Corps of Engineers is still a part of the amendment as the Chair views it.

Therefore, the Chair would have to sustain the point of order on the basis that it would still expand authorities which are not within the coverage of the bill.

§ 36. Amendment Repealing Existing Law to Bill Amending That Law

To a bill amending existing law in one particular,[20] or in a limited respect,[1] an amendment repealing the law is not germane. Thus, to a bill establishing a new office within a government department, an amendment to abolish the department is not germane.[2] Similarly, to an amendment proposing to amend existing law in some particulars, an amendment proposing to repeal the law in its entirety is not germane,[3] unless the proposition being amended changes law in a comprehensive and diverse way, in which case an amendment proposing repeal of the law may be germane.[4] And to a bill referring to certain provisions of existing law, an amendment repealing a portion of that law has been held not to be germane.[5]

Continuing Tax Exemptions for Property Used by Government—Amendment Repealing Other Exemptions

§ 36.1 To a bill to continue the tax-exempt status of certain property owned by others but used and occupied by government agencies or by the Red Cross, an amendment seeking to repeal the law granting tax exemptions with respect to property occupied by the Daughters of the American Revolution was held not to be germane.

In the 79th Congress, a bill[6] was under consideration which stated in part as follows:[7]

> Whereas in times of national stress it is necessary for the United States of America and its various instrumentalities to use and occupy additional space necessary for the proper execution of their enlarged functions: Therefore be it
>
> *Resolved, etc.,* That the use and occupancy of real property in the District of Columbia by any department, agency, or instrumentality of the United States of America, or by the American Red

20. See § 36.2, infra.
1. See § 42.43, infra.
2. *Id.*
3. See § 36.3, infra.
4. See 5 Hinds' Precedents § 5824.
5. See § 41.6, infra.
6. H.J. Res. 236 (Committee on the District of Columbia).
7. 91 Cong. Rec. 9911, 79th Cong. 1st Sess., Oct. 22, 1945.

Cross, on a basis which does not result in the receipt of rent or income to the owner thereof within the meaning of section 2 of the act of December 24, 1942 (56 Stat. 1089), shall not operate to terminate the tax exempt status of such property if exempted from taxation prior to such use and occupancy. . . .

The purpose of the bill was indicated as follows:

MR. [JENNINGS] RANDOLPH [of West Virginia]: . . . This is merely to correct a technicality. Although the District of Columbia Code exempts . . . property belonging to various institutions, associations, societies, etc., when the latter use and occupy their respective properties, the Commissioners of the District have held that when such institutions furnish space to the Government gratuitously the exemption ceases since such property is not then "used and occupied" by the owner to whom the exemption is granted. . . .

The following amendment was offered to the bill: (8)

Amendment offered by Mr. Biemiller: On page 2, following line 17, add a new section as follows:

That the property situated in square one hundred and seventy-three in the city of Washington, District of Columbia . . . occupied by the Daughters of the American Revolution, shall no longer be exempt from taxation, as heretofore provided [by law] and that the said exemption . . . is . . . repealed.

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

MR. RANDOLPH: Mr. Speaker, I make the point of order that the amendment is not germane to this legislation. We are only concerned in providing for the Red Cross in connection with conditions that arose during the war while a Government agency used the facilities rent free. Frankly, the gentleman from West Virginia will not allow this District of Columbia legislation to become involved in the subject matter of the amendment offered by the gentleman from Wisconsin. . . .

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

MR. [ANDREW J.] BIEMILLER [of Wisconsin]: On the point of order, Mr. Speaker, may I say that the bill deals with the question of tax-exempt property in the District of Columbia and furthermore deals with an organization which has been chartered by the Congress, the American Red Cross. My amendment deals with those same categories, tax-exempt property and an organization that has been chartered by the Congress of the United States.

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

This bill provides only for Government-chartered organizations that have given their facilities to the Government of the United States during the war period. The amendment offered by the gentleman from Wisconsin would make an absolute repeal of law on the statute books and therefore is not germane. The Chair sustains the point of order.

8. *Id.* at p. 9912.

9. Sam Rayburn (Tex.).

Bill Amending Law as to Transfer of Rice Acreage Allotments—Amendment To Repeal Law

§ 36.2 To a bill amending a single aspect of that agricultural law relating to the transfer of rice acreage allotments, an amendment to repeal the entire provision of law regulating such transfers was ruled out as not germane.

In the 88th Congress, a bill[10] was under consideration relating to the transfer of rice acreage allotments. An amendment as described above was offered by Mr. Paul Findley, of Illinois:[11]

Mr. Paul C. Jones, of Missouri, having raised the point of order that the amendment was not germane to the bill, Mr. Findley stated:

> Mr. Chairman, the title of the bill makes it clear that it is to amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the transfer of producer rice allotments. The amendment that I have offered simply changes the subsection which is a part of the section dealing with the transfer of producer rice acreage allotments.

The Chairman,[12] in ruling on the point of order, stated:

> According to section 2949, volume 8, Cannon's Precedents of the House of Representatives, I read:
>
> > To a bill amending a law in one particular, an amendment repealing the law is not germane.
>
> The Chair rules that the amendment is not germane.

Bill To Amend Reclamation Act: Amendment Striking Part of Section of Bill—Substitute Repealing Law

§ 36.3 To an amendment proposing to strike out part of a section of a bill, thereby amending existing law, a substitute proposing to strike out the entire section and to repeal the existing law is not germane.

In the 80th Congress, a bill[13] was under consideration amending certain provisions of the Reclamation Act of 1939. An amendment striking a specified part of the bill was offered by Mr. Ben F. Jensen, of Iowa,[14] who indicated that the purpose of the amendment was to insure that the Secretary of the Interior not be given

10. H.R. 3742 (Committee on Agriculture).
11. 110 CONG. REC. 423, 88th Cong. 2d Sess., Jan. 14, 1964.
12. Clifford Davis (Tenn.).
13. H.R. 2873 (Committee on Public Lands).
14. See 94 CONG. REC. 403, 80th Cong. 2d Sess., Jan. 21, 1948.

excessive authority with respect to undertaking certain construction projects. Mr. Gordon L. McDonough, of California, speaking in support of the amendment, discussed its purpose as follows:[15]

> . . . I want to read the section of the bill that this amendment will strike out, so that those who have any doubts about the authority that the Secretary of the Interior now has under the present Reclamation Act may understand what this amendment would do to correct that. The section that this amendment strikes out begins on line 11, page 6, and reads as follows:
>
> > If the proposed construction is found by the Secretary to have engineering feasibility and if the repayable and returnable allocations to irrigation, power, and municipal water supply or other miscellaneous purposes found by the Secretary to be proper pursuant to subdivisions (3), (4), (5), and (6) hereof, together with any allocation to flood control or navigation made under subsection (b) of this section, and together with any allocation made pursuant to subdivision (7) hereof, which shall be nonreimbursable and nonreturnable, equal the total estimated cost of construction as determined by the Secretary, then the new project, new division of a project, or supplemental works on a project, covered by his findings, shall be deemed authorized and may be undertaken by the Secretary.
>
> Evidently that is a repetition of what is now in the 1939 Reclamation Act as far as authority is concerned. This amendment amends that out and gives to the Congress the power to determine whether these projects shall be feasible and shall be initiated. . . .

The following exchange occurred with respect to the precise effect of the Jensen amendment:[16]

> MR. JENSEN: This amendment takes nothing away from the weight and effect of the present law, specifically referring to section 9 of the Reclamation Act. It leaves that intact but simply provides and assures us that no additional authorization and power will be given to the Secretary of the Interior to authorize more projects.
>
> MR. [FRANK A.] BARRETT [of Wyoming]: I am very much afraid that the gentleman is entirely mistaken because existing law provides for all of the elements that are outlined on page 6, from line 11 to the bottom of the page. That is in existing law at the present time and you are repealing it.

A substitute amendment was then offered, as follows:

> MR. [FOREST A.] HARNESS of Indiana: Mr. Chairman, I offer a substitute for the pending amendment.
>
> The Clerk read as follows:
>
> > Substitute amendment offered by Mr. Harness of Indiana to the amendment offered by Mr. Jensen: On page 4, line 15, to page 7, line 15, delete all and substitute "Section 9 (a) of the Reclamation Act of 1939 is hereby repealed."

The following proceedings then took place with respect to a question as to the propriety of the Harness amendment:

15. *Id.* at p. 404.

16. *Id.* at p. 405.

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

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

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

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

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

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

§ 37. Amendments to Bills Which Repeal Existing Law

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

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

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

National Labor Relations Act

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

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