

measures approved by the committee and to take such necessary steps to bring the matter to a vote, is sufficient authority for the chair to call up a properly-noticed bill on Calendar Wednesday, but any other committee member must obtain specific authority of the committee to call up a reported bill on Calendar Wednesday (VII, 928, 929; Feb. 22, 1950, p. 2162; Feb. 1, 1984, p. 1193; Sept. 12, 1984, p. 25100; Apr. 18, 2007, p. 9201). Before the Legislative Reorganization Act of 1946 and the subsequent adoption of former clause 2(1)(1)(A) of rule XI, authority to call up a bill on Calendar Wednesday must have been given to its chair by a committee (IV, 3127).

## RULE XVI

### MOTIONS AND AMENDMENTS

#### *Motions*

1. Every motion entertained by the Speaker shall be reduced to writing on the demand of a Member, Delegate, or Resident Commissioner and, unless it is withdrawn the same day, shall be entered on the Journal with the name of the Member, Delegate, or Resident Commissioner offering it. A dilatory motion may not be entertained by the Speaker.

§ 902. Motions reduced to writing and entered on the Journal.

In 1880 the first sentence of this clause was composed of language adopted in 1789 and 1806 (V, 5300). The last sentence of this clause (formerly clause 10 of rule XVI) was adopted in 1890 (V, 5706) to make permanent a principle already enunciated in a ruling of the Speaker, who had declared that the “object of a parliamentary body is action, and not stoppage of action” (V, 5713). When the House recodified its rules, it consolidated clause 1 and former clause 10 of rule XVI under this clause (H. Res. 5, Jan. 6, 1999, p. 47).

Because of this provision it has been held not in order to amend or strike a Journal entry setting forth a motion exactly as made (IV, 2783, 2789). A motion not entertained is not entered on the Journal (IV, 2813, 2844–2846). See § 71, *supra*, for discussion of Journal entries. Any Member may demand that a motion, including the motion to adjourn, be reduced to writing and in the proper form (Sept. 27, 1993, p. 22608; Jan. 4, 1995, p. 509), and the demand may be initiated by the Chair (July 24, 1986, p. 17641). Consistent with this clause, the chair of the Committee of the

Whole requires that each amendment be reduced to writing (July 22, 1994, p. 17617). Although a motion to recommit is properly presented in writing, no rule requires that the proponent distribute copies on the floor (June 28, 2000, p. 12749).

The Speaker has declined to entertain debate or appeal on a question as to the dilatoriness of a motion, because doing so would nullify the rule (V, 5731); but has recognized that the authority conferred by the rule should not be exercised until the object of the dilatory motion “becomes apparent to the House” (V, 5713, 5714). For example, the Chair has held that a virtually consecutive invocation of former rule XXX (current clause 6 of rule XVII), resulting in a second pair of votes on use of a chart and on reconsideration thereof, was not dilatory under this provision (or former clause 4(b) of rule XI (current clause 6(b) of rule XIII)) (July 31, 1996, p. 20700). Usually, but not always, the Speaker awaits a point of order from the floor before acting (V, 5715–5722). The rule has been applied to the motions to adjourn (V, 5721, 5731–5733; VIII, 2796, 2813), to reconsider (V, 5735; VIII, 2797, 2815, 2822), to fix the time of five-minute debate in Committee of the Whole (V, 5734; VIII, 2817), to lay on the table (VIII, 2816), and to the question of consideration (V, 5731–5733). The point of no quorum also has been ruled out (V, 5724–5730; VIII, 2801, 2808), and former clause 6 of rule XV (current clause 7 of rule XX) as adopted in the 93d Congress and as amended in the 95th Congress prevents the making of a point of no quorum under certain circumstances. A demand for tellers has been held dilatory (V, 5735, 5736; VIII, 2436, 2818–2821), but the constitutional right of the Member to demand the yeas and nays may not be overruled (V, 5737; VIII, 3107). For a ruling by Speaker Gillett construing dilatory motions, see VIII, 2804. For discussion of dilatory motions pending consideration of a report from the Committee on Rules, see §§ 857–858, *supra*.

## ***Withdrawal***

2. When a motion is entertained, the Speaker shall state it or cause it to be read aloud by the Clerk before it is debated. The motion then shall be in the possession of the House but may be withdrawn at any time before a decision or amendment thereon.

§ 904. Stating and withdrawing of motions.

The provisions of this clause were adopted first in 1789. At that time a second was required for every motion, but in practice this requirement became obsolete very early, and it was dropped from the rule in 1880 (V, 5304). Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47).

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§ 905

Rule XVI, clause 2

The House always insists that the motion be stated or read before debate shall begin (V, 4937, 4983) and the Clerk's reading may be dispensed with only by unanimous consent (Dec. 15, 1975, p. 40671; see also § 432, *supra*). It is the duty of the Speaker to put the question on a motion in order under the rules and practice without passing on its constitutional effect (IV, 3550; VIII, 2225, 3031, 3071, 3427). In a case wherein a clerk presiding during organization of the House declined to put a question, a Member-elect put the question from the floor (I, 67).

Under certain circumstances (such as the practice of extinguishing reconsideration by laying a motion to reconsider on the table), a Member may offer a double motion (V, 5637).

A motion may be withdrawn at any time before a decision thereon, including a motion to instruct conferees (Oct. 31, 2000, p. 25737) and a contempt resolution (Oct. 27, 2000, p. 25200). Unanimous consent is not required to withdraw a pending unanimous-consent request (Dec. 16, 1985, p. 36575).

While the House was dividing on a second of the previous question (this second is no longer required) on a motion to refer a resolution, the proponent was permitted to withdraw the resolution (V, 5350). A motion was withdrawn after the previous question had been ordered on an appeal from a decision on a point of order as to the motion (V, 5356).

A motion to suspend the rules could be withdrawn at any time before a second was ordered (a second is no longer required) (V, 6844; VIII, 3405, 3419), even on another suspension day (V, 6844). However, the motion could not be withdrawn if a second were ordered, except by unanimous consent (VIII, 3420). In the modern practice, in which a second is not required on a motion to suspend the rules, the motion may be withdrawn at any time before action is taken thereon (July 27, 1981, p. 17563) including after proceedings have been postponed under clause 8 of rule XX (Sept. 29, 2010, p. \_\_).

A motion may be withdrawn although an amendment has been offered and is pending (V, 5347; VI, 373; VIII, 2639). In the House an amendment, whether simple or in the nature of a substitute, may be withdrawn at any time before an amendment is adopted thereto or a decision is had thereon (VI, 587; VIII, 2332, 2764). The same right to withdraw an amendment exists "in the House as in Committee of the Whole" (IV, 4935; June 26, 1973, p. 21315) and in standing committees where general procedures of the House as in the Committee of the Whole apply (§ 427, *supra*). However, unanimous consent to withdraw an amendment is required in Committee of the Whole (V, 5221, 5753; VI, 570; VIII, 2465, 2859, 3405), unless withdrawal authority has been conferred by the House (July 22, 1999, p. 17291; Apr. 3, 2003, pp. 8490, 8491; Nov. 7, 2007, p. \_\_). An amendment disposed of in the Committee of the Whole by voice vote may not be withdrawn (June 17, 2004, pp. 12944, 12945).

A motion may be withdrawn after the affirmative side has been taken on a division (V, 5348). Withdrawal of a pending resolution is not in order when the absence of a quorum has been announced by the Chair (Oct. 14, 1970, pp. 36665–69). A motion that the House resolve into the Committee of the Whole for the consideration of a bill may be withdrawn pending a point of order against consideration of the bill. If the motion is withdrawn, the Chair is not obligated to rule on the point of order (VIII, 3405; Dec. 3, 1979, p. 34385).

A decision that prevents withdrawal may consist of the following: (1) the ordering of the yeas and nays (V, 5353), either directly on the motion or on a motion to lay it on the table (V, 5354); (2) the ordering of the previous question (V, 5355; June 29, 1995, p. 17967), or the demand therefor (V, 5489), or (3) the refusal to lay on the table (V, 5351, 5352; VIII, 2640).

If the Speaker has put the question on adoption of a resolution to a voice vote without the ordering of the previous question, and the yeas and nays have not been ordered (V, 5349; Feb. 26, 1985, p. 3501) or if a voice vote (and the record vote on the associated motion for the previous question) has been vacated (Sept. 25, 2008, p. \_\_\_), the resolution may be withdrawn. A privileged resolution called up in the House is debated under the hour rule; and the Member calling up such a resolution is recognized for an hour notwithstanding the fact that the resolution has been previously considered, debated, and then withdrawn before action thereon (Apr. 8, 1964, pp. 7303–08).

Where proceedings are postponed on a motion for the previous question pending a point of no quorum against a voice vote thereon (pursuant to former clause 5 of rule I (current clause 8 of rule XX)), the manager may withdraw such motion when it is again before the House as unfinished business (July 24, 1989, p. 15818).

A Member having the right to withdraw a motion before a decision thereon has the resulting power to modify the motion (V, 5358; Oct. 23, 1990, p. 32667), and a Member having the right to withdraw a motion to instruct conferees before a decision thereon has the resulting power to modify the motion by offering a different motion at the same stage of proceedings (July 14, 1993, p. 15661). A motion being withdrawn, all proceedings on an appeal arising from a point of order related to it fell thereby (V, 5356).

### ***Question of consideration***

3. When a motion or proposition is entertained, the question, “Will the House now consider it?” may not be put unless demanded by a Member, Delegate, or Resident Commissioner.

§ 906. The question of consideration.

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§ 907–§ 908

Rule XVI, clause 3

The question of consideration is an outgrowth of the practice of the House, and was in use as early as 1808. The rule was adopted in 1817 in order to limit its use. Clerical and stylistic changes were effected when the House recodified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). It is the means by which the House protects itself from business that it does not wish to consider (V, 4936; VIII, 2436). The refusal to consider does not amount to the rejection of a bill or prevent its being brought before the House again (V, 4940), and an affirmative vote does not prevent the question of consideration from being raised on a subsequent day when the bill is again called up as unfinished business (VIII, 2438). It has once been held that a question of privilege that the House has refused to consider may be brought up again on the same day (V, 4942). The question of consideration is not debatable (VIII, 2447), and thus not subject to the motion to lay on the table (Oct. 4, 1994, p. 27643). See also clause 6 of rule XIV (§ 884, *supra*), which provides that questions relating to the priority of business are not debatable.

A Member may demand the question of consideration, although the Member in charge of the bill may claim the floor for debate (V, 4944, 4945; VI, 404); but after debate has begun the demand may not be made (V, 4937–4939). It has been admitted, however, after the offering of a motion to lay on the table but before its disposition (V, 4943). The demand for the question of consideration may not be prevented by a motion for the previous question (V, 5478), but after the previous question is ordered it may not be demanded (V, 4965, 4966), even on another day, unless other business has intervened (V, 4967, 4968). The question of consideration pending, a motion to refer is not in order (V, 5554).

The intervention of an adjournment does not destroy the right to raise the question of consideration (V, 4946), but this right did not hold good in a case in which the yeas and nays had been ordered and the House had adjourned pending the failure of a quorum on the roll call (V, 4949). A question of consideration undisposed of at an adjournment does not recur as unfinished business on a succeeding day (V, 4947, 4948). It is not in order to reconsider the vote whereby the House refuses to consider a bill (V, 5626, 5627), although it is in order to reconsider an affirmative vote on the question of consideration (Oct. 4, 1994, p. 27644).

The question of consideration may be demanded against a matter of the highest privilege, such as the right of a Member to a seat (V, 4941), a question involving the privilege of the House (VI, 560), against the motion to reconsider (VIII, 2437), but not against a bill returned with the President's objection (V, 4960, 4970). It may not be raised against a proposition before the House merely for reference, as a petition (V, 4964). It may not be demanded against a class of business in order under a special order or rule, but may be demanded against each bill individually (IV, 3308, 3309; V, 4958, 4959). It may be raised against

§ 907. Raising the question of consideration.

§ 908. Questions subject to the question of consideration.

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Rule XVI, clause 3

§ 909–§ 910

a bill the consideration of which has been provided by a special order of business (IV, 3175; V, 4953–4957; June 22, 2006, p. 12280; Jan. 24, 2007, p. 2140; Jan. 31, 2007, p. 2736), unless the order provides for immediate consideration (V, 4960) or provides for the Speaker’s declaration that the House resolve into the Committee of the Whole under clause 2 of rule XVIII. The question may be raised against a bill on the Union Calendar on Calendar Wednesday before resolving into the Committee of the Whole even after one Wednesday has been devoted to it (VIII, 2447); but it may not be raised against a report from the Committee on Rules relating to the order of considering individual bills (V, 4961–4963; VIII, 2440, 2441, see § 858, *supra*).

The question of consideration may not be raised on a motion relating to the order of business (V, 4971–4976; VIII, 2442; May 21, 1958, p. 9216); to a motion to discharge a committee (V, 4977); or against a motion to take from the Speaker’s table Senate bills substantially the same as House bills already favorably reported and on the House Calendar (VIII, 2443). On a motion to go into Committee of the Whole to consider a bill the House expresses its wish as to consideration by its vote on this motion (V, 4973–4976; VI, 51; VIII, 2442; May 21, 1958, p. 9216), and the question of consideration is not available after the House has resolved into the Committee of the Whole (May 10, 2007, p. 12191).

A point of order against consideration of a bill should be made and decided before the question of consideration is put (V, 4950, 4951; VII, 2439), but if the point relates merely to the manner of considering, it should be passed on afterwards (V, 4950). In general, after the House has decided to consider, a point of order raised with the object of preventing consideration, in whole or part, comes too late (IV, 4598; V, 4952, 6912–6914), but on a conference report the question of consideration may be demanded before points of order are raised against the substance of the report (VIII, 2439; Speaker Albert, Sept. 28, 1976, p. 33019).

The Unfunded Mandates Reform Act of 1995 (P.L. 104–4; 109 Stat. 48) added a new part B to title IV of the Congressional Budget Act of 1974 (2 U.S.C. 658–658g) that imposes several requirements on committees with respect to “Federal mandates” (secs. 423–424; 2 U.S.C. 658b–c), establishes points of order to permit votes on whether to enforce those requirements (sec. 425; 2 U.S.C. 658d), and permits a vote on the question of consideration of a rule or order waiving such points of order in the House (sec. 426(a); 2 U.S.C. 658e(a)). The latter provision also prescribes that such points of order be disposed of by the question of consideration with respect to the proposition against which they are lodged (after 20 minutes of debate) (sec. 426(b); 2 U.S.C. 658e(b)). See § 1127, *infra*.

§ 909. Relation of question of consideration to points of order.

§ 910. Unfunded mandates; congressional earmarks; paygo.

Clause 9 of rule XXI establishes a point of order against consideration of certain measures for failure to disclose (or disclaim the presence of) certain earmarks, tax benefits, and tariff benefits (paragraphs (a) and (b)), and permits a vote on the question of consideration of a rule or order waiving such points of order (paragraph (c)). Certain cognizability thresholds are established for points of order under the rule (paragraph (d)). See § 1068d, *infra*.

Both points of order may be raised against the same special order of business (May 14, 2008, p. \_\_).

Former clause 10(c)(3) of rule XXI required the Chair to put the question of consideration with regard to measures that included an emergency designation for pay-as-you-go principles. See § 1068j, *infra*.

The Statutory Pay-As-You-Go Act of 2010 (tit. I, P.L. 111–139) requires the Chair to put the question of consideration with regard to measures that include a pay-as-you-go emergency designation:

SEC. 4. PAYGO ESTIMATES AND PAYGO SCORECARDS.

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(g) EMERGENCY LEGISLATION.—

(1) DESIGNATION IN STATUTE.—If a provision of direct spending or revenue legislation in a PAYGO Act is enacted as an emergency requirement that the Congress so designates in statute pursuant to this section, the amounts of new budget authority, outlays, and revenue in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purposes of this Act.

(2) DESIGNATION IN THE HOUSE OF REPRESENTATIVES.—If a PAYGO Act includes a provision expressly designated as an emergency for the purposes of this title, the Chair shall put the question of consideration with respect thereto.

The question of consideration applies to an emergency designation contained in an amendment between the Houses (in addition to a bill or joint resolution) (*e.g.*, May 28, 2010, p. \_\_; July 22, 2010, p. \_\_) but not to a measure considered under suspension of the rules (*e.g.*, Feb. 25, 2010, p. \_\_). Failure of the Chair to put the question of consideration of a measure under this provision may be overtaken by subsequent action of the House on the measure (July 1, 2010, p. \_\_). Where a measure contained an emergency designation under section 4(g)(1) of the Statutory Pay-As-You-Go Act of 2010 and an emergency designation for purposes of pay-as-you-go principles under former clause 10(c) of rule XXI, the Chair put a single question of consideration with respect thereto pending consideration of the measure (*e.g.*, May 28, 2010, p. \_\_).

***Precedence of motions***

4. (a) When a question is under debate, only the following motions may be entertained (which shall have precedence in the following order):

§ 911. Precedence of privileged motions.

- (1) To adjourn.
- (2) To lay on the table.
- (3) For the previous question.
- (4) To postpone to a day certain.
- (5) To refer.
- (6) To amend.
- (7) To postpone indefinitely.

(b) A motion to adjourn, to lay on the table, or for the previous question shall be decided without debate. A motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, may not be allowed again on the same day at the same stage of the question.

(c)(1) It shall be in order at any time for the Speaker, in the discretion of the Speaker, to entertain a motion—

(A) that the Speaker be authorized to declare a recess; or

(B) that when the House adjourns it stand adjourned to a day and time certain.

(2) Either motion shall be of equal privilege with the motion to adjourn and shall be decided without debate.

The first form of this clause appeared in 1789, but amendments have been made at various times (V, 5301; VIII, 2757). Paragraph (c) (former final two sentences of the clause) was added in the 93d Congress to enable a privileged, nondebatable motion to fix the adjournment (H. Res. 6, Jan. 3, 1973, pp. 26–27), and amended in the 102d Congress to enable a privileged, nondebatable motion for recess authority (H. Res. 5, Jan. 3, 1991,

p. 39). A gender-based reference was eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. \_\_). When the House recodified its rules in the 106th Congress, the provision of this clause addressing the motion for the previous question was transferred to clause 2 of rule XIX (H. Res. 5, Jan. 6, 1999, p. 47).

The application of the first sentence of the clause is confined to cases wherein a question is “under debate” (V, 5379). It has been held that a question ceases to be “under debate” after the previous question has been ordered (V, 5415). For a discussion of the motion for the previous question, see §§ 994–1000, *infra*.

The motion to adjourn not only has the highest precedence when a question is under debate, but, with certain restrictions, it has the highest privilege under all other conditions. Even the following yield to it: (1) a question of privilege (III, 2521), including a resolution considered to be a “question of high constitutional privilege” such as one declaring the Office of Speaker vacant and to direct the House to proceed at once to the election of a new Speaker (VIII, 2641); (2) the filing of a privileged report pursuant to former clause 4(a) of rule XI (current clause 5 of rule XIII) (Apr. 29, 1985, p. 9699); (3) a motion to suspend the rules (Aug. 11, 1992, p. 23086); (4) a motion to reconsider (V, 5605; see also clause 3 of rule XIX); (5) in the absence of a quorum, the motion for a call of the House (VIII, 2642); (6) a motion to dispense with further proceedings under the call (VIII, 2643); (7) a motion directing the Sergeant-at-Arms to arrest absentees during a call of the House (June 6, 1973, p. 18403). A conference report may defer it only until the report is before the House (V, 6451–6453).

Pursuant to clause 6(b) of rule XIII or clause 1(b) of rule XV, only one motion to adjourn is in order pending consideration of a privileged report from the Committee on Rules or a motion that the House suspend the rules, respectively. The motion may be made: (1) after the yeas and nays are ordered and before the roll call has begun (V, 5366); (2) before the reading of the Journal (IV, 2757) or the Speaker’s approval thereof (Speaker Wright, Nov. 2, 1987, p. 30386); (3) pending a motion to reconsider (Sept. 20, 1979, p. 25512); (4) after the House rejects a motion to table a motion to instruct conferees and before the vote occurs on the motion to instruct (May 29, 1980, pp. 12717–19); (5) when the Speaker is absent and the Clerk is presiding (I, 228). The motion to adjourn may not interrupt a Member who has the floor (V, 5369, 5370; VIII, 2646; Mar. 25, 1993, p. 6373; Oct. 1, 1997, p. 20902) including, for example, by virtue of unanimous-consent permission to announce to the House the legislative program (Dec. 14, 1982, p. 30549). It may not: (1) interrupt a call of the yeas and nays (V, 6053) or the actual act of voting by other means (V, 5360); (2) be made after the House has voted to go into Committee of the Whole (IV, 4728; V, 5367, 5368); (3) defer the right of a Member to take the oath (I, 622); (4) be repeated in the absence of intervening business (Speaker Albert, July 31, 1975, p. 26243). When no question is under debate

it may not displace a motion to fix the day to which the House shall adjourn (V, 5381). The motion to adjourn is not available when the previous question has been ordered by special rule to final passage without intervening motion (IV, 3211–3213, June 14, 2001, p. 10725; Apr. 18, 2002, p. 4969). A Member’s mere revelation that the Member seeks to offer a motion to adjourn does not suffice to make that motion “pending,” and thus the Chair remains able to declare a recess under clause 12(a) of rule I (Oct. 28, 1997, p. 23524; June 25, 2003, p. 16241; July 13, 2009, p. \_\_).

When the House has fixed the hour of daily meeting, the simple motion to adjourn may not be amended (V, 5754), whether by specifying a particular day (V, 5360) or hour (V, 5364) (but see § 913, *infra*, for a discussion of the equally privileged motion to fix the day and time to which the House shall adjourn); or by stating the purposes of adjournment (V, 5371, 5372; VIII, 2647). However, when the hour of daily meeting is not fixed, the motion to adjourn may fix it (V, 5362, 5363). A motion to adjourn is in order in simple form only (VIII, 2647), is not debatable (V, 5359; Feb. 13, 2002, p. 1291), may not be laid on the table (Aug. 3, 1990, p. 22195), is not in order in Committee of the Whole (IV, 4716), and is not entertained when the Committee of the Whole rises to report proceedings incident to securing a quorum (VI, 673; VIII, 2436). After the motion is made neither another motion nor an appeal may intervene before the taking of the vote (V, 5361). When the House adopts the motion to adjourn, it must adjourn immediately; and a unanimous-consent request that the House proceed to the calling of special-order speeches is not in order (Sept. 27, 1993, p. 22608).

The motion to fix the day and time to which the House shall adjourn, in its present form, was included in this clause and given privileged status in the 93d Congress (H. Res. 6, Jan. 3, 1973, p. 26). At several times during the 19th century, the motion to fix the day to which the House should adjourn was included within the rule as to the precedence of motions but was dropped because of its use in obstructive tactics (V, 5301, 5379). The following precedent relates to the use of the motion in its earlier form: No question being under debate, a motion to fix the day to which the House should adjourn, already made, was held not to give way to a motion to adjourn (V, 5381). But if the motion to adjourn be made first, the motion to fix the day or for a recess is not entertained (V, 5302). The motion to fix the day is not debatable (V, 5379, 5380; VIII, 2648, 3367), requires a quorum for adoption (IV, 2954; June 19, 1975, p. 19789; June 22, 1976, p. 19755), and is only in order if offered on the day on which the adjournment applies (Sept. 23, 1976, p. 32104). The House may convene and adjourn twice on the same calendar day pursuant to a motion under this clause that when the House adjourn it adjourn to a time certain later in the day, thereby meeting for two legislative days on the same calendar day (Nov. 17, 1981, p. 27771; Oct. 29, 1987, p. 29933; June 29, 1995, p. 17716). When the Speaker exercises dis-

§ 913. Motion to fix the day to which the House shall adjourn and motion to authorize the Speaker to declare a recess.

cretion to entertain at any time a motion that when the House adjourns it stand adjourned to a day and time certain, the motion is of equal privilege with the simple motion to adjourn and takes precedence over a pending question on which the vote has been objected to for lack of a quorum (Nov. 17, 1981, p. 27770). The motion is not subject to the motion to lay on the table because it is not debatable and the precedence conferred on the motion to table only applies to a question that is “under debate” (Nov. 17, 1981, p. 27770).

Under the express terms of clause 4, the motion to authorize the Speaker to declare a recess is nondebatable and has equal privilege with the motion to adjourn. The House (without the consent of the Senate) may authorize the Speaker to declare a recess for up to three days (Dec. 15, 1995, p. 37102).

The motion to lay on the table is used in the House for a final, adverse disposition of a matter without debate (V, 5389), and is in order before the Member entitled to prior recognition for debate has begun remarks (V, 5391–5395; VIII, 2649, 2650). Under the explicit terms of this clause, the motion is not debatable (Oct. 17, 1991, p. 26749). The motion is applicable to a motion to reconsider (VIII, 2652, 2659), a motion to postpone to a day certain (VIII, 2654, 2657), a resolution presenting a question of privilege (VI, 560), a privileged resolution offered at the direction of a party caucus electing Members to committees (Feb. 5, 1997, p. 1541), an appeal from a decision of the Chair (VIII, 3453; June 22, 2006, p. 12299), a motion to discharge a committee from a resolution of inquiry (VI, 415), a proposal to investigate with a view to impeachment (VI, 541), a concurrent resolution to adjourn sine die (Mar. 27, 1936, p. 4512), and a resolution to expel a Member (Oct. 1, 1976, p. 35111). But a question of privilege (affecting the right of a Member to a seat) that has been laid on the table may be taken therefrom on motion made and agreed to by the House (V, 5438). The motion to lay on the table has the precedence given it by the rule, but may not be made after the previous question is ordered (V, 5415–5422; VIII, 2655), or even after the yeas and nays have been ordered on the demand for the previous question (V, 5408, 5409); but pending the demand for the previous question on a motion that is under debate, the motion to lay the primary motion on the table is preferential and is voted on first (Speaker Albert, Sept. 22, 1976, pp. 31876–82; Speaker O’Neill, July 10, 1985, pp. 18397–18400). The previous question having been ordered on a bill to final passage, the motion to lay the bill on the table may not then be offered pending a motion to reconsider the vote whereby the bill had been passed or rejected (Sept. 20, 1979, p. 25512).

When a bill is laid on the table, pending motions connected therewith go to the table also (V, 5426, 5427); and when a proposed amendment is laid on the table the pending bill goes there also (V, 5423; VIII, 2656), and if a pending amendment to a special order reported from the Committee on Rules were tabled, it would carry the resolution with it and

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Rule XVI, clause 4

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is thus considered dilatory under former clause 4(b) of rule XI (current clause 6(b) of rule XIII) (Sept. 25, 1990, p. 25575). This rule holds good as to a House bill with Senate amendments (V, 5424, 6201–6203; Sept. 28, 1978, p. 32334), but laying on the table the motion to postpone consideration of Senate amendments was held not to carry to the table pending motions for their disposition (VIII, 2657). The Journal does not accompany a proposed amendment to the table (V, 5435, 5436); the original question does not accompany an appeal (V, 5434); a resolution does not accompany a preamble or another resolution with which it is connected (V, 5428, 5430); a petition does not accompany the motion to receive it when the latter is laid on the table (V, 5431–5433); and a bill does not accompany a motion to instruct conferees that is laid on the table (VIII, 2658).

A motion to lay on the table a motion to reconsider the vote by which an amendment to a resolution had been agreed to would not carry the resolution to the table (VIII, 2652).

The motion is not in order in Committee of the Whole (IV, 4719, 4720; VIII, 2330, 2556a, 3455; Mar. 16, 1995, p. 8112; July 21, 1999, p. 17054) and does not apply to motions to resolve into the Committee of the Whole (VI, 726). It may not be amended (V, 5754), for example, to operate for a specified time (Oct. 17, 1991, p. 26749).

The motion to lay on the table generally is not applicable to motions that are neither debatable nor amendable. As such, it is not applicable to the following motions: (1) to adjourn (Aug. 3, 1990, p. 22195); (2) that when the House adjourn it stand adjourned to a day and time certain (Nov. 17, 1981, p. 27770); (3) to dispense with further proceedings under a call of the House (Speaker McCormack, Aug. 27, 1962, pp. 17651–54); (4) to order the previous question (V, 5410, 5411; Oct. 4, 1994, p. 27649). Furthermore, the motion may not be applied to: (1) a motion to suspend the rules (V, 5405); (2) a motion to commit after the previous question is ordered (V, 5412–5414; VIII, 2653, 2655); (3) any motion relating to the order of business (V, 5403, 5404). It may not be applied to a motion to discharge a committee under former clause 3 of rule XXVII (current clause 2 of rule XV) (June 11, 1945, p. 5892) but may be applied to the motion to discharge a committee from consideration of a resolution of inquiry (V, 5407).

The motion to lay on the table is applicable to debatable secondary or privileged motions for disposal of another matter; thus a motion to refer (V, 5433; Aug. 13, 1982, pp. 20969, 20975–78) or a motion to recede and concur in a Senate amendment in disagreement may be laid on the table (Speaker O'Neill, Feb. 22, 1978, p. 4072) without carrying the pending matter to the table. The motion is not applicable to a conference report (V, 6540).

The precedents relating to the motion for the previous question are annotated in §§ 994–1000.

§914a. The motion for the previous question.

As indicated in the rule, the motions to postpone are two in number and distinct. The first one is to postpone to a day certain, and the second one is to postpone indefinitely. Each must apply to the whole and not a part of the pending proposition (V, 5306). Neither may be entertained after the previous question is ordered (V, 5319–5321; VIII, 2616, 2617), or be applied to a special order providing for the consideration of a class of bills (V, 4958); but when a bill comes before the House under the terms of a special order that assigns a day merely, a motion to postpone may be applied to the bill (IV, 3177–3182). Business postponed to a day certain is in order on that day immediately after the approval of the Journal and disposition of business on the Speaker’s table, unless displaced by more highly privileged business (VIII, 2614). If consideration of a measure postponed to a day certain resumes as unfinished business in the House, recognition for debate does not begin anew but recommences from the point where it was interrupted (June 10, 1980, p. 13801). It is not in order to move to postpone pending business to Calendar Wednesday (VIII, 2614), but if so postponed by consent, when consideration is concluded on that Wednesday, proceedings under the Calendar Wednesday rule are in order (VII, 970). The motion is not available in Committee of the Whole (July 14, 1998, p. 15305), but a motion that a bill be reported with the recommendation that it be postponed is in order in the Committee of the Whole proceeding under the general rules of the House (IV, 4765; VIII, 2372), is debatable (VIII, 2372), and is a preferential motion (VIII, 2372, 2615), but debate is confined to the advisability of postponement only (VIII, 2372). The House has postponed, along with the underlying matter, an appeal from a decision of the Chair thereon (VIII, 2613). A bill under consideration in the morning hour may not be made a special order by a motion to postpone to a day certain (IV, 3164).

The motion to postpone to a day certain may not specify the hour (V, 5307). The motion may be amended (V, 5754; VIII, 2824). It is debatable only within narrow limits (V, 5309, 5310), the merits of the bill to which it is applied not being within those limits (V, 5311–5315; VIII, 2372, 2616, 2640).

The motion to postpone indefinitely opens to debate all the merits of the proposition to which it is applied (V, 5316). It may not be applied to the motion to refer (V, 5317), the motion to suspend the rules (V, 5322), or the motion to resolve into the Committee of the Whole (VI, 726), and it is reasonable to infer that it is equally inapplicable to the other motions enumerated in the rule and to motions relating to the order of business. However, the motion to postpone indefinitely may be applied to the motion that the House resolve itself into the Committee of the Whole pursuant to the provisions of a statute, enacted under the rulemaking power of the House of Representatives, that specifically allows such a motion in the consideration of a resolution disapproving a certain executive action (Mar. 10, 1977, p. 7021; Aug. 3, 1977, p. 26528).

The parliamentary motion to refer is explicitly recognized and given status in four different situations under House rules: the ordinary motion provided for in this clause; the motion to recommit (or commit, as the case may be), with or without instructions, pending the motion for or after ordering of the previous question as provided in clause 2(a) of rule XIX (V, 5569); the motion to recommit (or commit, as the case may be), with or without instructions, after the previous question has been ordered on a bill or joint resolution to final passage, provided in clause 2(b) of rule XIX; and the motion to refer, with or without instructions, pending a vote in the House to strike the enacting clause as provided in clause 9 of rule XVIII. The terms “refer,” “commit,” and “recommit” are sometimes used interchangeably (V, 5521; VIII, 2736), but when used in the precise manner and situation contemplated in each rule reflect certain differences based upon whether the question to which applied is “under debate,” whether the motion itself is debatable, whether a minority Member or a Member opposed to the question to which the motion is applied is entitled to a priority of recognition, and whether the prohibition against a special order reported from the Committee on Rules denying a motion to recommit a bill or joint resolution pending final passage is applicable. For a discussion of the motion to recommit, see the annotations under clause 2 of rule XIX. The motion may not be used in direct form in Committee of the Whole (IV, 4721; VIII, 2326); and if a bill is being considered under the provisions of a resolution stating that “at the conclusion of the consideration of the bill for amendment under the five-minute rule the Committee shall rise and report the bill back to the House with such amendments as may have been adopted,” a motion that the Committee rise and report to the House with the recommendation that the bill be recommitted to the legislative committee reporting it is not in order (Aug. 10, 1950, p. 12219). It may be made after the engrossment and third reading of a bill, even though the previous question may not have been ordered (V, 5562, 5563).

If the previous question is rejected on a preferential motion to dispose of Senate amendments in disagreement, the preferential motion remains “under debate” and the motion to refer may be offered under this clause (Speaker Albert, Sept. 16, 1976, p. 30887). Where a motion for the previous question on a resolution has preempted a pending motion to refer such resolution, the motion to refer remains pending and debatable under the hour rule upon rejection of the motion for the previous question (Apr. 22, 2010, p. \_\_). A motion to refer takes precedence over a motion to amend when a question is under debate (such as where the previous question has been rejected), and the Chair recognizes the Member seeking to offer the preferential motion before the less preferential motion is read (Aug. 13, 1982, pp. 20969, 20975–78).

The simple motion to refer under the first sentence of this clause is debatable within narrow limits (V, 5054) and may be offered by any Member (who need not qualify as being in opposition to the pending question)

when that question is “under debate,” *i.e.*, when the previous question has not been moved or ordered, but the merits of the proposition sought to be referred may not be brought into the debate (V, 5564–5568; VI, 65, 549; VIII, 2740). The motion to refer with instructions is also debatable (V, 5561); but the previous question is preferential (Mar. 22, 1990, p. 4997).

The motion to refer may specify that the reference shall be to a select **§ 917. Instructions with the motion to refer.** as well as a standing committee (IV, 4401) without regard for rules of jurisdiction (IV, 4375; V, 5527) and may provide for reference to another committee than that reporting the bill (VIII, 2696, 2736), or to the Committee of the Whole (V, 5552, 5553), and even that the committee be endowed with power to send for persons and papers (IV, 4402). Unless the previous question is ordered the motion may be amended (VIII, 2712, 2738) in part (V, 5754); by substitute (VIII, 2698, 2738, 2759); or by adding instructions (V, 5521, 5570, 5582–5584; VIII, 2695, 2762; Aug. 13, 1982, pp. 20969, 20975–78).

The rule specifies that the motions to postpone and refer shall not be **§ 918. Repetition of motions.** repeated on the same day at the same stage of the question (V, 5301, 5591; VIII, 2738, 2760). Under the practice, a motion to adjourn may be repeated only after intervening business (V, 5373; VIII, 2814), debate (V, 5374), the ordering of the yeas and nays (V, 5376, 5377), decision of the Chair on a question of order (V, 5378), or reception of a message (V, 5375). The motion to lay on the table may also be repeated after intervening business (V, 5398–5400); but the ordering of the previous question (V, 5709), a call of the House (V, 5401), or decision of a question of order have been held not to be such intervening business, it being essential that the pending matter be carried to a new stage in order to permit a repetition of the motion (V, 5709).

### ***Divisibility***

5. (a) Except as provided in paragraph (b), a **§ 919. Division of the question.** question shall be divided on the demand of a Member, Delegate, or Resident Commissioner before the question is put if it includes propositions so distinct in substance that, one being taken away, a substantive proposition remains.

(b)(1) A motion or resolution to elect members to a standing committee of the House, or to a joint standing committee, is not divisible.

(2) A resolution or order reported by the Committee on Rules providing a special order of business is not divisible.

(c) A motion to strike and insert is not divisible, but rejection of a motion to strike does not preclude another motion to amend.

§ 920. Motion to strike and insert not divisible.

Paragraphs (a) and (b) (former clause 6) were first adopted in 1789, and were amended in 1837 (V, 6107). Paragraph (b)(1) (first part of the former proviso) was adopted April 2, 1917 (VIII, 2175), and paragraph (b)(2) (last part of the former proviso) was adopted May 3, 1933 (VIII, 3164). Paragraph (c) (first part of former clause 7) was adopted in 1811, and amended in 1822 (V, 5767). When the House recodified its rules in the 106th Congress, former clause 5 of this rule (requiring time of adjournment to be entered on the Journal) was transferred to clause 2(c)(2) of rule II, paragraphs (a) and (b) were found in former clause 6, and paragraph (c) was found in the first part of former clause 7 (H. Res. 5, Jan. 6, 1999, p. 47).

The House may by adoption of a resolution reported from the Committee on Rules suspend the rule providing for the division of a question (VII, 775).

The principle that there must be at least two substantive propositions in order to justify division is insisted on rigidly (V, 6108-6113), because failure to do so produces difficulties (III, 1725). The question may not be divided after it has been put (V, 6162), or after the yeas and nays have been ordered (V, 6160, 6161); but division of the question may be demanded after the previous question is ordered (V, 5468, 6149; VIII, 3173). In passing on a demand for division the Chair considers only substantive propositions and not the merits of the question presented (V, 6122). It seems to be most proper, also, that the division should depend on grammatical structure rather than on the legislative propositions involved (I, 394; V, 6119), but a question presenting two propositions grammatically is not divisible if either does not constitute a substantive proposition when considered alone (VII, 3165). Thus a resolution censuring a Member and adopting a report of a committee thereon, which recommends censure on the basis of the committee's findings, is not divisible because those questions are substantially equivalent (Speaker O'Neill, Oct. 13, 1978, p. 37016); and an adjournment resolution that also authorizes the receipt of veto messages from the President during the adjournment is not subject to a division of the question, because the receipt authority would be nonsensical standing alone (June 30, 1976, p. 21702). However, a concurrent resolution on the budget is subject to a demand for a division of the

§ 921. Principles governing the division of the question.

question if, for example, the resolution grammatically and substantively relates to different fiscal years (May 7, 1980, pp. 10185–87), or includes a separate, hortatory section having its own grammatical and substantive meaning (Speaker Foley, Mar. 5, 1992, p. 4657).

Decisions have been made that a resolution affecting two individuals may be divided, although such division may involve a reconstruction of the text (I, 623; V, 6119–6121). The better practice seems to be, however, that this reconstruction of the text should be made by the adoption of a substitute amendment of two branches, rather than by interpretation of the Chair (II, 1621). But merely formal words, such as “resolved,” may be supplied by interpretation of the Chair (V, 6114–6118). A resolution with two resolving clauses separately certifying the contemptuous conduct of two individuals is divisible (Feb. 27, 1986, p. 3040); as is a resolution with one resolving clause certifying contemptuous conduct of several individuals (Oct. 27, 2000, p. 25200; *contrast*, Deschler-Brown, ch. 30, § 49.1). A measure containing a series of simple resolutions (V, 6149), and a resolution confirming several nominations (Speaker Albert, Mar. 19, 1975, p. 7344) may be divided. A resolution of impeachment presenting discrete articles may be divided (VI, 545; Dec. 18, 1998, p. 11064; June 19, 2009, p. \_\_; Mar. 11, 2010, p. \_\_).

Except on resolutions to elect Members to committees or on resolutions reported from the Committee on Rules providing a special order of business, where division of the question is prohibited by this clause, a resolution reported from the Committee on Rules may be divided if otherwise appropriate. Thus a resolution reported from that committee establishing several select committees in grammatically divisible titles, not being a special order of business, is subject to a demand for a division of the question (Jan. 8, 1987, p. 1036). However, it is not in order to demand a division of a subject incorporated by reference in the pending text, as when a resolution to adopt a series of rules, not made a part of the resolution, was before the House, it was held not in order to demand a separate vote on each rule (V, 6159).

The question on engrossment and third reading under former clause 1 of rule XXI (current clause 8(c) of rule XVI) is not divisible (Speaker Foley, Aug. 3, 1989, p. 18544); and in voting on the engrossment or passage of a bill or joint resolution, a separate vote may not be demanded on the various portions (V, 6144–6146; VIII, 3172), or on the preamble (V, 6147).

Where an amendment is offered to an appropriation bill providing that no part of the appropriation may be paid to named individuals, the amendment may be divided for a separate vote on each name (Feb. 5, 1943, p. 645). An amendment (to a joint resolution making continuing appropriations) containing separate paragraphs appropriating funds for different programs may be substantively and grammatically divisible although preceded by the same prefatory language applicable to all the paragraphs, and the Clerk will read each paragraph as including the prefatory language before the Chair puts the question thereon (Nov. 8, 1983, p. 31495). A

division may be demanded on an amendment to strike various unrelated phrases (VIII, 3166; Mar. 28, 1984, p. 6898). An amendment proposing to change a figure in one paragraph of an appropriation bill and also to insert a new (“fetch-back”) paragraph at another point in the bill is divisible (July 15, 1993, p. 15843). Absent a contrary order, the question may be divided on amendments en bloc comprising discrete instructions to amend, even though unanimous consent has just been granted for the en bloc consideration (July 25, 1990, p. 19174; July 18, 1991, p. 18851).

A division of the question may not be demanded on a motion to strike and insert (V, 5767, 6123; VIII, 3169), including substitutes for pending amendments (V, 6127; VIII, 3168; Aug. 17, 1972, pp. 28887–90; July 2, 1980, pp. 18288–92), although an amendment comprising two discrete instructions to strike and insert may be divided (June 4, 1998, p. 5418) and a perfecting amendment to an amendment may be divided if not in the form of a motion to strike and insert (V, 6131). When it is proposed to strike and insert not one but several connected matters, it is not in order to demand a separate vote on each of those matters (V, 6124, 6125), as when an amendment in the nature of a substitute containing several resolutions is proposed; but after this amendment has been agreed to, it is in order to demand a division of the original resolution as amended (V, 6127, 6128). When, however, an amendment simply adding or inserting is proposed, it is in order to divide the amendment (V, 6129–6133). To a motion to strike certain words and insert others, a simple motion to strike the words may not be offered as a substitute, because it would have the effect of dividing the motion to strike and insert (June 29, 1939, pp. 8282, 8284; June 19, 1979, pp. 15566–68).

A division may be demanded on the motion to recede from disagreement to a Senate amendment and concur therein (see § 525, *supra*; V, 6209; VIII, 3197–3199, 3203), but may not be demanded on Senate amendments when sending to conference (V, 6151–6156; VIII, 3175). A division of the question may not be demanded, with respect to a motion to concur in a Senate amendment with an amendment, between concurring and amending (VIII, 3176), and may not be demanded on separate parts of the proposed amendment if it is not properly divisible under the same tests that apply to any other amendment (Aug. 3, 1973, pp. 28124–26; Oct. 11, 1984, p. 32188). Thus a proposed amendment to a Senate amendment is not divisible if in the form of a motion to strike and insert (Oct. 15, 1986, p. 32135). Each Senate amendment must be voted on as a whole (VIII, 3175) but the Committee of the Whole having reported a Senate amendment with the recommendation that it be agreed to with an amendment, a separate vote was had on the amendment to the Senate amendment (VIII, 2420). When Senate amendments to a House bill are considered in the House, a separate vote may be had on each amendment (VIII, 2383, 2400, 3191), and separate votes may be had on nongermane portions of Senate amendments as provided in clause 10 of rule XXII.

It is not in order to divide a motion to lay several connected propositions on the table (V, 6138–6140). Similarly, it is not in order to divide a motion for the previous question on two related propositions, as on a special order reported from the Committee on Rules and a pending amendment thereto (Sept. 25, 1990, p. 25575). An appeal from a decision of the Speaker involving two distinct questions may be divided (V, 6157).

On a motion to commit with instructions it is not in order to demand a separate vote on the instructions or various branches thereof (V, 6134–6137; VIII, 2737, 3170; Speaker Rayburn, Apr. 11, 1956, p. 6157; June 29, 1993, p. 14618). However, an amendment reported forthwith pursuant to instructions contained in a successful motion to recommit may be divided on the question of its adoption if composed of substantively and grammatically distinct propositions (June 29, 1993, p. 14618; May 28, 2010, p. \_\_). A motion to recommit a bill to conference with various instructions may not be divided (Sept. 29, 1994, p. 27681). However, a motion to instruct conferees under clause 7(c) of rule XXII (when multiple motions are in order) may be divided (Speaker Byrns, May 26, 1936, p. 7951; Sept. 20, 2000, p. 18622), provided that separate substantive propositions are presented (Speaker Rayburn, May 9, 1946, p. 4750). A conference report is considered as a whole (Oct. 8, 2009, p. \_\_).

A division of the question may not be demanded on bills or joint resolutions for reference (IV, 4376) or change of reference (VII, 2125), a motion to elect Members to committees of the House (VIII, 2175, 3164), a question against which a point of order is pending (VIII, 3432), or a proposition under a motion to suspend the rules (V, 6141–6143; VIII, 3171). A proposition reported from the Committee of the Whole as an entire and distinct amendment may not be divided (IV, 4883–4892). A separate vote may not be demanded in the House on an amendment adopted in the Committee of the Whole to an amendment (VIII, 2422, 2426, 2427).

After the vote on the first portion of the question, the second is open to debate and amendment, unless the previous question is ordered (see § 482, *supra*). If a motion to concur in a Senate amendment is divided pursuant to a special rule, the Chair puts the question first on the first portion of the Senate amendment, and then on the remaining portion (Mar. 4, 1993, p. 4163). If a division of the question is demanded on a portion of an amendment, the Chair puts the question first on the remaining portions of the amendment, and that portion on which the division is demanded remains open for further debate and amendment (Oct. 21, 1981, pp. 24785–89). However, if no further debate or amendment is in order on the divided portion, the Chair may put the question first on the divided portion(s) and then immediately on the remaining portion (Aug. 17, 1972, Deschler, ch. 27, § 22.14; June 8, 1995, p. 15302). If a division of the question is demanded on more than one portion of an amendment, the Chair may put the question first on the remaining portions of the amendment (if any), then (after further debate) on the first part on which a division is demanded, and then (after further debate) on the last part on which

a division is demanded (Oct. 21, 1981, pp. 24785-89). If the question on adopting an amendment is divided by special rule (rather than on demand from the floor), the Chair puts the question on each divided portion of the amendment in the order in which it appears (May 23, 1996, p. 12316).

A demand for a division of the question on a separate portion of an amendment may be withdrawn before the question is put on the first portion thereof (July 15, 1993, p. 15843), but once the Chair has put the question on the first portion of the amendment, a demand for a division may be withdrawn only by unanimous consent (Sept. 9, 1976, pp. 29538-40).

### *Amendments*

6. When an amendable proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it also shall be in order to offer a further amendment by way of substitute for the original motion to amend, to which one amendment may be offered but which may not be voted on until the original amendment is perfected. An amendment may be withdrawn in the House at any time before a decision or amendment thereon. An amendment to the title of a bill or resolution shall not be in order until after its passage or adoption and shall be decided without debate.

This provision (formerly rule XIX) was adopted in 1880, with an amendment adding the portion in relation to the title in 1893. The rule of 1880, however, merely stated in form of rule what had been the practice of the House for many years (V, 5753). Before the House recodified its rules in the 106th Congress, this provision was found in former rule XIX (H. Res. 5, Jan. 6, 1999, p. 47). For further discussion see Deschler, ch. 27, §§ 15-19.

It is not in order to offer more than one motion to amend of the same nature at a time (V, 5755; VIII, 2831), but the four motions specified by the rule may be pending at the same time (V, 5793; VIII, 2883, 2887). Where, pursuant to a special rule, a committee amendment in the nature of a substitute is being read as original text for purpose of amendment, there may be pending to that text the four stages of amendment permitted by this rule (Apr. 23, 1969, p. 10066). When a request for a recorded vote in the Committee

§ 922. Amendments to text and to title.

§ 923. Conditions of the motion to amend.

of the Whole is postponed under authority of a special order of the House (such authority now found in clause 6(g) of rule XVIII), the amendment becomes unfinished business and is no longer pending, thereby permitting the offering of another amendment (May 10, 2000, p. 7513). An amendment in the third degree is not specified by the rule and is not permissible (V, 5754; VIII, 2580, 2888, 2891), even when the third degree is in the nature of a substitute for an amendment to a substitute (V, 5791; VIII, 2889).

An amendment must contain instructions to the Clerk as to the portion of the bill it seeks to amend and is subject to a point of order if not in proper form (Oct. 3, 1985, p. 25970). An amendment may not propose to change portions of a measure not yet read for amendment (Mar. 24, 1999, p. 5418). Under a “modified-closed” rule permitting only amendments printed in the report accompanying the rule, the Chair will permit an amendment to be offered in the form actually submitted for printing rather than requiring that it be offered in the erroneous form printed (Mar. 10, 1994, p. 4405). The Chair does not entertain a unanimous-consent request to designate a co-offerer of an amendment (May 20, 2004, p. 10631; Sept. 14, 2004, p. 18429).

A Member may not amend or modify his or her own amendment except by unanimous consent (Oct. 1, 1985, p. 25453); and if the Chair recognizes the proponent of an amendment to propound such a unanimous-consent request before commencing debate, the Chair does not charge time consumed under a reservation of objection against the proponent’s time for debate on the amendment (Feb. 3, 1993, p. 1978; May 27, 1993, p. 11849). Under the five-minute rule, the proponent of an amendment may not yield to another to offer an amendment to the amendment; rather an amendment to the amendment may be offered after the proponent of the pending amendment has explained it (Sept. 7, 1995, p. 24071).

Two independent amendments may be voted on at once only by unanimous consent of the House (V, 5979). Amendments en bloc, once pending, are open to perfecting amendment at any point (June 12, 1991, p. 14337). If a point of order is sustained against a discrete portion of an en bloc amendment, the entire en bloc amendment may not be considered; however, each constituent amendment may be offered separately if otherwise in order (Sept. 16, 1981, pp. 20735–38). An amendment considered with others en bloc and rejected may be offered separately at a subsequent time (Deschler, ch. 27, § 35.15; Nov. 4, 1991, p. 29932).

The substitute provided for in this rule has been construed as a substitute for the amendment and not as a substitute for the original text (VIII, 2883). A substitute amendment may be amended by striking all after its first word and inserting a new text (V, 5793, 5794). Although this is in effect a substitute, it is not technically so. A substitute always proposes to replace all the words of a pending amendment. The amendatory instructions contained in a substitute direct changes to be made in the original language rather than to the pending amendment. Although a substitute may change parts of a bill not changed by the pending amendment, the

substitute must be germane to the pending amendment (VIII, 2879, 2880; Deschler, ch. 27, § 18.6). A substitute may result in similar language to the original text proposed to be changed by the pending amendment, but may not result in identical language (Deschler, ch. 27, § 18.15). To an amendment adding a new section, an amendment making perfecting changes in the bill rather than in the amendment is not a proper perfecting amendment, but may, if germane, be offered as a substitute for the amendment (Deschler, ch. 27, § 18.7). The Chair will not look behind the form of the amendment in determining whether it is perfecting or a substitute (June 13, 1994, p. 12731). Once a perfecting amendment to an amendment is disposed of, the original amendment, as amended or not, remains open to further perfecting amendment (June 20, 1991, p. 15610); and all such amendments are disposed of before voting on substitutes for the original amendment and amendments thereto (July 26, 1984, p. 21253).

An amendment offered as a substitute and rejected may again be offered as an original amendment without presenting an equivalent question. In the first case the question is the relationship between the substitute and the amendment to which offered, and in the second case the question is the relationship between the original amendment and the text of the bill (V, 5797; VIII, 2843). An amendment that is adopted as amended by a substitute may not be reoffered in its original form if it would directly change the amended portion of the bill. However, it may be reoffered if the original amendment amends a different part of the bill (as in the case in which the amendatory instructions of the substitute displace the language of the original amendment). In such a case the vote on the amendment as amended by the substitute is not equivalent to a direct vote on the original amendment (June 25, 1987, p. 17416). An amendment considered with others en bloc and rejected may be offered separately at a subsequent time (Deschler, ch. 27, § 35.15; Nov. 4, 1991, p. 29932).

An amendment in the nature of a substitute always proposes to strike all after the enacting or resolving words in order to insert a new text (V, 5785, footnote). An amendment in the nature of a substitute may be proposed before amendments to the pending portion of original text have been acted on, but may not be voted on until such amendments have been disposed of (V, 5787). When a bill is considered by sections or paragraphs an amendment in the nature of a substitute is properly offered after the reading for amendment is concluded (V, 5788). However, when it is proposed to offer a single substitute for several paragraphs of a bill that is being considered by paragraph, the substitute may be moved to the first paragraph, with notice that, if agreed to, motions will be made to strike the remaining paragraphs (V, 5795; VIII, 2898, 2900–2903; July 29, 1969, p. 21218). An amendment in the nature of a substitute, as well as the original proposition, may be perfected by amendments before the vote on it is taken (V, 5786). If there is pending an amendment in the nature of a substitute, it is in order to offer a perfecting amendment to the pending portion of original text (VIII, 2861; Apr. 27, 1976, p. 11411; see also Desch-

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ler, ch. 27, § 5.34). An amendment in the nature of a substitute having been agreed to, the vote is then taken on the original proposition as amended (II, 983; V, 5799, 5800), and no further amendment is in order (Speaker O’Neill, Mar. 26, 1985, p. 6274). If a perfecting amendment to an amendment in the nature of a substitute, striking all after the short title and inserting a new text, is agreed to, further amendments to the text so perfected are not in order, but amendments are in order to add new language at the end of the amendment in the nature of a substitute as amended (May 16, 1979, p. 11420).

Except as provided in clauses 4 and 5(a) of rule XXI, a point of order against an amendment is timely if made or reserved before formal recognition of the proponent to commence debate thereon (July 16, 1991, p. 18391; July 15, 1997, pp. 14492, 14493), but thereafter comes too late (V, 6894, 6898–6899) unless the Member was on his or her feet seeking recognition for that purpose at the time the amendment was offered (July 28, 1995, p. 20897; May 25, 2006, p. 9823). To preclude a point of order, debate should be on the merits of the proposition (V, 6901). The mere making of a unanimous-consent request to dispense with the reading of an amendment and to revise and extend remarks thereon is not such intervening business as would render a point of order untimely under this clause, if the Member making the point of order is on his or her feet seeking recognition (July 16, 1991, p. 18391; see Deschler-Brown, ch. 31, §§ 6.39, 6.41). When enough of an amendment has been read to show that it is out of order, a point of order may be raised without waiting for the reading to be completed (V, 6886–6887; VIII, 2912, 3437; July 9, 2009, p. \_\_), though the Chair may decline to rule until the entire proposition has been read (Dec. 14, 1973, pp. 41716–18). A timely reservation of a point of order by one Member inures to the benefit of any other Member who desires to raise a point of order (V, 6906; July 18, 1990, p. 17930).

Although the rule provides that either an ordinary or substitute amendment may be withdrawn in the House (V, 5753) or “in the House as in Committee of the Whole” (IV, 4935; June 26, 1973, p. 21315), it may not be withdrawn or modified in Committee of the Whole except by unanimous consent (clause 5 of rule XVIII; V, 5221; VIII, 2564, 2859).

Pursuant to clause 4 of rule XVI, the motion for the previous question takes precedence of a motion to amend (Nov. 8, 1971, p. 39944); and if the previous question is not ordered, the motion to refer also has precedence of the motion to amend (V, 5555; VI, 373). Amendments reported by a committee are acted on before those offered from the floor (V, 5773; VIII, 2862, 2863), but a floor amendment to the text of a pending section is considered before a committee amendment adding a new section at the end of the pending section (Oct. 4, 1972, pp. 33779–82), and there is a question as to the extent to which the chair of the committee reporting a bill should be recog-

nized preferentially to offer amendments to perfect it over other Members (II, 1450). Amendments may not be offered by proxy (VIII, 2830). The motion to strike the enacting clause has precedence of the motion to amend, and may be offered while an amendment is pending (V, 5328–5331; VIII, 2622–2624); but the motion to amend takes precedence over a motion that the Committee of the Whole rise and report the bill with the recommendation that it pass (July 27, 1937, p. 7699).

With some exceptions an amendment may attach itself to secondary or privileged motions (V, 5754). Thus, the motions to postpone, refer, amend, for a recess, and to fix the day to which the House shall adjourn may be amended (V, 5754; VIII, 2824). But the motions for the previous question, to lay on the table, to adjourn (V, 5754) and to go into Committee of the Whole to consider a privileged bill may not be amended (IV, 3078, 3079; VI, 723–725).

An amendment to the title of a bill is not in order in Committee of the Whole (Jan. 29, 1986, p. 682).

### ***Germaneness***

7. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

§ 928. Germane amendments.

This clause was adopted in 1789, and amended in 1822 (V, 5767, 5825). Before the House recodified its rules in the 106th Congress, this clause and clause 5(c) occupied a single former clause 7 (H. Res. 5, Jan. 6, 1999, p. 47).

It introduced a principle not then known to the general parliamentary law (V, 5825), but of high value in the procedure of the House (V, 5866). Before the adoption of rules, when the House is operating under general parliamentary law, as modified by the usage and practice of the House, an amendment may be subject to the point of order that it is not germane to the proposition to which offered (Jan. 3, 1969, p. 23). The principle of the rule applies to a proposition by which it is proposed to modify the pending bill, and not to a portion of the bill itself (V, 6929); thus a point of order will not lie that an appropriation in a general appropriation bill is not germane to the rest of the bill (Dec. 16, 1963, p. 24753). In general, an amendment simply striking words already in a bill may not be ruled out as not germane (V, 5805; VIII, 2918) unless such action would expand the scope and meaning of the text (VIII, 2917–2921; Mar. 23, 1960, p. 6381); and a pro forma amendment “to strike the last word” has been considered germane (July 28, 1965, p. 18639). Although a committee may report a bill or resolution embracing different subjects, it is not in order during consideration in the House to introduce a new subject by way of

amendment (V, 5825). The rule that amendments should be germane applies to amendments reported by committees (V, 5806), but a resolution providing for consideration of the bill with committee amendments may waive points of order (Oct. 10, 1967, p. 28406), and the point of order under this rule does not apply to a special order reported from the Committee on Rules “self-executing” the adoption in the House of a nongermane amendment to a bill, because the amendment is not separately before the House during consideration of the special order (Feb. 24, 1993, p. 3542; July 27, 1993, p. 17117). A resolution reported from the Committee on Rules providing for the consideration of a bill relating to a certain subject may be amended neither by an amendment that would substitute the consideration of a different proposition (V, 5834–5836; VIII, 2956; Sept. 14, 1950, p. 14844) nor by an amendment that would permit the additional consideration of a nongermane amendment to the bill (May 29, 1980, pp. 12667–73; Aug. 13, 1982, p. 20972). The Chair will not interpret as a point of order under a specific rule of the House an objection to a substitute as narrowing the scope of a pending amendment, absent some stated or necessarily implied reference to germaneness or other rule (June 25, 1987, p. 17415). The burden of proof is on the proponent of an amendment to establish its germaneness (VIII, 2995; July 10, 2000, p. 13605), and if an amendment is equally susceptible to more than one interpretation, one of which will render it not germane, the Chair will rule it out of order (June 20, 1975, p. 19967). The Chair will not render an advisory opinion on whether a pending amendment is germane, there being no occasion for a ruling (Apr. 6, 2011, p. \_\_).

Under the later practice an amendment should be germane to the particular paragraph or section to which it is offered (V, 5811–5820; VIII, 2922, 2936; Oct. 14, 1971, pp. 36194, 36211; Sept. 19, 1986, p. 24729), without reference to subject matter of other titles not yet read (July 31, 1990, p. 20816), and an amendment inserting an additional section should be germane to the portion of the bill to which it is offered (V, 5822; VIII, 2927, 2931; July 14, 1970, pp. 24033–35), though it may be germane to more than one portion of a bill (Mar. 27, 1974, p. 8508), and when offered as a separate paragraph is not required to be germane to the paragraph immediately preceding or following it (VII, 1162; VIII, 2932–2935).

The test of germaneness in the case of a motion to recommit with instructions is the relationship of the instructions to the bill taken as a whole (and not merely to the separate portion of the bill specifically proposed to be amended in the instructions) (Mar. 28, 1996, p. 6932). A special order of business directing that certain matter be added to the engrossment of a bill does not operate until passage of that bill (Mar. 5, 2008, p. \_\_).

Subject to clause 2(c) of rule XXI (requiring that limitation amendments to general appropriation bills be offered at the end of the reading of the bill for amendment), an amendment limiting the use of funds by a particular agency funded in a general appropriation bill may be germane to

the paragraph carrying the funds, or to any general provisions portion of the bill affecting that agency or all agencies funded by the bill (July 16, 1979, p. 18807). However, to a paragraph containing funds for an agency but not transferring funds to that account from other paragraphs in the bill, an amendment increasing that amount by transfer from an account in another paragraph is not germane, because affecting budget authority for a different agency not the subject of the pending paragraph (July 17, 1985, p. 19436). Similarly, an amendment to a general appropriation bill in the form of a limitation on funds therein but extending to activities prescribed by laws unrelated to the functions of departments and agencies addressed by the bill is not germane (July 10, 2000, p. 13605).

In passing on the germaneness of an amendment, the Chair considers the relationship between the amendment and the bill as modified by the Committee of the Whole (Apr. 23, 1975, p. 11545; July 8, 1987, p. 19013).

An amendment adding a new section to a bill being read by titles must be germane to the pending title (Sept. 17, 1975, p. 28925), but if a bill is considered as read and open to amendment at any point, an amendment must be germane to the bill as a whole and not to a particular section (Sept. 29, 1975, p. 30761; Jan. 30, 1986, p. 1052). If a title of a bill is open to amendment at any point, the germaneness of an amendment perfecting one section therein depends on its relationship to the title as a whole and not merely on its relationship to the one section (June 25, 1991, p. 16152). An amendment in the form of a new title, when offered at the end of a bill containing several diverse titles on a general subject, need not be germane to the portion of the bill to which offered, it being sufficient that the amendment be germane to the bill as a whole in its modified form (Nov. 4, 1971, p. 39267; July 2, 1974, p. 22029; Sept. 18, 1975, p. 29322; July 11, 1985, p. 18601; Oct. 8, 1985, pp. 26548–51). Although the heading of the final title of a bill as “miscellaneous” does not thereby permit amendments to that title that are not germane thereto, the inclusion of sufficiently diverse provisions in such title affecting various provisions in the bill may permit further amendments that need only be germane to the bill as a whole (Apr. 10, 1979, pp. 8034–37).

Under clause 10 of rule XXII, a portion of a conference report incorporating part of a Senate amendment in the nature of a substitute to a House bill, or incorporating part of a Senate bill that the House has amended, must be germane to the bill in the form passed by the House; thus where a House-passed bill contained several sections and titles amending diverse portions of the Internal Revenue Code relating to tax credits, a modified Senate provision adding a new section dealing with another tax credit was held germane to the House-passed measure as a whole (Speaker Albert, Mar. 26, 1975, p. 8900); but a Senate provision in a conference report on a Senate bill with a House amendment in the nature of a substitute which authorized appointment of a special prosecutor for any criminal offenses committed by certain Federal officials was held not germane to the House-passed bill, which related to offenses directly related to official

duties and responsibilities of Federal officials (Oct. 12, 1978, pp. 36459–61).

The test of germaneness of an amendment to or a substitute for an amendment in the nature of a substitute is its relationship to the substitute and not its relationship to the bill to which the amendment in the nature of a substitute has been offered (July 19, 1973, p. 24958; July 22, 1975, p. 23990; June 1, 1976, pp. 16051–56; July 28, 1982, pp. 18355–58, 18361), and an amendment to a substitute is not required to affect the same page and line numbers as the substitute in order to be germane, it being sufficient that the amendment is germane to the subject matter of the substitute (Aug. 1, 1979, pp. 21944–47). When an amendment in the nature of a substitute is offered at the end of the first section of a bill, the test of germaneness is the relationship between the amendment and the entire bill, and the germaneness of an amendment in the nature of a substitute for a bill is not necessarily determined by an incidental portion of the amendment that, if offered separately, might not be germane to the portion of the bill to which offered (July 8, 1975, p. 21633).

The test of germaneness of an amendment offered as a substitute for a pending amendment is its relationship to the pending amendment and not its relationship to the underlying bill (Feb. 14, 1995, p. 4714).

An amendment germane to the bill as a whole, but hardly germane to any one section, may be offered at an appropriate place with notice of motions to strike the following sections that it would supersede (V, 5823; July 29, 1969, p. 21221). If a perfecting amendment to the text is offered pending a vote on a motion to strike the same text, the perfecting amendment must be germane to the text to which offered, not to the motion to strike (Oct. 3, 1969, p. 28454).

The rule that amendments must be germane applies to amendments to the instructions in a motion to instruct conferees (VIII, 3230, 3235), and the test of germaneness of an amendment to a motion to instruct conferees, in addition to the measurement of scope of conference, is the relationship of the amendment to the subject matter of the House or Senate version of the bill (Deschler-Brown, ch. 28, § 28.2). The rule of germaneness similarly applies to the instructions in a motion to recommit a bill to a committee of the House, because 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 (V, 5529–5541; VIII, 2708–2712; Mar. 2, 1967, p. 5155), and the instructions must be germane to the bill as perfected in the House (Nov. 19, 1993, p. 30513), even if the instructions do not propose a direct amendment to the bill but merely direct the committee to pursue an unrelated approach (Speaker O'Neill, Mar. 2, 1978, p. 5272; July 16, 1991, p. 18397) or direct the committee not to report the bill back to the House until an unrelated contingency occurs (VIII, 2704). Under the same rationale as amendments to a motion to instruct conferees, amendments to a motion to recommit to a standing

§ 930. Instructions to committees and amendments thereto.

committee with instructions must be germane to the subject matter of the bill (see V, 6888; VIII, 2711).

The fact that an amendment is offered in conjunction with a motion to recommit a bill with instructions to a standing committee does not affect the requirement that the subject matter of the amendment be germane and within the jurisdiction of the committee reporting the bill (Mar. 2, 1967, p. 5155; July 16, 1991, p. 18397).

In the consideration of Senate amendments to a House bill an amendment must be germane to the particular Senate amendment to which it is offered (V, 6188–6191; VIII, 2936; May 14, 1963, p. 8506; Dec. 13, 1980, p. 34097), and it is not sufficient that an amendment to a Senate amendment is germane to the original House bill if it is not germane to the subject matter of a Senate amendment that merely inserts new matter and does not strike House provisions (V, 6188; VIII, 2936). But if a Senate amendment proposes to strike 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, as well as those to be inserted, by the Senate amendment (June 8, 1943, p. 5511; June 15, 1943, p. 5899; Dec. 12, 1974, p. 39272). The test of the germaneness of an amendment to a motion to concur in a Senate amendment with an amendment is the relationship between the amendment and the motion, and not between the amendment and the Senate amendment to which the motion has been offered (Aug. 3, 1973, Deschler-Brown, ch. 28, § 27.6). Formerly, a Senate amendment was not subject to the point of order that it was not germane to the House bill (VIII, 3425), but under changes in the rules points of order may be made and separate votes demanded on portions of Senate amendments and conference reports containing language that would not have been germane if offered in the House. Clause 10 of rule XXII permits points of order against language in a conference report that was originally in the Senate bill or amendment and that 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 (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 (July 28, 1983, p. 21401). Clause 10 of rule XXII permits points of order against motions to concur or concur with amendment in nongermane Senate amendments, the stage of disagreement having been reached, and, if such points of order are sustained, permits separate motions to reject such nongermane matter. Clause 10 of rule XXII is not applicable to a provision contained in a motion to recede and concur with an amendment (the stage of disagreement having been reached) that is not contained in any form in the Senate version, the only requirement in such

§ 931. Senate amendments and matter contained in conference reports.

circumstances being that the motion as a whole be germane to the Senate amendment as a whole under clause 7 of rule XVI (Oct. 4, 1978, pp. 33502–06; June 30, 1987, p. 18294).

An amendment must relate to the subject matter under consideration.

§ 932. **Subject matter as test of germaneness.** Thus, the following are not germane: to a bill seeking to eliminate wage discrimination based on the sex of the employee, an amendment to make the provisions of the bill applicable to discrimination based on race (July 25, 1962, p. 14778); to a bill establishing an office in the Department of the Interior to manage biological information, an amendment addressing socioeconomic matters (Oct. 26, 1993, p. 26082); to a bill authorizing military assistance to Israel and funds for the United Nations emergency force in the Middle East, an amendment expressing the sense of Congress that the President conduct negotiations to obtain a peace treaty in the Middle East and the resumption of diplomatic and trade relations between Arab nations and the United States and Israel (Dec. 11, 1973, p. 40842); to a concurrent resolution expressing congressional concern over certain domestic policies of a foreign government and urging that government to improve those internal problems in order to enhance better relations with the United States, amendments expressing the necessity for United States diplomatic initiatives as a consequence of that foreign government's policies (July 12, 1978, pp. 20500–05); to a resolution amending several clauses of a rule of the House but confined in its scope to the issue of access to committee hearings and meetings, an amendment to another clause of that rule relating to committee staffing (Mar. 7, 1973, p. 6714); to a title of a bill that only addresses the administrative structure of a new department and not its authority to carry out transferred programs, an amendment prohibiting the department from withholding funds to carry out certain objectives (June 12, 1979, p. 14485); to an amendment authorizing the use of funds for a specific study, an amendment naming any program established in the bill for an unrelated purpose for a specified Senator (Aug. 15, 1986, p. 22075); to one of two reconciliation bills reported by the Budget Committee, an amendment making a prospective indirect change to the other reconciliation bill not then pending before the House (June 25, 1997, p. 12488); to a joint resolution continuing appropriations for the current fiscal year, a motion to recommit with instructions to revise the reconciliation instructions in the concurrent resolution on the budget (Sept. 29, 2005, p. 21795); to a general appropriation bill, an amendment in the form of a limitation on funds therein for activities unrelated to the functions of departments and agencies addressed by the bill (July 10, 2000, p. 13605); to a bill reauthorizing the National Sea Grant College Program, a proposal to amend existing law to provide for automatic continuation of appropriations in the absence of timely enactment of a regular appropriation bill (June 18, 1997, p. 11333); to a bill regulating immigration, an amendment reaffirming an agreement with Japan (VIII, 3050); to a bill opposing concessional loans to a country and outlining principles governing the con-

duct of industrial cooperation projects of U.S. nationals in that country, an amendment waiving provisions of other law by requiring changes in tariff schedules to achieve overall trade reciprocity between that country and the United States (Nov. 6, 1997, p. 24824); to a resolution authorizing the deployment of troops to implement a peace agreement, an amendment expressing support for the armed forces in carrying out such mission (Mar. 11, 1999, p. 4301); to a bill addressing enforcement of State liquor laws, an amendment addressing enforcement of State firearm laws (Aug. 3, 1999, p. 19213); to a bill addressing taxation under the Internal Revenue Code, a motion to recommit with instructions extending unemployment insurance benefits (May 9, 2003, p. 11110 (sustained by tabling of appeal)); to a bill reauthorizing the National Transportation Safety Board, an amendment extending unemployment insurance benefits (May 15, 2003, p. 11955 (sustained on appeal)); to an immigration bill addressing (1) issues of admissibility, detention, removal, and deportation of various classes of aliens (Sept. 21, 2006, pp. 18860 0962 (sustained by tabling of appeal)) or (2) improvements in enforcement and judicial proceedings (Sept. 21, 2006, p. 18876 0978), a motion to recommit with instructions proposing an increase in the number of U.S. Marshals; to a bill confined to housing-related matters, an amendment providing funding for various infrastructure projects (May 17, 2007, pp. 13224, 13225); to a bill settling land claims of two tribal communities in a state, a motion to recommit with instructions broaching fuel procurement by federal agencies (June 25, 2008, p. \_\_ (sustained by tabling of appeal)); to a bill addressing economic stabilization and assistance funds and housing matters, a motion to recommit with instructions addressing the solvency of various Social Security trust funds (Jan. 21, 2009, p. \_\_ (sustained by tabling of appeal)); to a bill addressing small business investment programs, a motion to recommit with instructions expressing the sense of the House on the consideration of appropriation bills (July 8, 2009, p. \_\_ (sustained by tabling of appeal)); to a bill addressing water recycling projects in one geographic area, a motion to recommit with instructions addressing water availability under a project in a different geographic area (Oct. 15, 2009, p. \_\_ (sustained by tabling of appeal)); to a bill confined to one mortgage refinancing program, an amendment (1) adding findings regarding mortgages more broadly (Mar. 10, 2011, p. \_\_), (2) establishing a new mortgage refinancing program (Mar. 10, 2011, p. \_\_), (3) requiring a study of mortgages more broadly (Mar. 10, 2011, p. \_\_), (4) addressing foreclosure generally (Mar. 10, 2011, p. \_\_), and (5) addressing compensation within the financial services industry (Mar. 10, 2011, p. \_\_); to a joint resolution disapproving a Federal Communications Commission regulation, a motion to recommit with instructions further continuing appropriations for the current fiscal year (Apr. 8, 2011, p. \_\_ (sustained by tabling of appeal)).

An amendment that is germane, not being “on a subject different from that under consideration,” belongs to a class illustrated by the following: to a bill providing for an interoceanic canal by one route, an amendment

providing for a different route (V, 5909); to a bill providing for the reorganization of the Army, an amendment providing for the encouragement of marksmanship by enlisted personnel (V, 5910); to a proposition to create a board of inquiry, an amendment specifying when it shall report (V, 5915); to a bill relating to “oleomargarine and other imitation dairy products,” an amendment on the subject of “renovated butter” (V, 5919); to a resolution rescinding an order for final adjournment, an amendment fixing a new date therefor (V, 5920); to a proposition directing a feasibility investigation, an amendment requiring the submission of legislation to implement that investigation (Dec. 14, 1973, p. 41747); and to a section of a bill prescribing the functions of a new Federal Energy Administration by conferring wide discretionary powers upon the Administrator, an amendment directing the Administrator to issue preliminary summer guidelines for citizen fuel use (as a further delineation of those functions) (Mar. 6, 1974, p. 5436).

A bill comprehensively addressing a subject requires careful analysis to determine whether an amendment addresses a different subject. For example, to an amendment in the nature of a substitute comprehensively amending several sections of the Clean Air Act with respect to the impact of shortages of energy resources on standards imposed under that Act, an amendment to another section of the Act suspending temporarily the authority of the Administrator of the EPA to control automobile emissions was held germane (Dec. 14, 1973, p. 41688). On the other hand, to a bill comprehensively restructuring the production and distribution of food, an amendment proposed in a motion to recommit to provide nutrition assistance, including food stamps and soup kitchen programs, was held not germane (Feb. 29, 1996, p. 3257).

The fundamental purpose of an amendment must be germane to the fundamental purpose of the bill (VIII, 2911). The Chair discerns the fundamental purpose of a bill by examining the text of the bill and its report language (Deschler-Brown, ch. 28, § 5.6; Aug. 3, 1999, p. 19213), rather than the motives that circumstances may suggest (V, 5783, 5803; Dec. 13, 1973, pp. 41267–69; Aug. 15, 1974, p. 28438). To a bill that comprehensively addresses a subject, an amendment that relates to that subject matter may not be ruled out as nongermane merely because the amendment may be characterized as private legislation benefitting certain individuals offered to a public bill (May 30, 1984, p. 14495). Similarly, to a bill proposing to accomplish a result by methods comprehensive in scope, an amendment in the nature of a substitute seeking to achieve the same result was held germane where it was shown that additional provisions not contained in the original bill were merely incidental conditions or exceptions that were related to the fundamental purpose of the bill (Aug. 2, 1973, pp. 27673–75; July 8, 1975, p. 21633; Sept. 29, 1980, pp. 27832–52). On the other hand, an amendment may relate to the same subject matter yet still stray from adherence to a common fundamental purpose. For ex-

§ 933. Fundamental purpose as test of germaneness.

ample, an amendment singling out one constituent element of a larger subject for specific and unrelated scrutiny is not germane. Thus, to a bill authorizing a State attorney general to bring a civil action in Federal court against a person who has violated a State law regulating intoxicating liquor, an amendment singling out certain violations of liquor laws on the basis of their regard for any and all firearms issues (Aug. 3, 1999, p. 19213). Similarly, to a bill appropriating for only one fiscal year (and containing no provisions extending beyond that fiscal year), an amendment to extend an appropriation to another fiscal year is not germane (June 20, 2001, pp. 11233, 11234).

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 (Aug. 11, 1970, p. 28165). Thus the following are germane: to a bill raising revenue by several methods of taxation, an amendment proposing a tax on undistributed profits (the Committee of the Whole overruling the Chair) (VII, 3042); to a proposition to accomplish a result through regulation by a governmental agency, an amendment to accomplish the same fundamental purpose through regulation by another governmental agency (Dec. 15, 1937, pp. 1572–89; June 9, 1941, p. 4905; Dec. 19, 1973, p. 42618); to a bill to achieve a certain purpose by conferring discretionary authority to set fair labor standards upon an independent agency, an amendment in the nature of a substitute to attain that purpose by a more inflexible method (prescribing fair labor standards) (Dec. 15, 1937, pp. 1590–94; Oct. 14, 1987, p. 27885); to a proposition to accomplish the broad purpose of settling land claims of Alaska natives by a method general in scope, an amendment accomplishing the same purpose by a method more detailed in its provisions (Oct. 20, 1971, p. 37079); to an amendment comprehensively amending the Natural Gas Act to deregulate interstate sales of new natural gas and regulate aspects of intrastate gas use, a substitute providing regulatory authority for interstate and intrastate gas sales of large producers (Feb. 4, 1976, p. 2387); to a bill providing a temporary extension of existing authority, an amendment achieving the same purpose by providing a nominally permanent authority was held germane where both the bill and the amendment were based on reported economic projections under which either would achieve the same, necessarily temporary result by method of direct or indirect amendment to the same existing law (May 13, 1987, p. 12344); to a bill subjecting employers who fail to apprise their workers of health risks to penalties under other laws and regulations, a substitute subjecting such employers to penalties prescribed in the substitute itself (Oct. 14, 1987, p. 27885); to an amendment freezing the obligation of funds for fiscal year 1996 for missile defense until the Secretary of Defense rendered a specified readiness certification, an amendment permitting an increase in the obligation of such funds on the basis of legislative findings concerning readiness, because each proposition addressed the relationship between 1996 funding

levels for missile defense and readiness (Feb. 15, 1995, p. 5026); to a bill improving food safety through a myriad of methods including the tracing of food origins, recalls of food, and quarantine of food, a motion to recommit with instructions allowing the preemptive purchase of food related to activities in the bill (July 30, 2009, p. \_\_).

However, an amendment to accomplish a similar purpose by an unrelated method not contemplated by the bill is not germane. Thus, the following are not germane: to a bill providing relief to foreign countries through government agencies, an amendment providing for relief to be made through the International Red Cross (Dec. 10, 1947, pp. 11242–44); to a bill to aid in the control of crime through research and training, an amendment to accomplish that result through regulation of the sale of firearms (Aug. 8, 1967, pp. 21846–50); to a bill providing assistance to Vietnam war victims, amendments containing foreign policy declarations as to culpability in the war (Apr. 23, 1975, p. 11510); to a bill conserving energy by civil penalties on manufacturers of autos with low gas mileage, an amendment conserving energy by tax rebates to purchasers of high-mileage autos (June 12, 1975, p. 18695); to a proposition whose fundamental purpose was registration and public disclosure by, but not regulation of the activities of, lobbyists, amendments prohibiting lobbying in certain places, restricting monetary contributions by lobbyists, and providing civil penalties for violating Rules of the House in relation to floor privileges (Sept. 28, 1976, p. 33070) (but to a similar bill, an amendment requiring disclosure of any lobbying communication made on the floor of the House or Senate or in adjoining rooms, but not regulating such conduct, was held germane (Apr. 26, 1978, p. 11641)); to a bill seeking to accomplish a purpose by one method (creation of an executive branch agency), an amendment accomplishing that result by a method not contemplated in the bill (creation of office within legislative branch as function of committee oversight) (Nov. 5, 1975, p. 35041); to a bill authorizing foreign military assistance programs, an amendment authorizing contributions to an international agency for nuclear missile inspections (Mar. 3, 1976, p. 5226); to a joint resolution proposing a constitutional amendment for representation of the District of Columbia in Congress, a motion to recommit with instructions that the Committee on the Judiciary consider a resolution retroceding populated portions of the District to Maryland (Speaker O’Neill, Mar. 2, 1978, p. 5272, implicitly overruling V, 5582); to a bill prohibiting poll taxes, a motion to recommit the bill with instructions that the committee report it back in the form of a joint resolution amending the Constitution to accomplish the purpose of the bill (Deschler-Brown, ch. 28, § 23.8); to an amendment to achieve a national production goal for synthetic fuels for national defense needs by loans and grants and development of demonstration synthetic fuel plants, a substitute to require by regulation that any fuel sold in commerce require a certain percentage of synthetic fuels (also broader in scope) (June 26, 1979, pp. 16663–74); to a bill to provide financial assistance to domestic agriculture through price support payments, an amend-

ment to protect domestic agriculture by restricting imports in competition therewith (also within the jurisdiction of another committee) (Oct. 14, 1981, p. 23899); to a bill authorizing financial assistance to unemployed individuals for employment opportunities, an amendment providing instead for tax incentives to stimulate employment (also within the jurisdiction of a different committee) (Sept. 21, 1983, p. 25145); to a bill relating to one government agency, an amendment having as its fundamental purpose a change in the law relating to another agency, even though it contemplated a consultative role for the agency covered by the bill (July 8, 1987, p. 19014); to a proposition changing congressional budget procedures to require consideration of balanced budgets, an amendment changing concurrent resolutions on the budget to joint resolutions, thereby bringing executive enforcement mechanisms into play (July 18, 1990, p. 17920); to a bill to promote technological advancement by fostering Federal research and development, and amendment exhorting to do so by changes in tax and antitrust laws (July 16, 1991, p. 18397); to a bill extending unemployment compensation benefits during a period of economic recession, an amendment to stimulate economic growth by tax incentives and regulatory reform (Sept. 17, 1991, p. 23156); to a bill providing new budget authority, a motion to recommit with instructions to change a direct appropriation of new budget authority from the general fund into a reappropriation (in effect a rescission) of funds previously appropriated for an entirely different purpose in a special reserve account (Feb. 28, 1985, p. 4146); to a bill addressing substance abuse through prevention and treatment, an amendment imposing civil penalties on drug dealers (Sept. 16, 1998, p. 20587); to a resolution impeaching the President, an amendment censuring the President (Dec. 19, 1998, p. 28107); to a bill authorizing a State attorney general to bring a civil action in Federal court against a person who has violated a State law regulating intoxicating liquor, an amendment creating new Federal laws to regulate intoxicating liquor (Aug. 3, 1999, p. 19216); to a bill addressing persons convicted of sex offenses against children with criminal punishment, an amendment addressing such perpetrators by treatment and rehabilitation (Mar. 14, 2002, p. 3203).

An amendment when considered as a whole should be within the jurisdiction of the committee reporting the bill (Jan. 29, 1976, p. 1582; July 25, 1979, pp. 20601–03; June 27, 1985, pp. 17417–19), although committee jurisdiction over the subject of an amendment and of the original bill is not the exclusive test of germaneness (Aug. 2, 1973, pp. 27673–75), and the Chair relates the amendment to the bill in its perfected form (Aug. 17, 1972, p. 28913). Thus, the following are not germane: to a bill reported from the Committee on Agriculture providing price support programs for various agricultural commodities, an amendment repealing price control authority for all commodities under an act reported from the Committee on Banking and Currency (July 19, 1973, p. 24950); to a bill reported from the Committee on Ways and Means providing for a temporary increase

in the public debt ceiling for the current fiscal year (not directly amending the Second Liberty Bond Act), an amendment proposing permanent changes in that Act and also affecting budget and appropriation procedures (matters within the jurisdiction of other House committees) (Nov. 7, 1973, p. 36240); to a bill relating to intelligence activities of the executive branch, an amendment effecting a change in the Rules of the House by directing a committee to impose an oath of secrecy on its members and staff (May 1, 1991, p. 9669); to a joint resolution continuing appropriations for the current fiscal year, a motion to recommit with instructions to revise the reconciliation instructions in the concurrent resolution on the budget (Sept. 29, 2005, p. 21795); to a bill reported by the Committee on Government Operations creating an executive agency to protect consumers, an amendment conferring on congressional committees with oversight over consumer protection the authority to intervene in judicial or administrative proceedings (a rulemaking provision within the jurisdiction of the Committee on Rules) (Nov. 6, 1975, p. 35373); to a proposition reported from the Committee on Public Works and Transportation authorizing funds for local public works employment, an amendment to mandate expenditure of already appropriated funds (as a purported disapproval of deferral of such funds under the Impoundment Control Act of 1974) and to set discount rates for reclamation and public works projects, subjects within the jurisdictions of the Committees on Appropriations and Interior and Insular Affairs (May 3, 1977, p. 13242); to a bill reported from the Committee on Armed Services authorizing military procurement and personnel strengths for one fiscal year, an amendment imposing permanent prohibitions and conditions on troop withdrawals from the Republic of Korea because including statements of policy within the jurisdiction of the Committee on Foreign Affairs (May 24, 1978, pp. 15293–95); to a bill reported from the Committee on Government Operations creating a new department, transferring the administration of existing laws to it, and authorizing appropriations to carry out the Act subject to provisions in existing law, an amendment prohibiting the use of funds so authorized to carry out a designated funding program transferred to the department, where the purpose of the authorization is to allow appropriations in general appropriation bills for the department to carry out its functions but where changes in the laws to be administered by the department remain within the jurisdiction of other committees of the House (June 19, 1979, p. 15570); to a bill reported by the Committee on Public Works authorizing funds for highway construction and mass transportation systems using motor vehicles, an amendment relating to urban mass transit (then within the jurisdiction of the Committee on Banking and Currency) and the railroad industry (then within the jurisdiction of the Committee on Interstate and Foreign Commerce) (Oct. 5, 1972, p. 34115); to a bill reported from the Committee on Interior and Insular Affairs designating certain areas in a State as wilderness, an amendment providing unemployment benefits to workers displaced by the designation (Mar. 21, 1983, p. 6347); to a bill

reported from the Committee on Science and Technology authorizing environmental research and development activities of an agency, an amendment expressing the sense of Congress with respect to that agency's regulatory and enforcement authority, within the jurisdiction of the Committee on Energy and Commerce (Feb. 9, 1984, p. 2423); to a bill authorizing environmental research and development activities of an agency for two years, an amendment adding permanent regulatory authority for that agency by amending a law not within the jurisdiction of the committee reporting the bill (June 4, 1987, p. 14757); to a bill reported from the Committee on Education and Labor dealing with education, an amendment regulating telephone communications (a matter within the jurisdiction of the Committee on Energy and Commerce) (Apr. 19, 1988, p. 7355); to a bill addressing various research programs and authorities, an amendment addressing matters of fiscal and economic policy and regulation (July 16, 1991, p. 18391; Sept. 22, 1992, pp. 26734, 26741); to a bill reported from the Committee on Ways and Means addressing unemployment compensation, an amendment addressing stimuli for economic growth involving the jurisdictions of the Committees on Banking, Finance, and Urban Affairs and the Judiciary (Sept. 17, 1991, p. 23177); to a bill reported from the Committee on Armed Services amending several laws within that committee's jurisdiction on military procurement and policy, an amendment to the Renegotiation Act, a matter within the jurisdiction of the Committee on Banking, Finance and Urban Affairs and not solely related to military contracts (June 26, 1985, pp. 17417-19) and an amendment requiring reports on Soviet Union compliance with arms control commitments, a matter exclusively within the jurisdiction of the Committee on Foreign Affairs (Deschler-Brown, ch. 28, § 4.26); to a bill reported from the Committee on Energy and Commerce relating to mentally ill individuals, an amendment prohibiting the use of general revenue sharing funds (within the jurisdiction of the Committee on Government Operations) (Jan. 30, 1986, p. 1053); to a bill reported from the Committee on Merchant Marine and Fisheries authorizing various activities of the Coast Guard, an amendment urging the Secretary of State in consultation with the Coast Guard to elicit cooperation from other nations concerning certain Coast Guard and military operations (a matter within the jurisdiction of the Committee on Foreign Affairs) (July 8, 1987, p. 19013); to a bill reported by the Committee on Banking, Finance and Urban Affairs dealing with housing and community development grant and credit programs, an amendment expressing the sense of Congress on tax policy (the deductibility of mortgage interest), a matter within the jurisdiction of the Committee on Ways and Means (Aug. 1, 1990, p. 21256); to a bill reported from the Committee on Education and Labor authorizing a variety of civilian national service programs, an amendment establishing a contingent military service obligation (a matter within the selective service jurisdiction of the Committee on Armed Services) (July 28, 1993, p. 17398); to a bill reauthorizing programs administered by two agencies within one committee's jurisdiction, an amendment

more general in scope affecting agencies within the jurisdiction of other committees (May 12, 1994, p. 10024); to a bill reported by the Committee on Transportation and Infrastructure reforming and privatizing Amtrak, an amendment rescinding previously appropriated funds for certain administrative expenses, a matter within the jurisdiction of the Committee on Appropriations (Nov. 30, 1995, p. 35071); to a measure expressing a sense of Congress with respect to the availability of public funds for expenses incurred in the evaluation of a problem, an amendment addressing legislative responses to that problem, within the jurisdiction of other committees (Feb. 4, 1998, p. 794); to a bill reported from Government Reform and Oversight proposing to alter responsibilities of executive branch agencies under an existing law, an amendment proposing to extend the application of that law to entities of the legislative branch, a matter within the jurisdiction of the Committee on House Administration (Mar. 12, 1998, p. 3389); to a resolution authorizing the deployment of troops to implement a peace agreement within the jurisdiction of the Committee on Foreign Affairs, an amendment expressing support for the armed forces carrying such mission within the jurisdiction of both the Committees on Armed Services and Foreign Affairs (Mar. 11, 1999, p. 4301); to a bill addressing certain diplomatic efforts to curb alleged price-fixing in the global oil market within the jurisdiction of the Committee on Foreign Affairs, an amendment proposing to suspend oil exportation through changes to the Mineral Leasing Act within the jurisdiction of the Committee on Natural Resources and an amendment proposing to change the Energy Policy and Conservation Act to reauthorize Presidential authority to draw down the strategic petroleum reserve, a matter within the jurisdiction of the Committee on Energy and Commerce (Mar. 22, 2000, p. 3281); to a bill confined to tax issues within the jurisdiction of the Committee on Ways and Means, a motion to recommit with instructions to report an amendment addressing the minimum wage, a matter within the jurisdiction of the Committee on Education and the Workforce (June 22, 2006, p. 12298 (sustained by tabling of appeal)), or vice versa (Jan. 10, 2007, p. 787 (sustained by tabling of appeal)); to several individual bills on various topics within the jurisdiction of various other committees, an amendment addressing the Foreign Intelligence Surveillance Act of 1978, a matter within the jurisdiction of the Committee on the Judiciary and the Permanent Select Committee on Intelligence (July 12, 2007, pp. 18843, 18844; Feb. 26, 2008, p. \_\_; Feb. 27, 2008, p. \_\_; Mar. 5, 2008, p. \_\_; Mar. 6, 2008, p. \_\_ (in each case sustained by tabling of appeal); Apr. 16, 2008, p. \_\_ (sustained on appeal)); to a bill studying two rivers under the Wild and Scenic Rivers Act, and issues related thereto, within the jurisdiction of the Committee on Natural Resources, a motion to recommit with instructions addressing comprehensive energy legislation touching several other committees' jurisdictions (Sept. 10, 2008, p. \_\_ (sustained by tabling of appeal)); to a bill confined to taxation issues within the jurisdiction of the Committee on Ways and Means, a motion to recommit with instructions addressing laws within the jurisdic-

tion of the Committees on Agriculture, Natural Resources, and Education and Labor (Sept. 26, 2008, p. \_\_ (sustained by tabling of appeal)); to a bill addressing payments to physicians under the Medicare program and confined to the jurisdiction of the Committees on Energy and Commerce and Ways and Means, a motion to recommit with instructions addressing medical malpractice reform within the jurisdiction of the Committee on the Judiciary (Nov. 19, 2009, p. \_\_ (sustained by tabling of appeal)); to a defense authorization bill addressing subjects in the jurisdiction of the Committee on Armed Services and several other committees, a motion to recommit with instructions broaching benefits of legislative branch employees within the jurisdiction of another committee (the Committee on House Administration) (May 28, 2010, p. \_\_ (sustained by tabling of appeal)); to a bill addressing various benefits in the jurisdiction of committees other than the Committee on Appropriations, an amendment proposed in a motion to recommit rescinding appropriations carried in a prior appropriation Act (July 1, 2010, p. \_\_ (sustained by tabling of appeal)); to a bill addressing a mortgage refinancing program within the jurisdiction of the Committee on Financial Services, an amendment modifying an income tax deduction within the jurisdiction of the Committee on Ways and Means (Mar. 10, 2011, p. \_\_).

Committee jurisdiction is not the sole test of germaneness where: (1) the proposition to which the amendment is offered is so comprehensive (overlapping several committees' jurisdictions) as to diminish the pertinency of that test; (2) the amendment does not demonstrably affect a law within another committee's jurisdiction (July 21, 1976, p. 23167; Oct. 8, 1985, pp. 26548–51); (3) the portion of the bill also contains language, related to the amendment, not within the jurisdiction of the committee reporting the bill (Apr. 2, 1976, p. 9254; Aug. 10, 1984, p. 23975); or (4) the bill has been amended to include matter within the jurisdiction of another committee thus rendering further similar amendments germane (July 11, 1985, p. 18601; Sept. 19, 1986, p. 24769). Thus, to a bill reported from the Committee on Agriculture relating to the food stamp program, an amendment requiring the Secretary of the Treasury, after consultation with the Secretary of Agriculture, to collect from certain recipients the monetary value of food stamps received was held germane because the performance of new duties by the Secretary of the Treasury and by the Internal Revenue Service not affecting the application of the Internal Revenue Code is not a matter solely within the jurisdiction of the Committee on Ways and Means (July 27, 1977, pp. 25249–52). On the other hand, to a comprehensive farm bill authorizing a variety of programs within the jurisdiction of the Committees on Agriculture and Foreign Affairs, and amended to include matter within the jurisdiction of the Committee on Energy and Commerce (but not amending laws within the jurisdiction of other committees), an amendment proposing to alter an existing interstate dairy compact and grant consent to additional compacts, matters within

the jurisdiction of the Committee on the Judiciary, is not germane (Oct. 4, 2001, pp. 18797, 18809).

To a bill amending an existing law to grant to merchant mariners benefits substantially equivalent to those granted to veterans in a separate law in the jurisdiction of another committee, an amendment directly changing the separate law to extend its benefits to merchant mariners was held not germane (Sept. 9, 1992, p. 23951); but if the pending bill incorporates by reference provisions of a law from another committee and conditions the bill's effectiveness upon actions taken pursuant to a section of that law, an amendment to alter that section of the law may be germane (Apr. 8, 1974, pp. 10108–10).

The test of the germaneness of an amendment in the nature of a substitute for a bill is its relationship to the bill as a whole, and is not necessarily determined by the content of an incidental portion of the amendment that, if considered separately, might be within the jurisdiction of another committee (Aug. 2, 1973, p. 27673; June 1, 1976, pp. 16021–25). However, the House may by adopting a special rule allow a point of order that a section of a committee amendment in the nature of a substitute would not have been germane if offered separately to the bill as introduced (May 23, 1978, pp. 15094–96; May 24, 1978, pp. 15293–95; Aug. 11, 1978, p. 25705).

The fact that an amendment is offered in conjunction with a motion to recommit a bill with instructions does not affect the requirement that the subject matter of the amendment be germane and within the jurisdiction of the committee reporting the bill (Mar. 2, 1967, p. 5155). Thus the following are not germane: to a bill reported from the Committee on Foreign Affairs addressing U.S. claims against Iraq, a motion to recommit with instructions to prohibit the admission of former members of Iraq's armed forces to the United States as refugees (a matter within the jurisdiction of the Committee on the Judiciary) (Apr. 28, 1994, p. 8803); and to a bill amending a law reported by the Committee on Banking and Financial Services opposing concessional loans to a country and outlining principles governing the conduct of industrial cooperation projects of U.S. nationals in that country, an amendment proposed in a motion to recommit waiving provisions of other law by requiring changes in tariff schedules to achieve overall trade reciprocity between that country and the United States (a subject within the jurisdiction of the Committee on Ways and Means) (Nov. 6, 1997, p. 24824).

The standards by which the germaneness of an amendment may be measured, as set forth in §§ 932–934, *supra*, are not exclusive; an amendment and the matter to which offered may be related to some degree under the tests of subject matter, purpose, and jurisdiction, and still not be considered germane under the precedents. Thus, the following have been held not to be germane: to a proposition relating to terms of Senators, an amendment changing the manner of their election (V, 5882); to a bill

§ 935. Various tests of germaneness are not exclusive.

relating to commerce between the States, an amendment relating to commerce within the several States (V, 5841); to a proposition to relieve destitute citizens of the United States in Cuba, a proposition declaring a state of war in Cuba and proclaiming neutrality (V, 5897); to a proposition for the appointment of a select committee to investigate a certain subject, an amendment proposing an inquiry of the executive on that subject (V, 5891); to a bill granting a right of way to a railroad, an amendment providing for the purchase of the railroad by the Government (V, 5887); to a provision for the erection of a building for a mint, an amendment to change the coinage laws (V, 5884); to a resolution proposing expulsion, an amendment proposing censure (VI, 236); to a resolution authorizing the administration of the oath to a Member-elect, an amendment authorizing such oath administration but adding several conditions of punishment predicated on acts committed in a prior Congress (Jan. 3, 1969, pp. 23–25); to a general tariff bill, an amendment creating a tariff board (May 6, 1913, p. 1234; Speaker Clark, May 8, 1913, p. 1381); to a proposition to sell two battleships and build a new battleship with the proceeds, a proposition to devote the proceeds to building wagon roads (VIII, 2973); to a bill authorizing a State attorney general to bring a civil action in Federal court against a person who has violated a State law regulating intoxicating liquor, an amendment singling out certain violations of liquor laws on the basis of their regard for any and all firearms issues (Aug. 3, 1999, p. 19213).

One individual proposition may not be amended by another individual proposition even though the two belong to the same class (VIII, 2951–2953, 2963–2966, 3047; Jan. 29, 1986, p. 684; Oct. 22, 1990, p. 32346; Oct. 24, 1991, p. 28561).

Thus, the following are not germane: to a bill proposing the admission of one territory into the Union, an amendment for admission of another territory (V, 5529); to a bill amending a law in one particular, amending the law in another particular (VIII, 2949); to a proposition to appropriate or to authorize appropriations for only one year (and containing no provisions extending beyond that year), an amendment to extend the authorization or appropriation to another year (VIII, 2913; Nov. 13, 1980, pp. 29523–28; see also May 2, 1979, p. 9564; Oct. 12, 1979, pp. 28097–99; June 20, 2001, pp. 11233, 11234); to a measure continuing appropriations for the current fiscal year for a specified period, an amendment proposed in a motion to recommit making certain funds available beyond such time (Dec. 13, 2007, p. \_\_ (sustained by tabling of appeal)); to a measure earmarking funds in an appropriation bill, an amendment authorizing the program for which the appropriation is made (Nov. 15, 1989, p. 29019); to a bill for the relief of one individual, an amendment proposing similar relief for another (V, 5826–5829); to a resolution providing a special order for one bill, an amendment to include another bill (V, 5834–5836); to a provision for extermination of the cotton-boll weevil, an amendment including the gypsy moth (V, 5832); to a provision for a clerk for one committee,

an amendment for a clerk to another committee (V, 5833); to a Senate amendment dealing with use of its contingent fund for art restoration in that body, a proposed House amendment for use of the House contingent fund for a similar but broader purpose (May 24, 1990, p. 12203); to a bill prohibiting transportation of messages relative to dealing in cotton futures, an amendment adding wheat, corn, etc. (VIII, 3001); to a bill prohibiting cotton futures, an amendment prohibiting wheat futures (VIII, 3001); to a bill for the relief of certain aliens, an amendment for the relief of other persons who are not aliens (May 14, 1975, p. 14360); to a bill providing relief for agricultural producers, an amendment extending such relief to commercial fishermen (also in the jurisdiction of another committee) (Apr. 24, 1978, p. 11080); to a bill governing the political activities of Federal civilian employees, an amendment to cover members of the uniformed services (June 7, 1977, p. 17713); to a bill covering the civil service system for Federal civilian employees, an amendment bringing other classes of employees (postal and District of Columbia employees) within the scope of the bill (Sept. 7, 1978, pp. 28437–39; Oct. 9, 1985, pp. 26951–54); to a portion of an appropriation bill containing funds for a certain purpose to be expended by one agency, an amendment containing funds for another agency for the same purpose (July 24, 1981, p. 17226); to an amendment exempting national defense budget authority from the reach of a proposed Presidential rescission authority, an amendment exempting social security (Feb. 2, 1995, p. 5501); to a Senate amendment striking an earmark from an appropriation bill, a House amendment reinserting part of the amount but adding other earmarks for unrelated programs (Nov. 15, 1989, p. 29019); to a Senate amendment relating to a feasibility study of a land transfer in one State, a House amendment requiring an environmental study of land in another State (Nov. 15, 1989, p. 29035); to a bill prohibiting certain uses of polygraphy in the private sector, an amendment applying the terms of the bill to the Congress (Nov. 4, 1987, p. 30870); to a bill to determine the equitability of Federal pay practices under statutory systems applicable to agencies of the executive branch, an amendment to extend the scope of the determination to pay practices in the legislative branch (ruling sustained by Committee of Whole, Sept. 28, 1988, p. 26422); to a special appropriation bill providing funds and authority for agricultural credit programs but containing no transfers of funds, reappropriations, or rescissions, an amendment (contained in a motion to recommit) deriving funds for the bill by transfer of unobligated balances in the Energy Security Reserve and thus decreasing and transferring funds provided for a program unrelated to the subject matter or method of funding provided in the bill (Feb. 28, 1985, p. 4146); to a bill prohibiting importation of goods made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials that have been made in whole or in part in any manner manipulated by convict or prison labor, an amendment prohibiting importation of goods produced by child labor, a second discrete class (VIII, 2963); similarly, to an amendment authorizing grants

to States for purchase of one class of equipment (photographic and fingerprint equipment) for law enforcement purposes, an amendment including assistance for the purchase of a different class of equipment (bulletproof vests) (Oct. 12, 1979, pp. 28121–24); to a bill repealing section 14(b) of the National Labor Relations Act and making conforming changes in two related sections of labor law, all pertaining solely to the so-called “right-to-work” issue, an amendment excluding from the applicability of certain labor-management agreements members of religious groups (July 28, 1965, p. 18633); to a bill relating to the design of certain coin currency, an amendment specifying the metal content of other coin currency (Sept. 12, 1973, p. 29376); to a proposition to accomplish a single purpose without amending a certain law, an amendment to accomplish another purpose by amending that law (Dec. 14, 1973, pp. 41723–25); to a bill regulating poll closing time in Presidential general elections, an amendment extending its provisions to Presidential primary elections (Jan. 29, 1986, p. 684); to a bill authorizing grants to private entities furnishing health care to underserved populations, an amendment authorizing grants to States to control a public health hazard (a different category of recipient) (Mar. 5, 1986, p. 3604); to a bill siting a certain type of repository for a specified kind of nuclear waste, an amendment prohibiting the construction at another site of another type of repository for another kind of nuclear waste (July 21, 1992, p. 18718); to a bill addressing violent crimes, an amendment addressing nonviolent crimes, such as crimes of fraud and deception or crimes against the environment (May 7, 1996, pp. 10342, 10343); to a bill naming a facility after a specific person, an amendment proposing to substitute the name of a different person (VIII, 2955) where it could not be shown that the amendment intended a return to the facility’s existing designation (Feb. 4, 1998, p. 792); to a joint resolution addressing whether public funds should be available for specified endeavors of one group, an amendment addressing the same question for unrelated endeavors of another group (Feb. 4, 1998, p. 819); to a bill proposing to alter responsibilities of executive branch agencies under an existing law, an amendment proposing to extend the application of that law to entities of the legislative branch (Mar. 12, 1998, p. 3389); to a joint resolution proposing an amendment to the Constitution authorizing Congress to prohibit physical desecration of the flag, a motion to recommit with instructions proposing an amendment to the Constitution requiring a balanced budget (June 22, 2005, pp. 13539, 13540 (sustained by tabling of appeal)) or requiring that Social Security receipts and outlays be counted as receipts or outlays of the United States (June 22, 2005, pp. 13540, 13541 (sustained by tabling of appeal)); to a joint resolution proposing an amendment to the Constitution to afford equal rights on the basis of sex, an amendment to add “race, creed, or color” (Oct. 12, 1971, pp. 35813, 35814).

RULES OF THE HOUSE OF REPRESENTATIVES

§ 937

Rule XVI, clause 7

A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject (V, 5843–5846; VIII, 2997, 2998; July 31, 1985, pp. 21832–34; § 937. A general provision not germane to a specific subject. see also Deschler-Brown, ch. 28, § 9). Thus the following are not germane: to a bill for the admission of one territory into the Union, an amendment providing for the admission of several other territories (V, 5837); to a bill relating to all corporations engaged in interstate commerce, an amendment relating to all corporations (V, 5842); to a bill proscribing certain picketing in the District of Columbia, an amendment making the provisions thereof applicable throughout the United States (Aug. 22, 1966, p. 20113); to a joint resolution proposing an amendment to the Constitution prohibiting the United States or any State from denying persons 18 years of age or older the right to vote, an amendment requiring the United States and all States to treat persons 18 years and older as having reached the age of majority for all purposes under the law (Mar. 23, 1971, p. 7567); to a bill dealing with enforcement of United Nations sanctions against one country in relation to a specific trade commodity, an amendment imposing United States sanctions against all countries for all commodities and communications (Mar. 14, 1977, p. 7446); to a bill to enable a department to investigate and prosecute fraud and abuse in medicare and medicaid health programs, an amendment to prohibit any officer or employee from disclosing any identifiable medical record absent patient approval (Sept. 23, 1977, pp. 30534–35); to an amendment to a budget resolution changing one functional category only, an amendment changing several other categories and covering an additional fiscal year (May 2, 1979, pp. 9556–64); to a bill authorizing funds for radio broadcasting to Cuba, an amendment to include broadcasting to all dictatorships in the Caribbean Basin (Aug. 10, 1982, p. 20256); to a bill relating to aircraft altitude over units of the National Park System, an amendment relating to aircraft collision avoidance generally (Sept. 18, 1986, p. 24084); to a proposition prohibiting the use of funds appropriated for a fiscal year for a specified purpose, an amendment prohibiting the use of funds appropriated for that or any prior fiscal year for an unrelated purpose is not germane (June 30, 1987, p. 18294); to a proposition providing for a training vessel for one state maritime academy, an amendment relating to training vessels for all state maritime academies is not germane (June 30, 1987, p. 18296); to a proposition waiving a requirement in existing law that an authorizing law be enacted before the obligation of certain funds, an amendment affirmatively enacting bills containing not only that authorization but also other policy matters (Sept. 28, 1988, p. 26108); to a proposition pertaining only to a certain appropriation account in a bill, an amendment relating not only to that account but also to funds in other acts (Sept. 30, 1988, p. 27148); to a proposition raising an employment ceiling for one year, an amendment addressing in permanent law a hiring preference system for such employees (Oct. 11, 1989, p. 24089); to an omnibus farm bill with myriad programs to improve agricultural economy, an amendment

to the Animal Welfare Act not limited to agricultural pursuits (Aug. 1, 1990, p. 21573); to a bill authorizing Federal funding for qualifying State national service programs, an amendment conditioning a portion of such funding on the enactment of State laws immunizing volunteers in nonprofit or public programs, generally, from certain legal liabilities (July 28, 1993, p. 17401); to an amendment addressing particular educational requirements imposed on educational agencies by the underlying bill, an amendment addressing any requirements imposed on educational agencies by the underlying bill (Mar. 21, 1994, p. 5771); to a bill reauthorizing programs administered by the Economic Development Administration and the Appalachian Regional Commission, an amendment providing for the waiver of any Federal regulation that would interfere with economic development (May 12, 1994, p. 10024); to a bill prohibiting a certain class of abortion procedures, an amendment prohibiting any or all abortion procedures (Mar. 20, 1997, p. 4425); to a bill addressing one class of imported goods (those produced by forced labor), an amendment addressing all imported goods from a specified country (Nov. 5, 1997, p. 24643); to a bill confined to a single national historic trail designation, a motion to recommit with instructions extending to all trails addressed by the National Trails System Act (July 10, 2008, p. \_\_).

To a bill limited in its applicability to certain departments and agencies of government, an amendment applicable to all departments and agencies is not germane (Sept. 27, 1967, p. 26957). Thus, the following are not germane: to a bill establishing an office without regulatory authority in the Department of the Interior to manage biological information, an amendment addressing requirements of compensation for constitutional takings by other regulatory agencies (Oct. 26, 1993, p. 26076); to a bill amending an authority of an agency under an existing law, an amendment independently expressing the sense of Congress on regulatory agencies generally (May 14, 1992, p. 11287); to a proposition authorizing activities of certain government agencies for a temporary period, an amendment permanently changing existing law to cover a broader range of government activities (May 5, 1988, p. 9938); and to a joint resolution continuing funding within one executive department, an amendment addressing funding for other departments as well as one addressing the compensation of Federal employees on a government-wide basis (Dec. 20, 1995, pp. 37886, 37888).

To a bill modifying an existing law as to one specific particular, an amendment relating to the terms of the law other than those dealt with by the bill is not germane (V, 5806–5808). Thus, the following are not germane: to a bill amending the war-time prohibition act in one particular, an amendment repealing that act (VIII, 2949); to a proposition temporarily suspending certain requirements of the Clean Air Act, an amendment temporarily suspending other requirements of all other environmental protection laws (Dec. 14, 1973, p. 41751); to an amendment striking from a bill one activity from those covered by the law being amended, a substitute striking the entire subsection of the bill, thereby eliminating the applica-

bility of existing law to a number of activities (Sept. 23, 1982, p. 24963); to a bill amending an existing law to authorize a program, an amendment restricting authorizations under that or any other act (Dec. 10, 1987, p. 34676); to a bill proposing a temporary change in law, an amendment making permanent changes in that law (Nov. 19, 1991, p. 32893); and to a bill amending an existing law in one particular, an amendment amending other laws and more comprehensive in scope (Nov. 19, 1993, pp. 30513, 30515, 30517).

A bill dealing with an individual proposition but rendered general in its scope by amendment is then subject to further amendment by propositions of the same class (VIII, 3003). Although a specific proposition covering a defined class may not be amended by a proposition more general in scope, the Chair may consider all pending provisions being read for amendment in determining the generality of the class covered by that proposition (Jan. 30, 1986, p. 1051).

A general subject may be amended by specific propositions of the same class (VIII, 3002, 3009, 3012; see also Deschler-Brown, ch. 28, § 11). Thus, the following have been held to be germane: to a bill admitting several territories into the Union, an amendment adding another territory (V, 5838); to a bill providing for the construction of buildings in each of two cities, an amendment providing for similar buildings in several other cities (V, 5840); to a resolution embodying two distinct phases of international relationship, an amendment embodying a third (V, 5839); to an amendment prohibiting indirect assistance to several countries, an amendment to include additional countries within that prohibition (Aug. 3, 1978, p. 24244); to a portion of a bill providing two categories of economic assistance to foreign countries, an amendment adding a further specific category (Apr. 9, 1979, pp. 7755–57); to a bill bringing two new categories within the coverage of existing law, an amendment to include a third category of the same class (Nov. 27, 1967, p. 33769); to a proposition providing for prepayment of loans by those within a certain class of borrowers who meet a specified criterion, a proposed House amendment eliminating the criterion to broaden the applicability of the Senate amendment to additional borrowers within the same class (June 30, 1987, p. 18308); to an amendment addressing a range of criminal prohibitions, an amendment addressing another criminal prohibition within that range (Oct. 17, 1991, p. 26767); to a bill addressing violent crimes, an amendment addressing violent crimes involving the environment (May 7, 1996, p. 10344).

Where a bill seeks to accomplish a general purpose (support of arts and humanities) by diverse methods, an amendment that adds a specific method to accomplish that result (artist employment through the National Endowment for the Arts) may be germane (Apr. 26, 1976, p. 11101; see also June 12, 1979, p. 14460). However, to a resolution authorizing a class of employees in the service of the House, an amendment providing for the employment of a specified individual was held not to be germane (V, 5848–

§ 938. Specific subjects germane to general propositions of the class.

5849). Other examples of amendments that have been held to be germane under this theory include: to a proposition relating in many diverse respects to the political rights of the people of the District of Columbia, an amendment conferring upon that electorate the additional right of electing a non-voting Delegate to the Senate (Oct. 10, 1973, p. 33656); to a bill containing definitions of several of the terms used therein, an amendment modifying one of the definitions and adding another (Sept. 26, 1967, p. 26878); to a bill authorizing a broad program of research and development, an amendment directing specific emphasis in the administration of the program (Dec. 19, 1973, p. 42607); to a bill providing for investigation of relationships between environmental pollution and cancer, an amendment to investigate the impact of personal health habits, such as cigarette smoking, on that relationship (Sept. 15, 1976, pp. 30496–98); to a supplemental appropriation bill containing funds for several departments and agencies, an amendment in the form of a new chapter providing funds for capital outlays for subway construction in the District of Columbia (May 11, 1971, p. 14437); to a proposal authorizing military procurement, including purchase of food supplies, an amendment authorizing establishment that fiscal year of a military preparedness grain reserve (July 20, 1982, pp. 17073, 17074, 17092, 17093).

To a bill amending a general law on a specific point an amendment relating to the terms of the law rather than to those of the bill was ruled not to be germane (V, 5808; VIII, 2707, 2708). Thus a bill amending several sections of one title of the United States Code does not necessarily bring the entire title under consideration so as to permit an amendment to any portion thereof (Oct. 11, 1967, p. 28649), and if a bill amends existing law in one narrow particular, an amendment proposing to modify such existing law in other particulars will generally be ruled out as not germane (Aug. 16, 1967, p. 22768; VIII, 2709, 2839, 3013, 3031; May 12, 1976, p. 13532). To a bill narrowly amending an anti-discrimination provision in the Education Amendments of 1972 only to clarify the definition of a discriminating entity subject to denial of Federal funding, amendments re-defining a class of discrimination (sex), expanding the definition of persons who are the subject of discrimination (to include the unborn), and deeming a new entity (Congress) to be a recipient of Federal assistance (a class not necessarily included in the class covered by the bill), were ruled not to be germane (June 26, 1984, pp. 18847, 18857, 18861). But to the same bill, an amendment merely defining a word used in the bill was held germane (June 26, 1984, p. 18865). 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 on its relationship to the subject of the bill and not to the entire law being amended (Oct. 28, 1975, p. 34031). But a bill amending several sections of an existing law may be sufficiently broad to permit amendments to other sections of that law not mentioned in the bill (Feb. 19, 1975, p. 3596; Sept. 14, 1978, p. 29487). To a bill

§ 939. Amendments to bills amending existing law.

continuing and re-enacting an existing law, amendments germane to the existing act sought to be continued have been held germane to the pending bill (VIII, 2940, 2941, 2950, 3028; Oct. 31, 1963, p. 20728; June 1, 1976, p. 16045); but if a bill merely extends an official's authority under existing law, an amendment permanently amending that law has been held not in order (Sept. 29, 1969, pp. 27341–43). Thus where a bill authorized appropriations to an agency for one year but did not amend the organic law by extending the existence of that agency, an amendment extending the life of another entity mentioned in the organic law was held not germane (May 20, 1976, p. 14912). An amendment making permanent changes in the law relating to organization of an agency is not germane to a title of a bill only authorizing appropriations for such agency for one fiscal year (Nov. 29, 1979, p. 34090). To a general appropriation bill providing funds for one fiscal year, an amendment changing a permanent appropriation in existing law and changing congressional procedures for consideration of that general appropriation bill in future years is more general in scope (and in part within the jurisdiction of the Committee on Rules) and therefore is not germane (June 29, 1987, p. 18083); and to a temporary authorization bill prescribing the use of an agency's funds for two years but not amending permanent law, an amendment permanently changing the organic law governing that agency's operations is not germane (Dec. 2, 1982, p. 28537, concerning Sept. 28, 1982, p. 25465; Feb. 13, 2008, p. \_\_ (sustained by tabling of appeal)). However, to a bill authorizing appropriations for a department for one fiscal year, where the effect of the department's activities pursuant to that authorization may extend beyond such year, an amendment directing a specific use of those funds to perform an activity that may not be completed within the fiscal year was nevertheless germane, because limited to funds in the bill (Oct. 18, 1979, p. 28763). Similarly, to a one-year authorization bill containing diverse limitations and directions to the agency in question during such year, an amendment further directing the agency to obtain information from the private sector, and to make such information public during such year, was held germane (Oct. 18, 1979, pp. 28815–17). Although an amendment making a permanent change in existing law has been held not germane to a bill proposing a temporary change in that law, if it is apparent that the fundamental purpose of the amendment is to have only temporary effect and to accomplish the same result as the bill, it may be germane. Thus to a bill providing a temporary extension of existing authority, an amendment achieving the same purpose by providing a nominally permanent authority was held germane where both the bill and the amendment were based on reported economic projections under which either would achieve the same, necessarily temporary result by method of direct or indirect amendment to the same existing law (May 13, 1987, p. 12344). However, to a proposal continuing the availability of appropriated funds and imposing diverse legislative conditions upon the availability of appropriations, an amendment directly and permanently changing existing law as to the eligibility of re-

ipients of funds was held to be nongermane (Dec. 10, 1981, pp. 30536–38). To a bill extending an existing law in modified form, an amendment proposing further modification of that law may be germane (Apr. 23, 1969, p. 10067; Feb. 19, 1975, p. 3596). But to a bill amending a law in one particular, an amendment repealing the law is not germane (Jan. 14, 1964, p. 423). To a bill amending a general law in several particulars, an amendment providing for the repeal of the whole law may be germane (V, 5824), but the bill amending the law must so vitally affect the whole law as to bring the entire act under consideration before the Chair will hold an amendment repealing the law or amending any section of the law germane to the bill (VIII, 2944; Apr. 2, 1924, p. 5437). If a bill repeals a provision of law, an amendment modifying that provision rather than repealing it may be germane (Oct. 30, 1969, p. 32466); but the modification must relate to the provision of law being repealed (July 28, 1965, p. 18636). Generally to a bill amending one law, an amendment changing the provisions of another law or prohibiting assistance under any other law is not germane (May 11, 1976, p. 13419; Aug. 12, 1992, p. 23238). To a bill amending the Bretton Woods Act in relation to the International Monetary Fund, an amendment prohibiting the alienation of gold to the IMF or to any other international organization or its agents was held not germane (July 27, 1976, p. 24040). However, to a bill comprehensively amending several laws within the same class, an amendment further amending one of those laws on a subject within that class is germane (May 12, 1976, p. 13530); and to a bill authorizing funding for the intelligence community for one fiscal year and making diverse changes in permanent laws relating thereto, an amendment changing another permanent law to address accountability for intelligence activities was held germane (Oct. 17, 1990, p. 30171). To a title of a bill dealing with a number of unrelated authorities of the Secretary of Agriculture, an amendment amending another act within the jurisdiction of the Committee on Agriculture to require the adoption of a minimum standard for the contents of ice cream was held germane, because it was restricted to the authority of the Secretary of Agriculture (July 22, 1977, pp. 24558–70). But to a section of a bill amending a section of the National Labor Relations Act dealing with procedural rules governing labor elections and organizations, an amendment changing the same section of law to require promulgation of rules defining certain conduct as an unfair labor practice was held not germane, where neither the pending section nor the bill itself addressed the subject of unfair labor practices dealt with in another section of the law (Oct. 5, 1977, p. 32507). To a bill narrowly amending one subsection of existing law dealing with one specific criminal activity, an amendment postponing the effective date of the entire section, affecting other criminal provisions and classes of persons as well as the one amended by the bill, or an amendment to another subsection of the law dealing with a related but separate prohibition, was held not germane (May 16, 1979, pp. 11470–72), but to an amendment adding sundry punitive sections to the Federal criminal code, an amend-

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§ 940

Rule XVI, clause 7

ment creating an exception to the prohibition of another such section was held germane (Oct. 17, 1991, p. 26767).

Restrictions, qualifications, and limitations sought to be added by way of amendment must be germane to the provisions of the bill. Conditioning the availability of funds may be germane if the condition is related to the general purpose and within the scope of the pending proposition (Deschler-Brown, ch. 28, §§ 29–34). Thus, the following are germane: to a bill authorizing the funding of a variety of programs that satisfy several stated requirements in order to accomplish a general purpose, an amendment conditioning the availability of those funds upon implementation by their recipients of another program related to that general purpose (June 18, 1973, p. 20100); to a bill authorizing funds for military procurement and construction, an amendment declaring that none of the funds be used to carry out military operations in North Vietnam (Mar. 2, 1967, p. 5143); to a proposition reducing the line-item authorization for certain missiles and prohibiting procurement of certain other missiles, an amendment proposing a conditional restriction on the availability of funds for such procurement that merely requires observation of activities of another country, which activities already constitute the policy basis for the funding of that governmental activity (missile procurement) (May 16, 1984, p. 12510); to a bill authorizing federal funding of certain qualifying state programs, an amendment restricting the payment of Federal funds in a bill to States that enact certain laws relating to the activities being funded (July 28, 1993, p. 17403); to an authorization bill, an amendment that conditions the availability of such funds by adopting as a measure of their availability the expenditure during the fiscal year of a comparable percentage of funds authorized by other acts as long as the amendment does not directly affect the use of other funds (July 26, 1973, p. 26210); to a bill authorizing certain housing programs, an amendment restricting the amounts of direct spending in the bill to the levels set in the concurrent resolution on the budget as merely a measure of availability of funds in the bill and not a provision directly affecting the congressional budget process (June 11, 1987, p. 15540); to a proposition restricting the availability of funds to a certain category of recipients, an amendment further restricting the availability of funds to a subcategory of the same recipients (Sept. 25, 1979, pp. 26135–43); to a bill authorizing appropriations for an agency, an amendment prohibiting the use of funds for any purpose to which the funds may otherwise be applied (Nov. 5, 1981, p. 26716); an amendment that conditions the availability of funds covered by a bill by adopting as a measure of their availability the monthly increases in the public debt (as long as the amendment does not directly affect other provisions of law or impose contingencies textually predicated upon other unrelated actions of Congress) (Sept. 25, 1979, pp. 26150–52); to a bill authorizing defense assistance to a foreign nation, an amendment delaying the availability of that assistance until that nation's former ambassador testified before

a House committee, which had been directed by the House to investigate gifts by that nation's representatives to influence Members and employees, as a contingency that sought to compel the furnishing of information related to efforts to induce defense assistance to that nation (Aug. 2, 1978, p. 23932); to a provision authorizing funds for a fiscal year, an amendment restricting the availability of funds appropriated pursuant thereto for a specified purpose until enactment of a subsequent law authorizing that purpose (July 21, 1983, p. 20198); to a bill authorizing humanitarian and evacuation assistance to war refugees, an amendment making such authorization contingent on a report to Congress on costs of a portion of the evacuation program (but not requiring implementation of any new program) (Apr. 23, 1975, p. 11529); and to an amendment precluding the availability of an authorization for part of a fiscal year and then permitting availability for the remainder of the year based upon a contingency, an amendment constituting a prohibition on the availability of the same funds for the entire fiscal year (May 16, 1984, p. 12567).

On the other hand, the following conditions on the availability of funds are not germane: an amendment conditioning the use of funds on the conduct of congressional hearings addressing an unrelated subject (July 22, 1994, p. 17613); to a proposition conditioning the availability of funds upon the enactment of an authorizing statute for the enforcing agency, a substitute conditioning the availability of some of those funds upon a prohibition of certain imports into the United States (Nov. 7, 1985, p. 30984); to a bill authorizing funds for military assistance to certain foreign countries, an amendment to make the availability of those funds contingent upon efforts by those countries to control narcotic traffic to the United States, and to authorize the President to offer the assistance of Federal agencies for that purpose, where the subjects of narcotics and the accessibility of Federal agencies are not contained in the bill (June 17, 1971, p. 20589); to a bill authorizing funds for foreign assistance, an amendment placing restrictions on funds authorized or appropriated in prior years (Aug. 24, 1967, p. 24002); to an amendment changing a dollar amount in a bill, a substitute therefor not only changing the figure but also restricting the use of any funds in furtherance of a certain activity (June 7, 1972, p. 19920); to a proposal to restrict availability of agency funds for a year and amending the organic law as it relates to the internal functions thereof, an amendment further restricting funding but also applying with respect to the use of funds in the bill provisions of criminal and other laws not applicable thereto (Oct. 26, 1989, p. 26269); to a provision prohibiting aid to a certain country unless certain conditions were met, an amendment prohibiting aid to another country until that nation took certain acts, and referring to funds provided in other acts (Nov. 17, 1967, p. 32968); and an amendment conditioning the availability of defense funds to foreign contractors based upon their compliance with Federal law regarding discrimination not otherwise applicable to them (and within the jurisdiction of other committees) (June 16, 1983, p. 16060); an amendment conditioning

the availability of grants to states and localities based upon their compliance with Federal immigration law regarding employment eligibility verification not otherwise applicable to them (and within the jurisdiction of other committees) (Mar. 7, 2007, p. \_\_).

An amendment to a general appropriation bill in the form of a limitation on funds therein for activities unrelated to the functions of departments and agencies addressed by the bill is not germane (July 10, 2000, p. 13605).

An amendment delaying the availability of authorizations pending unrelated determinations involving agencies and committee jurisdictions not within the purview of the bill is also not germane (Feb. 7, 1973, p. 3708; July 8, 1981, p. 15010; July 9, 1981, p. 15218). Thus, the following are not germane: to a bill authorizing military assistance to Israel and funds for a U.N. emergency force in the Middle East, an amendment postponing the availability of funds to Israel until the President certifies the existence of a designated level of domestic energy supplies (Dec. 11, 1973, p. 40837); an amendment delaying the availability of an appropriation pending the enactment of certain revenue legislation (Oct. 25, 1979, p. 29639); to a bill authorizing radio broadcasting to Cuba, an amendment prohibiting the use of those funds until Congress has considered a constitutional amendment mandating a balanced budget (Aug. 10, 1982, p. 20250).

Similarly, although it may be in order on a general appropriation bill to delay the availability of certain funds therein if the contingency does not impose new duties on executive officials, the contingency must be related to the funds being withheld and cannot affect other funds in the bill not related to that factual situation (VII, 1596, 1600), may not be made applicable to a trust fund provided (IV, 4017), and may not be made applicable to money appropriated in other acts (IV, 3927; VII, 1495, 1597–1599). Thus, to a general appropriation bill containing funds not only for a former President but also for other departments and agencies, an amendment delaying the availability of all funds in the bill until the former President has made restitution of a designated amount of money is not germane (Oct. 2, 1974, p. 33620). On the other hand, to a general appropriation bill providing funds for the Department of Agriculture and including specific allocation of funds for pest control, an amendment was germane that prohibited the use of funds for use of pesticides prohibited by State or local law (May 26, 1969, p. 13753).

It is not in order to amend a bill to delay the effectiveness of the legislation pending an unrelated contingency (VIII, 3035, 3037). Thus the following are not germane: an amendment delaying the bill's effectiveness pending unrelated determinations involving agencies and committee jurisdictions not within the purview of the bill (Feb. 7, 1973, p. 3708; July 8, 1981, p. 15010; July 9, 1981, p. 15218); an amendment delaying the bill's effectiveness pending enactment of unrelated State legislation (June 29, 1967, p. 17921; July 28, 1993, p. 17401); an amendment conditioning authorization for one agency (National Science Foundation) on appropriations for another (National Aeronautics and Space Administration) (May

2, 2007, pp. 11093-0995); to a bill proposing relief for women and children in Germany, an amendment delaying the effectiveness of such relief until a soldier's compensation act shall have been enacted (VIII, 3035); and to a bill naming an airport, an amendment conditioning the naming on approval by an entity without jurisdiction over the administration of the airport (Feb. 4, 1998, p. 794). On the other hand, the following are germane: an amendment delaying operation of a proposed enactment pending an ascertainment of a fact when the fact to be ascertained relates to the subject matter of the bill (VIII, 3029; Dec. 15, 1982, pp. 30957-61); an amendment postponing the effective date of a title of a bill to a date certain (July 25, 1973, p. 25828); to a provision to become effective immediately, an amendment deferring the time at which it shall become effective, without involving affirmative legislation (VIII, 3030).

Where a proposition confers broad discretionary power on an executive official, an amendment is germane that directs that official to take certain actions in the exercise of the authority or proposes to limit such authority (VIII, 3022). Thus the following are germane: to an amendment in the nature of a substitute authorizing the Federal Energy Administrator to restrict exports of certain energy resources, an amendment directing that official to prohibit the exportation of petroleum products for use in Indo-China military operations (Dec. 14, 1973, p. 41753); to a provision conferring Presidential authority to establish priorities among users of petroleum products and requiring priority to education and transportation users, an amendment restricting such regulatory authority by requiring that petroleum products allocated for public school transportation be used only between the student's home and the closest school (Dec. 13, 1973, pp. 41267-69); to a bill extending the authorities of one government agency, including requirements for consultation with several other agencies, an amendment requiring that agency to perform a function based upon an analysis furnished by yet another agency, as an additional limitation on the authority of the agency being extended that did not separately mandate the performance of an unrelated function by another entity (July 27, 1978, p. 23107); to a proposition authorizing a program to be undertaken, a substitute providing for a study to determine the feasibility of undertaking the same type of program, as a more limited approach involving the same agency (June 26, 1985, pp. 17453, 17458, 17460) (in effect overruling VIII, 2989); and to a bill limiting an official's authority to construe legal authorities transferred to the official in the bill, an amendment further restricting such official's authority to construe under any circumstances certain other laws to be administered by that official (as an additional, although more restrictive, curtailment of existing authorities transferred by the bill) (June 11, 1979, pp. 14226-38).

An amendment providing a privileged procedure for expedited review of an agency's regulations is not germane if the bill does not contain such procedures (Aug. 13, 1982, pp. 20969, 20975-78). On the other hand, to a bill authorizing an agency to undertake certain activities, an amendment

allowing Congress to disapprove regulations issued pursuant thereto if the disapproval mechanism does not amend the rules or procedures of the House is germane (May 4, 1976, p. 12348); and to a bill directing the furnishing of certain intelligence information to the House without amending any House procedure, an amendment imposing relevant conditions of security on the handling of such information in committee (also without amending any House procedure) for the period covered by the bill is also germane (June 11, 1991, p. 14204).

It is germane to condition or restrict assistance to a particular class of recipient covered by the underlying measure. Thus, the following are germane: to a bill providing aid to shipping, an amendment to limit such aid to ships equipped with saving devices (VIII, 3027); to a bill authorizing the insurance of vessels, an amendment denying such insurance to vessels charging exorbitant rates (VIII, 3023); to a proposition denying benefits to recipients failing to meet a certain qualification, a substitute denying the same benefits to some recipients but excepting others (July 28, 1982, pp. 18355–58, 18361). Although a bill relating to benefits based on indemnification of liability arising out of an activity does not ordinarily admit as germane amendments relating to regulation of that activity, an amendment conditioning benefits upon agreement by its recipient to be governed by certain safety regulations may be germane if related to the activity giving rise to the liability (July 29, 1987, p. 21448). On the other hand, it is not germane to condition or restrict assistance to a particular class of recipient upon an unrelated contingency such as action or inaction by another class of recipient or agent not covered by the bill (Mar. 5, 1986, p. 3613).

To a bill not only granting consent of Congress to an interstate compact but also imposing conditions on the granting of that consent, an amendment stating an additional related condition to that consent and not directly changing the compact may be germane (Oct. 7, 1997, p. 21475). To a bill regulating immigration, an amendment providing that the operation of the act should not conflict with an agreement with Japan is not germane (VIII, 3050).

Amendments providing exceptions or exemptions must also be within the scope of the proposition. Thus, to a bill requiring that a certain percentage of autos sold in the United States be manufactured domestically, and imposing an import restriction on autos for persons violating that requirement, an amendment waiving those restrictions with respect to a foreign nation where the President has issued a proclamation that that nation is not imposing unfair import restrictions on any United States product was held not germane, because it dealt with overall trade issues rather than domestic content requirement for autos sold in the United States (Nov. 2, 1983, p. 30776). However, an amendment to the same bill prohibiting its implementation if resulting in the violation of an international agreement was held germane because the bill already comprehensively addressed those subject matters by disclaiming any purpose to amend

international agreements or to confer court jurisdiction relative thereto and by conferring court jurisdiction over adjudication of penalties assessed under the bill (Nov. 2, 1983, p. 30546). Similarly, the following are germane: to a bill providing for the deportation of aliens, an amendment to exempt a portion of such aliens from deportation (VIII, 3029); to a bill prohibiting the issuance of injunctions by the courts in labor disputes, an amendment to except labor disputes affecting public utilities (VIII, 3024).

### ***Readings***

#### 8. Bills and joint resolutions are subject to readings as follows:

§ 941. Reading, engrossment, and passage of bills.

(a) A first reading is in full when the bill or joint resolution is first considered.

(b) A second reading occurs only when the bill or joint resolution is read for amendment in a Committee of the Whole House on the state of the Union under clause 5 of rule XVIII.

(c) A third reading precedes passage when the Speaker states the question: “Shall the bill [or joint resolution] be engrossed [when applicable] and read a third time?” If that question is decided in the affirmative, then the bill or joint resolution shall be read the final time by title and then the question shall be put on its passage.

This provision (formerly clause 1 of rule XXI) was adopted in 1789, amended in 1794, 1880 (IV, 3391), and on Jan. 4, 1965 (H. Res. 8, 89th Cong., p. 21). This latest amendment eliminated the provision that permitted a Member to demand the reading in full of the engrossed copy of a House bill. Before the House recodified its rules in the 106th Congress, this provision was found in former clause 1 of rule XXI. The recodification also clarified paragraphs (a) and (b) to reflect the modern practice of first and second readings (H. Res. 5, Jan. 6, 1999, p. 47).

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§ 942–§ 944

Rule XVI, clause 8

Formerly a bill was read for the first time by title at the time of its introduction, but since 1890 all bills have been introduced by filing them with the Clerk, thus rendering a reading by title impossible at that time (IV, 3391). But the titles of all bills introduced are printed in the Journal and Record, thereby carrying out the real purpose of the rule.

§ 942. First and second readings.

Under paragraph (a), the first reading of a bill is in full and occurs when a bill is called up in the House (IV, 3391), although when called up pursuant to a unanimous-consent request, it is reported by title only (Dec. 18, 2005, p. 30269). The initial step of consideration in the Committee of the Whole is sometimes referred to as the “first reading.” Under clause 5 of rule XVIII that reading is in full and occurs before general debate commences. However, it customarily is dispensed with by unanimous consent or special rule, although a motion to dispense with the first reading is not in order (VIII, 2335, 2436). The Speaker may object to a request for unanimous consent to dispense with the first reading (IV, 3390; VII, 1054).

Under paragraph (b), the second reading of a bill comprises its reading for amendment in the Committee of the Whole (Apr. 28, 1977, p. 12635).

The right to demand the reading in full of the engrossed copy of a bill formerly guaranteed by the rule existed immediately after it had been ordered to be engrossed and before it had been read a third time by title (IV, 3400, 3403, 3404; VII, 1061); and before the yeas and nays had been ordered on passage (IV, 3402). The right to demand the reading in full caused the bill to be laid aside until engrossed even though the previous question had been ordered (IV, 3395–3399; VII, 1062). A privileged motion may not intervene before the third reading (IV, 3405), and the question on engrossment and third reading is not subject to a demand for division of the question (Aug. 3, 1989, p. 18544). A vote on passage must first be reconsidered to remedy the omission to read a bill a third time (IV, 3406). Senate bills are not engrossed in the House; but are ordered to a third reading. The demand for the reading of the engrossed copy of a Senate bill cannot be made in the House (VIII, 2426).

§ 943. The third reading after engrossment.

A bill in the House (as distinguished from the Committee of the Whole) is amended pending the engrossment and third reading (V, 5781; VI, 1051, 1052). The question on engrossment and third reading being decided in the negative the bill is rejected (IV, 3420, 3421). A bill must be considered and voted on by itself (IV, 3408). If the two Houses pass similar but distinct bills on the same subject it is necessary that one or the other House act again on the subject (IV, 3386). The requirement of a two-thirds vote for proposed constitutional amendments has been construed in the later practice to apply only to the vote on the final passage (V, 7029, 7030; VIII, 3504). A bill having been rejected by the House, consideration of a similar but not identical bill on the same subject was afterwards held to be in order (IV, 3384).

§ 944. Voting on bills.