

Germaneness of Amendments

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- 5 Hinds §§ 5801–5924
- 8 Cannon §§ 2908–3064
- 10, 11 Deschler-Brown Ch 28
- Manual §§ 467, 794–800

A. Generally

§ 1. Introduction

Evolution of Rule

It is a fundamental rule of the House that a germane relationship must exist between an amendment and the matter sought to be amended. No such rule existed under the practice of the early common law nor under rules of Parliament. A legislative assembly could by an amendment change the entire character of any bill or other pending proposition. It might entirely displace the original subject under consideration, and in its stead adopt one wholly foreign to it, both in form and in substance. 5 Hinds § 5825.

The House adopted its first germaneness rule in 1789, amended it in 1822, and has adopted the rule in every Congress since that date. Today the rule states that no motion or proposition on a “subject different from

that under consideration shall be admitted under color of amendment.” Rule XVI clause 7. *Manual* § 794. Most state legislatures also have germaneness requirements. The purpose of the rule is to maintain an orderly legislative process, and to prevent hasty and ill-considered legislation. It prevents the presentation to the House of propositions that might not reasonably be anticipated, and for which it might not be properly prepared. 8 Cannon § 2993.

It should be noted at the outset that the germaneness rule, however important it may be to the legislative process, is not self-enforcing. It is deemed waived if no Member raises a point of order against it; and the rule is frequently waived through the adoption by the House of a special rule from the Committee on Rules. § 37, *infra*.

Application of Rule as Limited to Amendments

The germaneness rule applies to amendments to a bill and not to the relationship between the various propositions set forth within the bill itself. 5 Hinds § 6929. Deschler-Brown Ch 28 § 1. While a committee may report a bill embracing different subjects, it is not in order during consideration of a bill to introduce a new subject by way of amendment. 5 Hinds § 5825. A point of order will not lie that an appropriation in a general appropriation bill is not germane to the rest of the bill. 88–1, Dec. 16, 1963, p 24753.

Application Prior to Adoption of Rules

The germaneness requirement has been held applicable in the House even prior to the adoption of the rules under a theory of general parliamentary law based upon precedent. An amendment offered prior to the adoption of the rules may be subject to a point of order if it is not germane to the proposition to which offered. 91–1, Jan. 3, 1969, p 23.

§ 2. Germaneness Defined; Factors To Be Considered

In General

When it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that the amendment is on a “subject different” from that under consideration. This is the test of admissibility prescribed by the express language of Rule XVI clause 7.

For an amendment to be germane it must be one that would appropriately be considered in connection with the bill. 8 Cannon § 2993. The concept implies more than the mere “relevance” of one subject to another. It is frequently stated that the fact that two subjects are related does not necessarily render them germane to each other. 8 Cannon §§ 2970, 2971, 2995; 82–1, May 24, 1951, p 5832. The germaneness of an amendment may

depend, for example, on the relative scope of the amendment as compared with that of the proposition sought to be amended. A proposition of narrow or limited scope may not be amended by a proposition of a more general nature, though both propositions are related to each other. § 10, *infra*. To a bill authorizing emergency loans to livestock producers, an amendment changing the word “livestock” to “agricultural” was held to broaden the class of producers covered by the bill and, therefore, not germane. Deschler-Brown Ch 28 § 9.27.

Factors Considered in Determining Germaneness

In evaluating an amendment to determine its germaneness, the Chair considers the relationship of the amendment to the pending text, as perfected (90–2, July 23, 1968, p 22789), and not the relationship between the amendment and an existing statute which the pending bill seeks to amend (90–1, Oct. 11, 1967, p 28649) unless the existing statute is so comprehensively amended by the pending bill as to call into question all its provisions (8 Cannon § 2942). The Chair considers the relationship of the amendment to the text to which it is offered and does not rely on language in accompanying reports not contained in the pending text. 95–2, Oct. 6, 1978, p 34111.

The stage of the reading in the House or Committee of the Whole must also be considered when passing on the germaneness of a particular amendment. An amendment that might be considered germane if offered at the end of the reading of the bill for amendment may not be germane if offered during the reading, before all the provisions of the bill are open to consideration. 91–1, Oct. 3, 1969, p 28442. See also § 3, *infra*.

The germaneness of an amendment is not to be judged by the apparent motives of the Member offering it. 98–2, May 30, 1984, pp 14493–96. In ruling on germaneness, the Chair does not construe the legal effect of the bill, law, or amendment in question, but only rules on whether the amendment addresses a “subject different” from that under consideration. 98–2, June 26, 1984, pp 18842, 18846, 18847.

The title or heading of a bill may be considered but is not controlling in determining the question of germaneness of amendments offered to propositions in the bill. 92–1, Nov. 4, 1971, pp 39323–29. The scope of a measure is determined by its provisions and not by the phraseology of its formal title. 94–1, Sept. 18, 1975, p 29334. Thus, the heading of a portion of a bill as “Miscellaneous” will not alone permit amendments to that portion that are not germane to its actual content; but the provisions under such a heading may be sufficiently diverse to permit an amendment to be tested by its germaneness to the bill as a whole. 96–1, Apr. 10, 1979, pp 8032, 8034–37.

§ 3. Proposition to Which Amendment Must Be Germane

Generally

The germaneness of an amendment is tested by its relationship to the particular portion of the bill to which offered. 90–1, Oct. 11, 1967, p 28649; 92–1, Oct. 14, 1971, pp 36194, 36211. Deschler-Brown Ch 28 § 2. The amendment should be germane to the particular paragraph or section to which it is offered (5 Hinds §§ 5811–5820; 8 Cannon § 2922; 92–1, Oct. 14, 1971, pp 36194, 36211; 99–2, Sept. 19, 1986, p 24730; *Manual* § 795) and not anticipate the subject matter of other titles not yet read. 101–2, July 31, 1990, p _____. Likewise, the test of germaneness of an amendment offered to a bill being read for amendment by titles is its relationship to the pending title as perfected (96–1, Apr. 9, 1979, pp 7750, 7752, 7755–57) and not to the particular section addressed by an amendment (102–1, June 25, 1991, p ____). But where an amendment in the form of a new title is offered after the reading of several diverse titles on a general subject, it is sufficient that the amendment be germane to those titles or to the bill as a whole. 92–1, Nov. 4, 1971, p 39267; 99–2, Sept. 19, 1986, pp 24731–69. Similarly, an amendment in the form of a new section need not necessarily be germane to the preceding section of the bill, it being sufficient that the amendment relate to the provisions of the bill read to that point. By the same reasoning, an amendment in the form of a new paragraph need not necessarily be germane to the paragraph immediately preceding or following it. 8 Cannon §§ 2932–2935. See also 93–2, July 2, 1974, p 22029; *Manual* § 795.

Amendments to Pending Amendments

The test of germaneness of an amendment to a pending amendment is its relationship to the pending amendment and not to the bill to which that pending amendment has been offered. 94–1, July 22, 1975, p 23990; 94–1, Oct. 2, 1975, p 31487. It follows that the test of germaneness of a substitute for a pending amendment is the relationship between the substitute and the amendment, and not between the substitute and the pending bill. 92–1, Nov. 4, 1971, p 39302. Similarly, the test of germaneness of an amendment to an amendment in the nature of a substitute is the relationship between those two propositions, and not between the amendment and the pending bill. 93–1, July 19, 1973, pp 24962, 24963; 96–2, Nov. 13, 1980, pp 29523–28.

Consideration of Entire Bill

An amendment may be germane to more than one portion of a bill. 93–2, Mar. 27, 1974, pp 8508, 8509; 96–2, May 21, 1980, pp 11972, 11973. Indeed, it may be necessary to evaluate the entire text when passing on the germaneness of a particular amendment. On the other hand, an amendment might be considered germane at the end of the reading of the bill for amendment even though it would not have been germane if offered during the reading, before all the provisions of the bill were open to consideration. 91–1, Oct. 3, 1969, p 28442. Where a bill is, by unanimous consent, considered as read and open to amendment at any point, the test of germaneness of an amendment thereto is its relationship to the entire bill and not just the particular section to which offered. 94–1, Sept. 29, 1975, pp 30761–68; 99–2, Jan. 30, 1986, pp 1045, 1049, 1050–52; *Manual* § 795.

Effect of Prior Amendments

In passing on the germaneness of an amendment, the Chair considers the relationship of the amendment to the bill as modified by prior amendment (90–1, June 8, 1967, p 15159; 93–2, Oct. 8, 1974, pp 34415, 34416; 94–1, Apr. 23, 1975, p 11550), and is not bound solely by the provisions of the original text. Thus, a perfecting amendment may be ruled out as not germane where it pertains to text that has been stricken from the bill. 87–2, July 12, 1962, p 13431.

Effect of Pendency of Motion to Strike

Perfecting amendments to a title in a bill may be offered while there is pending a motion to strike out the title, and are required to be germane to the text to which offered, not to the motion to strike out. 91–1, Oct. 3, 1969, p 28454.

§ 4. Tests of Germaneness**Generally; Exclusiveness of Tests**

Various tests may be invoked to determine the germaneness of an amendment. These tests are not mutually exclusive. *Manual* § 798d. It is essential to note that the Chair, in determining a question of germaneness, must first understand the nature and scope of the pending portion of the proposition being amended, and then the relationship of the offered amendment to that pending text. The Chair follows the most appropriate line of precedent in rendering a ruling. One can avoid the misperception that an equally compelling and valid germaneness test can be applied and precedent

cited to support either side of a germaneness point of order by examining in full the pending bill and amending text.

An amendment may satisfy one of the tests and yet be ruled out because of its failure to satisfy another. An amendment may thus be subject to a germaneness point of order even though it is in fact related to the pending proposition. This principle is illustrated in the precedents set out below:

Held Not Germane

| Text | Amendment |
|--|---|
| To exclude a Member-elect... | To expel the Member-elect (5 Hinds § 5924) |
| Proposing the expulsion of a Member... | Proposing censure (6 Cannon § 236) |
| Relating to interstate commerce... | Relating to foreign commerce (8 Cannon § 2918) |
| Proposing a committee investigation... | Requesting a committee report (5 Hinds § 5887) |
| Assigning clerks to committees... | Assigning clerks to Members (5 Hinds § 5901) |
| Providing for the erection of a building for a mint... | Changing coinage laws (5 Hinds § 5884) |
| Raising price of agricultural products by creation of corporation... | Raising price through cooperative marketing (8 Cannon § 2912) |
| Increasing food supplies by educational and demonstrational methods... | Increasing food supplies through sale of fertilizer (8 Cannon § 2980) |

§ 5. — Subject Under Consideration as Test

The House germaneness rule precludes amendments “on a subject different from that under consideration.” Rule XVI clause 7. *Manual* § 794. This test of germaneness implies more than mere “relevance.” (§ 2, supra.) The test is whether or not a new subject is introduced by the amendment. 82–1, May 24, 1951, p 5832. An amendment relating to a subject to which there is no reference in the pending text may be subject to a point of order that it is not germane to the bill. 77–1, Feb. 10, 1941, p 875. Amendments that have been ruled on under this test are shown in the table below.

Held Germane

| Text | Amendment |
|--|--|
| Providing for a canal by one route... | Changing route (5 Hinds § 5909) |
| Creating a board of inquiry... | Specifying time of report (5 Hinds § 5915) |
| Creating two boards with separate duties... | Creating one board with authorization to discharge the duties of both boards (8 Cannon § 3064) |
| Rescinding an order for adjournment... | Fixing new date for adjournment (5 Hinds § 5920) |
| To regulate immigration... | Providing educational test for immigrants (5 Hinds § 5873) |
| Controlling public places in District of Columbia... | Removing fence of Botanic Garden (5 Hinds § 5914) |
| Appropriation for acquiring information pertaining to agricultural products... | Appropriation for investigation incident thereto (8 Cannon § 3060) |
| To authorize the construction of naval vessels... | Providing that the vessels be constructed in government plants (8 Cannon § 3063) |
| Relating to the interrelation of House committees and imposing requirements for filing and content of committee reports... | Dealing with the content of reports from the Committee on Appropriations and with the jurisdictional responsibilities of that committee and legislative committees (93-2, Oct. 8, 1974, pp 34416, 34417) |
| A provision for amelioration of procedures relating to mortgage foreclosure under the National Housing Act... | A provision for a moratorium on foreclosures of mortgages in economically depressed areas (86-1, May 20, 1959, pp 8636-42) |
| Relating to certain sections of the Clean Air Act with respect to the impact of shortages of energy resources on standards imposed under that Act... | Relating to another section of that Act suspending for a temporary period the authority of the EPA Administrator to control automobile emissions (93-1, Dec. 14, 1973, pp 41688, 41689) |

Held Germane—Continued

| Text | Amendment |
|---|--|
| Prescribing the functions of a new Federal Energy Administration and conferring wide discretionary powers on the Administrator... | Directing the Administrator to issue preliminary summer guidelines for citizen fuel use (93-2, Mar. 6, 1974, pp 5436, 5437) |
| Requiring a general study of factors affecting domestic production of automobiles... | Requiring the study of a particular factor—currency exchange rates—affecting that production (98-1, Nov. 3, 1983, pp 30782, 30783) |

Held Not Germane

| Text | Amendment |
|--|---|
| Proposing admission of religious refugees... | Proposing admission of political refugees (8 Cannon § 3047) |
| Limiting immigration of aliens... | Disseminating information to attract better class of immigrants (8 Cannon § 3048) |
| Prohibiting mailing of revolvers... | Prohibiting mailing of publications advertising revolvers (8 Cannon § 3052) |
| Authorizing arbitration of claims against government... | Appropriating funds to pay claims so arbitrated (8 Cannon § 3057) |
| Eliminating wage discrimination based on the sex of the employee... | Applying the provisions of the bill to discrimination based on race (87-2, July 25, 1962, p 14778) |
| Authorizing the use of American civilians to operate an early-warning system in the Sinai... | Requiring that the U.S. contribution to the UN peace-keeping forces in the Middle East be proportionately reduced (94-1, Oct. 8, 1975, pp 32430, 32431) |
| Establishing a cotton research program and promoting the marketing of cotton... | Providing for research with respect to training and utilization of displaced farm labor in the cotton industry (89-2, Mar. 3, 1966, p 4838) |

Held Not Germane—Continued

| Text | Amendment |
|--|---|
| Extending the phased subsidization of certain categories of nonprofit mail... | Establishing a new class of mail and postal rate therefor (93–2, June 19, 1974, p 19817) |
| Reducing tax liabilities of individuals and businesses by providing diverse tax credits within the Internal Revenue Code... | Providing rebates to recipients under retirement and survivor benefit programs (94–1, Mar. 26, 1975, p 8931) |
| Governing the political activities of federal employees and containing certain restrictions on federal employment relative to such activities... | Prohibiting any employment or compensation from whatever source for candidates for office (95–1, June 7, 1977, pp 17711, 17712) |
| Relating to the issue of access to committee hearings and meetings... | Relating to committee staffing (93–1, Mar. 7, 1973, p 6714) |
| Addressing the administrative structure of a new department... | Prohibiting the department from withholding funds to carry out certain objectives (96–1, June 12, 1979, pp 14485, 14486) |

Proposals Relating to Investigations

To a proposal authorizing a program to be undertaken, an amendment providing for a study to determine the feasibility of undertaking such a program may be germane. 99–1, June 26, 1985, p 17460. (This ruling in effect overturned 8 Cannon § 2989.) On the other hand, an amendment requiring certain action is not germane to a proposal that would merely require an investigation. Accordingly, to a proposition establishing a commission to study a matter, an amendment directing an official to undertake and accomplish that matter is not germane. 93–2, Oct. 8, 1974, p 34458. But if an amendment to a proposal to study a matter merely requires the submission of proposed legislation to implement the study, it may be germane. 93–1, Dec. 14, 1973, pp 41747, 41748.

§ 6. — Committee Jurisdiction as Test**Generally**

Committee jurisdiction over the subject of an amendment is a relevant test to be applied in determining the germaneness of that amendment. 94–2, June 1, 1976, p 16025; *Manual* § 798c; Deschler-Brown Ch 28 § 4. Thus,

to a bill providing agricultural price supports to stimulate domestic orange production, an amendment restricting imports of oranges (within the jurisdiction of the Committee on Ways and Means) would not be germane. Similarly, an amendment changing the statement of policy contained in a bill is not in order if its effect is to fundamentally change the purpose of the bill and to emphasize a subject within the jurisdiction of another committee. 92–2, May 22, 1972, p 18207. Likewise, an amendment conferring authority on an executive official not mentioned in the pending proposition is not germane where the subject of that authority is not within the jurisdiction represented in the pending proposition. 93–1, Dec. 14, 1973, pp 41736 *et seq.*

The Chairman of the Committee of the Whole may determine the germaneness of an amendment based upon the discernible committee jurisdictions as to subject matter without infringing upon the Speaker's prerogatives under Rule X to determine committee jurisdiction over introduced legislation. 97–1, Oct. 14, 1981, pp 23898, 23899. The fact that the amendment is contained in a motion to recommit the bill with instructions does not dispense with the requirement that the subject matter of the amendment be within the jurisdiction represented in the pending text. 90–1, Mar. 2, 1967, p 5155.

However, the fact that the subject matter of an amendment lies within the jurisdiction of a committee other than that having jurisdiction over the bill does not necessarily dictate the conclusion that the amendment is not germane; for committee jurisdiction is but one of the tests of germaneness, and in ruling on the question, the Chair must take into consideration other factors, including the fact that the introduced bill may have been broadened or narrowed by amendment. See 92–2, Aug. 17, 1972, p 28913; 93–2, Mar. 5, 1974, pp 5306–09. Where the bill is amended in Committee of the Whole to include matters within the jurisdiction of a committee other than the reporting committee, further similar amendments may be germane. 99–1, July 11, 1985, p 18602. The Chair may also take into account the fact that the portion of the bill being amended itself contains language related to the amendment that is not within the jurisdiction of the committee reporting the bill. 94–2, Apr. 2, 1976, pp 9253, 9254. And an amendment in the nature of a substitute may be in order even though an incidental portion of the amendment, if considered separately, might be within the jurisdiction of another committee. 93–1, Aug. 2, 1973, pp 27673–75.

Committee jurisdiction over the subject of an amendment is a relevant test of germaneness where the pending text is entirely within one committee's jurisdiction and where the amendment falls within another committee's purview. 94–2, Jan. 29, 1976, p 1582. Thus, committee jurisdiction is a relevant test where an authorization bill that is solely within one committee's

jurisdiction is proposed to be amended by permanent changes of laws within another committee's jurisdiction. 95-2, May 24, 1978, p 15294. But committee jurisdiction over the subject of an amendment may not be the most apt test of germaneness where the proposition being amended contains provisions so comprehensive as to overlap several committees' jurisdictions. 99-1, Oct. 8, 1985, pp 26548-51. See also 94-2, Jan. 29, 1976, p 1582; 94-2, June 1, 1976, pp 16024, 16025; 94-2, July 21, 1976, p 23168.

Illustrative applications of the test follow.

Held Not Germane

| Text | Amendment |
|---|---|
| A bill reported from the Committee on International Relations dealing with humanitarian and evacuation assistance in South Vietnam... | Providing for payment of costs of settlement of evacuees in the U.S., a matter within the jurisdiction of the Judiciary Committee (94-1, Apr. 23, 1975, p 11534) |
| A bill reported from the Committee on Armed Services containing diverse provisions relating to national defense policy, military procurement and personnel... | Requiring reports on the Soviet Union's compliance with its arms control commitments, a matter within the jurisdiction of the Committee on Foreign Affairs (99-1, June 27, 1985, p 17810) |
| A bill reported from the Committee on Merchant Marine and Fisheries authorizing various activities of the Coast Guard... | Urging cooperation of other nations as to certain Coast Guard and military operations, a matter within the jurisdiction of the Foreign Affairs Committee (100-1, July 8, 1987, p 19013) |
| A bill reported from the Committee on Public Works and Transportation amending the Federal Water Pollution Control Act... | Amending the Clean Air Act (a statute within the jurisdiction of the Committee on Energy and Commerce) to regulate "acid rain" (99-1, July 23, 1985, p 20052) |
| Authorizing environmental research and development activities of an agency for two years... | Adding permanent regulatory authority by amending a law not within the jurisdiction of the committee reporting the bill (100-1, June 4, 1987, pp 14739 <i>et seq.</i>) |

Held Not Germane—Continued

| Text | Amendment |
|---|---|
| A bill relating to intelligence activities of the executive branch... | Effecting a change in the rules of the House by directing a committee to impose an oath of secrecy on its members and staff (102–1, May 1, 1991, p ____) |
| A bill reported from the Committee on Science and Technology authorizing environmental <i>research and development activities</i> of an agency for two years... | Expressing the sense of Congress as to the agency’s <i>regulatory and enforcement activity</i> —a matter within the jurisdiction of another committee (98–2, Feb. 9, 1984, pp 2421 <i>et seq.</i>) |
| A bill reported from the Committee on Interior and Insular Affairs designating certain wilderness areas in Oregon... | Providing unemployment and retraining entitlement payments to persons affected by such wilderness designations (98–1, Mar. 21, 1983, pp 6339 <i>et seq.</i>) |
| A bill reported from the Committee on Agriculture providing a one-year price support for milk... | Relating to tariff duties on imported dairy products, a matter within the jurisdiction of Ways and Means (94–1, Mar. 20, 1975, p 7667) |
| A bill reported from the Committee on Public Works and Transportation relating to grants to state and local governments for local public works construction projects... | Providing grants to such governments to assist them in providing public services, a program within the jurisdiction of the Committee on Government Operations (94–2, Jan. 29, 1976, p 1582) |
| A bill reported from the Committee on Ways and Means providing taxes and tax incentives to conserve energy... | Precluding the purchase of fuel-inefficient automobiles by the government, a subject within the jurisdiction of another committee (Government Operations) (94–1, June 13, 1975, pp 18816, 18817) |

Held Not Germane—Continued

| Text | Amendment |
|--|--|
| A proposition reported from the Committee on Interstate and Foreign Commerce to conserve energy resources by regulating the production, allocation and use of those resources... | Reducing energy consumption by the federal government by a reduced work-week for federal civilian employees, a matter within the jurisdiction of the Committee on Post Office and Civil Service (93-1, Dec. 14, 1973, p 41756) |
| A proposition recommended by the Committee on Ways and Means dealing only with import duties and quotas on sugar... | Eliminating all price support payments for sugar, a matter within the jurisdiction of the Committee on Agriculture (95-2, Oct. 6, 1978, p 34111) |
| A bill reported from the Committee on International Relations providing foreign economic assistance... | Providing foreign <i>and domestic</i> economic assistance, a matter within the jurisdiction of the Banking Committee (95-2, May 12, 1978, p 13499) |
| A bill reported from the Committee on Energy and Commerce relating to mentally ill individuals... | Prohibiting certain uses of general revenue-sharing funds (a matter within the jurisdiction of another committee) in certain jurisdictions (99-2, Jan. 30, 1986, pp 1052, 1053) |

§ 7. — Fundamental Purpose as Test

Another test used by the Chair in determining germaneness points of order is one in which the fundamental purpose of the bill is compared with the fundamental purpose of the amendment. *Manual* § 798b. If the purpose or objective of an amendment is unrelated to that of the bill to which it is offered, the amendment may be held not germane. 8 Cannon § 2911; 86-2, Mar. 15, 1960, p 5655. This test is particularly applicable to an amendment in the nature of a substitute. Deschler-Brown Ch 28 § 5. If the purpose of a highway bill is to connect points A and B, an amendment specifying a different *route* between A and B would reflect the same fundamental purpose. But an amendment connecting A and D would have a different purpose and would not be germane. Compare 5 Hinds § 5909.

An amendment changing the statement of policy contained in a bill is not in order if its effect is to fundamentally change the purpose of the bill. 92-2, May 22, 1972, p 18207. An amendment changing the law relating to

one agency is not germane to a bill relating to a different agency. 100–1, July 8, 1987, pp 19013–16.

In determining the fundamental purpose of a bill or an amendment offered thereto, the Chair may examine the broad scope of the bill and the stated purpose of the amendment and need not be bound by ancillary purposes that are merely suggested by the amendment. 95–2, Sept. 27, 1978, p 32051. An amendment in the form of a new title may be germane to a bill as a whole where that bill contains additional provisions not necessarily confined to the primary purpose, so long as the amendment falls within the overall parameters of the bill. 97–2, May 6, 1982, p 8933.

The precedents below illustrate the germaneness principal that the fundamental purpose of the amendment must relate to that of the pending measure.

Held Germane

| Text | Amendment |
|---|--|
| Authorizing funds to provide humanitarian and evacuation assistance and authorizing the use of United States troops to provide that assistance... | Authorizing funds for military aid to a foreign country to be used by that country to further the fundamental purpose of the bill (94–1, Apr. 23, 1975, p 11509) |
| Enforcing the right to vote as guaranteed by the 15th Amendment to the Constitution... | Protecting freedom of speech and other First Amendment rights whose abridgment might affect the exercise of voting rights (89–1, July 9, 1965, p 16263) |
| Enforcing constitutional voting rights by requiring preservation of federal election returns... | Providing for court appointment of voting referees to insure protection of voters' rights (86–2, Mar. 15, 1960, p 5655) |
| Making it a federal crime to use a firearm during the commission of a felony that may be prosecuted in a federal court... | Making it a crime to carry a firearm during the commission of a felony and providing for a trial in either a state or federal court (90–2, July 23, 1968, p 22789) |

Held Germane—Continued

| Text | Amendment |
|---|---|
| Providing an omnibus surface transportation authorization for highway-related projects as well as roadways... | Authorizing funds for certain highway projects that would incidentally permit completion of a related flood control project (95-2, Sept. 27, 1978, p 32051) |
| Authorizing the construction of a trans-Alaska oil-gas pipeline pursuant to procedural safeguards promulgated by the Secretary of the Interior... | Containing similar procedures and including the condition that all participants be assured rights against discrimination as set forth in the Civil Rights Act (93-1, Aug. 2, 1973, pp 27673-75) |

Held Not Germane

| Text | Amendment |
|--|---|
| Proposing a constitutional amendment relating to the election of the President and Vice President by popular vote rather than through the electoral college process... | Pertaining to the apportionment of Representatives and the size of congressional districts (91-1, Sept. 18, 1969, p 25983) |
| Authorization of military assistance programs to foreign nations... | Authorizing a contribution to the UN International Atomic Energy Agency (94-2, Mar. 3, 1976, p 5226) |
| Authorizing LEA grants for the purchase of photographic and fingerprint equipment for law enforcement purposes... | Providing for the purchase of bullet-proof vests (96-1, Oct. 12, 1979, pp 28123, 28124) |
| Extending the advisory and informational authority of the Council on Wage and Price Stability to encourage <i>voluntary programs</i> to resist inflation... | Authorizing the President to issue <i>orders and regulations</i> stabilizing economic transfers, including wages and prices (96-1, Mar. 20, 1979, pp 5549, 5550, 5562-64) |
| Establishing a new office within a government department... | Abolishing the department (88-2, Mar. 12, 1964, p 5125) |

Held Not Germane—Continued

| Text | Amendment |
|---|--|
| Enabling agencies of the government to formulate policies relating to energy conservation... | Prohibiting certain uses of fuel (for school busing) and imposing criminal penalties for such use (94-1, Sept. 17, 1975, p 28927) |
| Extending various laws relating to higher education... | Imposing restrictions on preschool, elementary, and secondary education policy (94-2, Mar. 12, 1976, p 13530) |
| Providing funding for urban highway transportation systems... | Broadening the bill to include rail transportation (92-2, Oct. 5, 1972, pp 34111, 34115) |
| Requiring registration and public disclosure by lobbyists but not regulating or prohibiting their activities... | Regulating their activities by placing a ceiling on their monetary contributions to federal officials; prohibiting lobbying within certain areas (94-2, Sept. 28, 1976, p 33085) |
| Relating to the minting and issuance of public currency... | Providing for a commemorative coin intended for private circulation (91-1, Oct. 15, 1969, p 30101) |

§ 8. — Accomplishing Result of Bill by Different Method

In order to be germane, an amendment must not only have the same end as the matter sought to be amended, but must contemplate a method of achieving that end that is closely allied to the method encompassed in the bill or other matter sought to be amended. *Manual* § 798b; 91-2, Aug. 11, 1970, p 28165; 94-2, Jan. 29, 1976, p 1582; 94-2, June 23, 1976, p 20020. Under this principle, when a proposition to accomplish a certain purpose by one method is pending, an amendment seeking to achieve the same purpose by another closely related method is germane. 92-2, June 12, 1972, pp 20403-06; 96-2, Sept. 29, 1980, pp 27832-52. For example, if the purpose of a bill is to support the health of school children by mandating oranges in a school lunch program, an amendment providing free vitamin C supplements would be germane. Likewise, a proposition to accomplish a certain result by two alternative methods may be amended by language proposing to accomplish that result by a third closely related method. 92-2, June 12, 1972, pp 20403-06. But an amendment to accomplish a similar purpose by an unrelated method, not contemplated by the bill, is not ger-

mane. 90–1, Aug. 8, 1967, p 21849; 91–2, Aug. 11, 1970, p 28165; 94–1, June 12, 1975, pp 18695–702. These principles are illustrated in the precedents below.

Held Germane

| Text | Amendment |
|---|--|
| To accomplish a result through regulation by an executive branch agency... | To achieve the same purpose through the use of another governmental entity (96–2, Sept. 29, 1980, pp 27832–52) |
| To conduct a broad range of programs involving energy sources, including environmental research related to the development of energy sources... | Authorizing the Council on Environmental Quality to evaluate environmental effects of energy technology (93–1, Dec. 19, 1973, pp 42618, 42619) |
| Providing loan guarantee programs for all states and subdivisions... | Providing direct loans (and limited to New York) (94–1, Dec. 2, 1975, p 38180) |
| Subjecting employers who fail to apprise their workers of health risks to penalties under certain laws and regulations... | Subjecting employers to penalties prescribed in the amendment (100–1, Oct. 14, 1987, p 27885) |

Held Not Germane

| Text | Amendment |
|---|---|
| Conserving energy through the imposition of civil penalties on manufacturers of low miles-per-gallon automobiles... | Conserving energy through tax rebates to purchasers of high miles-per-gallon automobiles (94–1, June 12, 1975, pp 18695–702) |
| Establishing an independent agency within the executive branch to accomplish a particular purpose... | Emphasizing committee oversight and authorizing committees to order the agency to take certain actions (94–1, Nov. 5, 1975, p 35043) |
| Authorizing the Attorney General to participate in litigation based on discrimination in public facilities... | Establishing a Community Relations Service to assist in resolving disputes arising from discriminatory practices (88–2, Feb. 6, 1964, p 2251) |

Held Not Germane—Continued

| Text | Amendment |
|---|---|
| Authorizing the promulgation of a national drinking water standards to protect public health from contaminants... | Requiring the negotiation and enforcement of international agreements to accomplish that purpose (93–2, Nov. 19, 1974, pp 36393, 36394) |
| To aid in the control of crime through research and training... | To control crime through regulation of the sale of firearms (90–1, Aug. 8, 1967, p 21849) |
| A bill extending unemployment compensation benefits during a period of economic recession... | Stimulating economic growth by tax incentives and regulatory reform (102–1, Sept. 17, 1991, p ____) |
| A bill to promote technological advancement by fostering federal research and development... | Exhorting to do so by changes in tax and antitrust laws (102–1, July 16, 1991, p ____) |
| To provide financial assistance to domestic agriculture through a system of price support payments... | Protecting domestic agriculture by restricting imports in competition therewith (97–1, Oct. 14, 1981, pp 23898, 23899) |

§ 9. —Individual Proposition or Class Not Germane to Another

One individual proposition is not germane to another individual proposition. 8 Cannon §§ 2951–2953, 2963–2966; *Manual* § 798e; 94–1, Oct. 2, 1975, p 31487; 101–2, Oct. 22, 1990, p _____. This rule is applied even where the two belong to the same class. 8 Cannon § 2951; 96–1, Dec. 12, 1979, pp 35522, 35527, 35528; 99–2, Jan. 29, 1986, p 684; 102–1, Oct. 24, 1991, p _____. Thus, in theory, a bill regulating the transportation of apples could not be amended by language regulating the transportation of oranges. However, if an individual proposition is rendered general in its scope by amendment, it is then subject to further amendment by propositions of the same class. 8 Cannon § 3003.

An individual proposition is not rendered germane to another individual proposition merely because they are related. Thus, to a bill amending one subsection of law dealing with one prohibited type of activity, an amendment to another subsection dealing with a related but separate prohibited type of activity is not germane. 96–1, May 16, 1979, pp 11466, 11467, 11470.

Where a bill covers two or more subjects within a readily definable class, it is not in order to add additional subjects outside of that class by

way of amendment. 92–2, Feb. 2, 1972, pp 2180–82; 98–1, Sept. 29, 1983, pp 26467, 26484, 26485. Likewise, to a bill pertaining to several functions within an identifiable class of activity, an amendment adding a function outside that class would not be germane.

To a bill dealing with relief for one class, an amendment seeking to include another class is not germane. 91–2, July 27, 1970, p 25801. Thus, to a bill providing financial relief for one class—agricultural producers—an amendment is not germane where it extends such relief to another class, commercial fishermen, particularly where relief to the latter class is within the jurisdiction of another committee. 95–2, Apr. 24, 1978, p 11081.

To a bill extending certain provisions to a certain class of employees, an amendment to extend those provisions to an additional category of employees within that same class is germane. 92–2, Apr. 27, 1972, p 14567. But such an amendment is not germane if it brings other classes of employees within the scope of the bill. 99–1, Oct. 9, 1985, p 26954.

The precedents below illustrate applications of the principle that an amendment relating to one individual proposition or class may not be offered to a measure relating to another individual proposition or class.

Held Not Germane

| Text | Amendment |
|--|---|
| Providing for the relief of one individual... | Providing for similar relief to another (5 Hinds §§ 5826–5929) |
| Providing for the extermination of the boll weevil... | Including the gypsy moth (5 Hinds § 5832) |
| Providing a clerk for a committee... | Providing a clerk for another committee (5 Hinds § 5833) |
| Providing for an additional judge in one territory... | Providing additional judges in other territories (5 Hinds § 5830) |
| Providing relief for dependents of men in the Army... | Extending benefits to dependents in National Guard (8 Cannon § 2953) |
| Pensioning veterans of Indian wars... | Pensioning veterans of Mexican wars (8 Cannon § 2960) |
| Appropriating for only one year (and containing no provisions extending beyond that year)... | Extending the appropriation to another year (8 Cannon § 2913; <i>Manual</i> § 798e) |

Held Not Germane—Continued

| Text | Amendment |
|---|--|
| Containing diverse provisions relating to congressional actions on the budget... | Repealing the Impoundment Control Act, thereby addressing Presidential authority to rescind or defer (96–2, Nov. 18, 1980, pp 30026, 30027) |
| Siting a certain type of repository for a specified kind of nuclear waste... | Prohibiting the construction at another site of another type of repository for another kind of nuclear waste (102–2, July 21, 1992, p ____) |
| Providing for the disposal of tin from the national stockpile... | Providing for the disposal of silver from the stockpile (96–1, Dec. 12, 1979, pp 35522, 35527, 35528) |
| To provide financial assistance to the states for construction of public school facilities... | Proposing loans to assist in the construction of private schools (86–2, May 26, 1960, p 11292) |
| Relating to settlement of a particular railway labor dispute... | Concerning another dispute between a different railroad company and its employees (90–1, June 15, 1967, p 15930) |
| Relating to a certain class of prohibited activities... | Proposing to include another class of prohibited activities (92–2, Aug. 17, 1972, p 28883) |
| Relating to the design of certain coins... | Specifying the metal content of other coins (93–1, Sept. 12, 1973, pp 29377, 29378) |
| Regulating poll-closing time in Presidential <i>general</i> elections... | Extending the provisions to Presidential <i>primary</i> elections (99–2, Jan. 29, 1986, p 684) |
| Relating to the civil service system for federal civilian employees... | Including other classes of employees (postal and District of Columbia employees) (95–2, Sept. 7, 1978, pp 28437–39; 99–1, Oct. 9, 1985, pp 26951–54) |
| Containing a cost-of-living adjustment for foreign service retirees... | Containing a comparable adjustment in annuities for federal civil service employees (94–2, June 18, 1976, p 19226) |

Held Not Germane—Continued

| Text | Amendment |
|--|---|
| To determine the equitability of federal pay practices under statutory systems applicable to agencies of the executive branch... | To extend the determination of fairness to pay practices in the legislative branch (100–2, Sept. 28, 1988, pp 26420–22) |
| Providing for payment from the Senate contingent fund of certain travel expenses incurred by Senate employees... | Providing additional travel allowances, payable from the House contingent fund, to Members of the House (87–1, Mar. 29, 1961, p 5278) |
| Authorizing grants to states for purchase of one class of equipment (photographic and fingerprint equipment) for law enforcement purposes... | Including assistance for the purchase of a different class of equipment (bulletproof vests) (96–1, Oct. 12, 1979, pp 28121–24) |

§ 10. — General Amendments to Specific or Limited Propositions

A specific proposition may not be amended by a proposition more general in scope. 5 Hinds § 5843; 8 Cannon §§ 2997, 2998; Deschler-Brown Ch 28 § 9; *Manual* § 798f; 97–2, Aug. 10, 1982, p 20263; 97–2, Sept. 23, 1982, pp 24963, 24964; 98–2, Jan. 24, 1984, pp 272, 284, 285. Thus, an amendment applicable to fruits of all kinds would not be germane to a bill dealing only with apples. So too, an amendment applicable to all departments and agencies is not germane to a bill limited in its application to only certain departments and agencies. 90–1, Sept. 27, 1967, p 26957. Even an amendment which merely strikes words from a bill may be ruled out if the amendment has the effect of broadening the scope of the bill. § 17, *infra*.

A substitute for an amendment must be confined in scope to the subject of the amendment. 93–2, Mar. 6, 1974, pp 5448, 5449. Thus, an amendment rewriting an entire concurrent resolution on the budget is not germane to a perfecting amendment proposing certain changes in figures for one of the years covered by the resolution. 96–1, May 2, 1979, pp 9564–66.

The precedents below illustrate the principle that a specific proposition may not be amended by a proposition general in nature. The question for the Chair frequently consists in determining what comprises a “general” or “specific” proposition.

Held Not Germane

| Text | Amendment |
|---|--|
| Admitting a Territory... | Admitting several Territories (5 Hinds § 5837) |
| Relating to all corporations in interstate commerce... | Relating to all corporations (5 Hinds § 5842) |
| Proposition applicable to one bureau of the Navy Department... | Application to the Navy Department as a whole (8 Cannon § 2997) |
| Prohibiting speculation in cotton... | Prohibiting speculation in cotton, wheat, and corn (8 Cannon § 3001) |
| Amending a law in one particular... | Repealing the law (5 Hinds § 5924; 8 Cannon § 2949) |
| Authorizing loans to farmers in certain areas... | Authorizing loans without geographical restriction (8 Cannon § 3235) |
| To authorize foreign economic assistance to <i>certain qualifying nations</i> ... | To require reports on human rights violations by <i>all foreign countries</i> (95-2, May 12, 1978, p 13500) |
| Restricting the use of funds for military operations in South Vietnam... | Extending that restriction to other countries in Indochina (94-1, Apr. 23, 1975, p 11508) |
| Proposing an amendment to the Constitution prohibiting the U.S. or any state from denying persons 18 years of age or older the right to vote... | Requiring the U.S. and all states to treat persons 18 years and older as having reached the age of legal majority for all purposes under the law (92-1, Mar. 23, 1971, p 7567) |
| Making it a federal crime to obstruct court orders relating to desegregation of public schools... | Making it applicable to all court orders (86-2, Mar. 23, 1960, p 6369) |
| Dealing with <i>official conduct</i> of federal employees... | Relating to <i>any criminal conduct</i> of those officials (95-2, Oct. 12, 1978, p 36461) |
| Extending the benefits of a federal program to one class (public schools)... | To include a broader category—all nonprofit institutions in depressed areas (89-2, Sept. 1, 1966, p 21656) |

Held Not Germane—Continued

| Text | Amendment |
|--|---|
| A bill amending an existing law to promote economic development through financial assistance to local communities... | Requiring a study of the impact of <i>all</i> federal, state, and local laws and regulations on employment opportunities (98–1, July 12, 1983, pp 18712, 18713) |
| Relating to mental health... | Addressing a variety of public health programs (99–2, Jan. 30, 1986, pp 1052, 1053) |
| Temporarily suspending certain requirements of the Clean Air Act... | Temporarily suspending other requirements of all other environmental protection laws (93–1, Dec. 14, 1973, p 41751) |
| Authorizing activities of certain government agencies for a temporary period... | Permanently changing existing law to cover a broader range of government activities (100–2, May 5, 1988, pp 9934–39) |
| To appropriate or to authorize appropriations for only one year... | To extend the appropriation or authorization to another year (96–2, Nov. 13, 1980, pp 29523–28) |
| Dealing with one aspect of federal spending (U.S. contributions to an international financial institution)... | Relating to the entire federal budget, mandating that total outlays not exceed receipts (98–1, Aug. 3, 1983, p 22679) |
| Appropriating funds for a program for one fiscal year... | Relating to eligibility for funding in any fiscal year (98–1, Oct. 5, 1983, pp 27313, 27314) |
| Prohibiting the use of funds appropriated for a fiscal year for a specified purpose... | Prohibiting the use of funds appropriated for that or any prior fiscal year for an unrelated purpose (100–1, June 30, 1987, p 18294) |

§ 11. — Specific Amendments to General Propositions

A general proposition may be amended by a specific proposition or one more limited in nature if within the same class. 8 Cannon §§ 3002, 3009, 3012; Deschler-Brown Ch 28 § 10; *Manual* § 798g; 94–1, Dec. 2, 1975, p 31810; 97–2, July 20, 1982, p 17093. Thus, a bill regulating the transpor-

tation of fruits of all kinds could be amended by language applicable specifically to oranges. So too, where a bill seeks to accomplish a general purpose by diverse methods, an amendment which adds a specific method to accomplish that result may be germane. 94–2, Apr. 26, 1976, p 11101. Similarly, to a bill authorizing a broad program of research and development, an amendment directing specific emphasis during the administration of that program is germane. 93–1, Dec. 19, 1973, p 42607.

To a proposition conferring a broad range of authority to accomplish a particular result, an amendment granting specific authority to achieve that result is germane. 93–1, Dec. 12, 1973, p 41160; 93–1, Dec. 14, 1973, p 41732; 93–1, Dec. 14, 1973, p 41753.

An amendment defining a term in a bill may be germane so long as it relates to the bill and not to portions of laws being amended which are not the subject of the bill. Thus, to a bill clarifying the definition of persons or institutions under certain civil rights statutes, an amendment providing that the term “person” for the purpose of the bill shall include unborn children was held germane. 98–2, June 26, 1984, pp 18865, 18866.

Set out below are precedents illustrating the principle that a general proposition may be amended by a specific or more limited one.

Held Germane

| Text | Amendment |
|---|---|
| Making a lump-sum appropriation for rivers and harbors... | Designating specific projects on which a lump-sum should be expended (8 Cannon §§ 3004, 3008) |
| Providing for a decennial census of the entire population of the United States... | Relating to the alien population of the United States (8 Cannon § 3005) |
| Authorizing a commission to report on the public domain... | Specifying a report on a designated area of the public domain (8 Cannon § 3007) |
| Establishing an executive agency and conferring broad authority thereon... | Directing that agency to conduct a study of a subject within the scope of that authority (93–1, Dec. 14, 1973, p 41752) |
| Conferring wide discretionary powers upon an energy administrator... | Directing the administrator to issue preliminary summer guidelines for citizen fuel use (93–2, Mar. 6, 1974, pp 5436, 5437) |

Held Germane—Continued

| Text | Amendment |
|--|--|
| Authorizing the Federal Energy Administrator to restrict exports of certain energy resources... | Directing that official to prohibit the exportation of petroleum products for use in military operations in Indochina (93–1, Dec. 14, 1973, p 41753) |
| Directing the President to require all government agencies to use economy model motor vehicles... | Limiting the number of “fuel inefficient” passenger motor vehicles which the government could purchase (93–1, Dec. 14, 1973, pp 41722, 41723) |
| Seeking to accomplish a general purpose (support of the arts and humanities) by diverse methods... | Authorizing the employment of unemployed artists through the National Endowment for the Arts (94–2, Apr. 26, 1976, pp 10098–101) |
| Addressing a range of criminal prohibitions... | Addressing another criminal prohibition within that range (102–1, Oct. 17, 1991, p ____) |

§ 12. — Adding to Two or More Propositions

A measure containing two or more diverse propositions within the same class may be amended by an amendment adding a third proposition on the same subject. 8 Cannon § 3016; 96–1, Aug. 1, 1979, pp 21939, 21944–47; Deschler-Brown Ch 28 § 11. For example, a bill regulating the transportation of apples and oranges could be amended by language extending the bill to bananas. So too, to a bill bringing two new categories within the coverage of existing law, an amendment to include a third category of the same class may be germane. 90–1, Nov. 27, 1967, p 33769. Likewise, where a bill contains several unrelated titles on a general subject, an amendment adding a further title within that general subject is germane. 92–1, Nov. 4, 1971, pp 39323–29. And where a bill defines several unlawful acts, an amendment proposing to include another unlawful act of the same class is germane. 90–1, Aug. 16, 1967, p 22757; 102–1, Oct. 17, 1991, p ____.

On the other hand, where a bill covers two or more subjects within a readily definable class, it is not in order to add additional subjects outside of that class by way of amendment. Thus, to a bill authorizing the Secretary of the Treasury to strike two types of national medals honoring the bicentennial, an amendment permitting private mints to strike state medals was held not germane. 92–2, Feb. 2, 1972, pp 2180–82.

To a bill containing definitions of several of the terms used therein, an amendment may be germane which modifies one of the definitions and adds another (90–1, Sept. 26, 1967, p 26878), or which further defines other terms used in the bill (94–1, Dec. 9, 1975, p 39427).

Held Germane

| Text | Amendment |
|--|--|
| Admitting several Territories into the Union... | Admitting another Territory (5 Hinds § 5838) |
| Constructing buildings in two cities... | Constructing similar buildings in several other cities (5 Hinds § 5840) |
| Providing a number of restrictions on an expenditure... | Adding another restriction (8 Cannon § 3010) |
| Providing for a number of Army camps... | Providing for an additional camp (8 Cannon § 3012) |
| Authorizing payment to several employees for injuries... | To pay another employee for such injuries (8 Cannon § 3015) |
| Collecting statistics on agriculture, manufacture, and mining... | Collecting statistics on insurance (8 Cannon § 3016) |
| Relating to motor trucks and passenger-carrying automobiles... | Relating to motor trucks, passenger-carrying automobiles, motorcycles, and trailers (7 Cannon § 1415) |
| Setting forth diverse findings and purposes related to a general subject... | Adding another finding or purpose related to that subject (96–1, June 12, 1979, p 14460) |
| Prohibiting indirect foreign assistance to several foreign countries... | Including additional countries within that prohibition (95–2, Aug. 3, 1978, p 24244) |
| Relating in many diverse respects to the political rights of the people of the District of Columbia... | Conferring upon that electorate the additional right of electing a nonvoting Delegate to the Senate (93–1, Oct. 10, 1973, pp 33656, 33657) |
| Containing funds for several departments and agencies... | Providing funds for subway construction in the District of Columbia (92–1, May 11, 1971, p 14437) |

Held Germane—Continued

| Text | Amendment |
|---|--|
| Extending coverage of gun control laws to rifles, shotguns, and ammunition... | Relating to registration of firearms by the purchasers thereof (90–2, July 19, 1968, p 22249) |
| Making unlawful a number of activities in the field of interstate consumer credit transactions... | Adding another activity, “loansharking,” to those prohibited in the bill (90–2, Jan. 31, 1968, p 1605) |
| Extending the coverage of the Flammable Fabrics Act to include wearing apparel and household furnishings... | To bring children’s toys within the mandate of the Act (90–1, Nov. 27, 1967, p 33769) |
| Seeking to reduce tax liabilities in several diverse ways—including tax credits... | Adding an additional tax credit to those contained in the bill (94–1, Mar. 26, 1975, p 8931) |
| Containing farm programs for dairy products, wool, feed grains, cotton and wheat... | To add a new title relating to poultry and eggs (89–1, Aug. 19, 1965, p 21053) |

§ 13. Appropriation Bills

An amendment offered to a general appropriation bill must be germane to the part of the bill that is under consideration. Deschler-Brown Ch 28 § 15. Amendments that are offered to appropriation bills must satisfy the general tests of germaneness that are set forth earlier in this chapter. §§ 4 *et seq.*, *supra*.

Where an amendment to a general appropriation bill relates to the appropriation of specific funds, it should be offered to the specific item of appropriation to which it applies.

Germaneness is an express requirement of any amendment sought to be introduced pursuant to the “Holman Rule,” which permits legislative matter in general appropriation bills under certain circumstances. *Manual* § 844a. See APPROPRIATIONS.

Set out below are precedents illustrating the application of the germaneness rule during consideration of appropriation bills.

Held Germane

| Text | Amendment |
|-------------|------------------|
|-------------|------------------|

Held Germane—Continued

| Text | Amendment |
|---|--|
| Providing certain funds and permitting them to remain available beyond the fiscal year covered by the bill... | Placing certain restrictions on their use, to become effective after the expiration of the fiscal year (92-1, Nov. 17, 1971, p 41838) |
| Providing funds for foreign assistance programs... | To deny use of funds therein to pay arrearages or dues of members of the United Nations (87-2, Sept. 20, 1962, p 20187) |
| Providing funds for the Department of Agriculture and including a specific allocation of funds for animal disease and pest control... | Providing that no appropriation in the act be used for chemical pesticides where such action would be prohibited by state or local law (91-1, May 26, 1969, p 13753) |
| Providing appropriations for the Department of Defense... | Providing that none of the funds appropriated by the act be used to finance certain military operations (92-1, Nov. 17, 1971, p 41838) |

Held Not Germane

| Text | Amendment |
|--|--|
| Prohibiting aid to one nation unless a certain condition is met... | Prohibiting aid to another nation pending certain actions, and referring to funds in other acts (90-1, Nov. 17, 1967, p 32968) |
| Providing for continuing appropriations pending enactment of regular appropriation bills and curtailing certain government expenditures... | Requiring an agency to report to each Member the total federal expenditures in his congressional district and directing the Members to take certain steps to effect a reduction in expenditures (90-1, Oct. 18, 1967, p 29290) |
| Continuing appropriations for certain departments and agencies for one month... | Placing a restriction on the total administrative budget expenditures for the fiscal year and thus affecting funds not continued by the bill (90-1, Sept. 27, 1967, p 26957) |

Held Not Germane—Continued

| Text | Amendment |
|---|--|
| Providing supplemental appropriations for certain specified departments of government... | Affecting appropriations for virtually all departments and agencies of government (89-2, Oct. 18, 1966, p 27424) |
| Continuing the availability of appropriated funds and also imposing diverse legislative conditions on the availability of appropriations... | Permanently changing existing law as to the eligibility of certain recipients (97-1, Dec. 10, 1981, p 30538) |
| Pertaining to an appropriation for an agency for one year... | Changing the appropriation figure but also adding language having the effect of permanent law (98-1, June 29, 1983, pp 18129, 18130) |
| Containing funds for a certain purpose to be expended by one government agency... | Containing funds for another government agency for the same general purpose (97-1, July 24, 1981, p 17226) |

B. Application of Rule to Particular Forms of Amendment**§ 14. In General**

The rule requiring germaneness of amendments has been applied to many forms of propositions having amendatory effect, including an amendment to a particular part of a bill (§ 15, *infra*), amendments to amendments (8 Cannon § 2924), and amendments affecting specified provisions of existing law where the bill itself amends such law (§ 27, *infra*). The rule applies to amendments offered by committee as well as to amendments recommended from the floor. § 19, *infra*.

The form in which an amendment is offered may affect the determination of whether the amendment is germane. Thus, whether an amendment adds a new title to a bill or adds language to an existing title may affect the determination of whether the amendment is germane. § 16, *infra*.

§ 15. Amendments to Particular Portion of Bill

An amendment must be germane to the particular portion of the bill to which it is offered. 96-1, May 16, 1979, p 11470. If the amendment is offered to a particular paragraph or section, then it must be germane thereto.

Manual § 793; Deschler-Brown Ch 28 § 18; 101–2, July 31, 1990, p _____. Similarly, an amendment to a bill being read for amendment by titles must be germane to the title to which offered. 96–2, Sept. 5, 1980, pp 24375–97. The Chair may rule out an amendment as not germane to the portion to which it has been offered without passing on the germaneness of the amendment to the bill as a whole. 75–3, Mar. 18, 1938, p 3698.

The test of germaneness of an amendment is its relationship to the pending portion of the bill, as amended to that point. 96–1, May 16, 1979, pp 11466, 11467, 11470. For this reason, an amendment may be ruled out because it is not germane to a particular part of the bill, while a similar amendment may be allowed subsequently when the scope of the bill has been broadened by additional paragraphs passed in the reading. 91–1, Oct. 3, 1969, p 28454. By the same token, an amendment that might be considered germane if offered at the end of the reading of the bill for amendment may not be germane if offered during the reading, before all the provisions of the bill are before the Committee of the Whole for consideration. 91–1, Oct. 3, 1969, p 28442.

In passing on the germaneness of an amendment, the Chair considers the relation of the amendment to the bill as modified by the Committee of the Whole at the time the amendment is offered, and not as originally referred to the Committee. An amendment that would be in order if offered when the bill is first taken up may be held not germane to the bill, as modified, after portions of the bill have been stricken out by amendments in the Committee of the Whole. 8 Cannon § 2910.

§ 16. Adding New Section or Title

An amendment in the form of a new title, section, or paragraph need not necessarily be germane to the title, section, or paragraph immediately preceding it. 8 Cannon §§ 2932, 2935. Deschler-Brown Ch 28 § 19; 99–1, Oct. 8, 1985, p 26551. If offered at the conclusion of the reading, it is sufficient that it be germane to the subject matter of the bill as a whole. 86–1, June 24, 1959, p 11790; 95–2, Feb. 23, 1978, p 4452; 95–2, Aug. 2, 1978, p 23938; 96–1, Aug. 1, 1979, p 21967. Thus, the test of germaneness of an amendment adding a new title at the end of a bill is its relationship to the bill as a whole, as perfected. 98–2, Aug. 10, 1984, pp 23958, 23968, 23974–78; 99–1, July 11, 1985, p 18602; 99–1, Oct. 8, 1985, p 26551. For this reason, an amendment which might not be germane when offered to a particular title of a bill may be considered germane if offered as a new title. 90–1, Oct. 11, 1967, p 28649. This test is applied even though the amend-

ment in effect modifies a provision previously read and passed. 86–1, June 24, 1959, p 11790.

In determining the application of this test, the Chair must take into account whether the text is being read by titles, sections, or paragraphs. Thus, 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. 94–1, Sept. 17, 1975, p 28927.

§ 17. Striking Out Text

An amendment striking out language in a bill may be subject to the point of order that it is not germane. 8 Cannon § 2920. A proposal to eliminate portions of a text, thereby extending the scope of its provisions to subjects other than those originally presented, is in violation of the rule requiring germaneness. Deschler-Brown Ch 28 § 20; 86–2, Mar. 23, 1960, p 6381. A motion to strike out a portion of the text of an amendment, thereby extending its scope to a more general subject, is not germane. 96–1, July 17, 1979, p 19066. A pro forma amendment merely to “strike out the last word” is germane. 89–1, July 28, 1965, p 18639.

§ 18. Substitute Amendments

A substitute must be germane to the amendment for which it is offered. 96–1, June 26, 1979, pp 16663, 16668, 16673, 16674; 98–1, June 15, 1983, pp 15803, 15809. A substitute for an amendment must be confined in scope to the subject of the amendment (93–2, Mar. 6, 1974, pp 5448, 5449) and must relate to the same portion of the bill being amended by the amendment (94–1, Oct. 8, 1975, p 32428). However, for an amendment changing certain language in a pending section, a substitute changing that text and also additional language in the section may be germane if it has the effect of dealing with the same subject in a related and more limited way. 95–1, May 25, 1977, pp 16648, 16652, 16653.

The test of the germaneness of a substitute amendment is its relationship to the amendment for which offered and not its relationship to the pending bill. See Deschler-Brown Ch 28 § 21; *Manual* § 795. Thus, for an amendment establishing a termination date for the Federal Energy Administration, a substitute not dealing with the date of termination but providing instead a reorganization plan for that agency was ruled out as not germane. 94–2, June 1, 1976, p 16056.

§ 19. Committee Amendments

The rule of germaneness applies to committee amendments as well as those to offered by individual Members. 5 Hinds § 5806; Deschler-Brown Ch 28 § 22. A committee amendment, whether or not in the nature of a substitute, should be germane to the bill as introduced. 90–1, Oct. 10, 1967, p 28406.

§ 20. Recommittals; Instructions to Committees

The germaneness rule applies to instructions in a motion to recommit a bill to a committee. It is not in order to propose as part of a motion to recommit any proposition that would not have been germane if proposed as an amendment to the bill in the House. 5 Hinds §§ 5529–5541; 8 Cannon §§ 2708–2712; *Manual* § 796. In one instance, for example, during consideration of a bill authorizing military expenditures, a motion to recommit with instructions was ruled out on a point of order because it contained provisions seeking to prescribe foreign policy objectives. 90–1, Mar. 2, 1967, p 5155.

The instructions must be germane to the bill as perfected by the House (103–1, Nov. 19, 1993, p _____), even where the instructions do not propose a direct amendment to the bill but merely direct the committee to pursue an unrelated approach (95–2, Mar. 2, 1978, p 5272) or direct the committee not to report the bill back to the House until an unrelated contingency occurs (8 Cannon § 2704). An amendment carrying instructions in the form of a new title at the end of a bill need only be germane to the bill as a whole. 99–2, Sept. 19, 1986, pp 24731 *et seq.*

A point of order against a motion to recommit with instructions has been entertained prior to completion of the reading of such motion where the matter contained in the instructions has been ruled out as not germane when offered as an amendment in the Committee of the Whole. 90–1, Mar. 2, 1967, p 5155.

C. Amendments Imposing Qualifications or Limitations

§ 21. In General; Exceptions or Exemptions

As pointed out earlier in this chapter, a general subject may be amended by a specific proposition of the same class. § 11, *supra*. Under an extension of this principle an amendment that makes a specific exception to or exemption from a general proposition is germane and in order. 8 Cannon § 3028; Deschler-Brown Ch 28 § 29. Thus, to a section dealing with a designated

class, an amendment exempting from the provisions of the section a certain portion of that class may be germane. 8 Cannon § 3026. Provisions restricting authority may be modified by amendments providing exceptions to those restrictions. 8 Cannon § 3024. Further illustrations of this rule are set forth below.

Held Germane

| Text | Amendment |
|--|--|
| Providing for deportation of aliens... | Exempting a portion of such aliens from deportation (8 Cannon § 3029) |
| Prohibiting the issuance of injunctions by the courts in labor disputes... | Excepting all labor disputes affecting public utilities (8 Cannon § 3024) |
| Prohibiting an administrator from setting ceiling prices for domestic crude oil above a certain level... | Exempting new crude petroleum sold by producers of less than 30,000 barrels per day (93-2, Mar. 6, 1974, p 5449) |
| Limiting discretionary powers conferred in a bill... | Providing an exception from that limitation (93-2, Mar. 6, 1974, p 5449) |
| Requiring NLRB certification of employee elections of unions as bargaining agents only where there has been a secret ballot... | Making an exception where an employer has undermined the election or is otherwise estopped from challenging it (95-1, Oct. 6, 1977, p 32608) |
| Denying benefits to recipients failing to meet a certain qualification... | Denying the same benefits to some recipients but excepting others (97-2, July 28, 1982, p 18358) |

§ 22. Conditions or Qualifications

A condition or qualification sought to be added by way of amendment must be germane to the provisions of the bill. *Manual* § 800; Deschler-Brown Ch 28 § 30. An amendment is not germane if it makes the effectiveness of a bill contingent upon an unrelated event or determination. 93-1, Dec. 11, 1973, p 40837; 98-1, Nov. 2, 1983, pp 30525-27, 30541, 30542. Thus, an amendment making the implementation of a funding program contingent upon compliance with unrelated legislation is not germane. 98-1, June 16, 1983, p 16060. For discussion of postponements pending contingencies, see § 26, *infra*.

On the other hand, an amendment imposing a condition may be in order if it imposes a prerequisite that comes within the general subject covered

by the bill. For example, where a bill provided a comprehensive grant program that included within its scope the welfare of law enforcement officers, an amendment requiring states to enact a law enforcement officers' grievance system as a prerequisite to receiving grants under the bill was held to come within the general subject of law enforcement improvement covered by the bill and was held germane. 93-1, June 18, 1973, pp 20099-101.

Assistance to a particular class of recipient covered by a bill may not by amendment be conditioned on actions or inaction by another class of recipient or agent not covered by the bill. 99-2, Mar. 5, 1986, pp 3612, 3613. An amendment conditioning the availability to certain recipients of funds in an authorization bill upon their compliance with federal law *not otherwise applicable to those recipients* and within the jurisdiction of other House committees may be ruled out as not germane. 98-1, June 16, 1983, pp 16059, 16060.

Held Germane

| Text | Amendment |
|--|---|
| Authorizing the funding of a variety of programs that satisfy several stated requirements, in order to accomplish a general purpose... | Conditioning the availability of those funds upon implementation of another program related to that general purpose (93-1, June 18, 1973, pp 20099-101) |
| Providing for scholarships... | Relating to requirements for eligibility for such scholarships (89-1, Sept. 1, 1965, p 22475) |
| Authorizing funds for military procurement and construction... | Barring use of the funds in military operations in North Vietnam (90-1, Mar. 2, 1967, p 5143) |
| Authorizing the insurance of vessels... | Denying such insurance to vessels charging exorbitant rates (8 Cannon § 3023) |
| Authorizing an agency to undertake certain activities... | Allowing Congress to disapprove regulations issued pursuant thereto (94-2, May 4, 1976, p 12348) |
| Directing the furnishing of certain intelligence information to the House... | Imposing relevant conditions of security on the handling of such information in committee (102-1, June 11, 1991, p ____) |

§ 23. Restrictions or Limitations

Restrictions and limitations sought to be added to a bill by way of amendment must be germane to the provisions of the bill. *Manual* § 800; Deschler-Brown Ch 28 § 32. Thus, to a bill amending a statute, an amendment prohibiting assistance under that act or under any other act for a particular purpose, and affecting laws not being amended by the bill, may be ruled out as not germane. 94–2, May 11, 1976, pp 13419, 13427. Other illustrations of this principle are set forth below.

Held Germane

| Text | Amendment |
|--|---|
| Authorizing change in railroad rates... | Excluding rate increases (8 Cannon § 3022) |
| Authorizing aid to shipping... | Limiting such aid to ships equipped with life-saving devices (8 Cannon § 3027) |
| Authorizing use of oil-burning engines on ships... | Prohibiting use of such engines if constructed outside of U.S. (8 Cannon § 3032) |
| Authorizing the furnishing of medical services and facilities... | Prohibiting the use of such services to perform certain abortions (96–1, July 11, 1979, pp 18022, 18052) |
| Providing unlimited terms of service for judges... | Restricting terms to four years (8 Cannon § 3031) |
| Providing for the transfer of specified property solely for the purpose of providing shelter to the homeless and to protect the public health... | Requiring reversion of the property if not used for that charitable purpose as defined under a provision of the Internal Revenue Code (99–2, June 5, 1986, pp 12592–94) |

Held Not Germane

| Text | Amendment |
|----------------------------|--|
| Repairing naval vessels... | Prohibiting such repairs in navy yards when possible to make at less expense elsewhere (8 Cannon § 3034) |

§ 24. — Limitations on Discretionary Powers

To a proposition conferring discretionary authority, an amendment limiting or restricting the exercise of that authority is germane. 8 Cannon § 3022; Deschler-Brown Ch 28 § 33; 93–2, Mar. 5, 1974, pp 5309, 5310; 93–2, Mar. 6, 1974, pp 5436, 5437; 95–2, Aug. 2, 1978, p 23730. For example, where a bill continues the authority of an official to set maximum interest rates on loans, an amendment placing a limit on such authority is germane. 91–1, Sept. 29, 1969, p 27351.

An amendment limiting the exercise of a discretionary power conferred in a bill may be germane even though it incorporates as a term of measurement a qualification or condition applicable to entities beyond the scope of the bill. 95–2, July 19, 1978, p 21704. Thus, to a proposition that the Administrator of Veterans' Affairs be authorized to establish a maximum interest rate for loans, an amendment stating that "the rate fixed shall not be higher than the FHA rate" was held germane. 91–1, Sept. 29, 1969, p 27351.

While a proposition reorganizing existing discretionary agency authority may be amended by imposing limitations on the exercise of those functions, an amendment directly changing policies in the substantive law to be administered by that agency is not germane. 93–2, Mar. 6, 1974, pp 5433–36.

Held Germane

| Text | Amendment |
|---|---|
| Authorizing funds for the National Aeronautics and Space Administration... | Prohibiting contracts for "support" services except where certain cost comparisons had been made (90–1, June 28, 1967, p 17748) |
| Conferring authority on the President to establish rules for ordering priorities among petroleum users and requiring that vital services in the areas of education and transportation shall receive priority... | Restricting that regulatory authority by requiring that petroleum products allocated for public school transportation be used only between the student's home and the school closest thereto (93–1, Dec. 13, 1973, pp 41267–69) |
| Prescribing the functions of a new Federal Energy Administration by conferring wide discretionary powers on the administrator... | Limiting the authority of the administrator in setting prices for propane gas by requiring an equitable allocation of production costs (93–2, Mar. 5, 1974, pp 5309, 5310) |

Held Germane—Continued

| Text | Amendment |
|---|---|
| Prescribing the functions of a new Federal Energy Administration... | Prohibiting the promulgation of petroleum rationing rules without prior approval by Congress (93–2, Mar. 6, 1974, p 5439) |
| Authorizing an agency to undertake certain activities... | Providing that regulations issued pursuant to that authority may be disapproved by Congress (94–2, May 4, 1976, pp 12344, 12345, 12348) |
| Continuing U.S. participation under the International Development Association Act... | Directing opposition in that forum to loans to nations not party to a nuclear nonproliferation treaty (93–2, July 2, 1974, p 22029) |
| Containing diverse provisions relating to authorities of the Department of Defense... | Precluding the use of certain land for deployment of a weapons system pending a study (96–2, May 21, 1980, pp 11972, 11973) |

§ 25. — Restrictions on Use of Funds

Amendments that merely place restrictions on the use of funds that are authorized or referred to in the bill are generally upheld as germane. Deschler-Brown Ch 28 § 34; 93–2, Aug. 15, 1974, pp 28423, 28438, 28439. An amendment seeking to restrict the use of funds must be limited to the subject matter and scope of the provisions sought to be amended. *Manual* § 800. The amendment must be confined to the agencies, authority, and funds addressed by the bill and may not be more comprehensive in scope. 94–2, July 27, 1976, pp 24040, 24041. A limiting amendment may be held not germane if it places restrictions on funds authorized or appropriated in other bills. 90–1, Aug. 24, 1967, p 24002. To be germane, the amendment restricting the use of funds must relate solely to those funds and may not apply to another related category of funds. 96–2, Mar. 6, 1980, pp 4970, 4971.

An amendment limiting the use of funds by a particular agency funded in a general appropriations bill may be germane at more than one place in the bill; subject to clauses 2(c) and (d) of Rule XXI the amendment may be offered when the paragraph carrying such fund is pending, or to an appropriate “general provision” portion of the bill affecting that agency or all agencies funded by the bill. See 96–1, July 16, 1979, p 18807.

Held Germane

| Text | Amendment |
|---|--|
| Authorizing supplemental appropriations for military procurement, development, and construction... | Declaring that none of those funds be used to carry out military operations in North Vietnam (90-1, Mar. 2, 1967, p 5142) |
| Appropriating funds for an additional Washington airport... | Placing a limit on the amount to be used for the construction of an access road (86-1, June 29, 1959, p 12121) |
| Authorizing an investigation and incidental travel to be undertaken by a committee of the House... | Placing restrictions on the funds permitted to be used in such travel (88-1, Jan. 31, 1963, p 1547) |
| Authorizing appropriations to enter into contracts for the development of synthetic fuels... | Prohibiting the use of the funds to enter into contracts with any major oil company (96-1, June 26, 1979, pp 16694-96) |
| Authorizing appropriations for contributions to the United Nations Environmental Fund... | Prohibiting the use of those funds to assist in the reconstruction of North Vietnam (93-1, May 15, 1973, pp 15747, 15752) |
| Authorizing appropriations for the National Science Foundation... | Prohibiting the use of those funds for research on a live human fetus outside the womb (93-1, June 22, 1973, p 20946) |
| To establish a rural electrification and telephone revolving fund for insured and guaranteed loans... | To provide that no such funds be used outside the United States or its possessions (93-1, Apr. 4, 1973, pp 10395, 10396) |
| Continuing U.S. participation under the International Development Association Act... | Prohibiting the use of U.S. contributions as loans for the purchase of nuclear weapons or materials (93-2, July 2, 1974, pp 22026, 22028) |
| Restricting the availability of funds to a certain category of recipients... | Further restricting the availability of those funds to a subcategory of the same recipients (96-1, Sept. 25, 1979, pp 26135 <i>et seq.</i>) |

Held Germane—Continued

| Text | Amendment |
|---|--|
| Providing assistance for mass transportation programs and permitting certain school systems to be eligible applicants for school bus subsidies... | Prohibiting the use of funds to implement programs intended to overcome racial imbalance in school systems (93-2, Aug. 15, 1974, pp 28423, 28438, 28439) |
| Authorizing funds and limited use of troops for a specific purpose... | Denying funds for deployment of troops beyond a certain period of time (94-1, Apr. 23, 1975, p 11508) |

Held Not Germane

| Text | Amendment |
|---|---|
| Changing a dollar amount in operating expenses for an agency... | Prohibiting a certain activity and the use of any funds therefor (92-2, June 7, 1972, pp 19920, 19927) |
| Establishing a new Department of Education and addressing only the administrative structure of the department... | Prohibiting the use of funds to compel the transportation of students or teachers to establish racial or ethnic balance (96-1, June 12, 1979, pp 14466, 14485, 14486) |
| To approve an increase in the U.S. quota to the International Monetary Fund and to authorize dealing in gold in connection therewith... | Prohibiting the alienation of gold to <i>any</i> international organization or its agents, or to <i>any</i> person or organization acting for certain purchasers (94-2, July 27, 1976, pp 24040, 24041) |
| Striking out a provision prohibiting the use of funds in the bill for a designated oil land lease in California... | Prohibiting the use of funds in the bill <i>or in any other act</i> for that lease <i>and other</i> California leases (98-1, Oct. 5, 1983, pp 27319, 27320) |

§ 26. Postponing Effectiveness Pending Contingency

An amendment delaying the operation of proposed legislation pending an unrelated contingency is not germane. *Manual* § 800; 8 Cannon § 3037; Deschler-Brown Ch 28 § 31; 90-1, Aug. 24, 1967, pp 23977, 24002; 94-1, Apr. 23, 1975, p 11512; 94-1, Sept. 25, 1975, p 30227. Thus, an amendment making the implementation of federal legislation contingent upon the

enactment of unrelated state legislation is not germane. 90–1, June 29, 1967, p 17921. And it is not germane for an amendment to render a measure contingent upon an unrelated congressional action. For example, to a bill authorizing appropriations for radio broadcasting to Cuba, an amendment prohibiting use of those funds until Congress has considered a constitutional amendment mandating a balanced budget was ruled out as nongermane, imposing an unrelated contingency requiring separate congressional action on another subject. 97–2, Aug. 10, 1982, p 20250.

Amendments that unconditionally postpone the effective date of the legislation to a date certain have been upheld as germane. Thus, to a title of a bill establishing procedures permitting either House of Congress to disapprove an impoundment of appropriated funds by the President, an amendment delaying the effective date of that title to a day certain was held germane. 93–1, July 25, 1973, p 25828. Similarly, to an amendment abolishing the Federal Energy Administration on a date certain and transferring some of its functions to other agencies at that time, an amendment delaying the termination date of that agency for one year was held germane. 94–2, June 1, 1976, pp 16025, 16026.

An amendment may make the effectiveness of a bill subject to a condition if that condition is related to the provisions of the bill. 94–1, Apr. 23, 1975, p 11529; 95–2, Aug. 2, 1978, p 23933. An amendment delaying operation of a proposed amendment pending an ascertainment of a fact is germane when the fact to be ascertained relates solely to the subject matter of the bill. 8 Cannon § 3029; 97–2, Dec. 15, 1982, pp 39057–61. But an amendment is not germane if it delays the effectiveness of a bill contingent upon actions not involved in the administration of the affected program and which extend in scope beyond the authorities contained in the bill. 96–2, Nov. 14, 1980, pp 29615–17. Likewise, an amendment to an appropriation bill delaying the availability of the appropriation pending an unrelated contingency—the enactment of certain revenue legislation into law—is not germane. 96–1, Oct. 25, 1979, p 29639.

Held Germane

| Text | Amendment |
|---|--|
| Authorizing funds for elementary and secondary education... | Barring use of funds “so long as the present ... Commissioner of Education occupies that office” (89–2, Oct. 6, 1966, p 25583) |

Held Germane—Continued

| Text | Amendment |
|---|---|
| Relating to an expenditure of funds to pay for a cost-of-living salary increase for Members... | Restricting their availability during months in which there is an increase in the public debt (96–1, Sept. 25, 1979, pp 26150–52) |
| Authorizing appropriations for humanitarian and evacuation assistance to war refugees in South Vietnam... | Making that authorization contingent on a report to Congress on the costs of a portion of the evacuation program (94–1, Apr. 23, 1975, p 11529) |
| Authorizing defense assistance to a foreign nation... | Delaying that assistance until that nation's former ambassador testified before a House committee (95–2, Aug. 2, 1978, p 23933) |

Held Not Germane

| Text | Amendment |
|---|---|
| Extending laws relating to housing and urban renewal... | Barring appropriation for the purposes of the bill until enactment of legislation raising additional revenue (86–1, May 21, 1959, p 8840) |
| Appropriating funds for emergency fuel assistance... | Prohibiting the obligation of such funds before the enactment of an oil windfall profit tax (96–1, Oct. 25, 1979, p 29639) |
| Authorizing funds for construction of atomic energy facilities... | Making such project contingent upon the enactment of federal or state fair housing measures (90–1, June 29, 1967, p 17921) |
| Authorizing appropriations for the Arms Control and Disarmament Agency... | Delaying the authorization until the Soviet Union “ceases to supply military articles to our enemy in Vietnam” (90–2, Mar. 6, 1968, p 5426) |
| Authorizing funds for foreign assistance... | Making aid to a nation contingent upon the enactment of tax reform measures by that nation (90–1, Aug. 24, 1967, p 23977) |

Held Not Germane—Continued

| Text | Amendment |
|--|---|
| Authorizing military assistance to Israel and funds for the United Nations Emergency Force in the Middle East... | Postponing the availability of funds to Israel until the President certifies the existence of a designated level of energy supplies for the U.S. (93–1, Dec. 11, 1973, p 40837) |
| Authorizing radio broadcasting to Cuba... | Prohibiting use of broadcasting funds until Congress has considered a constitutional amendment mandating a balanced budget (97–2, Aug. 10, 1982, p 20250) |
| Authorizing the development of certain military missile systems... | Making expenditures contingent on the impact of U.S. grain sales on Soviet military preparedness (98–1, July 21, 1983, p 20189) |
| Rescinding an agency's funds for motor vehicle seat belt and passive restraint <i>research and education</i> ... | Conditioning the availability of <i>all</i> funds pending state compliance with federal standards for <i>mandatory seat belt use</i> (99–1, July 31, 1985, pp 21832–34) |

D. Relation to Existing Law**§ 27. Amendments to Bills Amending Existing Law**

The germaneness rule may provide the basis for a point of order against an amendment that is offered to a bill amending existing law. A germaneness point of order may be sustained where the proposed amendment relates to the existing law rather than to the pending bill. 8 Cannon §§ 2916, 3045; Deschler-Brown Ch 28 § 35; *Manual* § 799. Unless a bill so extensively amends existing law as to open up the entire law to amendment, the germaneness of an amendment to the bill depends upon its relationship to the subject of the bill and not to the entire law being amended. 94–1, Oct. 28, 1975, p 34037. A bill amending several sections of one title of the U.S. Code does not necessarily bring the entire title under consideration so as to permit an amendment to any portion thereof. 90–1, Oct. 11, 1967, p 28649. See also 102–1, Oct. 17, 1991, p ____.

Where a bill amends existing law in one narrow particular, an amendment proposing to modify such existing law in other particulars will gen-

erally be ruled out as not germane. 86–1, Sept. 4, 1959, p 18841; 90–1, Aug. 16, 1967, p 22768; 92–1, Dec. 8, 1971, p 45535. Likewise, if a bill amending existing law relates to a single subject or has a single purpose, a proposed amendment is not germane that proposes to modify the law further in a manner not related to the purpose of the bill. 89–1, July 28, 1965, pp 18631, 18633; 93–2, Feb. 5, 1974, p 2064. Where a proposition narrowly amends one section of existing law by changing a specific program therein, that section of law is not open to a further amendment that would enlarge the scope of the pending proposition. 92–1, Dec. 8, 1971, p 45536.

To a proposition modifying a limited portion of existing law, an amendment further modifying that portion may be germane. 87–1, Mar. 24, 1961, p 4797. Such an amendment may add exceptions or definitions modifying the proposition if related to the same subject. 95–1, Oct. 6, 1977, p 32608. But an amendment repealing the law is not germane. 88–2, Mar. 12, 1964, p 5125. Other amendments that have been ruled out as beyond the scope of propositions to change existing law are set out below:

Held Not Germane

| Text | Amendment |
|--|--|
| Amending a section of title 5 of the U.S. Code granting certain rights to employees of executive agencies... | Extending those rights to legislative branch employees as defined in a different section of that title (94–1, Oct. 28, 1975, p 34037) |
| Amending a portion of an existing law to extend the authorization for U.S. contributions to the International Monetary Fund... | Amending another section of that law mandating that the total budget outlays of the federal government shall not exceed its receipts (98–1, Aug. 3, 1983, p 22679) |

§ 28. Amendments to Bills Repealing Existing Law

Where a bill repealing several sections of an existing law is pending, an amendment proposing to repeal the entire law may be germane. Deschler-Brown Ch 28 § 37. Where the bill seeks to repeal only one provision of an existing law, an amendment modifying that provision in existing law (rather than repealing it) may also be germane. 91–1, Oct. 30, 1969, p 32466. On the other hand, to a bill repealing one narrow subsection of existing law, an amendment proposing a comprehensive revision of the whole law is not germane. 91–1, Oct. 30, 1969, p 32464.

Held Not Germane

| Text | Amendment |
|---|--|
| Seeking the repeal of Chinese Exclusion Acts... | Relating to immigration generally (78-1, Oct. 21, 1943, p 8633) |
| Repealing a narrow provision of an existing act... | Expressing congressional policy as to the pending bill <i>and</i> to the administration of the whole act (91-1, Oct. 30, 1969, p 32465) |
| Repealing a provision of existing labor law, thereby depriving the states of the power to prohibit "closed shop contracts"... | Modifying the law to permit states to bar the application of "closed shop" agreements to veterans of military service (89-1, July 28, 1965, p 18636) |
| Repealing a narrow subsection of law relating to the order of induction of selective service registrants... | Placing restrictions on the assignment of personnel to Vietnam without their consent (91-1, Oct. 30, 1969, p 32466) |

§ 29. Amendments to Bills Incorporating Other Laws

A bill incorporating by reference procedural requirements contained in other Acts may be broad enough in scope to permit an amendment similarly referring to, but not directly amending, other statutes, and intended to accomplish the result sought to be effected by the portion of the bill to which offered. 92-2, Aug. 2, 1972, pp 26487, 26493. Thus, to a bill including requirements for certification of federal land use activities as compatible with approved state management programs and incorporating by reference certain statutory provisions, an amendment applying the procedures contained in those statutes to approval of such federal land use programs in lieu of the certification procedures in the bill was held germane. 92-2, Aug. 2, 1972, pp 26487, 26493. On the other hand, to a bill citing but not amending a law on one subject, an amendment incorporating that law by reference to broaden its application to the subject of the bill is not germane. 95-2, Oct. 5, 1978, p 33818.

§ 30. Amendments to Bills Continuing or Extending Existing Laws

A bill extending an existing law may open up the law being extended to germane amendments. Deschler-Brown Ch 28 § 39; 91-1, Sept. 29, 1969, p 27342. A bill continuing and reenacting an existing law may be amended

by a proposition modifying in a germane manner the provisions of the law being extended. 94–2, June 1, 1976, p 16025. See also 88–1, Oct. 31, 1963, p 20728; 94–2, June 1, 1976, p 16046. To a bill extending an existing law in modified form, an amendment proposing further modification of the law is germane. 91–1, Apr. 23, 1969, p 10067. But while a bill “extending existing law” may open up the law being extended to germane amendments, a proposition that merely extends an official’s authority under that law does not necessarily open up the basic law to amendment. 91–1, Sept. 29, 1969, p 27342.

Held Germane

| Text | Amendment |
|--|--|
| Continuing for one year the Mexican farm labor program... | Requiring a determination that reasonable efforts have been made to hire domestic workers (88–1, Oct. 31, 1963, p 29728) |
| Amending and extending the Elementary and Secondary Education Act... | Providing that no funds in the act be used for the transportation of students or teachers “in order to meet provisions of” the Civil Rights Act of 1964 (91–1, Apr. 23, 1969, p 10067) |
| Reenacting a law to extend the existence of the Federal Energy Administration, including the authority to conduct energy programs... | Restricting the method of submitting energy action proposals to Congress (94–2, June 1, 1976, p 16046) |
| Extending the existence of the Federal Energy Administration and authorizing appropriations for that agency... | Requiring that agency to promulgate regulations to assure that the agency hearings be conducted in certain areas (94–2, June 1, 1976, p 16058) |

Held Not Germane

| Text | Amendment |
|---|---|
| Extending the authority of the Administrator of Veterans' Affairs to establish a maximum interest rate for insured loans to veterans... | Altering provisions of existing law and modifying the authority of the administrator to manage the loan program (91-1, Sept. 29, 1969, p 27342) |
| Extending the school milk program and making "preschool programs operated as part of the school system" eligible for benefits... | Further extending such benefits to programs operated by nonprofit institutions in depressed areas (89-2, Sept. 1, 1966, p 21656) |

§ 31. Amendments Changing Law to Bills Not Changing That Law Generally

An amendment that amends a law not contemplated in the bill under consideration and not related to the text before the House is subject to a germaneness point of order. Thus, to a bill amending one existing law, an amendment changing the provisions of another law is not germane. 90-1, Sept. 28, 1967, p 27214. Likewise, to a bill making appropriations for the current fiscal year, an amendment permanently changing existing law is not germane and thus is not in order even though it tends to reduce expenditures for that year. 91-1, May 21, 1969, p 13269.

However, the germaneness of such an amendment may be affected by other amendments that broaden the scope of the pending bill. For example, where a bill authorizing foreign military assistance was broadened by amendment to address permanent law relating to economic relations with foreign nations, an amendment to remove military and economic trade sanctions against Rhodesia was held germane to the bill as a whole in its perfected form. 95-2, Aug. 2, 1978, p 23938.

Set out below are precedents illustrating the rule that an amendment is subject to a point of order if it amends a law that is not contemplated in the bill under consideration.

Held Not Germane

| Text | Amendment |
|--|--|
| Reorganizing existing discretionary governmental authority and vesting it in a new agency... | Directly changing policies in the substantive law to be administered by that agency (93-2, Mar. 6, 1974, pp 5433-36) |

Held Not Germane—Continued

| Text | Amendment |
|--|--|
| Consolidating certain functions under a new agency and limiting its policy-making authority to that contained in existing law... | Prescribing new policy by amending a law not amended by the bill (93–2, Mar. 5, 1974, pp 5306–09) |
| Providing in part for increased salaries for Members of Congress and legislative employees... | Relating to audits of financial transactions of the House and the Architect of the Capitol under another law (88–2, Mar. 12, 1964, p 5125) |
| Amending the Fair Labor Standards Act and concerned with the effect of imports on the domestic labor market... | Proposing changes in the Tariff Act of 1930 and concerned with the importation of merchandise from Communist nations (90–1, Sept. 28, 1967, p 27214) |
| Establishing a Federal Energy Administration but not amending existing laws relating to energy conservation policy... | Repealing the Emergency Daylight Saving Time Energy Conservation Act (93–2, Mar. 7, 1974, pp 5653, 5654) |
| Regulating the importation of liquefied natural gas, but not directly amending the Natural Gas Act... | Changing the Natural Gas Act to prohibit the FPC from regulating the price of natural gas at the well-head (93–1, Dec. 14, 1973, pp 41723–25) |
| Changing certain Acts to provide for market adjustment and price support programs for wheat and feed grains... | Proposing modification of another Act to direct the President to conduct an investigation into imports of specified agricultural products (86–2, June 23, 1960, p 14060) |
| Changing for one year an existing law establishing price supports for several agricultural commodities... | Waiving the provisions of another law relating to price supports for another agricultural commodity (94–1, Mar. 20, 1975, p 7667) |

Waivers or Repeals

An amendment repealing existing law has been held not germane to a bill not amending that law. 93–2, Mar. 7, 1974, pp 5653, 5654. An amendment may be subject to a point of order on the basis that it contains the language “notwithstanding any other provision of law” if it has the effect of waiving a statute not amended by the bill. 94–1, Mar. 20, 1975, p 7667.

In one such instance, the Chair noted that the waivers in the bill were waivers of a narrow class of existing laws, whereas the amendment waived various unspecified laws not within the scope of the pending measure. 96–1, June 26, 1979, pp 11683–86.

Effect of Disclaimers

Ordinarily, the inclusion of language in a bill “disclaiming” any substantive effect of the bill on other provisions of law would not render germane amendments which do in fact affect other law. But where disclaimer language in a bill is accompanied by other provisions changing a category of law cited in the disclaimer, an amendment further addressing the relationship between the bill and laws cited in the disclaimer may be germane. 98–1, Nov. 2, 1983, pp 30525, 30527, 30542, 30545–47.

E. House-Senate Relations

§ 32. Senate Germaneness Rules

In contrast to the House practice, there is no general Senate rule prohibiting nongermane amendments. However, questions of germaneness of amendments to general appropriation bills are submitted to the Senate without debate under Rule XVI. The Chair does not rule on the question. 97–2, Mar. 31, 1982, pp 6166 *et seq.* Another rule prohibits nongermane amendments to bills after cloture has been invoked. See Senate Rule XXII clause 2. In addition, pursuant to unanimous-consent agreements, the Senate sometimes prohibits nongermane amendments to particular bills (81–2, Apr. 5, 1950, p 4774), or may prohibit a certain class of nongermane amendments to a bill (81–2, Dec. 12, 1950, p 16461). See *Senate Procedure*, Riddick, S. Doc. No. 101–28 (1992), p 854. Under § 305 of the Budget Act, amendments offered in the Senate to a concurrent resolution on the budget must be germane; and under § 310, a similar restriction applies to amendments to reconciliation bills. *Manual* § 1007.

§ 33. Motions to Instruct Conferees

The rule that amendments must be germane applies to amendments to a motion to instruct conferees. 8 Cannon §§ 3230, 3235; Deschler-Brown Ch 28 § 28. The test of an amendment to a motion to instruct conferees is the relationship of the amendment to the subject matter of the House and Senate versions of the bill (*Manual* § 796) and not to the original motion to instruct.

Where an amendment in the nature of a substitute has been proposed by one House for the entire bill passed by the other House, provisions in

either the bill or the substitute may be addressed in motions to instruct managers. 8 Cannon § 3230.

§ 34. Senate Provisions in Conference Reports and in Amendments in Disagreement

Formerly, a Senate amendment was not subject to the point of order that it was not germane to the House bill. 8 Cannon § 3425. Today, under changes in the rules enacted in 1972, points of order may be made, and if sustained, separate votes may be demanded on portions of Senate amendments and conference reports containing language that would not have been germane if offered in the House. Rule XXVIII clauses 4 and 5 (*Manual* § 913b).

Clause 4 of Rule XXVIII permits points of order against language in a conference report that was originally in the Senate bill or amendment and which would not have been germane if offered to the House-passed version, and permits a separate motion to reject such portion of the conference report if found nongermane. 99–2, Oct. 15, 1986, p 31498. For purposes of that rule, the House-passed version, against which Senate provisions are compared, is that finally committed to conference, taking into consideration all amendments adopted by the House, including House amendments to Senate amendments. 98–1, July 28, 1983, p 21401; Deschler-Brown Ch 28 § 27.

Pursuant to Rule XXVIII clause 4, where the Speaker sustains a point of order that a portion of a conference report containing a Senate amendment is not germane to the House bill, a motion to reject that portion of the conference report is in order and is subject to 40 minutes of debate. 93–2, Oct. 10, 1974, pp 35181 *et seq.*; 95–2, Oct. 12, 1978, p 36461; 95–2, Oct. 14, 1978, p 38559.

The Member representing the conference committee recognized in opposition to a motion to reject a nongermane Senate provision pursuant to clause 4 of Rule XXVIII, and not the proponent of the motion to reject, has the right to close debate thereon. After the 40 minutes of debate permitted by that rule, it is then in order, following the disposition of the motion to reject, to make further points of order and motions to reject. If any such motion is adopted, the pending motion (which may be offered by the manager of the conference report) is, in the case of a House bill with a Senate amendment, to recede from disagreement to the Senate amendment and concur therein with an amendment consisting of the portion of the conference report not rejected. 99–2, Oct. 15, 1986, p 31506.

Clause 5 Rule XXVIII permits points of order against motions to concur or concur with amendment in nongermane Senate amendments, the stage

of disagreement having been reached. If such a point of order is sustained, a separate motion to reject such nongermane matter is permitted. *Manual* §§ 797, 913c. Clause 5 is not applicable to a provision contained in a motion to recede and concur with an amendment that is not contained in any form in the Senate version, the only requirement in such circumstances being that the motion as a whole be germane to the Senate amendment as a whole under the longstanding House germaneness rule (clause 7, Rule XVI). 95–2, Oct. 4, 1978, pp 33502–506; 100–1, June 30, 1987, p 18294.

Held Not Germane

| House Bill | Senate Amendment |
|--|---|
| Continuing the operations of an executive department for one year... | Prohibiting the availability of any funds appropriated for foreign military base agreements absent congressional approval (93–1, Sept. 11, 1973, pp 29243–46) |
| Exempting from tariff duty certain equipment and repairs for vessels operated by the United States... | Extending benefits under the unemployment compensation program (93–2, July 31, 1974, pp 26082 <i>et seq.</i>) |
| Requiring that a percentage of U.S. oil imports be carried on U.S. flag vessels... | Dealing with the construction of vessels and with certain anti-pollution requirements (93–2, Oct. 10, 1974, pp 35181 <i>et seq.</i>) |
| Containing several diverse amendments to the Internal Revenue Code to provide individual and business tax credits... | Authorizing appropriations for special payments to social security recipients (94–1, Mar. 26, 1975, p 8931) |
| Improving automotive fuel efficiency by imposing fuel economy standards upon manufacturers... | Providing loan guarantees for automotive research and development (94–1, Dec. 15, 1975, p 40677) |

The House has by unanimous consent concurred in a nongermane Senate amendment to House amendments to a Senate bill (91–2, Apr. 23, 1970, p 12874), and in a nongermane Senate amendment to a House private bill (92–1, Dec. 9, 1971, p 45872).

§ 35. Amendments to Senate Amendments

An amendment offered in the House to a Senate amendment must ordinarily be germane to the particular Senate amendment to which it is offered, it not being sufficient that it be germane to the provisions of the bill if it

merely inserts new matter and does not strike out House provisions. 5 Hinds § 6188; 8 Cannon § 2936; *Manual* § 797. Thus, when considering a Senate amendment reported in disagreement by conferees, a proposal to amend must be germane to the Senate amendment. 87–1, Mar. 29, 1961, pp 5275, 5277; 96–2, Sept. 30, 1980, pp 28503, 28504. While a Senate amendment proposing legislation on a general appropriation bill is subject to an amendment of a similar character in the House, the requirement remains that the House amendment be germane to the Senate amendment. 91–2, Dec. 15, 1970, p 41504.

The test of the germaneness of an amendment offered to a motion to concur in a Senate amendment with an amendment is the relationship between the offered amendment and the motion, and not between that amendment and the Senate amendment to which the motion has been offered. 93–1, Aug. 3, 1973, pp 21821 *et seq.*

The test of germaneness of an amendment in the nature of a substitute to a Senate amendment—proposed in a motion to concur therein with an amendment—is the relationship between the proposed amendment in its entirety and the Senate amendment (and not the relationship between any one provision of the amendment and any one provision of the Senate amendment). 95–2, Oct. 4, 1978, p 33506.

The rule of germaneness applies to motions to recede and concur in a Senate amendment with an amendment. 92–1, July 29, 1971, p 28053. Such a motion must be germane to the Senate amendment. 98–2, Aug. 10, 1984, pp 23988, 23989. But where a Senate amendment proposes to strike out language in a House bill, the test of the germaneness of a motion to recede and concur with an amendment is the relationship between the language in the motion and the provisions in the House bill proposed to be stricken by the Senate amendment. *Manual* § 797; 78–1, June 8, 1943, p 5511; 78–1, June 15, 1943, p 5899; 93–2, Dec. 12, 1974, pp 39272, 39273.

Held Germane

Senate Amendment

Appropriating funds for a Senate office building extension, providing a funding ceiling on such extension, and providing for the transfer of personnel and equipment to such extension...

House Amendment

Reducing the appropriation and the funding ceiling, and providing that such extension upon completion meet certain personnel needs (96–1, Aug. 2, 1979, pp 22007 *et seq.*)

Held Germane—Continued**Senate Amendment****House Amendment**

Containing diverse provisions relating to the organization and administration of the federal courts, including appointment of additional district and circuit judges...

Containing comparable provisions and in addition permitting courts of appeals of a certain size to establish administrative units (95–2, Oct. 4, 1978, pp 33502–506)

Appropriating funds for termination of the civil supersonic aircraft...

Appropriating for termination of payment of the airlines' contribution to development costs (92–1, July 29, 1971, p 28053)

Held Not Germane**Senate Amendment****House Amendment**

To prohibit the use of specified funds as compensation for certain former employees...

Enlarging the class of persons ineligible for such compensation (88–1, May 14, 1963, p 8505)

Prohibiting use of funds in a general appropriation bill for only one basing mode for the MX missile...

Authorizing appropriations for research and development of another weapons system (96–1, Dec. 12, 1979, pp 35520, 35521)

Providing for payment, from the Senate contingent fund, of certain additional travel expenses incurred by Senate employees...

Providing additional travel allowances to Members of the House from the contingent fund (87–1, Mar. 29, 1961, pp 5275, 5277)

Striking a provision in a general appropriation bill that precluded the use of funds therein by the Environmental Protection Agency to control air pollution by regulating parking facilities...

Temporarily prohibiting the use of those EPA funds to implement any plan requiring the review of *any* indirect sources of air pollution (93–2, Dec. 12, 1974, pp 39272, 39273)

Appropriating funds for asbestos hazards abatement in schools...

Earmarking funds for the refinancing of a recycling program of a specified city (98–2, Aug. 10, 1984, pp 23988, 23989)

F. Procedural Matters; Points of Order

§ 36. In General

A point of order may be raised against an amendment on the ground that it is not germane to the proposition to which it has been offered:

OPPONENT: Mr. Speaker, I make [*or reserve*] the point of order that the amendment is not germane to the text [*section, paragraph, or other proposition*].

THE SPEAKER: The Chair will hear the gentleman.

If any part of an amendment is subject to a point of order, the entire amendment is subject to such point of order. 5 Hinds § 5784; 8 Cannon §§ 2922, 2980. The effect of a ruling by the Chair that an amendment is not germane is usually that the amendment is barred in its present form and at the place at which it is offered. However, the ruling of the Chair may be appealed. 79–1, Oct. 19, 1945, p 9868. On one occasion, the Committee of the Whole by unanimous consent voted on an amendment that had been ruled out of order as not germane. 82–1, Apr. 12, 1951, p 3781.

Ordinarily, a point of order based on the rule of germaneness will state the grounds for asserting the nongermaneness of the amendment. Deschler-Brown Ch 28 § 43.

Burden of Proof

The burden of proof of the germaneness of an amendment rests on its proponent. 8 Cannon § 2995; 87–2, July 12, 1962, p 13431. Where an amendment is equally susceptible to more than one interpretation, and the proponent fails to carry the burden of showing the applicability of that interpretation under which the amendment can be upheld, the Chair may rule it out of order. 94–1, June 20, 1975, p 19967.

§ 37. Waiver of Points of Order

Waiver by Failure to Raise Point of Order

The germaneness rule is not self-enforcing. It may be waived by the mere failure to raise a timely point of order. The Chair will not ordinarily apply the rule of germaneness to bar an amendment unless a timely point of order is actually raised against the amendment. An amendment permitted to remain because no point of order as to its germaneness was raised may itself be subject to germane amendment (92–1, Oct. 20, 1971, pp 37075–79). Of course, the fact that no point of order is made against a particular amendment does not waive points of order against subsequent amendments of a related nature. Deschler-Brown Ch 28 § 43.

Waiver by Special Rule

Points of order against nongermane amendments may be waived pursuant to the terms of a special rule from the Committee on Rules. The issue of germaneness cannot be raised against an amendment when all points of order against that amendment have been waived. 88–2, Feb. 10, 1964, p 2738. Thus, where a bill is being considered under the provisions of a special rule that specifies that committee amendments shall be in order, “any rule of the House to the contrary notwithstanding,” no issue can properly be raised as to the germaneness of such amendments. 86–2, May 18, 1960, p 10575.

The Committee on Rules may report a special rule altering the ordinary test of the germaneness of an amendment, such as rendering only one portion of an amendment subject to a germaneness point of order, while preserving consideration of the remainder of the amendment and waiving germaneness points of order with respect thereto. 95–2, May 23, 1978, p 15094 [H. Res. 1188]; 95–2, Aug. 11, 1978, p 25705 [H. Res. 1307]. See also 95–2, Feb. 6, 1978, p 2388 [H. Res. 982].

Where a special rule waives germaneness points of order against the consideration of a designated amendment, and does not specifically preclude the offering of amendments thereto, germane amendments to that amendment may be offered. 94–1, July 22, 1975, p 23991.

§ 38. Timeliness of Points of Order

The general rule is that a point of order against an amendment as not germane must be made or reserved immediately after the amendment is read and comes too late once debate has been had on the amendment. 94–2, Feb. 4, 1976, p 2390; 95–1, Oct. 19, 1977, p 34217. The point of order against the amendment must be raised prior to debate thereon and comes too late if the proponent has commenced his remarks. 94–1, June 16, 1975, p 19073. The rereading of the amendment by unanimous consent after there has been debate does not permit the intervention of a point of order against the amendment. 92–1, Nov. 4, 1971, p 39302. However, the Chair may entertain a point of order against the amendment by a Member who states that he had been on his feet, seeking recognition for that purpose, when the debate began (90–1, Sept. 26, 1967, p 26878), or who was on his feet seeking recognition at the time the amendment was read (91–1, Sept. 29, 1969, p 27351). Deschler-Brown Ch 28 § 44.

Reservation of a point of order against an amendment or the continuation of such a reservation after some debate on the amendment may be permitted by leave of the Chair, but the Chair may demand that the point of

order be disposed of prior to further debate on the amendment. 93–1, Apr. 4, 1973, pp 10395, 10396.

Since a point of order against the germaneness of an amendment must be made prior to its consideration, where points of order have been waived against a specific amendment which is then altered by amendment, a point of order will not lie against the amendment on the ground that, as modified, it no longer comes within the coverage of the waiver. 94–1, July 22, 1975, p 23990.

A point of order against a motion to recommit with instructions has been made prior to completion of the reading of such motion where the matter contained in the instructions had been ruled out as not germane when offered as an amendment in the Committee of the Whole. 90–1, Mar. 2, 1967, p 5155. But such a point of order comes too late after the proponent of the motion has been recognized for five minutes of debate in the House and has yielded for a parliamentary inquiry. 92–1, June 2, 1971, pp 17491–95.

§ 39. Debate on Points of Order

Where a germaneness point of order is made, the Chair ordinarily permits argument thereon by the Member making the point of order in support of his position, and by the proponent of the amendment in defense of the amendment. The Chair may in his sole discretion also permit arguments by others who wish to speak on either side of the issue. Deschler-Brown Ch 28 § 43. Debate time on the point of order is within the discretion of the Chair. 82–1, Apr. 13, 1951, p 3909. All such debate must be confined to the question of germaneness and cannot go to the merits of the amendment. 90–1, July 19, 1967, p 19412; 92–2, Sept. 6, 1972, p 29588.

§ 40. Anticipatory and Hypothetical Rulings

The Chair will ordinarily refuse to entertain a parliamentary inquiry on the germaneness of an amendment which has not yet been offered, since the Chair does not deliver anticipatory rulings. Deschler-Brown Ch 28 § 46. See also 99–1, Dec. 12, 1985, pp 36166, 36167, 36170, 36172. Thus, the Chair has declined to indicate, in response to a parliamentary inquiry, whether a substitute, if defeated, would thereafter be germane and in order if subsequently offered as an amendment in the form of a new section. 91–2, July 27, 1970, p 25811.

Since the Chair does not rule on hypothetical questions, the Chair declines to rule in advance with regard to the germaneness of instructions accompanying a motion to recommit. 88–1, Dec. 19, 1963, p 25249. Since the

Chair does not anticipate the content of a motion to recommit, he will not rule in advance as to whether a particular instruction would be germane. 91-1, Dec. 10, 1969, p 38130.

The Speaker does not rule on such questions of germaneness as may be the province of the Chairman of the Committee of the Whole. 91-1, Dec. 10, 1969, p 38130.