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grounds that it constituted legislation. Acknowledging that legislative provisions in that portion of the bill itself were not subject to the point of order, because the House had adopted a resolution[15] waiving such points of order, the Member making the objection (George H. Mahon, of Texas) contended that the waiver pertained only to matter contained in the bill, not amendments to the bill. The Chairman, relying on the principle that a provision as to which points of order have been waived may be perfected by germane amendment, overruled the point of order. The proceedings were as follows:

> The Clerk read as follows:
>
> Amendment offered by Mr. [Jeffery] Cohelan of California: On page 62, line 3, add the following as a new section:
>
> "(c) The limitation set forth in subsection (a), as adjusted in accordance with the proviso to that subsection, shall be increased by an amount equal to the aggregate amount by which expenditures and net lending (budget outlays) for the fiscal year 1970 on account of items designated as "Open-ended programs and fixed costs" in the table appearing on page 16 of the Budget for the fiscal year 1970 may be in excess of the aggregate expenditures and net lending (budget outlays) estimated for those items in the April review of the 1970 budget."
>
> MR. [GEORGE H.] MAHON [of Texas]: Mr. Chairman, I make a point of order against the amendment in that it is legislation on an appropriation bill.
>
> Mr. Chairman, the rule pertaining to title IV only protects what is in the bill, not amendments to the bill.
>
> THE CHAIRMAN [Chet Holifield, of California]: The Chair is ready to rule.
>
> The Chair has examined title IV. This is a new subparagraph to title IV. Title IV is legislation in a general appropriation bill, and all points of order have been waived in title IV, as a result of it being legislation. Therefore the Chair holds that the amendment is germane to the provisions contained in title IV and overrules the point of order.

§ 16. Consent Calendar Bills

The rule requiring germaneness of amendments is applicable to amendments, including a committee amendment, to a Consent Calendar bill.[16]

Appointment of Additional Army Officers—Amendment To Establish Optometry Corps

§ 16.1 To a bill to provide for the appointment of additional commissioned officers in the regular army, a committee amendment providing

15. See H. Res. 414 at 115 CONG. REC. 13246, 91st Cong. 1st Sess., May 21, 1969, waiving points of order against Title IV of H.R. 11400.

16. See, for example, § 16.1, infra.

for the establishment of an Optometry Corps in the Medical Department of the Army was held to be not germane.

The following proceedings in the 79th Congress[17] related to a question of the germaneness of a committee amendment to the above-described Consent Calendar bill:

> The Clerk called the bill (H.R. 6817) to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes. . . .
>
> With the following committee amendment:
>
> After line 14, page 1, of the bill add the following:
>
> "Sec. 2. There is hereby established in the Medical Department of the Army, a corps to be known as the Optometry Corps. . . .
>
> "Sec. 3. To be eligible for appointment in the Optometry Corps, a candidate must be a graduate of a recognized optometry school or college approved by the Surgeon General.". . .
>
> MR. [W. STERLING] COLE of New York: Mr. Speaker, I make a point of order against the committee amendment on the ground that it is not germane to the bill.
>
> THE SPEAKER: The Chair holds that the point of order made by the gentleman from New York is well taken and sustains the point of order.

B. APPLICATION OF RULE TO PARTICULAR FORMS OF AMENDMENT OR PROPOSITION

§ 17. In General; Amendment to Special Rule; Amendment to Concurrent Resolution

The rule requiring germaneness of amendments has been applied to many forms of propositions having amendatory effect. Similar variety of application can be found with respect to the matter proposed to be amended.

The form in which an amendment is offered, or the form of the proposition to which it is offered, may affect the determination of whether the amendment is germane. Thus, whether an amendment adds a new title to a bill[18] or adds language to an existing title[19] may affect the determination of whether the amendment is germane.

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17. 92 CONG. REC. 9111, 9112, 79th Cong. 2d Sess., July 16, 1946. The Speaker was Sam Rayburn (Tex.); under consideration was H.R. 6817 (Committee on Military Affairs).

18. See Sec. 19, infra.

19. See § 19, infra.