the Foreign Assistance Act of 1961 is amended by inserting the number "(1)" after the phrase "Section 533(d)" and by striking out the period at the end of the paragraph, inserting a semicolon, and adding the following:

"(d)(2) In furtherance of this section and the foreign policy interests of the United States, the government of the United States shall not enforce any sanctions against the government and people of Rhodesia before October 1, 1979, unless the President shall determine that (a) the transitional government of Rhodesia has not committed itself to negotiate in good faith at an all-parties conference held under international auspices on all relevant issues; and (b) the transitional government has made no definite plans for the hold-

13. The International Security Assistance Authorization, fiscal 1979.

14. 124 CONG. REC. 23936-38, 95th Cong. 2d Sess.

ing of free and fair elections including all population groups under recognized international observation. This section shall take effect upon enactment." . . .

MR. [CHARLES C.] DIGGS [Jr., of Michigan]: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Maryland on the question of the germaneness, clause 7 of House rule XVI.

An amendment of this nature is subject to two tests of germaneness. First, it has to be related to the subject matter under consideration; and second, the fundamental purpose of the amendment must be germane to the fundamental purpose of the bill. In my view, the gentleman's amendment fails both tests. With respect to the subject matter, as compared to the content of the amendment, we note that the amendment in no way really deals with grant military assistance or military training or foreign military sales or narcotics control assistance or economic assistance to Turkey or the various elements of the subject of this bill, H.R. 12514.

To the contrary, the fundamental purpose of the amendment is to lift existing economic trade sanctions against the Government of Rhodesia, an action not within the scope of the bill before us which has as its principal purpose the authorization of international security assistance programs for the fiscal year 1979.

In addition, the bill has other provisions which primarily relate to other kinds of bilateral U.S. assistance. It in no way addresses the issue of non-military trade or economic trade sanctions in general, nor does it seek to apply or to lift such sanctions against

any individual company, and it in no way addresses the issue of U.S. imports from any source. . . .

MR. BAUMAN: Mr. Chairman, the gentleman from Michigan (Mr. Diggs) has correctly stated the basic rule that applies to any amendment to be offered to a bill, and that is under rule XVI, clause 7, any amendment must be germane to the bill before the Committee of the Whole.

However, the relationship of the amendment to the bill to be judged is to the bill as modified by all actions of the Committee of the Whole. If one applies the fundamental purpose test to the bill now before us, it is easy, I think, for the Chair to determine that while the fundamental purpose of the legislation does deal with military assistance to foreign countries, the bill, both as reported by the committee and as modified by the Committee of the Whole, goes well beyond the scope of that single purpose, and the bill has been broadened by amendment to the point where this amendment is in order.

I refer the Chair first to the bill, as reported. On page 2, in section 3, we find an amendment to the Foreign Assistance Act of 1961 which deals with International Narcotics Control. The pertinent section under International Narcotics Control, section 481 of the 1961 act, does not deal with military assistance but with international trade in drugs which, while illicit, is certainly commercial in character. Under that section, section 481, of the 1961 act, the President is given the power to suspend "economic and military assistance furnished under this or any other act" if the countries involved in the drug trade do not in fact live up to the

standards set in the act. That is a commercial transaction over which the President has control.

I would refer the Chair further to the section of the bill dealing with assistance to Turkey, and that is on page 13 of the bill. Section 16 of the bill provides economic assistance to Turkey and not military assistance. It is conceded that this would have belonged in the previous economic aid authorization bill, but it was added to this bill, obviously broadening the scope of the bill at that point.

On the point of economic assistance to Turkey, I would refer to page 29 of the committee report, where it is stated that the specific economic aid given in the bill is under the International Development and Food Assistance Act, which, I believe, permits sales to foreign countries as well as outright grants. That is a commercial transaction and not a military assistance transaction.

I would call the attention of the Chair to an additional section of the bill, section 5, which allows assistance to police and other law enforcement agencies in foreign countries. On pages 14 and 15 of the report there are references to the section, as amended, which would affect principally commercial exports of munitions items. It requires reports of private commercial sales to be made to the State Department, and it transfers jurisdiction from the Commerce Department over this kind of commercial activity.

I refer the Chair to the Wolff amendment which was adopted today by the Committee of the Whole, a new section on page 19, line 20, in which the gentleman from New York offered an

amendment that requires that the President conduct a full review of U.S. policy toward the Soviet Union, and this review will cover but is not limited to subparagraph (3) on page 1, "what linkages do exist," and so on, including, "arms control negotiations, human rights issues, and economic and cultural exchanges." And, further, in subparagraph (10), "United States economic, technological, scientific and cultural relations. . . ."

It is the contention of the gentleman from Maryland that the amendment before the House is germane since it amends the 1961 act and the amendment covers not only commercial and economic sanctions against Rhodesia, but specifically also covers military and security sanctions against Rhodesia. . . .

THE CHAIRMAN:<sup>(15)</sup> . . . The Chair might point out that the amendment comes at the end of the bill. While the bill, when it was reported from the Committee on International Relations, was primarily confined to bilateral security assistance and related policies, this bill, as perfected in the Committee of the Whole, has been significantly broadened in scope, as well as subject matter.

The bill now deals with the use of funds for travel expenses of Members and employees of Congress, as well as matters relating to security and economic assistance to other nations, furnished by this country.

The bill also now addresses the full range of our relations with the Soviet Union, including all trade and economic matters, and contains broad statements of foreign policy in relation

15. Don Fuqua (Fla.).

to human rights abroad, relationships with Turkey, Greece, Cyprus, Chile, and Korea, and the actions which other countries must take in relation to their internal affairs in order to receive military or other assistance from the United States.

It therefore appears to the Chair that the amendment offered by the gentleman from Maryland is germane as a further direction on the use of our foreign assistance and on the operations of foreign relations, and for the reasons stated, the Chair overrules the point of order.

***Foreign Assistance—Commission To Administer All Foreign Aid***

**§ 19.25 To a bill authorizing appropriations for assistance to Greece and Turkey through the Reconstruction Finance Corporation, an amendment proposing the creation of a Foreign Funds Control Commission, which was to have control over funds proposed in the bill and over funds made available under other legislation, was held to be not germane.**

In the 80th Congress, a bill<sup>(16)</sup> was under consideration relating to assistance to Greece and Turkey. The following amendment was offered to the bill:<sup>(17)</sup>

16. H.R. 2616 (Committee on Foreign Affairs).

17. 93 CONG. REC. 4930, 80th Cong. 1st Sess., May 9, 1947.

Amendment offered by Mr. [Fred L.] Crawford [of Michigan]: On page 4, line 22, after the period, add a new section:

Sec. 3a. There is hereby created the Foreign Funds Control Commission, which shall be an independent agency of Government directly responsible to the Congress. . . .

1The Commission is hereby directed to administer all funds hereafter granted by the Treasury of the United States or previous grants if directed by the Congress to foreign countries, their nationals and agencies of whatever kind or nature.

In response to the point of order made by Mr. Charles A. Eaton, of New Jersey, that the amendment was not germane to the bill, the Chairman<sup>(18)</sup> stated:

. . . The amendment offered by the gentleman from Michigan proposes to create a Foreign Funds Control Commission, to be an independent agency of the Government and to have control not merely over the funds proposed to be authorized by the pending legislation but over funds that might be made available under other legislation. Consequently the Chair sustains the point of order and rules that the amendment is not germane.

***—Waiving Provisions of Other Laws***

**§ 19.26 To a bill amending the Foreign Assistance Act of 1961, providing new authorizations and policy declarations, an amendment to pro-**

18. Francis H. Case (S.D.).

**hibit use of any funds available notwithstanding any other law until the question of further assistance under the act had been approved in a national referendum was held to be not germane.**

During consideration of the Foreign Assistance Act of 1963,<sup>(19)</sup> the following amendment was offered:<sup>(20)</sup>

Sec. 310. The Foreign Assistance Act of 1961, is amended by adding at the end thereof the following new section:

Sec. 648. Notwithstanding any other provision of this or any other Act, none of the funds available to carry out the provisions of this Act, shall be expended until the following question be submitted to qualified electors in a National Referendum.

Shall the United States continue the Foreign Assistance Act of 1961, or any amendments thereto, subsequent to June 30, 1964?

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

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane to the foreign aid bill.

The following exchange<sup>(1)</sup> concerned a point of procedure:

19. H.R. 7885 (Committee on Foreign Affairs).

20. 109 CONG. REC. 15608, 88th Cong. 1st Sess., Aug. 22, 1963.

1. *Id.*

MR. [ROBERT J.] DOLE [of Kansas]: Mr. Chairman, is it not true that all points of order have been waived on this bill?

THE CHAIRMAN:<sup>(2)</sup> Under the rule, all points of order are waived as to the text of the bill, as reported by the committee. Points of order are not waived as to amendments that might be offered to the bill.

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

. . . The gentleman from Pennsylvania [Mr. Morgan] makes the point of order against the amendment on the ground that it is not germane to the bill before the Committee. The Chair is of the opinion that the amendment is not germane to the bill.

The point of order is sustained.

***Bill Establishing Silver Content of Certain Coins—Amendment To Limit Silver Exports. .***

**§ 19.27 To a bill establishing the silver content of certain coins, an amendment limiting the export of silver from the United States was held to be not germane.**

In the 89th Congress, a bill<sup>(3)</sup> was under consideration relating to coinage. The following amendment was offered to the bill:<sup>(4)</sup>

2. Wilbur D. Mills (Ark.).

3. H.R. 8926 (Committee on Banking and Currency).

4. 111 CONG. REC. 16839, 89th Cong. 1st Sess., July 14, 1965.

Amendment offered by Mr. (Ed) Reinecke [of California]: Page 5, immediately after line 13, insert the following new section:

“Sec. 107. During each of the first five fiscal years ending after the date of enactment of this Act, aggregate exports of silver from the United States shall be limited to an amount not exceeding the aggregate imports of silver during such year. . . . The policies set forth in section 2 of the Export Control Act of 1949 shall be deemed to include the limitation of exports of silver in accordance with this section.”

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

MR. [WRIGHT] PATMAN [of Texas]: Mr. Chairman, I make a point of order against the amendment. The amendment is not germane to this bill. It attempts to amend the Export Control Act, section 2, which is enforced by the Secretary of Commerce, and not connected with the Department of the Treasury. . . .

In defense of the amendment, the proponent stated as follows:<sup>(5)</sup>

. . . Mr. Chairman, it is pretty obvious that the reason we are discussing this legislation today is the extreme shortage of silver in the U.S. Treasury and any continued abuse or misuse of that silver will have an adverse effect on our coinage situation.

The Chairman,<sup>(6)</sup> in ruling on the point of order, stated:

. . . The Chair has had an opportunity to examine the amendment and

the bill. The Chair would call attention to the fact that the bill provides for the coinage of the United States and the amendment relates to exports, which is a foreign matter to the subject matter of the bill.

The Chair holds that the subject is not germane.

***Bill Extending Title of Agricultural Act Authorizing Secretary of Labor To Assist in Supplying Agricultural Workers From Mexico—Amendment Requiring Secretary of Agriculture To Prescribe Safety and Health Regulations for Such Workers***

**§ 19.28 To a bill extending Title V of the Agricultural Act of 1949, as amended, authorizing the Secretary of Labor to assist in supplying agricultural workers from Mexico, an amendment requiring the Secretary of Agriculture, after consultation with the Interstate Commerce Commission, to prescribe employer regulations for the adequate safety, health, and welfare of workers being transported, was held to be germane.**

In the 84th Congress, a bill<sup>(7)</sup> was under consideration amend-

5. *Id.*

6. Frank M. Karsten (Mo.).

7. H.R. 3822 (Committee on Agriculture).

ing title V of the Agriculture Act of 1949, as amended, by striking out the termination date. The following amendment was offered to the bill:<sup>(8)</sup>

Sec. 4. Title V of such act, as amended, is further amended by adding at the end thereof the following new section:

“Sec. 510. The Secretary of Agriculture, after consultation with the Interstate Commerce Commission, shall prescribe such regulations as may be necessary to require employers to provide adequately for the safety, health, and welfare of workers while they are being transported from reception centers to the places of their employment and returned from such places to reception centers after termination of employment. . . .”

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

MR. [EZEKIEL C.] GATHINGS [of Arkansas]: The amendment is not germane inasmuch as it calls for consultation by the Secretary of Agriculture with the Interstate Commerce Commission, and the Interstate Commerce Commission is not in anywise affected by this legislation. Furthermore, the Secretary of Agriculture does not administer this program; the program is administered by the Secretary of Labor. . . .

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

MR. [BYRON G.] ROGERS of Colorado: Mr. Chairman, I think it is very evi-

dent that the amendment itself only directs that the Secretary of Agriculture after consultation with the Interstate Commerce Commission shall prescribe such regulations as may be necessary. The fact is that this legislation is given to the Secretary of Agriculture for administration, and we leave it with him for that purpose with consultation merely a factor so that he may be assisted in proper regulations as far as they may be enforced by the Interstate Commerce Commission. . . .

The Chairman,<sup>(9)</sup> in ruling on the point of order, stated:

From a reading of the amendment it is apparent that all the actions are required of the Secretary of Agriculture; no specific action is required of the Interstate Commerce Commission.

The amendment attempts to change the provisions of the bill having to do with employee safety, health, and welfare; and it is quite clearly, in the opinion of the Chair, germane to the bill.

***Agricultural Commodities:  
Support and Storage Programs—Amendment To Impose Criminal Penalties Relating to Certain Fees Paid for Storage***

**§ 19.29 To an omnibus agricultural bill being considered by titles and containing a title relating to various commodity conservation, support, and storage programs, including conferral of court**

8. 101 CONG. REC. 10019, 84th Cong. 1st Sess., July 6, 1955.

9. Jamie L. Whitten (Miss.).

**jurisdiction over discrimination cases, an amendment in the form of a new section providing a criminal penalty for payment or receipt of gratuities “as an inducement for . . . storage of any . . . commodity in any warehouse . . .” was held germane to the title to which offered.**

The following exchange in the 87th Congress, which took place during consideration of the Food and Agricultural Bill of 1962,<sup>(10)</sup> concerned a point of order made by Mr. Harold D. Cooley, of North Carolina, against an amendment offered by Mr. Ross Bass, of Tennessee:<sup>(11)</sup>

MR. COOLEY: Mr. Chairman, I make the point of order against the amendment on the ground that it is not germane to the section to which it is offered. The section . . . provides no penalty for any violations of any section of the law. This amendment sets out a criminal offense . . . which is not related to . . . warehousing. . . .

THE CHAIRMAN:<sup>(12)</sup> The Chair would like to remind the gentleman . . . that the amendment is not to amend the section but to add a new section to title III. . . .

If the gentleman . . . will examine the feed grains program, title III in its

- 10. H.R. 12391 (Committee on Agriculture).
- 11. 108 CONG. REC. 14186, 87th Cong. 2d Sess., July 19, 1962.
- 12. Francis E. Walter (Pa.).

entirety, he will find many sections in existing law and also in the title which made the amendment germane to this title.

The Chair overrules the point of order.

***Appropriations for Flood Damage—Amendment To Create Federal Flood Claims Commission***

**§ 19.30 To a joint resolution making appropriations for rehabilitation of flood-stricken areas, an amendment creating a Federal Flood Claims Commission and providing for payment of indemnities for flood damage was held to be not germane.**

In the 82d Congress, a proposition was under consideration relating to aid for flood-stricken areas.<sup>(13)</sup> An amendment was offered as follows:<sup>(14)</sup>

Amendment offered by Mr. [Errett P.] Scrivner [of Kansas]: On page 1, line 6, add a new section entitled “Federal Flood Claims Commission,” and the following:

There is hereby created a Federal Flood Claims Commission, hereinafter referred to as the Commission, to be composed of the Director of Defense Mobilization, the Adminis-

- 13. H.J. Res. 341 (Committee on Appropriations).
- 14. 97 CONG. REC. 12647, 82d Cong. 1st Sess., Oct. 4, 1951.

trator of the Reconstruction Finance Corporation, and the Administrator of the Housing and Home Finance Agency, to direct and supervise under such regulations as it may adopt, the payment of claims for losses of tangible personal property suffered by individuals whose property was damaged by the floods of July 1951 in areas designated by the President as disaster flood areas; and local Federal flood claim boards in each county . . . to receive and process such claims.

No claim shall be considered for a minimum of less than \$300, and the maximum allowable to any one claimant shall be \$3,000; no claim shall be entertained from individuals found to be eligible to relief under any other of the provisions of this act. . . .

Mr. William F. Norrell, of Arkansas, reserved a point of order against the amendment, and Mr. Scrivner then discussed the amendment. Subsequently,<sup>(15)</sup> Mr. Jamie L. Whitten, of Mississippi, moved to strike the last word, and the following exchange took place:

MR. NORRELL: Mr. Chairman, I am willing to further reserve my point of order if I do not waive anything by permitting the gentleman from Mississippi to discuss the amendment.

. . .

THE CHAIRMAN:<sup>(16)</sup> It is not the practice of the House to reserve a point of order and then debate another amendment.

Thereafter, Mr. Norrell stated the point of order as follows:

15. *Id.* at p. 12648.

16. William M. Colmer (Miss.).

I make the point of order, Mr. Chairman, that the amendment is not germane to the pending House joint resolution; that it sets up a Claims Commission and establishes an indemnification for flood-control damages, and the House joint resolution does not do that. It is not germane to the pending resolution; either the paragraph or the entire resolution. There is nothing in it with reference to that.

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

The amendment offered by the gentleman from Kansas would set up a new commission. The general purposes of the amendment would be to bring about the payment of indemnities, a matter beyond the scope of the pending bill. Therefore, the point of order against this amendment would have to be sustained. . . .

***Bill Defining Jurisdiction of Courts and Regulating Recovery of Portal-to-Portal Pay—Amendment To Repeal Wages and Hours Provisions in Existing Law***

**§ 19.31 To a bill to define and limit the jurisdiction of the courts and regulate actions arising under certain laws, and particularly to regulate the recovery of portal-to-portal pay, an amendment proposing the repeal of the wages and hours provisions of the Fair Labor Standards Act of 1938 was held not germane.**

On Feb. 28, 1947, the following part of a bill<sup>(17)</sup> under consideration was read for amendment:<sup>(18)</sup>

Sec. 3. No action or proceeding . . . shall be maintained to the extent that such action is based upon failure of an employer to pay an employee for activities . . . engaged in by such employee other than those activities which at the time of such failure were required to be paid for either by custom or practice of such employer at the plant or other place of employment of such employee or by express agreement at the time in effect between such employer and such employee or his collective-bargaining representative.

An amendment was offered, as follows:

Amendment offered by Mr. [Sam] Hobbs [of Alabama]: On page 5, after section 2, insert a new section as follows:

Sec. 2½. The whole of section 6, the whole of section 7, and the whole of section 16(b), Public Law 718, of the Seventy-fifth Congress, are hereby repealed.

The following point of order was raised against the amendment:

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, I make a point of order against the amendment. It is not germane. It deals with sections of the Fair Labor Standards Act not within the scope of this bill.

The Chairman<sup>(19)</sup> without elaboration, sustained the point of order.

- 17. H.R. 2157 (Committee on the Judiciary).
- 18. 93 CONG. REC. 1564, 80th Cong. 1st Sess.
- 19. Thomas A. Jenkins (Ohio).

***Bill To Amend Interstate Commerce Act Regarding Status of Certain Carriers—Amendment Addressing Rates of All Common Carriers***

**§ 19.32 To a bill to amend the Interstate Commerce Act to clarify the status of freight forwarders and their relationship with “motor” common carriers, an amendment concerned with rates of all common carriers was held not germane.**

In the 81st Congress, during consideration of a bill<sup>(20)</sup> to amend the Interstate Commerce Act, the following amendment was offered:<sup>(1)</sup>

Amendment offered by Mr. [John E.] Rankin [of Mississippi]: Page 5, line 9, insert a new section to read as follows:

Sec. 4. It shall be unlawful for any carrier subject to this act, to charge or receive for the transportation of property from any point of origin to any point of destination compensation which is greater or less than the compensation charged or received by such carrier for the transportation of like kind of property from such point of destination to such point of origin.

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

- 20. H.R. 5967 (Committee on Interstate and Foreign Commerce).
- 1. 96 CONG. REC. 12011, 81st Cong. 2d Sess., Aug. 8, 1950.

MR. [ARTHUR G.] KLEIN [of New York]: Mr. Chairman, I make the point of order against the amendment that it is not germane; it deals with rates of common carriers and the bill has nothing whatever to do with rates.

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

MR. RANKIN: Mr. Chairman, what I am trying to say is that this is a transportation bill. It is a bill that affects transportation and it is brought in here by the committee that has that responsibility. . . .

The following exchange then occurred:<sup>(2)</sup>

THE CHAIRMAN:<sup>(3)</sup> Does the gentleman's amendment apply to freight forwarders or motor vehicles or what?

MR. RANKIN: Motor vehicles or railroads or any other common carriers. Anything that is affected by this bill would be included. The people would be protected under this amendment from this violent and unjust discrimination. . . .

MR. KLEIN: Mr. Chairman, may I point out to the Chairman that this bill refers to compensation of common carriers. In my opinion, the bill that is before the committee at this time simply governs payments between forwarders and motor carriers under contract and has nothing to do with compensation of any other kind of carrier. . . .

MR. [CHARLES A.] HALLECK [of Indiana]: . . . [T]he amendment, as I understand it . . . has to do with all

freight rates, all transportation rates, as covered under any title of the act. The legislation that is before us is limited specifically to freight forwarders and their utilization of transportation by motor carriers. . . .

The Chairman, in ruling on the point of order, stated:<sup>(4)</sup>

. . . The gentleman from Mississippi admits that the amendment applies to all common carriers. This bill deals exclusively with motor carriers. The Chair sustains the point of order.

***Bill Providing for Investigations by Civil Service Commission—Amendment Requiring Reports on Investigations Be Made Available to Congressional Committees***

**§ 19.33 To a bill to provide for certain investigations by the Civil Service Commission in lieu of the Federal Bureau of Investigation, an amendment providing that all findings, records, and reports on such investigations be made available to the committees of Congress upon request was held to be germane.**

In the 82d Congress, a bill<sup>(5)</sup> was under consideration relating to investigations by the Civil

4. 96 CONG. REC. 12012, 81st Cong. 2d Sess., Aug. 8, 1950.

5. S. 2077 (Committee on Post Office and Civil Service).

2. *Id.* at pp. 12011, 12012.

3. John McSweeney (Ohio).

Service Commission. The following amendment was offered to the bill:<sup>(6)</sup>

Amendment offered by Mr. [Frank T.] Bow [of Ohio]: After line 2 on page 5, add a new section to read as follows:

All findings, records, and reports made or compiled by the Civil Service Commission under this act shall be made available to the committees of the Congress upon the request of such committee.

Mr. Thomas J. Murray, of Tennessee, made a point of order against the amendment on the ground that it was not germane to the bill.<sup>(7)</sup> In defending the amendment, the proponent stated:

Mr. Chairman, I believe it is germane. In checking the bill itself, we find we are considering acts having to do with the control of atomic energy, assistance to Greece, the joint resolution providing for relief and assistance to people of countries devastated by war, and the reincorporation of the Institute of Inter-American Affairs, and many other such items. It seems to me from the bill itself in setting up this agency, Congress has a right at the same time to say that the records and findings of the committee that is being set up now should be made available to the committees of the Congress when the committee so requests.

The Chairman,<sup>(8)</sup> without elaboration, overruled the point of order.

6. 98 CONG. REC. 2127, 82d Cong. 2d Sess., Mar. 11, 1952.  
7. *Id.* at p. 2128.  
8. Aime J. Forand (R.I.).

***Section of Bill Providing for Assistance to States in Collecting Cigarette Taxes—New Section To Provide for Payment of Portion to Federal Treasury***

**§ 19.34 To that portion of a bill proposing to assist states in collecting sales and use taxes on cigarettes, an amendment providing that any state recovering taxes by virtue of the enforcement of such provisions should pay into the Treasury of the United States 10 percent of the taxes recovered was held not germane.**

In the 81st Congress, a bill<sup>(9)</sup> was under consideration which contained the following provisions:

Sec. 2. Any person selling or disposing of cigarettes in interstate commerce whereby such cigarettes are shipped to other than a distributor licensed by or located in a State taxing the sale or use of cigarettes shall, not later than the 10th day of each month, forward to the tobacco tax administrator of the State into which such shipment is made, a memorandum or a copy of the invoice covering each and every such shipment of cigarettes. . . .

The following amendment was offered to the bill:<sup>(10)</sup>

9. H.R. 195 (Committee on Ways and Means).  
10. 95 CONG. REC. 6365, 81st Cong. 1st Sess., May 17, 1949.

Amendment offered by Mr. [Earl] Chudoff [of Pennsylvania]: On page 3, at the end of the page add a new section, as follows:

Sec. 4. Any tax recovered by any State by virtue of the enforcement of this act shall pay into the Treasury of the United States a sum equal to 10 percent of all such taxes recovered.

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

MR. [JERE] COOPER [of Tennessee]: Mr. Chairman, I make the point of order against the amendment that it is not germane to this bill or any provision of the bill.

The Chairman,<sup>(11)</sup> in ruling on the point of order, stated:

The amendment offered by the gentleman from Pennsylvania adds a new section, section 4, which is, by its own language, legislation that is not germane to the bill in question. The point of order is sustained.

***Bill Amending Small Business Act—Senate Amendment Providing for Legal Fees for Parties Prevailing Against United States***

**§ 19.35 To a House bill narrowly amending the Small Business Act reported from the Committee on Small Business, a Senate amendment adding a new title pro-**

11. James W. Trimble (Ark.).

**viding for the payment of attorney fees and other court expenses to parties prevailing against the United States in court litigation and amending title 28 (within the jurisdiction of the Committee on the Judiciary) was held not germane (pending a motion to recede and concur in the Senate amendment with an amendment including such provisions, after the conference report on the bill had been ruled out of order).**

The proceedings of Oct. 1, 1980, relating to H.R. 5612 (addressing small business assistance and reimbursement for certain fees), are discussed in § 26.26, *infra*.

**§ 20. Amendment Striking Portion of Text of Bill or Amendment**

A proposal to strike out a portion of a text may be ruled out of order as not germane to the proposition under consideration. Generally, an amendment which, by striking out a portion of the text, changes the purpose and scope of the bill is not germane.<sup>(12)</sup> Thus, if the effect of an amendment striking out language is to alter the

12. See, for example, §§ 20.3, 20.4, *infra*.