

Chapter 26

Germaneness of Amendments

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Research References

5 Hinds §§ 5801–5924
 8 Cannon §§ 2908–3064
 Deschler-Brown Ch 28
Manual §§ 467, 928–940, 1089

A. Generally

§ 1. Introduction

Evolution of Rule

It is a fundamental rule of the House that a germane relationship must exist between an amendment and the matter sought to be amended. No such rule existed under the practice of the early common law or under the rules of Parliament. A legislative assembly could by an amendment change the entire character of any bill or other pending proposition. It might entirely displace the original subject under consideration, and in its stead adopt one wholly foreign to it, both in form and in substance. 5 Hinds § 5825; Deschler-Brown Ch 28 §§ 1, 17.2; 105–2, Dec. 18, 1998, p ____.

The House adopted its first germaneness rule in 1789, amended it in 1822, and has retained the rule in every Congress. Rule XVI clause 7 states that no motion or proposition on a “subject different from that under consideration shall be admitted under color of amendment.” *Manual* § 928. The purpose of the rule is to maintain an orderly legislative process, and to prevent hasty and ill-considered legislation. It prevents the presentation to the House of propositions that might not reasonably be anticipated, and for which it might not be properly prepared. 8 Cannon § 2993. Most State legislatures also have germaneness requirements.

As important as the germaneness rule may be to the legislative process, it is not self-enforcing. A Member must raise a point of order against an amendment to enforce the rule. The House frequently waives the rule by adopting a special rule from the Committee on Rules. § 37, *infra*.

Application of Rule Limited to Amendments

The germaneness rule applies to amendments and not to the relationship between the various propositions set forth within the bill itself. 5 Hinds § 6929; Deschler-Brown Ch 28 § 1. A bill may be composed in the first instance to embrace different subjects. The germaneness rule may preclude the introduction of a new subject by way of amendment during consideration of the bill. 5 Hinds § 5825. For example, a point of order will not lie against an original appropriation in a general appropriation bill because it is not germane to the rest of the bill. Deschler-Brown Ch 28 § 17.1.

A point of order will not lie against a special order reported from the Committee on Rules “self-executing” the adoption in the House or in the Committee of the Whole of a nongermane amendment to a measure because the amendment is not separately before the House during consideration of the special order. *Manual* § 928. For a discussion of the germaneness of amendments to special orders reported from the Committee on Rules, see § 3, *infra*.

Application Before Adoption of Rules

The germaneness requirement has been held applicable in the House even before the adoption of the rules, under a theory of general parliamentary law based upon precedent. *Manual* § 60.

§ 2. Germaneness Defined; Factors To Be Considered

In General

For an amendment to be germane, it must be one that would appropriately be considered in connection with the bill. 8 Cannon § 2993. The concept implies more than the mere “relevance” of one subject to another.

The fact that two subjects are related does not necessarily render each of them germane to the other. 8 Cannon §§ 2970, 2971, 2995; Deschler-Brown Ch 28 § 3.57. The germaneness of an amendment may depend on the relative scope of the amendment compared with that of the proposition sought to be amended. A proposition of narrow or limited scope may not be amended by a proposition of a more general nature, even though both propositions may be related to each other. § 10, *infra*. For example, to a bill authorizing emergency loans to livestock producers, an amendment changing the word “livestock” to “agricultural” was held to broaden the class of producers covered by the bill and, therefore, to be not germane. Deschler-Brown Ch 28 § 9.27.

Factors Considered in Determining Germaneness

In evaluating an amendment to determine its germaneness, the Chair considers the relationship of the amendment to the pending text, as perfected. The Chair only considers the relationship between the amendment and an existing statute that the pending bill seeks to amend if the existing statute is so comprehensively amended by the pending bill as to call into question all its provisions. *Manual* § 939; 8 Cannon § 2942; Deschler-Brown Ch 28 § 12.10. The Chair considers the relationship of the amendment to the text to which it is offered and does not rely in any primary sense on language in accompanying reports not contained in the pending text. Deschler-Brown Ch 28 § 2.3.

The stage of the reading in the House or Committee of the Whole also must be considered when evaluating the germaneness of a particular amendment. An amendment that might be considered germane if offered at the end of the reading of the bill for amendment may not be germane if offered during the reading, before all the provisions of the bill are open to consideration. Deschler-Brown Ch 28 § 18.1; § 3, *infra*.

The germaneness of an amendment is not to be judged by the apparent motives of the Member offering it. Deschler-Brown Ch 28 § 46.1. In ruling on germaneness, the Chair does not determine the legal effect of the bill, law, or amendment in question. The Chair rules only on whether the amendment addresses a “subject different” from that under consideration. Deschler-Brown Ch 28 §§ 35.64–35.66.

The title or heading of a bill is not controlling (although it may be informative) in evaluating the germaneness of amendments offered to propositions in the bill. The scope of a measure is determined by its provisions and not by the phraseology of its formal title. Deschler-Brown Ch 28 § 2.4. Thus, the heading of a portion of a bill as “Miscellaneous” will not alone permit amendments to that portion that are not germane to its actual content;

but the provisions under such a heading may be sufficiently diverse to permit an amendment to be tested, in effect, by its germaneness to the bill as a whole. *Manual* § 929; Deschler-Brown Ch 28 § 2.5.

§ 3. Proposition to Which Amendment Must Be Germane

Generally

The germaneness of an amendment is based on its relationship to the particular portion of the bill to which offered. The amendment should be germane to the particular paragraph, section, or title to which it is offered and not anticipate the subject matter of other portions not yet read or portions that have been passed in the reading. *Manual* § 929; 5 Hinds §§ 5811–5820; 8 Cannon § 2922; Deschler-Brown Ch 28 § 2. For example, the test of germaneness of an amendment offered to a title of a bill being read for amendment by titles is its relationship to the pending title as perfected and not to the particular section within that title addressed by the amendment. *Manual* § 929.

The germaneness of an amendment inserting a new portion is based on the relationship of the amendment to the portions of the bill that have been read. For example, the germaneness of an amendment adding a new title to the end of the bill is based on the relationship of the amendment to the entire bill. *Manual* § 929. Similarly, an amendment inserting a new section need not necessarily be germane to the preceding section of the bill, it being sufficient that the amendment be germane to the sections of the bill read to that point. By the same reasoning, an amendment in the form of a new paragraph need not be germane to the paragraph immediately preceding or following it. *Manual* § 929; 8 Cannon §§ 2932–2935.

Amendments to Pending Amendments

The test of germaneness of an amendment to a pending amendment is its relationship to the pending amendment and not to the bill to which that pending amendment has been offered. Deschler-Brown Ch 28 § 2.24. It follows that the test of germaneness of a substitute for a pending amendment is the relationship between the substitute and the amendment and not between the substitute and the pending bill. Deschler-Brown Ch 28 § 2.17. Similarly, the test of germaneness of an amendment to an amendment in the nature of a substitute is the relationship between those two propositions, and not between the amendment and the pending bill. Deschler-Brown Ch 28 § 2.23.

Consideration of Entire Bill

An amendment might be germane at the end of the reading of the bill for amendment, even though it would not have been germane if offered during the reading. Where a bill is, by unanimous consent, considered as read and open to amendment at any point, the test of germaneness of an amendment thereto is its relationship to the entire bill and not just its relationship to the particular section to which offered. *Manual* § 929; Deschler-Brown Ch 28 §§ 2.6, 2.31, 19.21. An amendment that adds a new portion at the end of the bill is evaluated by the relationship of the amendment to the entire bill. *Manual* § 929.

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 their relationship to the separate portion of the bill specifically proposed to be amended in the instructions. *Manual* § 929.

Effect of Prior Amendments

In evaluating the germaneness of an amendment, the Chair considers the relationship of the amendment to the bill as modified by the adoption of a prior amendment and is not bound solely by the provisions of the original text. Thus, a perfecting amendment may be ruled out as not germane where it pertains to text that has been stricken from the bill. *Manual* § 929; Deschler-Brown Ch 28 §§ 2.9, 2.13, 35.32.

Effect of Pendency of Motion to Strike

A perfecting amendment to a title in a bill may be offered while there is pending a motion to strike the title. Such an amendment is to the pending text and not to the motion to strike; and thus the amendment is required to be germane to the text to which offered rather than the motion to strike. *Manual* § 929.

Amendments to Special Orders Reported from the Committee on Rules

An amendment offered to a special order reported from the Committee on Rules (for example, waiving germaneness points of order against a specified amendment to be offered) must be germane to that resolution. A special order 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 nor an amendment that would permit the additional consideration of a non-germane amendment to the bill. *Manual* § 928.

§ 4. Tests of Germaneness

Generally; Nonexclusiveness of Tests

Various tests may be invoked to determine the germaneness of an amendment. These tests are not mutually exclusive. *Manual* § 935. The Chair, in evaluating germaneness, first must understand the nature and scope of the pending portion of the proposition being amended and then the relationship of the offered amendment to that pending text. The Chair follows the most appropriate line of precedent in rendering a ruling.

An amendment may satisfy one of the tests and yet be ruled out because of its failure to satisfy another. An amendment may thus be subject to a germaneness point of order, even though it is in some sense related to the pending proposition.

This principle is illustrated in the following precedents:

Held Not Germane

Text	Amendment
Excluding a Member-elect. . . .	Expelling the Member-elect (5 Hinds § 5924)
Expelling a Member. . . .	Censuring a Member (6 Cannon § 236)
Relating to interstate commerce. . . .	Relating to foreign commerce (8 Cannon § 2918)
Proposing a committee investigation. . . .	Requesting a committee report (5 Hinds § 5887)
Assigning clerks to committees. . . .	Assigning clerks to Members (5 Hinds § 5901)
Erecting a building for a mint. . . .	Changing coinage laws (5 Hinds § 5884)
Raising price of agricultural products by creation of corporation. . . .	Raising price by cooperative marketing (8 Cannon § 2912)
Increasing food supplies by educational and demonstrational methods. . . .	Increasing food supplies by sale of fertilizer (8 Cannon § 2980)
Enforcing State liquor laws. . . .	Enforcing State firearm laws (<i>Manual</i> § 932)

§ 5. — Subject Matter

Rule XVI clause 7 precludes amendments “on a subject different from that under consideration.” This test of germaneness implies more than mere “relevance.” The test is whether or not a new subject is introduced by the amendment. An amendment relating to a subject to which there is no reference in the pending text may be subject to a point of order that it is not germane to the bill. *Manual* § 932; Deschler-Brown Ch 28 § 3; see also § 2, *supra*.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Creating a canal by one route. . . .	Changing route (5 Hinds § 5909)
Creating a board of inquiry. . . .	Specifying time of report (5 Hinds § 5915)
Creating two boards with separate duties. . . .	Creating one board with authorization to discharge the duties of both boards (8 Cannon § 3064)
Rescinding an order for adjournment. . . .	Fixing new date for adjournment (5 Hinds § 5920)
Regulating immigration. . . .	Providing an educational test for immigrants (5 Hinds § 5873)
Controlling public places in the District of Columbia. . . .	Removing fence of Botanic Garden (5 Hinds § 5914)
Appropriating funds for acquisition of information pertaining to agricultural products. . . .	Appropriating funds for investigation incident thereto (8 Cannon § 3060)
Authorizing the construction of naval vessels. . . .	Providing that the vessels be constructed in government plants (8 Cannon § 3063)
Addressing the interrelation of House committees and imposing requirements for filing and content of committee reports. . . .	Addressing the content of reports from the Committee on Appropriations and the jurisdictional responsibilities of that committee and legislative committees (Deschler-Brown Ch 28 § 35.89)

Held Germane—Continued

Text	Amendment
Ameliorating procedures relating to mortgage foreclosure under the National Housing Act. . . .	Placing a moratorium on foreclosures of mortgages in economically depressed areas (Deschler-Brown Ch 28 § 3.36)
Addressing certain sections of the Clean Air Act with respect to the impact of shortages of energy resources on standards imposed under that Act. . . .	Addressing another section of that Act suspending for a temporary period the authority of the EPA Administrator to control automobile emissions (<i>Manual</i> § 932)
Prescribing the functions of a new Federal Energy Administration and conferring wide discretionary powers on the Administrator. . . .	Directing the Administrator to issue preliminary summer guidelines for citizen fuel use (Deschler-Brown Ch 28 § 33.15)
Requiring a general study of factors affecting domestic production of automobiles	Requiring a study of a particular factor—currency exchange rates—affecting that production (Deschler-Brown Ch 28 § 10.6)

Held Not Germane

Text	Amendment
Admitting religious refugees. . . .	Admitting political refugees (8 Cannon § 3047)
Limiting immigration. . . .	Disseminating information to attract a better class of immigrants (8 Cannon § 3048)
Prohibiting mailing of revolvers. . . .	Prohibiting mailing of publications advertising revolvers (8 Cannon § 3052)
Authorizing arbitration of claims against the government. . . .	Appropriating funds to pay claims so arbitrated (8 Cannon § 3057)
Eliminating wage discrimination based on the sex of the employee. . . .	Eliminating discrimination based on race (Deschler-Brown Ch 28 § 3.18)

Held Not Germane—Continued

Text	Amendment
Authorizing the use of American civilians to operate an early-warning system in the Sinai. . . .	Requiring that the U.S. contribution to the U.N. peace-keeping forces in the Middle East be proportionately reduced (Deschler-Brown Ch 28 § 3.47)
Establishing a cotton research program and promoting the marketing of cotton. . . .	Providing for research with respect to training and utilization of displaced farm labor in the cotton industry (Deschler-Brown Ch 28 § 3.5)
Extending the phased subsidization of certain categories of nonprofit mail. . . .	Establishing a new class of mail and postal rate therefor (Deschler-Brown Ch 28 § 9.54)
Reducing tax liabilities of individuals and businesses by providing diverse tax credits within the Internal Revenue Code. . . .	Providing rebates to recipients under retirement and survivor benefit programs (Deschler-Brown Ch 28 § 35.52)
Governing the political activities of Federal employees and containing certain restrictions on Federal employment relative to such activities. . . .	Prohibiting any employment or compensation, from whatever source, for candidates for office (Deschler-Brown Ch 28 § 9.50)
Addressing access to committee hearings and meetings. . . .	Addressing committee staffing (Deschler-Brown Ch 28 § 35.91)
Addressing the administrative structure of a new department. . . .	Prohibiting the department from withholding funds to carry out certain objectives (Deschler-Brown Ch 28 § 34.25)
During consideration of one of two reconciliation bills reported by the Budget Committee. . . .	Changing prospectively and indirectly the other reconciliation bill not then pending before the House (<i>Manual</i> § 932)
Reauthorizing the National Sea Grant College Program. . . .	Amending existing law to provide for automatic continuation of appropriations in the absence of timely enactment of a regular appropriation bill (<i>Manual</i> § 932)

Held Not Germane—Continued

Text	Amendment
Opposing concessional loans to a country and outlining principles governing the conduct of industrial cooperation projects of U.S. nationals in that country. . . .	Waiving provisions of other law by requiring changes in tariff schedules to achieve overall trade reciprocity between that country and the United States (<i>Manual</i> § 932)
Authorizing the deployment of troops to implement a peace agreement. . . .	Expressing support for the armed forces in carrying out such mission (<i>Manual</i> § 932)
Addressing enforcement of State liquor laws. . . .	Addressing enforcement of State firearm laws (<i>Manual</i> § 932)

Proposals Relating to Studies

To a proposal authorizing a program to be undertaken, an amendment providing for a study to determine the feasibility of undertaking such a program may be germane. Deschler-Brown Ch 28 § 30.37 (in effect overturning 8 Cannon § 2989). Conversely, an amendment requiring certain action is not germane to a proposal that would merely require a study. Accordingly, to a proposition establishing a commission to study a matter, an amendment directing an official to undertake and accomplish that matter is not germane. Deschler-Brown Ch 28 § 3.69. However, if an amendment to a proposal to study a matter merely requires the submission of proposed legislation to implement the study, the amendment may be germane. Deschler-Brown Ch 28 § 3.14.

§ 6. — Committee Jurisdiction**Generally**

Committee jurisdiction over the subject of an amendment is a relevant test to be applied in determining the germaneness of that amendment. *Manual* § 934; Deschler-Brown Ch 28 § 4. Thus, to a bill providing agricultural price supports to stimulate domestic orange production, an amendment restricting imports of oranges (within the jurisdiction of the Committee on Ways and Means) would not be germane. *Manual* § 933. Similarly, an amendment changing the statement of policy contained in a bill is not germane if its effect is to fundamentally change the purpose of the bill and to emphasize a subject within the jurisdiction of another committee. Deschler-Brown Ch 28 § 4.11. Likewise, an amendment conferring authority on an executive official not mentioned in the pending proposition is not ger-

mane where the subject of that authority is not within the jurisdiction represented in the pending proposition. *Manual* § 934.

The chairman of the Committee of the Whole may determine the germaneness of an amendment based upon the discernible committee jurisdictions as to subject matter without infringing upon the Speaker's prerogatives under rule XII to determine committee jurisdiction over introduced legislation. Deschler-Brown Ch 28 § 4.71. The fact that the amendment is contained in a motion to recommit the bill with instructions does not dispense with the requirement that the subject matter of the amendment be within the jurisdiction represented in the pending text. *Manual* § 930.

However, the fact that the subject matter of an amendment lies within the jurisdiction of a committee other than that having jurisdiction over the bill does not necessarily dictate the conclusion that the amendment is not germane. Committee jurisdiction is but one of the tests of germaneness. In ruling on the question, the Chair must take into consideration other factors, including the fact that the introduced bill may have been broadened or narrowed by amendment. *Manual* § 929. Where the bill is amended in Committee of the Whole to include matters within the jurisdiction of a committee other than the reporting committee, further similar amendments may be germane. Deschler-Brown Ch 28 § 4.54. The Chair also may take into account the fact that the portion of the bill being amended itself contains language related to the amendment that is not within the jurisdiction of the committee reporting the bill. *Manual* § 934. An amendment in the nature of a substitute may be in order even though an incidental portion of the amendment, if considered separately, might be within the jurisdiction of another committee. Deschler-Brown Ch 28 § 30.36.

Committee jurisdiction over the subject of an amendment is a relevant test of germaneness where the pending text is entirely within one committee's jurisdiction and where the amendment falls within another committee's purview. Deschler-Brown Ch 28 § 4.99. Thus, committee jurisdiction is a relevant test where an authorization bill that is solely within one committee's jurisdiction is proposed to be amended by permanent changes of laws within another committee's jurisdiction. Deschler-Brown Ch 28 § 24.1. Committee jurisdiction over the subject of an amendment may not be the most apt test of germaneness where the proposition being amended contains provisions so comprehensive as to overlap several committees' jurisdictions. *Manual* § 934.

This principle is illustrated in the following precedents:

Held Not Germane

Text	Amendment
A bill reported from the Committee on International Relations dealing with humanitarian and evacuation assistance in South Vietnam. . . .	Providing for payment of costs of settlement of evacuees in the U.S., a matter within the jurisdiction of the Committee on the Judiciary (Deschler-Brown Ch 28 § 4.52)
A bill reported from the Committee on Armed Services containing diverse provisions relating to national defense policy, military procurement, and personnel. . . .	Requiring reports on the Soviet Union's compliance with its arms control commitments, a matter within the jurisdiction of the Committee on Foreign Affairs (Deschler-Brown Ch 28 § 4.26)
A bill reported from the Committee on Merchant Marine and Fisheries authorizing various activities of the Coast Guard. . . .	Urging cooperation of other nations as to certain Coast Guard and military operations, a matter within the jurisdiction of the Committee on Foreign Affairs (Deschler-Brown Ch 28 § 4.46)
A bill reported from the Committee on Public Works and Transportation amending the Federal Water Pollution Control Act. . . .	Amending the Clean Air Act (a statute within the jurisdiction of the Committee on Energy and Commerce) to regulate "acid rain" (Deschler-Brown Ch 28 § 4.3)
A bill authorizing environmental research and development activities of an agency for two years. . . .	Adding permanent regulatory authority by amending a law not within the jurisdiction of the committee reporting the bill (Deschler-Brown Ch 28 § 4.1)
A bill relating to intelligence activities of the executive branch. . . .	Effecting a change in the rules of the House by directing a committee to impose an oath of secrecy on its members and staff (<i>Manual</i> § 934)
A bill reported from the Committee on Science and Technology authorizing environmental <i>research and development activities</i> of an agency for two years. . . .	Expressing the sense of Congress as to the agency's <i>regulatory and enforcement activity</i> —a matter within the jurisdiction of another committee (Deschler-Brown Ch 28 § 4.2)

Held Not Germane—Continued

Text	Amendment
A bill reported from the Committee on Interior and Insular Affairs designating certain wilderness areas in Oregon. . . .	Providing unemployment and retraining entitlement payments to persons affected by such wilderness designations (Deschler-Brown Ch 28 § 4.8)
A bill reported from the Committee on Agriculture providing a one-year price support for milk. . . .	Relating to tariff duties on imported dairy products, a matter within the jurisdiction of the Committee on Ways and Means (Deschler-Brown Ch 28 § 4.74)
A bill reported from the Committee on Public Works and Transportation relating to grants to State and local governments for local public works construction projects. . . .	Providing grants to such governments to assist them in providing public services, a program within the jurisdiction of the Committee on Government Operations (Deschler-Brown Ch 28 § 4.99)
A bill reported from the Committee on Ways and Means providing taxes and tax incentives to conserve energy. . . .	Precluding the purchase of fuel-inefficient automobiles by the government, a subject within the jurisdiction of the Committee on Government Operations (Deschler-Brown Ch 28 § 4.21)
A bill reported from the Committee on Interstate and Foreign Commerce to conserve energy resources by regulating the production, allocation and use of those resources. . . .	Reducing energy consumption by the Federal government by a reduced work-week for Federal civilian employees, a matter within the jurisdiction of the Committee on Post Office and Civil Service (Deschler-Brown Ch 28 § 4.13)
A bill reported by the Committee on Ways and Means dealing only with import duties and quotas on sugar. . . .	Eliminating all price support payments for sugar, a matter within the jurisdiction of the Committee on Agriculture (Deschler-Brown Ch 28 § 4.73)

Held Not Germane—Continued

Text	Amendment
A bill reported from the Committee on International Relations providing foreign economic assistance. . . .	Providing foreign <i>and domestic</i> economic assistance, a matter within the jurisdiction of the Committee on Banking (Deschler-Brown Ch 28 § 3.46)
A bill reported from the Committee on Energy and Commerce relating to mentally ill individuals. . . .	Prohibiting certain uses of general revenue-sharing funds (a matter within the jurisdiction of another committee) in certain jurisdictions (Deschler-Brown Ch 28 § 4.104)
A bill reported from the Committee on Education and Labor authorizing a variety of civilian national service programs. . . .	Establishing a contingent military service obligation (a matter within the selective service jurisdiction of the Committee on Armed Services) (<i>Manual</i> § 934)
A bill reauthorizing programs administered by two agencies within one committee's jurisdiction. . . .	Providing for authority that is more general in scope, affecting agencies within the jurisdiction of other committees (<i>Manual</i> § 934)
A bill reported by the Committee on Transportation and Infrastructure reforming and privatizing Amtrak. . . .	Rescinding previously appropriated funds for certain administrative expenses, a matter within the jurisdiction of the Committee on Appropriations (<i>Manual</i> § 934)
A concurrent resolution expressing a sense of Congress with respect to the availability of public funds for expenses incurred in the evaluation of a problem. . . .	Addressing legislative responses to that problem, within the jurisdiction of other committees (<i>Manual</i> § 934)
A bill reported from the Committee on Government Reform and Oversight proposing to alter responsibilities of executive branch agencies under an existing law. . . .	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 (<i>Manual</i> § 934)

Held Not Germane—Continued

Text	Amendment
A resolution authorizing the deployment of troops to implement a peace agreement, within the jurisdiction of the Committee on International Relations. . . .	Expressing support for the armed forces carrying out such mission, within the jurisdiction of both the Committees on Armed Services and International Relations (<i>Manual</i> § 934)
A bill comprehensively amending agricultural law and addressing some laws outside the jurisdiction of the Committee on Agriculture. . . .	Proposing to extend an existing dairy compact and create three new dairy compacts, within the jurisdiction of the Committee on the Judiciary (<i>Manual</i> § 934)

§ 7. — Fundamental Purpose

Another test used by the Chair in determining germaneness is one in which the fundamental purpose of the bill is compared with the fundamental purpose of the amendment. *Manual* § 933. If the purpose or objective of an amendment is unrelated to that of the bill to which it is offered, the amendment may be held not germane. 8 Cannon § 2911; Deschler-Brown Ch 28 § 4.10. This test is particularly applicable to an amendment in the nature of a substitute. Deschler-Brown Ch 28 § 5. If the purpose of a highway bill is to connect points A and B, an amendment specifying a different *route* between A and B would reflect the same fundamental purpose. However, an amendment connecting A and D would have a different purpose and would not be germane. 5 Hinds § 5909.

An amendment changing the statement of policy contained in a bill is not germane if its effect is to fundamentally change the purpose of the bill. Deschler-Brown Ch 28 § 4.11. An amendment changing the law with respect to the operations of one agency is not germane to a bill relating to the operations of a different agency. Deschler-Brown Ch 28 § 5.24.

In determining the fundamental purpose of a bill or an amendment offered thereto, the Chair may examine the broad scope of the bill and the stated purpose of the amendment and need not be bound by ancillary purposes that are merely suggested by the amendment. *Manual* § 933; Deschler-Brown Ch 28 § 5.12. An amendment in the form of a new title may be germane to a bill as a whole where that bill contains additional provisions not necessarily confined to the primary purpose, so long as the amendment falls within the overall parameters of the bill. Deschler-Brown Ch 28 § 5.20.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Authorizing funds to provide humanitarian and evacuation assistance and authorizing the use of United States troops to provide that assistance. . . .	Authorizing funds for military aid to a foreign country to be used by that country to further the fundamental purpose of the bill (Deschler-Brown Ch 28 § 5.23)
Enforcing the right to vote as guaranteed by the 15th amendment to the Constitution. . . .	Protecting freedom of speech and other first amendment rights whose abridgment might affect the exercise of voting rights (Deschler-Brown Ch 28 § 5.3)
Enforcing constitutional voting rights by requiring preservation of Federal election returns. . . .	Providing for court appointment of voting referees to insure protection of voters' rights (Deschler-Brown Ch 28 § 5.2)
Criminalizing use of a firearm during the commission of a felony that may be prosecuted in a Federal court. . . .	Criminalizing carrying of a firearm during the commission of a felony that may be prosecuted in either a State or Federal court (Deschler-Brown Ch 28 § 12.10)
Providing an omnibus surface transportation authorization for highway-related projects as well as roadways. . . .	Authorizing funds for certain highway projects that would incidentally permit completion of a related flood control project (Deschler-Brown Ch 28 § 5.12)
Authorizing the construction of a trans-Alaska oil-gas pipeline pursuant to procedural safeguards promulgated by the Secretary of the Interior. . . .	Containing similar procedures and including the condition that all participants be assured rights against discrimination as set forth in the Civil Rights Act (Deschler-Brown Ch 28 § 5.1)

Held Germane—Continued

Text	Amendment
Freezing the obligation of funds for fiscal year 1996 for missile defense until the Secretary of Defense rendered a specified readiness certification. . . .	Permitting an increase in the obligation of such funds on the basis of legislative findings concerning readiness, as each proposition addressed the relationship between 1996 funding levels for missile defense and readiness (<i>Manual</i> § 933)

Held Not Germane

Text	Amendment
Proposing a constitutional amendment relating to the election of the President and Vice President by popular vote rather than through the electoral college process. . . .	Proposing an apportionment of Representatives and concerning the size of congressional districts (Deschler-Brown Ch 28 § 8.12)
Authorizing military assistance programs to foreign nations. . . .	Authorizing a contribution to the U.N. International Atomic Energy Agency (Deschler-Brown Ch 28 § 42.52)
Authorizing law enforcement agency grants to purchase photographic and fingerprint equipment for law enforcement purposes. . . .	Providing for the purchase of bullet-proof vests (Deschler-Brown Ch 28 § 3.78)
Extending the advisory and informational authority of the Council on Wage and Price Stability to encourage <i>voluntary programs</i> to resist inflation. . . .	Authorizing the President to issue <i>orders and regulations</i> stabilizing economic transfers, including wages and prices (Deschler-Brown Ch 28 § 6.20)
Establishing a new office within a government department. . . .	Abolishing the department (Deschler-Brown Ch 28 § 4.109)
Enabling agencies of the government to formulate policies relating to energy conservation. . . .	Prohibiting certain uses of fuel (for school busing) and imposing criminal penalties for such use (Deschler-Brown Ch 28 § 5.15)

Held Not Germane—Continued

Text	Amendment
Extending various laws relating to higher education. . . .	Imposing restrictions on preschool, elementary, and secondary education policy (Deschler-Brown Ch 28 § 35.58)
Providing funding for urban highway transportation systems. . . .	Broadening the bill to include rail transportation (Deschler-Brown Ch 28 § 4.62)
Requiring registration and public disclosure by lobbyists but not regulating or prohibiting their activities. . . .	Regulating their activities by placing a ceiling on their monetary contributions to Federal officials and prohibiting lobbying within certain areas (Deschler-Brown Ch 28 § 5.31)
Relating to the minting and issuance of public currency. . . .	Providing for a commemorative coin intended for private circulation (Deschler-Brown Ch 28 § 5.27)
Addressing substance abuse through prevention and treatment. . . .	Imposing civil penalties on drug dealers (<i>Manual</i> § 933)
Impeaching the President. . . .	Censuring the President (<i>Manual</i> § 933)
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. . . .	Singling out certain violations of liquor laws on the basis of their regard for any and all firearms issues (<i>Manual</i> § 933)
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. . . .	Creating new Federal laws to regulate intoxicating liquor (<i>Manual</i> § 933)

§ 8. — Accomplishing Result of Bill by Different Method

In order to be germane, an amendment must not only have the same end as the matter sought to be amended, but also must contemplate a method of achieving that end that is closely allied to the method encompassed in the bill or other matter sought to be amended. *Manual* § 933; Deschler-Brown Ch 28 § 6.4. Under this principle, when a proposition to accomplish

a certain purpose by one method is pending, an amendment seeking to achieve the same purpose by another closely related method is germane. Deschler-Brown Ch 28 § 5.14. For example, if the purpose of a bill is to support the health of school children by mandating oranges in a school lunch program, an amendment providing free vitamin C supplements may be germane. Likewise, a proposition to accomplish a certain result by two alternative methods may be amended by language proposing to accomplish that result by a third, closely related method. Deschler-Brown Ch 28 § 6.8. However, an amendment to accomplish a similar purpose by an unrelated method, not contemplated by the bill, is not germane. Deschler-Brown Ch 28 § 6.4.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Accomplishing a result through regulation by an executive branch agency. . . .	Achieving the same result through the use of another governmental entity (Deschler-Brown Ch 28 § 6.8)
Conducting a broad range of programs involving energy sources, including environmental research related to the development of energy sources. . . .	Authorizing the Council on Environmental Quality to evaluate environmental effects of energy technology (Deschler-Brown Ch 28 § 6.9)
Providing loan guarantee programs for all States and subdivisions. . . .	Providing direct loans (and limiting them to New York) (Deschler-Brown Ch 28 § 6.4)
Subjecting employers who fail to apprise their workers of health risks to penalties under certain laws and regulations. . . .	Subjecting employers to penalties prescribed in the amendment (<i>Manual</i> § 933)
Freezing the obligation of funds for fiscal year 1996 for missile defense until the Secretary of Defense rendered a specified readiness certification. . . .	Permitting an increase in the obligation of such funds on the basis of legislative findings concerning readiness, as each proposition addressed the relationship between 1996 funding levels for missile defense and readiness (<i>Manual</i> § 933)

Held Not Germane

Text	Amendment
Conserving energy through the imposition of civil penalties on manufacturers of low-miles-per-gallon automobiles. . . .	Conserving energy through tax rebates to purchasers of high-miles-per-gallon automobiles (Deschler-Brown Ch 28 § 6.12)
Establishing an independent agency within the executive branch to accomplish a particular purpose. . . .	Emphasizing committee oversight and authorizing committees to order the agency to take certain actions (Deschler-Brown Ch 28 § 6.36)
Authorizing the Attorney General to participate in litigation based on discrimination in public facilities. . . .	Establishing a Community Relations Service to assist in resolving disputes arising from discriminatory practices (Deschler-Brown Ch 28 § 9.11)
Authorizing the promulgation of national drinking water standards to protect public health from contaminants. . . .	Requiring the negotiation and enforcement of international agreements to accomplish that purpose (Deschler-Brown Ch 28 § 6.25)
Controlling crime through research and training. . . .	Controlling crime through regulation of the sale of firearms (Deschler-Brown Ch 28 § 6.6)
Extending unemployment compensation benefits during a period of economic recession. . . .	Stimulating economic growth by tax incentives and regulatory reform (<i>Manual</i> § 933)
Promoting technological advancement by fostering Federal research and development. . . .	Promoting same by changes in tax and antitrust laws (<i>Manual</i> § 933)
Providing financial assistance to domestic agriculture through a system of price support payments. . . .	Protecting domestic agriculture by restricting imports in competition therewith (Deschler-Brown Ch 28 § 6.18)
Addressing substance abuse through prevention and treatment. . . .	Imposing civil penalties on drug dealers (<i>Manual</i> § 933)
Impeaching the President. . . .	Censuring the President (<i>Manual</i> § 933)

Held Not Germane—Continued

Text	Amendment
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. . . .	Singling out certain violations of liquor laws on the basis of their regard for any and all firearms issues (<i>Manual</i> § 933)
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. . . .	Creating new Federal laws to regulate intoxicating liquor (<i>Manual</i> § 933)

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

One individual proposition is not germane to another individual proposition. *Manual* § 936; 8 Cannon §§ 2951–2953, 2963–2966; Deschler-Brown Ch 28 §§ 8.23, 8.33. Thus, in theory, a bill regulating the transportation of apples could not be amended by language regulating the transportation of oranges. However, if an individual proposition is rendered general in its scope by amendment, it is then subject to further amendment by propositions of the same class. 8 Cannon § 3003.

An individual proposition is not germane to another individual proposition merely because they are related. Thus, to a bill amending one subsection of law dealing with one prohibited type of activity, an amendment to another subsection dealing with a related but separate prohibited type of activity is not germane. Deschler-Brown Ch 28 § 8.7.

Where a bill covers two or more subjects within a readily definable class, it is not germane to add subjects outside of that class by way of amendment. Deschler-Brown Ch 28 § 3.80. Likewise, to a bill pertaining to several functions within an identifiable class of activity, an amendment adding a function outside that class would not be germane. *Manual* § 936.

To a bill dealing with relief for one class, an amendment seeking to include another class is not germane. Deschler-Brown Ch 28 § 13.19. Thus, to a bill providing financial relief for one class—agricultural producers—an amendment was held not germane where it extended such relief to another class, commercial fishermen, particularly where relief to the latter class was within the jurisdiction of another committee. Deschler-Brown Ch 28 § 4.70.

To a bill extending certain provisions to specified categories within a certain class of employees, an amendment extending those provisions to an

additional category of employees within that same class is germane. Deschler-Brown Ch 28 § 12.1. However, such an amendment is not germane if it brings other classes of employees within the scope of the bill. Deschler-Brown Ch 28 § 13.1.

This principle is illustrated in the following precedents:

Held Not Germane

Text	Amendment
Providing for the relief of one individual. . . .	Providing for similar relief of another (5 Hinds §§ 5826–5929)
Exterminating the boll weevil. . . .	Including the gypsy moth (5 Hinds § 5832)
Providing a clerk for a committee. . . .	Providing a clerk for another committee (5 Hinds § 5833)
Providing for an additional judge in one territory. . . .	Providing additional judges in other territories (5 Hinds § 5830)
Providing relief for dependents of persons in the Army. . . .	Extending benefits to dependents in the National Guard (8 Cannon § 2953)
Pensioning veterans of Indian wars. . . .	Pensioning veterans of Mexican wars (8 Cannon § 2960)
Appropriating funds for only one year (and containing no provisions extending beyond that year). . . .	Extending the appropriation to another year (<i>Manual</i> § 936; 8 Cannon § 2913)
Relating to congressional actions on the budget. . . .	Repealing the Impoundment Control Act, thereby addressing Presidential authority to rescind or defer (Deschler-Brown Ch 28 § 4.89)
Siting a certain type of repository for a specified kind of nuclear waste. . . .	Prohibiting the construction at another site of another type of repository for another kind of nuclear waste (<i>Manual</i> § 936)
Disposing of tin from the national stockpile. . . .	Disposing of silver from the national stockpile (Deschler-Brown Ch 28 § 8.33)
Providing financial assistance to the States for construction of public school facilities. . . .	Providing loans to assist in the construction of private schools (Deschler-Brown Ch 28 § 8.39)

Held Not Germane—Continued

Text	Amendment
Settling a particular railway labor dispute. . . .	Settling another dispute between a different railroad company and its employees (Deschler-Brown Ch 28 § 8.34)
Prohibiting a certain class of activities. . . .	Including another class of prohibited activities (Deschler-Brown Ch 28 § 8.7)
Designing certain coins. . . .	Specifying the metal content of other coins (Deschler-Brown Ch 28 § 8.35)
Regulating poll-closing time in Presidential <i>general</i> elections. . . .	Extending the provisions to Presidential <i>primary</i> elections (Deschler-Brown Ch 28 § 8.13)
Relating to the civil service system for Federal civilian employees. . . .	Including other classes of employees (postal and District of Columbia employees) (Deschler-Brown Ch 28 § 8.4)
Providing a cost-of-living adjustment for foreign service retirees. . . .	Providing a comparable adjustment in annuities for Federal civil service employees (Deschler-Brown Ch 28 § 8.6)
Determining the equitability of Federal pay practices under statutory systems applicable to agencies of the executive branch. . . .	Extending the determination of fairness to pay practices in the legislative branch (Deschler-Brown Ch 28 § 13.8)
Providing for payment from the Senate contingent fund of certain travel expenses incurred by Senate employees. . . .	Providing additional travel allowances, payable from the House contingent fund, to Members of the House (Deschler-Brown Ch 28 § 13.7)
Authorizing grants to States for purchase of one class of equipment (photographic and fingerprinting equipment) for law enforcement purposes. . . .	Including assistance for the purchase of a different class of equipment (bulletproof vests) (Deschler-Brown Ch 28 § 8.37)

Held Not Germane—Continued

Text	Amendment
Addressing violent crimes. . . .	Addressing nonviolent crimes, such as crimes of fraud and deception or crimes against the environment (<i>Manual</i> § 936)
Naming a facility after a specific person. . . .	Substituting the name of a different person (8 Cannon § 2955) where it could not be shown that the amendment merely intended a return to the facility's existing designation (105–2, Feb. 4, 1998, p ____)
Addressing whether public funds should be available for specified endeavors of one group. . . .	Addressing the same question for unrelated endeavors of another group (<i>Manual</i> § 936)
Altering responsibilities of executive branch agencies under an existing law. . . .	Extending the application of that law to entities of the legislative branch (<i>Manual</i> § 936)

§ 10. — General Amendments to Specific or Limited Propositions

A specific proposition may not be amended by a proposition more general in scope. *Manual* § 937; 5 Hinds § 5843; 8 Cannon §§ 2997, 2998; Deschler-Brown Ch 28 § 9. Thus, an amendment applicable to fruits of all kinds would not be germane to a bill dealing only with apples. An amendment applicable to all departments and agencies is not germane to a bill limited in its application to certain departments and agencies. Deschler-Brown Ch 28 § 9.22. Even an amendment that merely strikes words from a bill may be ruled out if the amendment has the effect of broadening the scope of the bill. § 17, *infra*.

A substitute for an amendment must be confined in scope to the subject of the amendment. Deschler-Brown Ch 28 § 9.42. Thus, an amendment re-writing an entire concurrent resolution on the budget was held not germane to a perfecting amendment that proposed certain changes in figures for one of the years covered by the resolution. Deschler-Brown Ch 28 § 9.38.

This principle is illustrated in the following precedents:

Held Not Germane

Text	Amendment
Admitting a Territory. . . .	Admitting several Territories (5 Hinds § 5837)
Relating to all corporations in interstate commerce. . . .	Relating to all corporations (5 Hinds § 5842)
Applying proposition to one bureau of the Navy Department. . . .	Applying proposition to the Navy Department as a whole (8 Cannon § 2997)
Prohibiting speculation in cotton. . . .	Prohibiting speculation in cotton, wheat, and corn (8 Cannon § 3001)
Amending a law in one particular. . . .	Repealing the law (5 Hinds § 5924; 8 Cannon § 2949)
Authorizing loans to farmers in certain areas. . . .	Authorizing loans without geographical restriction (8 Cannon § 3235)
Authorizing foreign economic assistance to <i>certain qualifying nations</i>	Requiring reports on human rights violations by <i>all foreign countries</i> (Deschler-Brown Ch 28 § 35.58)
Restricting the use of funds for military operations in South Vietnam. . . .	Extending that restriction to other countries in Indochina (Deschler-Brown Ch 28 § 9.48)
Amending the Constitution to prohibit the U.S. or any State from denying persons 18 years of age or older the right to vote. . . .	Requiring the U.S. and all States to treat persons 18 years and older as having reached the age of legal majority for all purposes under the law (<i>Manual</i> § 937)
Criminalizing obstruction of court orders relating to desegregation of public schools. . . .	Extending criminalization to all court orders (Deschler-Brown Ch 28 § 9.12)
Relating to <i>official conduct</i> of Federal employees. . . .	Relating to <i>any criminal conduct</i> of those officials (Deschler-Brown Ch 28 § 9.49)
Extending the benefits of a Federal program to one class (public schools). . . .	Extending the benefits to a broader category—all nonprofit institutions in depressed areas (Deschler-Brown Ch 28 § 39.18)

Held Not Germane—Continued

Text	Amendment
Amending existing law to promote economic development through financial assistance to local communities. . . .	Requiring a study of the impact of <i>all</i> Federal, State, and local laws and regulations on employment opportunities (Deschler-Brown Ch 28 § 9.35)
Addressing mental health. . . .	Addressing a variety of public health programs (Deschler-Brown Ch 28 § 4.104)
Suspending temporarily certain requirements of the Clean Air Act. . . .	Suspending temporarily other requirements of all other environmental protection laws (Deschler-Brown Ch 28 § 4.5)
Authorizing activities of certain government agencies for a temporary period. . . .	Permanently changing existing law to cover a broader range of government activities (<i>Manual</i> § 937)
Appropriating or authorizing funds for only one year. . . .	Extending the appropriation or authorization to another year (Deschler-Brown Ch 28 § 9.2)
Amending an existing law to authorize a program. . . .	Restricting authorizations under that or any other act (<i>Manual</i> § 937)
Striking from a bill one activity from those covered by the law being amended. . . .	Striking an entire subsection of the bill, thereby eliminating the applicability of existing law to a number of activities (<i>Manual</i> § 937)
Continuing funding within one executive department. . . .	Addressing funding for other departments or addressing the compensation of all Federal employees (<i>Manual</i> § 937)
Relating to one aspect of Federal spending (U.S. contributions to an international financial institution). . . .	Relating to the entire Federal budget, mandating that total outlays not exceed receipts (Deschler-Brown Ch 28 § 35.48)
Appropriating funds for a program for one fiscal year. . . .	Relating to eligibility for funding in any fiscal year (Deschler-Brown Ch 28 § 15.24)

Held Not Germane—Continued

Text	Amendment
Prohibiting the use of funds appropriated for a fiscal year for a specified purpose. . . .	Prohibiting the use of funds appropriated for that or any prior fiscal year for an unrelated purpose (Deschler-Brown Ch 28 § 9.20)
Proposing a temporary change in law. . . .	Proposing permanent changes in that law (<i>Manual</i> § 937)
Amending an authority of an agency under an existing law. . . .	Expressing the sense of Congress on regulatory agencies generally (<i>Manual</i> § 937)
Establishing an office without regulatory authority in the Department of the Interior to manage biological information. . . .	Addressing requirements of compensation for constitutional takings by other regulatory agencies (<i>Manual</i> § 937)
Waiving a requirement in existing law that an authorization be enacted before the obligation of certain funds. . . .	Enacting by reference bills containing not only that authorization but also other policy matters (<i>Manual</i> § 937)
Relating only to a certain appropriation account in a bill. . . .	Relating not only to that account but also to funds in other acts (<i>Manual</i> § 937)
Raising an employment ceiling for one year. . . .	Addressing in permanent law a hiring preference system for such employees (<i>Manual</i> § 937)
Authorizing Federal funds for qualifying State national service programs. . . .	Conditioning a portion of such funding on the enactment of State laws immunizing volunteers in nonprofit or public programs, generally, from certain legal liabilities (<i>Manual</i> § 937)
Addressing particular educational requirements imposed on educational agencies. . . .	Addressing any requirements imposed on educational agencies by the underlying bill (<i>Manual</i> § 937)
Reauthorizing programs administered by the Economic Development Administration and the Appalachian Regional Commission. . . .	Waiving any Federal regulation that would interfere with economic development (<i>Manual</i> § 937)

Held Not Germane—Continued

Text	Amendment
Prohibiting a certain class of abortion procedures. . . .	Prohibiting any or all abortion procedures (<i>Manual</i> § 937)
Addressing a class of imported goods (those produced by forced labor). . . .	Addressing all imported goods from one specified country (<i>Manual</i> § 937)

§ 11. — Specific Amendments to General Propositions

A general proposition may be amended by a specific proposition or one more limited in nature if within the same class. *Manual* § 938; 8 Cannon §§ 3002, 3009, 3012; Deschler-Brown Ch 28 § 10. Thus, a bill regulating the transportation of fruits of all kinds could be amended by language applicable specifically to oranges. Where a bill seeks to accomplish a general purpose by diverse methods, an amendment that adds a specific method to accomplish that result may be germane. Deschler-Brown Ch 28 § 6.47. Thus, to a bill authorizing a broad program of research and development, an amendment directing specific emphasis during the administration of that program was held germane. Deschler-Brown Ch 28 § 10.9.

To a proposition conferring a broad range of authority to accomplish a particular result, an amendment granting specific authority to achieve that result is germane. Deschler-Brown Ch 28 § 10.10.

An amendment defining a term in a bill may be germane so long as it relates to the bill (but may not rely on a relationship to a law being amended by the bill in aspects not the subject of the bill). Thus, to a bill clarifying the definition of persons or institutions under certain civil rights statutes, an amendment providing that the term “person” for the purpose of the bill shall include unborn children was held germane. Deschler-Brown Ch 28 § 10.1.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Appropriating a lump sum for rivers and harbors. . . .	Designating specific projects on which a lump sum should be expended (8 Cannon §§ 3004, 3008)

Held Germane—Continued

Text	Amendment
Providing for a decennial census of the entire population of the United States. . . .	Relating to the alien population of the United States (8 Cannon § 3005)
Authorizing a commission to report on the public domain. . . .	Specifying a report on a designated area of the public domain (8 Cannon § 3007)
Establishing an executive agency and conferring broad authority thereon. . . .	Directing that agency to conduct a study of a subject within the scope of that authority (Deschler-Brown Ch 28 § 42.27)
Conferring wide discretionary powers upon an energy administrator. . . .	Directing the administrator to issue preliminary summer guidelines for citizen fuel use (Deschler-Brown Ch 28 § 33.15)
Authorizing the Federal Energy Administrator to restrict exports of certain energy resources. . . .	Directing that official to prohibit the exportation of petroleum products for use in military operations in Indochina (Deschler-Brown Ch 28 § 33.12)
Directing the President to require all government agencies to use economy-model motor vehicles. . . .	Limiting the number of “fuel-inefficient” passenger motor vehicles that the government could purchase (Deschler-Brown Ch 28 § 10.11)
Seeking to accomplish a general purpose (support of the arts and humanities) by diverse methods. . . .	Authorizing the employment of unemployed artists through the National Endowment for the Arts (Deschler-Brown Ch 28 § 6.47)
Addressing a range of criminal prohibitions. . . .	Addressing another criminal prohibition within that range (<i>Manual</i> § 938)
Addressing violent crimes. . . .	Addressing violent crimes involving the environment (<i>Manual</i> § 938)

§ 12. — Adding to Two or More Propositions

A measure containing two or more diverse propositions within the same class may be amended by an amendment adding a third proposition on the same subject. *Manual* § 938; 8 Cannon § 3016; Deschler-Brown Ch 28 § 11.

For example, a bill regulating the transportation of apples and oranges could be amended by language extending the bill to bananas. To a bill bringing two new categories within the coverage of existing law, an amendment to include a third category of the same class may be germane. Deschler-Brown Ch 28 § 11.16. Likewise, where a bill contains several unrelated titles on a general subject, an amendment adding a further title within that general subject is germane. *Manual* § 929. Where a bill defines several unlawful acts, an amendment proposing to include another unlawful act of the same class is germane. Deschler-Brown Ch 28 § 11.21.

On the other hand, where a bill covers two or more subjects within a readily definable class, it is not germane to add subjects outside of that class by way of amendment. *Manual* § 938. Thus, to a bill authorizing the Secretary of the Treasury to strike two types of national medals honoring the bicentennial, an amendment permitting private mints to strike State medals was held not germane. 92–2, Feb. 2, 1972, pp 2180–82.

To a bill containing definitions of several of the terms used therein, an amendment may be germane that modifies one of the definitions and adds another (Deschler-Brown Ch 28 § 30.34) or that further defines other terms used in the bill (Deschler-Brown Ch 28 § 11.2).

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Admitting several Territories into the Union. . . .	Admitting another Territory (5 Hinds § 5838)
Constructing buildings in two cities. . . .	Constructing similar buildings in several other cities (5 Hinds § 5840)
Providing a number of restrictions on an expenditure. . . .	Adding another restriction (8 Cannon § 3010)
Providing for a number of Army camps. . . .	Providing for an additional camp (8 Cannon § 3012)
Authorizing payment to several employees for injuries. . . .	Authorizing payment to another employee for such injuries (8 Cannon § 3015)
Collecting statistics on agriculture, manufacture, and mining. . . .	Collecting statistics on insurance (8 Cannon § 3016)
Relating to motor trucks and passenger-carrying automobiles. . . .	Relating also to motorcycles and trailers (7 Cannon § 1415)

Held Germane—Continued

Text	Amendment
Setting forth diverse findings and purposes related to a general subject. . . .	Setting forth a further finding or purpose related to that subject (Deschler-Brown Ch 28 § 11.23)
Prohibiting indirect assistance to several foreign countries. . . .	Including additional countries within that prohibition (Deschler-Brown Ch 28 § 12.9)
Relating to diverse political rights of the people of the District of Columbia. . . .	Conferring upon that electorate the additional right of electing a non-voting Delegate to the Senate (Deschler-Brown Ch 28 § 11.25)
Funding several departments and agencies. . . .	Funding subway construction in the District of Columbia (<i>Manual</i> § 938)
Extending coverage of gun control laws to rifles, shotguns, and ammunition. . . .	Relating to registration of firearms by the purchasers thereof (Deschler-Brown Ch 28 § 11.36)
Criminalizing a number of activities in the field of interstate consumer credit transactions. . . .	Criminalizing a further activity, “loansharking” (Deschler-Brown Ch 28 § 11.15)
Extending the coverage of the Flammable Fabrics Act to include wearing apparel and household furnishings. . . .	Extending such coverage further to include children’s toys (Deschler-Brown Ch 28 § 11.16)
Reducing tax liabilities in several diverse ways—including tax credits. . . .	Adding an additional tax credit (Deschler-Brown Ch 28 § 11.34)
Providing farm programs for dairy products, wool, feed grains, cotton and wheat. . . .	Adding a new program for poultry and eggs (Deschler-Brown Ch 28 § 11.28)
Addressing violent crimes. . . .	Addressing violent crimes involving the environment (<i>Manual</i> § 938)

§ 13. Appropriation Bills

An amendment offered to a general appropriation bill must be germane to the part of the bill that is under consideration. Deschler-Brown Ch 28 § 15. An amendment offered to an appropriation bill is judged by the general tests of germaneness that are set forth elsewhere in this chapter. § 4, *supra*;

§ 25, *infra*. Although general appropriation bills are normally read by paragraph, an amendment that increases an appropriation by transfer from an account in another paragraph is normally offered under the protection of rule XXI clause 2(f). Therefore, in modern practice, the germaneness rule does not preclude such a transfer amendment. *Manual* § 929.

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. However, an amendment limiting funds in a general appropriation bill for activities prescribed by laws unrelated to the functions of departments and agencies addressed by the bill was held not germane. *Manual* § 929.

Germaneness is an express requirement of any amendment sought to be introduced pursuant to the Holman rule, which permits legislative matter in general appropriation bills under certain circumstances. *Manual* § 1062; see APPROPRIATIONS.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Appropriating certain funds and permitting them to remain available beyond the fiscal year covered by the bill. . . .	Placing certain restrictions on their use, to become effective after the expiration of the fiscal year (Deschler-Brown Ch 28 § 15.27)
Appropriating funds for foreign assistance programs. . . .	Denying funds therein to pay arrearages or dues of members of the United Nations (Deschler-Brown Ch 28 § 15.8)
Appropriating funds for the Department of Agriculture and including a specific allocation of funds for animal disease and pest control. . . .	Limiting funds in the Act for chemical pesticides where their use would be prohibited by State or local law (Deschler-Brown Ch 28 § 15.7)
Appropriating funds for the Department of Defense. . . .	Limiting funds in the Act for financing of certain military operations (Deschler-Brown Ch 28 § 15.27)

Held Not Germane

Text	Amendment
Prohibiting aid to one nation unless a certain condition is met. . . .	Prohibiting aid to another nation pending certain actions, and referring to funds in other Acts (Deschler-Brown Ch 28 § 15.15)
Continuing appropriations pending enactment of regular appropriation bills and curtailing certain government expenditures. . . .	Requiring an agency to report to each Member the total Federal expenditures in his congressional district and directing the Members to take certain steps to effect a reduction in expenditures (Deschler-Brown Ch 28 § 15.48)
Continuing appropriations for certain departments and agencies for one month. . . .	Restricting the total administrative budget expenditures for the fiscal year and thus affecting funds not continued by the bill (Deschler-Brown Ch 28 § 15.17)
Providing supplemental appropriations for certain specified departments of government. . . .	Affecting appropriations for virtually all departments and agencies of government (Deschler-Brown Ch 28 § 15.14)
Continuing the availability of appropriated funds and also imposing diverse legislative conditions on the availability of appropriations. . . .	Changing permanent law as to the eligibility of certain recipients (Deschler-Brown Ch 28 § 15.26)
Appropriating funds for an agency for one year. . . .	Changing the appropriation figure but also adding language having the effect of permanent law (Deschler-Brown Ch 28 § 27.24)
Appropriating funds for a certain purpose for one government agency. . . .	Appropriating funds for another government agency for the same general purpose (Deschler-Brown Ch 28 § 15.37)
During consideration of a general appropriation bill. . . .	Limiting funds therein to activities prescribed by laws unrelated to the functions of departments and agencies addressed by the bill (<i>Manual</i> § 929)

B. Application of Rule to Particular Forms of Amendment

§ 14. In General

The rule requiring germaneness of amendments has been applied to many forms of propositions having amendatory effect, including an amendment to a particular part of a bill (§ 15, *infra*), amendments to amendments (8 Cannon § 2924), and motions to recommit with instructions (§ 20, *infra*). The rule applies to amendments recommended by committee as well as to amendments offered from the floor. § 19, *infra*.

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

§ 15. Amendments to Particular Portion of Bill

An amendment must be germane to the particular portion of the bill that is open to amendment; that is, an amendment must be germane to the pending paragraph, section, or title. *Manual* § 929; Deschler-Brown Ch 28 § 18. The Chair will evaluate the germaneness of an amendment by comparing the amendment to the pending portion of the bill without considering the bill as a whole. Deschler-Brown Ch 28 § 18.3.

The test of germaneness of an amendment is its relationship to the pending portion of the bill, as amended to that point. *Manual* § 929. For this reason, an amendment inserting a new section may be ruled out because it is not germane to the bill as read to that point. However, a similar amendment may be allowed subsequently when the scope of the bill has been broadened by additional sections passed in the reading or adoption of additional amendments. Deschler-Brown Ch 28 § 18.1. An amendment that would be germane if offered when the bill is first taken up may not be germane to the bill, as modified, after portions of the bill have been stricken by amendments. 8 Cannon § 2910.

§ 16. Adding New Section or Title

An amendment in the form of a new title, section, or paragraph need not necessarily be germane to the title, section, or paragraph immediately preceding it. The Chair will evaluate the relationship of the amendment to as much of the bill as has been read. 8 Cannon §§ 2932, 2935; Deschler-Brown Ch 28 § 19. If an amendment is offered at the conclusion of the reading, the Chair will evaluate the relationship of the amendment to the bill

as a whole, as perfected. *Manual* § 929; Deschler-Brown Ch 28 § 19.3. For this reason, an amendment that might not be germane when offered to a particular title of a bill may be considered germane if offered as a new title. Deschler-Brown Ch 28 § 18.7. This test is applied even though the amendment in effect modifies (albeit indirectly) a provision previously read and passed. Deschler-Brown Ch 28 § 19.11.

In determining the application of this test, the Chair must take into account whether the text is being read by titles, sections, or paragraphs. Thus, the test of the germaneness of an amendment in the form of a new section to a title of a bill being read by *titles* is the relationship between the amendment and the pending title. Deschler-Brown Ch 28 § 3.11.

§ 17. Striking Text

An amendment striking language from a bill may not be germane if the result of the amendment extends the scope of the provisions of the bill to subjects other than those originally presented. 8 Cannon § 2920. Deschler-Brown Ch 28 § 20. A pro forma amendment merely to “strike the last word” to secure time for debate in the Committee of the Whole is germane. *Manual* § 928.

§ 18. Substitute Amendments

The test of the germaneness of a substitute amendment is its relationship to the amendment to which it is offered and not its relationship to the underlying bill. *Manual* § 929; Deschler-Brown Ch 28 § 21. A substitute must be confined in scope to the subject of the amendment and must relate to the same portion of the bill being addressed by the amendment. Deschler-Brown Ch 28 §§ 9.42, 21. Thus, for an amendment establishing a termination date for the Federal Energy Administration, a substitute not dealing with the date of termination, but providing instead a reorganization plan for that agency, was ruled out as not germane. Deschler-Brown Ch 28 § 21.1.

However, for an amendment changing certain language in a pending section, a substitute changing that text and also adding language in the section may be germane if it has the effect of dealing with the same subject in a related and more limited way. Deschler-Brown Ch 28 § 32.16.

§ 19. Committee Amendments

The rule of germaneness applies to committee amendments as well as to those offered by individual Members. 5 Hinds § 5806; Deschler-Brown Ch 28 § 22. A committee amendment that is not germane to the bill as intro-

duced may require a waiver from the rule providing for the consideration of the underlying bill. Deschler-Brown Ch 28 § 45.2.

§ 20. Recommittals; Instructions to Committees

The germaneness rule applies to instructions in a motion to recommit a bill to a committee. It is not in order to propose as part of a motion to recommit any proposition that would not have been germane if proposed as an amendment to the bill on the floor. *Manual* §§ 929, 930; 5 Hinds §§ 5529–5541; 8 Cannon §§ 2708–2712. In one instance, for example, during consideration of a bill authorizing military expenditures, a motion to recommit with instructions was ruled not germane because it contained provisions seeking to prescribe foreign policy objectives. Deschler-Brown Ch 28 § 23.3.

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 as perfected (and not merely to the separate portion of the bill specifically proposed to be amended in the instructions). *Manual* § 930. This is so even where the instructions do not propose a direct amendment to the bill but merely contain general instructions to the committee to pursue an unrelated approach or to instruct the committee not to report the bill back to the House until an unrelated contingency occurs. 8 Cannon § 2704; Deschler-Brown Ch 28 § 23.9.

A point of order against a motion to recommit with instructions has been entertained before completion of the reading of such motion where the matter contained in the instructions has been ruled not germane when offered as an amendment in the Committee of the Whole. Deschler-Brown Ch 28 § 23.3.

C. Amendments Imposing Qualifications or Limitations

§ 21. In General; Exceptions or Exemptions

As pointed out earlier in this chapter, a general subject may be amended by a specific proposition of the same class. § 11, *supra*. Under an extension of this principle, an amendment that makes a specific exception to or exemption from a general proposition is germane. 8 Cannon § 3028; Deschler-Brown Ch 28 § 29. Thus, to a section dealing with a designated class, an amendment exempting from the provisions of the section a certain portion of that class may be germane. 8 Cannon § 3026. Provisions restricting au-

thority may be modified by amendments providing exceptions to those restrictions. 8 Cannon § 3024.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Deporting aliens. . . .	Exempting a portion of such aliens from deportation (8 Cannon § 3029)
Prohibiting the issuance of injunctions by the courts in labor disputes. . . .	Excepting all labor disputes affecting public utilities (8 Cannon § 3024)
Prohibiting an administrator from setting ceiling prices above a certain level for domestic crude oil. . . .	Exempting new crude petroleum sold by producers of less than 30,000 barrels per day (Deschler-Brown Ch 28 § 29.13)
Limiting discretionary powers conferred in a bill. . . .	Providing an exception from that limitation (Deschler-Brown Ch 28 § 35.13)
Requiring NLRB certification of employee elections of unions as bargaining agents only where there has been a secret ballot. . . .	Excepting an employer that has undermined the election or is otherwise estopped from challenging it (Deschler-Brown Ch 28 § 35.24)
Denying benefits to recipients failing to meet a certain qualification. . . .	Denying the same benefits to some recipients but excepting others (Deschler-Brown Ch 28 § 29.11)

§ 22. Conditions or Qualifications

A condition or qualification sought to be added by way of amendment must be germane to the provisions of the bill. *Manual* § 940; Deschler-Brown Ch 28 § 30. An amendment is not germane if it makes the effectiveness of a bill contingent upon an unrelated event or determination. Deschler-Brown Ch 28 § 31.22. Thus, an amendment making the implementation of a funding program contingent upon compliance with unrelated legislation is not germane. Deschler-Brown Ch 28 § 30.23. For discussion of postponements pending contingencies, see § 26, *infra*.

On the other hand, an amendment imposing a condition may be in order if it imposes a prerequisite that comes within the general subject covered by the bill. For example, where a bill provided a comprehensive grant program that included within its scope the welfare of law enforcement officers,

an amendment requiring States to enact a law enforcement officers' grievance system as a prerequisite to receiving grants under the bill was held to come within the general subject of law enforcement improvement covered by the bill and was held germane. Deschler-Brown Ch 28 § 30.30.

Assistance to a particular class of recipient covered by a bill may not by amendment be conditioned on actions or inaction by another class of recipient or agent not covered by the bill. Deschler-Brown Ch 28 § 30.29. For example, an amendment conditioning the availability to certain recipients of funds in an authorization bill upon their compliance with Federal law *not otherwise applicable to those recipients* and within the jurisdiction of other House committees may be ruled out as not germane. Deschler-Brown Ch 28 § 34.37.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Authorizing funds for a variety of programs that satisfy several stated requirements, in order to accomplish a general purpose. . . .	Conditioning the availability of those funds upon implementation of another program related to that general purpose (Deschler-Brown Ch 28 § 30.30)
Providing for scholarships. . . .	Providing requirements for eligibility for such scholarships (Deschler-Brown Ch 28 § 30.11)
Authorizing funds for military procurement and construction. . . .	Barring use of the funds in military operations in North Vietnam (Deschler-Brown Ch 28 § 30.6)
Authorizing the insurance of vessels. . . .	Denying such insurance to vessels charging exorbitant rates (8 Cannon § 3023)
Authorizing an agency to undertake certain activities. . . .	Allowing Congress to disapprove regulations issued pursuant thereto (Deschler-Brown Ch 28 § 33.11)
Requiring certain intelligence information to be given to the House. . . .	Imposing relevant conditions of security on the handling of such information in committee (<i>Manual</i> § 940)

§ 23. Restrictions or Limitations

Restrictions and limitations sought to be added to a bill by way of amendment must be germane to the provisions of the bill. *Manual* § 940; Deschler-Brown Ch 28 § 32. Thus, to a bill amending a statute, an amendment prohibiting assistance under that Act or under any other Act for a particular purpose, and affecting laws not being amended by the bill, may be ruled out as not germane. Deschler-Brown Ch 28 § 35.62.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Authorizing change in railroad rates. . . .	Excluding rate increases (8 Cannon § 3022)
Authorizing aid to shipping. . . .	Limiting such aid to ships equipped with life-saving devices (8 Cannon § 3027)
Authorizing use of oil-burning engines on ships. . . .	Prohibiting use of such engines if constructed outside of the United States (8 Cannon § 3032)
Furnishing medical services and facilities. . . .	Prohibiting the use of such services to perform certain abortions (Deschler-Brown Ch 28 § 32.7)
Providing unlimited terms of service for judges. . . .	Restricting terms to four years (8 Cannon § 3031)
Transferring specified property solely for the purpose of providing shelter to the homeless and protecting the public health. . . .	Requiring reversion of the property if not used for that charitable purpose as defined under a provision of the Internal Revenue Code (Deschler-Brown Ch 28 § 32.12)
Providing Federal funds to States for certain purposes. . . .	Restricting payment of those funds to States that enact certain laws relating to the activities being funded (<i>Manual</i> § 940)

Held Not Germane

Text	Amendment
Repairing naval vessels. . . .	Prohibiting such repairs in navy yards (to make them at less expense elsewhere) by restricting funds in portions of the bill not open to amendment (8 Cannon § 3034)

§ 24. — Discretionary Powers

To a proposition conferring discretionary authority, an amendment limiting or restricting the exercise of that authority is germane. 8 Cannon § 3022; Deschler-Brown Ch 28 § 33. Such an amendment may be germane, even though it incorporates as a term of measurement a qualification or condition applicable to entities beyond the scope of the bill. Deschler-Brown Ch 28 § 33.23. For example, to a proposition that the Administrator of Veterans' Affairs be authorized to establish a maximum interest rate for loans, an amendment stating that "the rate fixed shall not be higher than the FHA rate" was held germane. Deschler-Brown Ch 28 § 33.28.

Although a proposition reorganizing existing discretionary agency authority may be amended by imposing limitations on the exercise of those functions, an amendment directly changing policies in the substantive law to be administered by that agency is not germane. Deschler-Brown Ch 28 § 33.13.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Authorizing funds for the National Aeronautics and Space Administration. . . .	Prohibiting contracts for "support" services except where certain cost comparisons were made (Deschler-Brown Ch 28 § 33.27)
Conferring authority on the President to establish rules for ordering priorities among petroleum users and requiring that vital services in the areas of education and transportation shall receive priority. . . .	Restricting that regulatory authority by requiring that petroleum products allocated for public school transportation be used only between the student's home and the school closest thereto (Deschler-Brown Ch 28 § 33.9)

Held Germane—Continued

Text	Amendment
Prescribing the functions of a new Federal Energy Administration by conferring wide discretionary powers on the administrator. . . .	Limiting the authority of the administrator in setting prices for propane gas by requiring an equitable allocation of production costs (Deschler-Brown Ch 28 § 33.17)
Prescribing the functions of a new Federal Energy Administration. . . .	Prohibiting the promulgation of petroleum rationing rules without prior approval by Congress (Deschler-Brown Ch 28 § 33.16)
Authorizing an agency to undertake certain activities. . . .	Providing that regulations issued pursuant to that authority may be disapproved by Congress (Deschler-Brown Ch 28 § 33.11)
Continuing U.S. participation under the International Development Association Act. . . .	Directing opposition in that forum to loans to nations not party to a nuclear nonproliferation treaty (Deschler-Brown Ch 28 § 33.29)
Containing diverse provisions relating to authorities of the Department of Defense. . . .	Precluding the use of certain land for deployment of a weapons system pending a study (Deschler-Brown Ch 28 § 11.17)

§ 25. — Use of Funds

Amendments that merely place restrictions on the use of funds that are authorized or referred to in the bill are generally upheld as germane. Deschler-Brown Ch 28 § 34. An amendment seeking to restrict the use of funds must be limited to the subject matter and scope of the provisions sought to be amended. *Manual* § 940. The amendment must be confined to the agencies, authorities, and funds addressed by the bill and may not be more comprehensive in scope. Deschler-Brown Ch 28 § 32.6. A limiting amendment may be held not germane if it places restrictions on funds authorized or appropriated in other bills. Deschler-Brown Ch 28 § 31.30. To be germane, the amendment restricting the use of funds must relate solely to those funds and may not apply to another related category of funds. Deschler-Brown Ch 28 § 34.23.

An amendment limiting the use of funds by a particular agency funded in a general appropriation bill may be germane at more than one place in

the bill. Subject to rule XXI clauses 2(c) and (d), the amendment may be offered when the paragraph carrying such funds is pending, or to an appropriate “general provision” portion of the bill affecting that agency or all agencies funded by the bill. Deschler-Brown Ch 28 § 15.1.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Authorizing supplemental appropriations for military procurement, development, and construction. . . .	Prohibiting use of those funds to carry out military operations in North Vietnam (Deschler-Brown Ch 28 § 34.10)
Appropriating funds for an additional Washington airport. . . .	Limiting the amount to be used for the construction of an access road (Deschler-Brown Ch 28 § 34.32)
Authorizing an investigation and incidental travel to be undertaken by a committee of the House. . . .	Restricting use of the funds permitted in such travel (Deschler-Brown Ch 28 § 34.5)
Authorizing appropriations to enter into contracts for the development of synthetic fuels. . . .	Prohibiting use of the funds to enter into contracts with any major oil company (Deschler-Brown Ch 28 § 34.28)
Authorizing appropriations for contributions to the United Nations Environmental Fund. . . .	Prohibiting use of those funds to assist in the reconstruction of North Vietnam (93–1, May 15, 1973, pp 15747, 15752)
Authorizing appropriations for the National Science Foundation. . . .	Prohibiting use of those funds for research on a live human fetus outside the womb (93–1, June 22, 1973, p 20946)
Establishing a rural electrification and telephone revolving fund for insured and guaranteed loans. . . .	Providing that no such funds be used outside the United States or its possessions (93–1, Apr. 4, 1973 p 10395)
Continuing U.S. participation under the International Development Association Act. . . .	Prohibiting use of U.S. contributions as loans for the purchase of nuclear weapons or materials (Deschler-Brown Ch 28 § 32.5)

Held Germane—Continued

Text	Amendment
Restricting the availability of funds to a certain category of recipients. . . .	Restricting further the availability of those funds to a subcategory of the same recipients (Deschler-Brown Ch 28 § 34.4)
Providing assistance for mass transportation programs and permitting certain school systems to be eligible applicants for school bus subsidies. . . .	Prohibiting use of funds to implement programs intended to overcome racial imbalance in school systems (Deschler-Brown Ch 28 § 34.20)
Authorizing funds and limited use of troops for a specific purpose. . . .	Denying funds for deployment of troops beyond a certain period of time (Deschler-Brown Ch 28 § 34.13)
Providing Federal funds to States for certain purposes. . . .	Restricting payment of those funds to States that enact certain laws relating to the activities being funded (<i>Manual</i> § 940)

Held Not Germane

Text	Amendment
Changing a dollar amount in operating expenses for an agency. . . .	Prohibiting a certain activity and the use of any funds therefor (<i>Manual</i> § 940)
Establishing a new Department of Education and addressing only the administrative structure of the department. . . .	Prohibiting the use of funds to compel the transportation of students or teachers with the goal of establishing racial or ethnic balance (Deschler-Brown Ch 28 § 34.38)
Approving an increase in the U.S. quota to the International Monetary Fund and authorizing dealing in gold in connection therewith. . . .	Prohibiting the alienation of gold to <i>any</i> international organization or its agents, or to <i>any</i> person or organization acting for certain purchasers (Deschler-Brown Ch 28 § 32.6)
Striking a provision prohibiting the use of funds in the bill for a designated oil land lease in California. . . .	Prohibiting use of funds in the bill <i>or in any other act</i> for that lease <i>and other</i> California leases (Deschler-Brown Ch 28 § 15.21)

Held Not Germane—Continued

Text	Amendment
Providing general appropriations. . . .	Limiting funds therein to activities prescribed by laws unrelated to the functions of departments and agencies addressed by the bill (<i>Manual</i> § 940)

§ 26. Postponing Effectiveness Pending Contingency

Amendments that merely postpone the effective date of the legislation to a date certain without stating a condition have been held germane. Thus, to a title of a bill establishing procedures permitting either House of Congress to disapprove an impoundment of appropriated funds by the President, an amendment delaying the effective date of that title to a day certain was held germane. *Manual* § 940. Similarly, to an amendment abolishing the Federal Energy Administration on a date certain and transferring some of its functions to other agencies at that time, an amendment delaying the termination date of that agency for one year was held germane. Deschler-Brown Ch 28 § 32.10.

An amendment may make the effectiveness of a bill subject to a condition if that condition is related to the provisions of the bill. Deschler-Brown Ch 28 § 31.33. An amendment delaying operation of a proposed amendment pending an ascertainment of a fact is germane when the fact to be ascertained relates solely to the subject matter of the bill. 8 Cannon § 3029; Deschler-Brown Ch 28 § 31.18. However, an amendment is not germane if it delays the effectiveness of a bill contingent upon actions not involved in the administration of the affected program and that extend in scope beyond the authorities contained in the bill. Deschler-Brown Ch 28 § 31.1.

An amendment delaying the operation of proposed legislation pending an unrelated contingency is not germane. *Manual* § 940; 8 Cannon § 3037; Deschler-Brown Ch 28 § 31. Thus, an amendment making the implementation of Federal legislation contingent upon the enactment of unrelated State legislation is not germane. Deschler-Brown Ch 28 § 31.5. It is not germane for an amendment to render a measure contingent upon an unrelated congressional action. For example, to a bill authorizing appropriations for radio broadcasting to Cuba, an amendment prohibiting use of those funds until Congress considered a constitutional amendment mandating a balanced budget was ruled out as nongermane, imposing an unrelated contingency requiring separate congressional action on another subject. Deschler-Brown Ch

28 § 31.39. Likewise, an amendment to an appropriation bill delaying the availability of the appropriation pending an unrelated contingency—the enactment of certain revenue legislation—was held not germane. Deschler-Brown Ch 28 § 31.8.

An amendment may subject the operation of the bill to an external benchmark, so long as it does not constitute an unrelated condition. For example, an abstract fiscal standard may be used as the measure of availability of funding provided by the bill, or as the measure of applicability of a fiscal or budgetary feature of the bill. Deschler-Brown Ch 28 § 34.1.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Authorizing funds for elementary and secondary education. . . .	Prohibiting use of those funds “so long as the present Commissioner of Education occupies that office” (Deschler-Brown Ch 28 § 31.42)
Funding cost-of-living salary increase for Members. . . .	Restricting availability of those funds during months in which there is an increase in the public debt (Deschler-Brown Ch 28 § 34.1)
Authorizing appropriations for humanitarian and evacuation assistance to war refugees in South Vietnam. . . .	Making that authorization contingent on a report to Congress on the costs of a portion of the evacuation program (Deschler-Brown Ch 28 § 34.12)
Authorizing defense assistance to a foreign nation. . . .	Delaying that assistance until that nation’s former ambassador testified before a House committee (Deschler-Brown Ch 28 § 31.33)

Held Not Germane

Text	Amendment
Extending funding for housing and urban renewal. . . .	Making such funding contingent on enactment of legislation raising additional revenue (Deschler-Brown Ch 28 § 31.11)

Held Not Germane—Continued

Text	Amendment
Appropriating funds for emergency fuel assistance. . . .	Making such funding contingent on enactment of an oil windfall profit tax (Deschler-Brown Ch 28 § 31.8)
Authorizing funds for construction of atomic energy facilities. . . .	Making such project contingent upon the enactment of Federal or State fair-housing measures (Deschler-Brown Ch 28 § 31.5)
Authorizing appropriations for the Arms Control and Disarmament Agency. . . .	Making such authorization contingent on the Soviet Union ceasing “to supply military articles to our enemy in Vietnam” (Deschler-Brown Ch 28 § 31.32)
Authorizing funds for foreign assistance. . . .	Making aid to a nation contingent upon the enactment of tax reform measures by that nation (Deschler-Brown Ch 28 § 31.37)
Authorizing military assistance to Israel and funds for the United Nations Emergency Force in the Middle East. . . .	Making such funds to Israel contingent on Presidential certification of the existence of a designated level of energy supplies for the U.S. (Deschler-Brown Ch 28 § 31.22)
Authorizing radio broadcasting to Cuba. . . .	Making such funds contingent on Congress considering a constitutional amendment mandating a balanced budget (Deschler-Brown Ch 28 § 31.39)
Authorizing the development of certain military missile systems. . . .	Making expenditures contingent on the impact of U.S. grain sales on Soviet military preparedness (Deschler-Brown Ch 28 § 31.24)
Rescinding an agency’s funds for motor vehicle seat belt and passive restraint <i>research and education</i>	Conditioning the availability of <i>all</i> funds pending State compliance with Federal standards for <i>mandatory seat belt use</i> (Deschler-Brown Ch 28 § 15.19)

D. Relation to Existing Law

§ 27. Amendments to Bills Amending Existing Law

The germaneness rule may provide the basis for a point of order against an amendment that is offered to a bill amending existing law. A germaneness point of order may be sustained where the proposed amendment relates to the existing law rather than to the pending bill. *Manual* § 939; 8 Cannon §§ 2916, 3045; Deschler-Brown Ch 28 § 35. Unless a bill so extensively amends existing law as to open up the entire law to amendment, the germaneness of an amendment to the bill depends upon its relationship to the subject of the bill and not to the entire law being amended. Deschler-Brown Ch 28 § 35.95. A bill amending several sections of one title of the U.S. Code does not necessarily bring the entire title under consideration so as to permit an amendment to any portion thereof. Deschler-Brown Ch 28 § 35.

Where 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. Deschler-Brown Ch 28 § 35.65. Likewise, if a bill amending existing law relates to a single subject or has a single purpose, an amendment is not germane that proposes to modify the law further in a manner not related to the purpose of the bill. Deschler-Brown Ch 28 §§ 35.51, 41.4. Where a proposition narrowly amends one section of existing law by changing a specific program therein, that section of law is not open to a further amendment that would enlarge the scope of the pending proposition. 92-1, Dec. 8, 1971, p 45536.

To a proposition modifying a limited portion of existing law, an amendment further modifying that portion may be germane. Deschler-Brown Ch 28 § 35.19. Such an amendment may add exceptions or definitions modifying the proposition if related to the same subject. Deschler-Brown Ch 28 § 35.24. However, an amendment repealing the law is not germane. Deschler-Brown Ch 28 § 36.1.

This principle is illustrated in the following precedents:

Held Not Germane

Text	Amendment
Amending a section of title 5 of the U.S. Code granting certain rights to employees of executive agencies. . . .	Extending those rights to legislative branch employees as defined in a different section of that title (Deschler-Brown Ch 28 § 35.95)

Held Not Germane—Continued

Text	Amendment
Amending a portion of an existing law to extend the authorization for U.S. contributions to the International Monetary Fund. . . .	Amending another section of that law mandating that the total budget outlays of the Federal government shall not exceed its receipts (Deschler-Brown Ch 28 § 35.48)

§ 28. Amendments to Bills Repealing Existing Law

Where a bill repealing several sections of an existing law is pending, an amendment proposing to repeal the entire law may be germane. Where the bill seeks to repeal only one provision of an existing law, an amendment modifying that provision (rather than repealing it) also may be germane. Deschler-Brown Ch 28 § 37. On the other hand, to a bill repealing one narrow subsection of existing law, an amendment proposing a comprehensive revision of the whole law is not germane. Deschler-Brown Ch 28 § 37.7.

This principle is illustrated in the following precedents:

Held Not Germane

Text	Amendment
Repealing Chinese Exclusion Acts. . . .	Relating to immigration generally (Deschler-Brown Ch 28 § 37.6)
Repealing a narrow provision of an existing Act. . . .	Expressing congressional policy as to the pending bill <i>and</i> to the administration of the whole Act (Deschler-Brown Ch 28 § 37.9)
Repealing a provision of existing labor law, thereby depriving the States of the power to prohibit “closed shop contracts”. . . .	Modifying the law to permit States to bar the application of “closed shop” agreements to veterans of military service (Deschler-Brown Ch 28 § 37.1)
Repealing a narrow subsection of law relating to the order of induction of selective service registrants. . . .	Placing restrictions on the assignment of personnel to Vietnam without their consent (Deschler-Brown Ch 28 § 37.8)

§ 29. Amendments to Bills Incorporating Other Laws by Reference

A general rule of germaneness is that an amendment to a law in the jurisdiction of one committee is not germane to a bill in the jurisdiction of another committee. See § 6, *supra*. However, where the pending bill incorporates by reference provisions of a law from another committee and conditions the effectiveness of the bill upon actions taken pursuant to a section of that law, an amendment to alter that section of the law may be germane. Deschler-Brown Ch 28 § 4.100. Furthermore, a bill incorporating by reference procedural requirements contained in other Acts may be broad enough to permit an amendment similarly referring to, *but not directly amending*, other statutes and intending to accomplish the result sought to be effected by the portion of the bill to which offered. For example, to a bill including requirements for certification of Federal land use activities as compatible with approved State management programs and incorporating by reference certain statutory provisions, an amendment applying the procedures contained in those statutes to approval of such Federal land use programs in lieu of the certification procedures in the bill was held germane. Deschler-Brown Ch 28 § 4.100. On the other hand, to a bill citing but not amending a law on one subject, an amendment incorporating that law by reference to broaden its application to the subject of the bill is not germane. Deschler-Brown Ch 28 § 41.21.

Effect of Disclaimers

Ordinarily, the inclusion of language in a bill “disclaiming” any substantive effect of the bill on other provisions of law would not render germane amendments that do in fact affect that law. However, where disclaimer language in a bill is accompanied by other provisions changing a category of law cited in the disclaimer, an amendment further addressing the relationship between the bill and laws cited in the disclaimer may be germane. Deschler-Brown Ch 28 § 42.54.

§ 30. Amendments to Bills Continuing or Extending Existing Laws

A bill extending an existing law may open up the law being extended to germane amendments. Deschler-Brown Ch 28 § 39. A bill continuing and reenacting an existing law may be amended by a proposition modifying in a germane manner the provisions of the law being extended. Deschler-Brown Ch 28 § 39.28. To a bill extending an existing law in modified form, an amendment proposing further modification of the law is germane. Deschler-Brown Ch 28 § 39.19. However, while a bill “extending existing law”

may open up the law being extended to germane amendments, a proposition that merely extends an official's authority under that law does not necessarily open up the entire law to amendment. Deschler-Brown Ch 28 § 39.27.

This principle is illustrated in the following precedents:

Held Germane

Text	Amendment
Continuing for one year the Mexican farm labor program. . . .	Requiring a determination that reasonable efforts have been made to hire domestic workers (Deschler-Brown Ch 28 § 39.14)
Amending and extending the Elementary and Secondary Education Act. . . .	Providing that no funds in the Act be used for the transportation of students or teachers "in order to meet provisions of" the Civil Rights Act of 1964 (Deschler-Brown Ch 28 § 39.19)
Reenacting a law to extend the existence of the Federal Energy Administration, including the authority to conduct energy programs. . . .	Restricting the method of submitting energy action proposals to Congress (Deschler-Brown Ch 28 § 39.30)
Extending the existence of the Federal Energy Administration and authorizing appropriations for that agency. . . .	Requiring that agency to promulgate regulations to assure that the agency hearings be conducted in certain areas (Deschler-Brown Ch 28 § 39.31)

Held Not Germane

Text	Amendment
Extending the authority of the Administrator of Veterans' Affairs to establish a maximum interest rate for insured loans to veterans. . . .	Altering provisions of existing law and modifying the authority of the administrator to manage the loan program (Deschler-Brown Ch 28 § 39.27)
Extending the school milk program and making "preschool programs operated as part of the school system" eligible for benefits. . . .	Extending further such benefits to programs operated by nonprofit institutions in depressed areas (Deschler-Brown Ch 28 § 39.18)

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

Generally

An amendment that amends a law not contemplated in the bill under consideration and not related to the text before the House is subject to a germaneness point of order. Thus, to a bill amending one existing law, an amendment changing the provisions of another law is not germane. Deschler-Brown Ch 28 § 42. Likewise, to a bill making appropriations for the current fiscal year, an amendment permanently changing existing law is not germane and thus is not in order, even though it tends to reduce expenditures for that year. Deschler-Brown Ch 28 § 42.57.

However, the germaneness of such an amendment may be affected by the adoption of other amendments that broaden the scope of the pending bill. For example, where a bill authorizing foreign military assistance was broadened by amendment to address permanent law relating to economic relations with foreign nations, an amendment to remove military and economic trade sanctions against Rhodesia was held germane to the bill as a whole in its perfected form. 95–2, Aug. 2, 1978, p 23938. The number and variety of laws being amended by the underlying text may also affect the germaneness of an amendment changing an additional law. *Manual* § 939.

This principle is illustrated in the following precedents:

Held Not Germane

Text	Amendment
Reorganizing existing discretionary governmental authority and vesting it in a new agency. . . .	Directly changing policies in the substantive law to be administered by that agency (Deschler-Brown Ch 28 § 42.23)
Consolidating certain functions under a new agency and limiting its policy-making authority to that contained in existing law. . . .	Prescribing new policy by amending a law not amended by the bill (Deschler-Brown Ch 28 § 42.24)
Providing in part for increased salaries for Members of Congress and legislative employees. . . .	Relating to audits of financial transactions of the House and the Architect of the Capitol under another law (Deschler-Brown Ch 28 § 42.45)
Amending the Fair Labor Standards Act with respect to the effect of imports on the domestic labor market. . . .	Amending the Tariff Act of 1930 with respect to the importation of merchandise from Communist nations (Deschler-Brown Ch 28 § 42.2)

Held Not Germane—Continued

Text	Amendment
Establishing a Federal Energy Administration but not amending existing laws relating to energy conservation policy. . . .	Repealing the Emergency Daylight Saving Time Energy Conservation Act (Deschler-Brown Ch 28 § 42.21)
Regulating the importation of liquefied natural gas, but not directly amending the Natural Gas Act. . . .	Amending the Natural Gas Act to prohibit the FPC from regulating the price of natural gas at the well-head (Deschler-Brown Ch 28 § 42.20)
Amending certain Acts to provide for market adjustment and price support programs for wheat and feed grains. . . .	Amending another Act to direct the President to conduct an investigation into imports of specified agricultural products (Deschler-Brown Ch 28 § 42.11)
Changing for one year an existing law establishing price supports for several agricultural commodities. . . .	Waiving the provisions of another law relating to price supports for another agricultural commodity (Deschler-Brown Ch 28 § 42.17)
Amending several provisions of an existing law. . . .	Repealing a section of another law (<i>Manual</i> § 939)

Waivers or Repeals

An amendment repealing existing law has been held not germane to a bill not amending that law. Deschler-Brown Ch 28 § 42.21. An amendment may be subject to a point of order on the basis that it contains the language “notwithstanding any other provision of law” if it has the effect of waiving a statute not amended by the bill. Deschler-Brown Ch 28 § 42.17. In one such instance, the Chair noted that the waivers in the bill were waivers of a narrow class of existing laws, whereas the amendment waived various unspecified laws not within the scope of the pending measure. Deschler-Brown Ch 28 § 42.18.

E. House—Senate Relations**§ 32. Senate Germaneness Rules**

In contrast to the House practice, there is no general Senate rule prohibiting nongermane amendments. However, questions of germaneness of

amendments to general appropriation bills are submitted to the Senate without debate under Senate rule XVI. The Chair does not rule on the question. Another rule prohibits nongermane amendments to bills after cloture has been invoked. See Senate rule XXII clause 2. In addition, pursuant to unanimous-consent agreements, the Senate sometimes prohibits nongermane amendments to particular bills, or may prohibit a certain class of nongermane amendments to a bill. Deschler-Brown Ch 28 § 25; see also *Senate Procedure*, Riddick, S. Doc. No. 101–28 (1992), p 854. Under section 305 of the Budget Act, amendments offered in the Senate to a concurrent resolution on the budget must be germane; and under section 310, a similar restriction applies to amendments to budget reconciliation bills. *Manual* § 1127.

§ 33. Motions to Instruct Conferees

The rule that amendments must be germane applies to amendments to a motion to instruct conferees. 8 Cannon §§ 3230, 3235; Deschler-Brown Ch 28 § 28. The test of an amendment to a motion to instruct conferees is the relationship of the amendment to the subject matter of the House and Senate versions of the bill (*Manual* § 930) and not to the original motion to instruct.

Where an amendment in the nature of a substitute has been proposed by one House for the entire bill passed by the other House, provisions in either the bill or the substitute may be addressed in motions to instruct conferees. 8 Cannon § 3230.

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

Formerly, a Senate amendment was not subject to the point of order that it was not germane to the House bill. 8 Cannon § 3425. Today, under changes in the rules enacted in 1972, points of order may be made against nongermane Senate matter in a conference report or in a proposal to concur in a Senate amendment (with or without amendment). If sustained, separate votes may be demanded on portions of Senate amendments and conference reports containing language that would not have been germane if offered in the House. Rule XXII clause 10; *Manual* § 1089.

Rule XXII clause 10 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. For purposes of that rule, the House-passed version, against which Senate provisions are compared, is that version finally com-

mitted to conference, taking into consideration all amendments adopted by the House, including House amendments to Senate amendments. Deschler-Brown Ch 28 § 27.

Pursuant to rule XXII clause 10, where the Speaker sustains a point of order that a portion of a conference report containing a Senate amendment is not germane to the House bill, a motion to reject that portion of the conference report is in order and is subject to 40 minutes of debate. Deschler-Brown Ch 28 § 26.29.

The Member representing the conference committee recognized in opposition to a motion to reject a nongermane Senate provision pursuant to rule XXII clause 10, and not the proponent of the motion, has the right to close debate thereon. *Manual* § 1090. After the 40 minutes of debate permitted by that rule, it is then in order, following the disposition of the motion to reject, to make further points of order and motions to reject. If any such motion is adopted, the conference report shall be considered as rejected and the pending question shall be, in the case of a House bill with a Senate amendment, whether the House will recede from disagreement to the Senate amendment and concur therein with an amendment consisting of the portion of the conference report not rejected. Deschler-Brown Ch 28 § 26.31.

Rule XXII clause 10 also permits points of order against nongermane Senate matter in motions to concur or concur with amendment in Senate amendments, the stage of disagreement having been reached. If such a point of order is sustained, a separate motion to reject such nongermane matter is permitted. *Manual* §§ 931, 1089. Clause 10 is not applicable to a provision contained in a motion to recede and concur with an amendment that is not contained in any form in the Senate version, the only requirement in such circumstances being that the motion as a whole be germane to the Senate amendment as a whole under the House germaneness rule. Deschler-Brown Ch 28 § 27.12.

This principle is illustrated in the following precedents:

Held Not Germane

House Bill

Senate Amendment

Continuing the operations of an executive department for one year. . . .

Prohibiting the availability of any funds appropriated for foreign military base agreements absent congressional approval (93–1, Sept. 11, 1973, pp 29243–46)

Held Not Germane—Continued

House Bill	Senate Amendment
Exempting from tariff duty certain equipment and repairs for vessels operated by the United States. . . .	Extending benefits under the unemployment compensation program (Deschler-Brown Ch 28 § 26.30)
Requiring that a percentage of U.S. oil imports be carried on U.S. flag vessels. . . .	Relating to the construction of vessels with certain anti-pollution requirements (Deschler-Brown Ch 28 § 26.29)
Containing several diverse amendments to the Internal Revenue Code to provide individual and business tax credits. . . .	Authorizing appropriations for special payments to social security recipients (Deschler-Brown Ch 28 § 26.27)
Improving automotive fuel efficiency by imposing fuel economy standards upon manufacturers. . . .	Providing loan guarantees for automotive research and development (Deschler-Brown Ch 28 § 26.15)

The House has by unanimous consent concurred in a nongermane Senate amendment to House amendments to a Senate bill and in a nongermane Senate amendment to a House private bill. Deschler-Brown Ch 28 § 26; 92–1, Dec. 9, 1971, p 45872.

§ 35. Amendments to Senate Amendments

An amendment offered in the House to a Senate amendment must ordinarily be germane to the particular Senate amendment to which it is offered, it not being sufficient that the amendment be germane to the provisions of the bill if the Senate amendment merely inserts new matter and does not strike House provisions. 5 Hinds § 6188; 8 Cannon § 2936; *Manual* § 931. Thus, during consideration of a Senate amendment reported in disagreement by conferees, a proposal to amend must be germane to the Senate amendment. Deschler-Brown Ch 28 § 27.35. Although a Senate amendment proposing legislation on a general appropriation bill is subject to an amendment of a similar character in the House, the requirement remains that the House amendment be germane to the Senate amendment. Deschler-Brown Ch 28 § 27.

The test of the germaneness of a further amendment offered to a motion to concur in a Senate amendment with an amendment is the relationship between the offered amendment and the motion, and not the relationship be-

tween that amendment and the Senate amendment to which the motion has been offered. Deschler-Brown Ch 28 § 27.6.

The test of germaneness of an amendment in the nature of a substitute to a Senate amendment—proposed in a motion to concur therein with an amendment—is the relationship between the proposed amendment in its entirety and the Senate amendment (and not the relationship between any one provision of the amendment and any one provision of the Senate amendment). Deschler-Brown Ch 28 §§ 27.11, 27.12.

The rule of germaneness applies to motions to recede and concur in a Senate amendment with an amendment. Such a motion must be germane to the Senate amendment. Deschler-Brown Ch 28 § 27. However, where a Senate amendment proposes only 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 by the Senate amendment. *Manual* § 931.

These principles are illustrated in the following precedents:

Held Germane

Senate Amendment	House Amendment
Appropriating funds for a Senate office building extension, providing a funding ceiling on such extension, and providing for the transfer of personnel and equipment to such extension. . . .	Reducing the appropriation and the funding ceiling, and providing that such extension upon completion meet certain personnel needs (96–1, Aug. 2, 1979, p 22007)
Containing diverse provisions relating to the organization and administration of the Federal courts, including appointment of additional district and circuit judges. . . .	Containing comparable provisions and in addition permitting courts of appeals of a certain size to establish administrative units (Deschler-Brown Ch 28 § 27.12)
Appropriating funds for termination of the civil supersonic aircraft. . . .	Appropriating funds for termination of payment of the airlines' contribution to development costs (92–1, July 29, 1971, p 28053)

Held Not Germane

Senate Amendment	House Amendment
Prohibiting use of specified funds as compensation for certain former employees. . . .	Enlarging the class of persons ineligible for such compensation (Deschler-Brown Ch 28 § 27.34)
Prohibiting use of funds in a general appropriation bill for only one basing mode for the MX missile. . . .	Authorizing appropriations for research and development of another weapons system (Deschler-Brown Ch 28 § 27.19)
Providing for payment, from the Senate contingent fund, of certain additional travel expenses incurred by Senate employees. . . .	Providing additional travel allowances to Members of the House from the House contingent fund (Deschler-Brown Ch 28 § 27.35)
Striking a provision in a general appropriation bill that precluded the use of funds therein by the Environmental Protection Agency to control air pollution by regulating parking facilities. . . .	Prohibiting use of those EPA funds temporarily to implement any plan requiring the review of <i>any</i> indirect sources of air pollution (Deschler-Brown Ch 28 § 27.14)
Appropriating funds for asbestos hazards abatement in schools. . . .	Earmarking funds for the refinancing of a recycling program of a specified city (Deschler-Brown Ch 28 § 27.1)

F. Procedural Matters; Points of Order

§ 36. In General

If any part of an amendment is subject to a point of order, the entire amendment is subject to such point of order. 5 Hinds § 5784; 8 Cannon §§ 2922, 2980. The ruling of the Chair is subject to appeal. Deschler Ch 19 § 9.2. On one occasion, the Committee of the Whole permitted, by unanimous consent, consideration of an amendment that had been ruled out of order as not germane. Deschler-Brown Ch 28 § 43.

Ordinarily, the maker of a germaneness point of order will state the grounds on which the amendment is not germane. *Manual* § 928; Deschler-Brown Ch 28 § 43; see also *Manual* § 628; POINTS OF ORDER.

Burden of Proof

The burden of proof of the germaneness of an amendment rests on its proponent. 8 Cannon § 2995. Where an amendment is equally susceptible to more than one interpretation, and the proponent fails to carry the burden of showing the applicability of that interpretation under which the amendment can be upheld, the Chair may rule it out of order. Deschler-Brown Ch 28 § 43.6.

§ 37. Waiver of Points of Order**Waiver by Failure to Raise Point of Order**

The germaneness rule is not self-enforcing. It may be waived by the mere failure to raise a timely point of order. An amendment permitted to come under consideration because no point of order as to its germaneness was raised may itself be subject to germane amendment. The fact that no point of order is made against a particular amendment does not waive points of order against subsequent amendments of a related nature. Deschler-Brown Ch 28 § 43.

Waiver by Special Rule

Points of order against nongermane amendments may be waived pursuant to the terms of a special rule from the Committee on Rules. The issue of germaneness cannot be raised against an amendment when all points of order against that amendment have been waived. Deschler Ch 21 § 23.21. Thus, where a bill is being considered under the provisions of a special rule that specifies that committee amendments shall be in order, “any rule of the House to the contrary notwithstanding,” no issue can properly be raised as to the germaneness of such amendments. Deschler Ch 21 § 23.16.

The Committee on Rules may report a special rule altering the ordinary test of the germaneness of an amendment, such as rendering only one portion of an amendment subject to a germaneness point of order, while preserving consideration of the remainder of the amendment and waiving germaneness points of order with respect thereto. Deschler-Brown Ch 28 § 45.3.

Where a special rule waives germaneness points of order against the consideration of a designated amendment, and does not specifically preclude the offering of amendments thereto, germane amendments to that amendment may be offered. Deschler-Brown Ch 28 § 45.8.

For a discussion of the germaneness of amendments to special orders reported from the Committee on Rules, see § 3, *infra*.

§ 38. Timeliness of Points of Order

The general rule is that a point of order against an amendment as not germane must be made or reserved immediately after the amendment is read and comes too late once debate has been had on the amendment. The point of order against the amendment must be raised before the proponent has commenced his remarks. Deschler-Brown Ch 31 § 6.33. The rereading of the amendment by unanimous consent after there has been debate does not permit the intervention of a point of order against the amendment. Deschler-Brown Ch 31 § 6.36. However, the Chair may entertain a point of order against the amendment by a Member who states that he had been on his feet, seeking recognition for that purpose, when the debate began, or who was on his feet seeking recognition at the time the amendment was read. Deschler-Brown Ch 28 § 44; Deschler-Brown Ch 29 §§ 20.31. 20.32.

Reservation of a point of order against an amendment or the continuation of such a reservation after some debate on the amendment may be permitted by leave of the Chair, but the Chair may demand that the point of order be disposed of before further debate on the amendment. Deschler-Brown Ch 29 § 20.36.

Because a point of order against the germaneness of an amendment must be made before its consideration, where points of order have been waived against a specific amendment that is then altered by amendment, a point of order will not lie against the amendment on the ground that, as modified, it no longer comes within the coverage of the waiver. Deschler-Brown Ch 28 § 44.2.

A point of order against a motion to recommit with instructions has been made before completion of the reading of such motion where the matter contained in the instructions had been ruled out as not germane when offered as an amendment in the Committee of the Whole. Deschler-Brown Ch 28 § 23.3. However, such a point of order comes too late after the proponent of the motion has been recognized for debate and has yielded for a parliamentary inquiry. Deschler-Brown Ch 28 § 30.3.

§ 39. Debate on Points of Order

Where a germaneness point of order is made, the Chair ordinarily permits argument thereon by the Member making the point of order in support of his position, and by the proponent of the amendment in defense of the amendment. The Chair may in his sole discretion also permit arguments by others who wish to speak on either side of the issue. Deschler-Brown Ch 28 § 43. Debate time on the point of order is within the discretion of the Chair, and Members may not yield to each other. Deschler-Brown Ch 31

§ 7.4. All such debate must be confined to the question of germaneness and cannot go to the merits of the amendment. *Manual* § 628.

A germaneness point of order 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. *Manual* § 928.

§ 40. Anticipatory and Hypothetical Rulings

The Chair ordinarily will refuse to entertain a parliamentary inquiry on the germaneness of an amendment that has not yet been offered, because the Chair does not deliver anticipatory rulings. Thus, the Chair has declined to indicate, in response to a parliamentary inquiry, whether a substitute, if defeated, would thereafter be germane if subsequently offered as an amendment in the form of a new section. *Manual* § 628; Deschler-Brown Ch 28 § 46.

Because the Chair does not rule on hypothetical questions, the Chair declines to rule in advance with regard to the germaneness of instructions accompanying a motion to recommit. Deschler-Brown Ch 28 § 46.

In the House, the Speaker does not rule on such questions of germaneness as may be the province of the Chairman of the Committee of the Whole. Deschler-Brown Ch 28 § 44.