

**§ 22. Committee Amendment**

Committee amendments in a bill occupy the same status as those offered from the floor, so far as being subject to the same points of order.<sup>(10)</sup> Thus, the rule of germaneness applies to committee amendments as well as those offered by individual Members.<sup>(11)</sup> Therefore, the rule of germaneness may be summarized as follows: While the committee may report a bill embracing different subjects, it is not in order during consideration of the bill to introduce a new subject and the rule applies to amendments offered by the committee<sup>(12)</sup> and during the markups in subcommittee and in full committee, as well as to amendments offered from the floor.

A committee amendment, whether or not in the nature of a substitute, should be germane to the bill as introduced. Of course, a resolution providing for consideration of the bill with the committee amendment may waive points of order against the committee amendment.<sup>(13)</sup>

**10.** For illustrative precedents on this point, see, for example, §§ 22.1 and 37.12, *infra*.

**11.** See, for example, §§ 3.41 and 12.8, *supra*.

**12.** See § 4.31, *supra*.

**13.** See § 45.2, *infra*.

The rule requiring germaneness of amendments has been applied with respect to a committee amendment to a Consent Calendar bill.<sup>(14)</sup>

***Authority of Secretary of Navy Respecting Construction for Shore Activities—Amendment To Amend Surplus Property Act***

**§ 22.1 To a bill giving the Secretary of the Navy certain authority with respect to the construction of public works designed to promote specified naval shore activities, a committee amendment seeking to amend the Surplus Property Act to require title to all ships, boats, barges and floating drydocks of the Navy to remain in the Navy was held not germane.**

In the 79th Congress, a bill<sup>(15)</sup> was under consideration which provided in part as follows:<sup>(16)</sup>

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to establish . . . the following naval shore activities by the construction of such temporary or permanent public works as he may consider nec-

**14.** See § 16.1, *supra*.

**15.** H.R. 626 (Committee on Naval Affairs).

**16.** See 91 CONG. REC. 305, 306, 79th Cong. 1st Sess., Jan. 17, 1945.

essary, including buildings, facilities, accessories, and services . . . with approximate costs as indicated: Ship repair and laying-up facilities, \$230,222,000; fleet training facilities, amphibious and operational, \$12,000,000; aviation facilities, \$74,500,000; storage facilities, \$19,950,000 (and the like). . . .

A committee amendment was read, stating:<sup>(17)</sup>

Add a new section as follows:

Sec. 4. Notwithstanding any provisions of the Surplus Property Act of 1944, and of the act approved March 11, 1941 (55 Stat. 31, as amended, title to all ships, boats, barges, and floating drydocks of the Navy Department shall remain in the United States; and possession thereof shall remain in the Navy Department and none of the foregoing shall be disposed of in any manner: *Provided* That lease thereof may be made in accordance with such act of March 11, 1941, as amended, for periods not beyond the termination of the present war.

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

MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Chairman, I make a point of order against section 4 on the ground that it is not germane to the bill.

. . . May I say that the original bill is an authorization bill to establish or develop naval shore activities by the construction of such temporary or public works as may be considered necessary, and so forth.

Section 4, an amendment, has absolutely nothing to do with that. Section

4 amends the Surplus Property Act, which does not enter into the original bill at all. In adding section 4 it is sought to have the Navy retain title to every type of ship, boat, barge, or floating drydock that is now in possession of the Navy Department, and I submit that is not germane to the original bill and is, therefore, subject to a point of order.

The following exchange<sup>(18)</sup> also concerned the point of order:

MR. [CARL] VINSON [of Georgia]: Mr. Chairman, one of the objectives of this bill is to provide facilities for inactive ships. There would be no justification to dispose of these ships, then provide facilities for inactive ships. . . .

What we are seeking to do is to utilize the facilities by not disposing of ships; otherwise it would be probably a waste of public money if we go ahead and dispose of the ships, then turn around and provide facilities for inactive ships. . . .

MR. [W. STERLING] COLE [of New York]: . . . It seems to me there is a proper relationship between the construction of a shore establishment necessary for the operation of a ship and the disposal or the conduct of the ship itself. . . .

MR. [WILLIAM M.] WHITTINGTON [of Mississippi]: . . . I remind the Chair that this is an amendment. It is a committee amendment, true, but it has no higher privilege and is entitled to no greater weight than if it were an amendment proposed on the floor by the committee or by any member of the Committee of the Whole. Inasmuch as this amendment definitely is not ger-

17. *Id.* at p. 308.

18. *Id.* at pp. 308, 309.

mane to the bill under consideration which provides for construction . . . and inasmuch as this amendment is not a limitation for the repairs and for shore facilities and for the housing authorized in this bill, but is an amendment to the general law covering all ships . . . and floating drydocks of the Navy Department, applying to property that is covered by two acts heretofore passed by the Congress . . . I submit that the amendment is not germane to the bill under consideration. . . . The bill provides for construction—the amendment prevents disposal of other types and classes of property. . . .

MR. [EARL C.] MICHENER [of Michigan]: Mr. Chairman, the question of germaneness to me is not important when a bill is drafted by the committee if the matter included in the committee draft has to do with the subject matter over which the committee has jurisdiction. . . .

My view is that when a Member introduces a bill and it goes before a committee it becomes a committee bill when the committee reports it out, and that an individual by introducing a bill and referring it to a committee cannot prevent the committee from adding to the bill anything over which the committee has jurisdiction. . . .

The Chairman,<sup>(19)</sup> in ruling on the point of order, stated:<sup>(20)</sup>

. . . The gentleman from Missouri [Mr. Cochran] makes the point of order against the committee amendment, which provides that title to all ships,

boats, barges, and floating drydocks of the Navy Department shall remain in the United States, on the ground that it is not germane to the bill. This amendment, although a committee amendment, occupies the same position with respect to the rule of germaneness as an amendment offered from the floor.

The Chair has carefully read the bill. It is the opinion of the Chair that the substance of this bill relates solely to the construction of public works. It would be rather futile to argue that this amendment comes within the rule of germaneness because if the argument of those opposing the point of order were sustained any amendment proposing a change in any other activity of the Navy Department could also be considered as germane. Therefore the Chair sustains the point of order made by the gentleman from Missouri.

### **§23. Instructions in Motion To Commit or Re-commit**

An amendment incorporated in a motion to recommit with instructions must be germane to the bill sought to be amended.<sup>(1)</sup> Thus, it is not in order to propose, as part of a motion to recommit, any proposition which would not be germane if proposed as an amendment to the bill.<sup>(2)</sup>

On Mar. 22, 1949, when the reading of the engrossed copy of a

19. A.S. Mike Monroney (Okla.).

20. See 91 CONG. REC. 309, 310, 79th Cong. 1st Sess., Jan. 17, 1945.

1. See §§23.7 and 23.10, *infra*.

2. See §23.3, *infra*.