

Chapter CCXXV.¹

RIGHT OF COMMITTEES TO PROPOSE LEGISLATION ON APPROPRIATION BILLS.

1. The proviso of the Holman rule. Section 1561.
 2. Applies to amendment only. Sections 1562–1565.
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1561. Supplementing the exception to the prohibition imposed by clause 2 of Rule XXI, it is in order to further amend a general appropriation bill by germane amendment retrenching expenditure reported by the committee having jurisdiction of the subject matter of the amendment.

Section 2 of Rule XXI provides:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

1562. In order to come within the proviso of clause 2 of Rule XXI, a proposition must come officially from the committee having jurisdiction and not as an integral part of an appropriation bill reported by the Committee on Appropriations.

On March 21, 1892,² the Army appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when the Clerk read a paragraph including the following proviso:

Provided further, That hereafter no money appropriated for Army transportation shall be used in payment of the transportation of troops and supplies of the Army over any of the nonbonded lines owned, controlled, or operated by the Union Pacific Railway Company (including the lines of the Oregon Short Line and Utah Northern Railway Company) or by the Southern Pacific Company over lines embraced in its Pacific system.

Mr. William H. Crain, of Texas, made the point of order that the proviso violated clause 2 of Rule XXI.

¹Supplementary to section 3890 of Chapter XCVII.

²First session Fifty-second Congress, Record, p. 2282.

The Chairman¹ ruled:

The gentleman from Indiana, Mr. Holman, contends that this proposed new legislation is in order in an appropriation bill under the proviso of the second section of Rule XXI, which says:

“It shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.”

The Chair is of opinion that a motion of that kind should come officially from the committee having jurisdiction, and can not be brought before the Committee of the Whole House on the state of the Union as an integral part of an appropriation bill reported by the regular Committee on Appropriations.

1563. The proviso of clause 2, Rule XXI, applies only to amendments duly submitted by committees authorized to report them and not to provisions originally incorporated in the bill or amendments proposed by members in individual capacity.

On January 16, 1912,² the District of Columbia appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when a paragraph was reached providing for street repairs in the District of Columbia concluding with this proviso:

Provided, That the Commissioners of the District of Columbia are hereby authorized, in their discretion, to use such portion of public space lying south of Water Street and east of Fourteenth Street SW, as may, in their judgment, be necessary for the site of an asphalt plant and the storage yards and other necessary accessories therefor. And they are further authorized to establish, construct or purchase, maintain, and operate, on the site above described, an asphalt plant with the necessary accessory structure, materials, means of transportation, road rollers, tools and machinery, and railroad sidings including one portable mixing plant for the utilization of old asphalt material now wasted, all or any part of the above work to be executed by day labor or contract, as in the judgment of the commissioners may be deemed most advantageous to the District of Columbia, and the cost of the same and of any necessary incidental or contingent expenses in connection therewith shall be paid from this appropriation: *Provided further*, That the total expenditure under the above authorization for an asphalt plant and portable mixing plant shall not exceed the sum of \$87,500.

Mr. Marlin E. Olmsted, of Pennsylvania, raised a question of order on the proviso, and Mr. Ben Johnson, of Kentucky, made a point of order against the entire paragraph.

After extended debate, the Chairman³ ruled:

The language has been read from the Clerk's desk against which the gentleman from Pennsylvania made the point of order. The gentleman from Kentucky makes the point of order against the entire paragraph beginning with the words of the paragraph against which the gentleman from Pennsylvania makes the point of order. The point of order made, as the Chair understands, is that the provision is obnoxious to Rule XXI, clause 2, which reads:

“No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as

¹ William L. Wilson, of West Virginia, Chairman.

² Second session Sixty-second Congress, Record, p. 986.

³ Finis J. Garrett, of Tennessee, Chairman.

being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill, etc.”

It is insisted that this is new legislation which does not retrench expenditures in the sense and in the spirit of clause 2 of Rule XXI.

When what is called the Holman rule first appeared in the rules of the House of Representatives it was in the following form, as read to the committee by the Chairman a few moments ago:

“No appropriation shall be reported in such general appropriation bills or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress, nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject matter of the bill, shall retrench expenditures.”

It was at the first session of the Forty-fourth Congress that the rule was adopted in that form. At the succeeding session of that Congress the rule was changed and appeared in the rules of the House in substantially its present form.

The only difference is that the rule as it now stands has in the proviso the language, following the word “committee”:

“Or any joint commission authorized by law or the House Members of any such commission,”

That continued to be the rule of the House; until the rules were revised in the Forty-ninth Congress, when it was dropped. It was then restored to the rules of the House in the Fifty-second Congress, when it first appeared in the present form—that is, as to joint commissions, and so forth—and in this form continued in operation through the Fifty-second and Fifty-third Congresses.

Now, in the form that it appeared at the second session of the Forty-fourth Congress, the first part—not including the proviso—read:

“Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.”

The language is specific. The language in the rule as it first appeared in the rules of the House at the first session of the Forty-fourth Congress was general in character, very like unto the language which appears now in the proviso to the rule, which proviso reads as follows:

“*Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House Members of any such commission have jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.”

The Chair is of opinion that the change in the rule from its original form, as adopted in the first session of the Forty-fourth Congress, was made for a purpose, and that it was the intention, and is now the intention, of the rule to fix the specific manner in which the Committee on Appropriations, reporting a proposition changing existing law, or any individual Member of the House of Representatives offering an amendment from the floor which will change existing law, may make that amendment in order; that is, it must be in one of three ways, by the reduction of salaries or by the reduction of the number of employees or by the reduction of the amount covered by the bill.

The Chair is of opinion that the Committee on Appropriations may not, under the rule, bring in as an integral part of an appropriation bill substantive legislation that, if introduced in the ordinary way in the House—that is, by bill or joint resolution presented by a Member—would go to another standing committee of the House for consideration and action; nor does the Chair think that any Member of the House may offer from his place on the floor any amendment carrying such substantive legislation, even though that legislation would retrench expenditures, unless that Member offer it as the report of a committee or as a member of a joint commission which would have jurisdiction of the subject matter under the rules of the House. In other words, the

scope is limited and the outposts are fixed by the rule to which the Committee on Appropriations may go or to which the individual Member may go.

If the Chair be correct in this, what have we here? There is proposed here upon this bill substantive legislation, not a reduction of salaries, not a reduction of the number of employees, not perhaps a reduction of the amount covered by the bill, though the Chairman does not deem it necessary to pass upon that now; but even if it were all of those, and in order to carry it out it were necessary to enact new law, to create a new industrial enterprise, a new project not now provided for by law, would it be in order? The Chair thinks not, except it be upon a report of the committee which would have jurisdiction of the subject matter if introduced as an original bill in the House of Representatives, in this case the Committee on the District of Columbia.

The Chair is fortified in this opinion by a ruling which was made at the first session of the Fifty-second Congress. At that time the following provision in the Army appropriation bill, namely, that hereafter no money appropriated for Army transportation shall be used in payment for the transportation of troops and supplies of the Army "over certain lines of railroad which are indebted to the Government," was held not in order under this rule. That decision is as follows, and the Chair will ask the Clerk to read it.

The Clerk read as follows:

"The point of order made by the gentleman from Texas, Mr. Crain, is against the second provision on page 16 of the bill, which declares:

"That hereafter no money appropriated for Army transportation shall be used in payment of the transportation of troops and supplies of the Army over any of the nonbonded lines owned, controlled, or operated by the Union Pacific Railway Co. (including the lines of the Oregon Short Line and Utah Northern Railway Co.) or by the Southern Pacific Co. over lines embraced in its Pacific system."

"Under the view taken by the Chair the relations between the Government and these railroad companies, as determined by the Supreme Court or otherwise, can not affect the decision of this point of order.

"The gentleman from Indiana, Mr. Holman, contends that this proposed new legislation is in order in an appropriation bill under the proviso of the second section of Rule XXI, which says:

"It shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures."

"The Chair is of opinion that a motion of that kind should come officially from the committee having jurisdiction and can not be brought before the Committee of the Whole House on the state of the Union as an integral part of an appropriation bill reported by the regular Committee on Appropriations."

Bottoming his action upon the reasoning which the Chairman has endeavored to state and buttressed by the precedent which has just been read, the Chairman sustains the point of order.

1564. On December 19, 1913,¹ the District of Columbia appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when a paragraph was reached providing an appropriation for the repair and improvement of streets and roads in the District of Columbia.

Mr. William P. Borland, of Missouri, proposed the following amendment:

Provided, That no portion of this appropriation shall be expended except in accordance with the following limitation: That whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb or from gutter to gutter, where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all the expenses of the assessment, to be made as hereinafter prescribed,

¹Second session Sixty-third Congress, Record, p. 1254.

shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however,* That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

The assessments herein provided for shall be levied and paid for in the following manner, namely: Where the width of the roadway actually to be paved is 40 feet or less between the curbs, or between the gutters, where no curbs exist, after deducting the amount required to be paved by the street railway companies, the total cost of the work, including the expenses of assessments, shall be assessed against the abutting property owners, one-half to each side; where the width of the street thus to be paved, after deducting the amount required to be paved by the street railway companies, shall exceed 40 feet, the cost of construction as herein provided for shall be levied and paid for as follows: The cost of constructing 20 feet on each side of said street shall be assessed against the abutting property owner, and the cost of paving the remaining portion of said street, including the cost of intersections, shall be paid for by the government of the District of Columbia out of funds available for that purpose.

Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as now provided by law: *Provided,* That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for and of the services of such notices be deposited in the Treasury of the United States to the credit of the fund available for similar public work.

Mr. James R. Mann, of Illinois, made the point of order that while purporting to be a limitation the amendment was in fact legislation offered on an appropriation bill.

The committee having risen before conclusion of debate on the point of order, the Chairman¹ on the following day² ruled:

On yesterday, when the committee rose, a point of order made by the gentleman from Illinois against the amendment offered by the gentleman from Missouri was pending. The Chair is ready to rule on the point of order.

The point of order is based upon the ground that the amendment proposes to change existing law, and that to be in order it must meet the requirements of the essential provisions of what is known as the Holman rule. The amendment in its practical effects provides that when under the proposed law a new street, avenue, or road in the District of Columbia shall be improved by any of the methods designated, such proportions of the cost shall be charged against the abutting property and assessments shall be levied against the owners of such abutting property, and when collected shall be deposited in the United States Treasury to the credit of the funds available for that purpose. In other words, this amendment purports to be a complete, permanent, and substantive provision of law, providing that hereafter in the administration of that portion of the affairs of the District of Columbia relating to the improvement of streets or avenues and roads real estate owners shall be required to pay a certain proportion of the cost of such improvements adjacent to their own property.

This proposed law, of course, is not unlike similar laws in operation generally in the municipalities of the country which impose taxes against local benefits such as sidewalks or pavements.

¹ Cordell Hull, of Tennessee, Chairman.

² Record, p. 1293.

At the present time improvements of the kind mentioned in the proposed amendment are paid for out of the general fund of the District of Columbia, which is raised one-half taxation in the District and one-half contributed from the Federal Government.

Of course the amendment does not undertake to comply with the first provision of clause 2 of Rule XXI relating to the reduction of salaries. Neither does it undertake to comply with the second provision relating to the reduction of the number of employees.

The third provision would make it necessary that the amendment should reduce the appropriation carried in the bill within the meaning and spirit of the rule as construed heretofore.

At this point another question arises relating to the germaneness of the amendment under a ruling which seems to be well established, and that is that without regard to the question of whether the amounts of the appropriations carried in the bill are reduced within the meaning of the third provision of clause 2 of Rule XXI, if the amendment constitutes separate, independent, permanent, substantive legislation, then even though it should meet the requirement as to a reduction of expenditures, it would not be in order unless it came officially from the committee having jurisdiction of the subject matter of the amendment under the terms of the proviso of clause 2, Rule XXI. This has been held in two or three well-established and generally accepted rulings.

As stated in the beginning, this amendment does contain such substantive provision of permanent law, designed for the first time to establish a system of assessments against the abutting property holders, which would require them in the future to pay a substantial portion of the expenses of street improvements. Now, this amendment does not come officially from the committee having jurisdiction of its subject matter—the Committee on the District of Columbia—but it is offered by the gentleman from Missouri in his individual capacity; and without being called upon to pass upon the question of whether a reduction of expenditures would occur within the meaning of the third provision of clause 2 or within the meaning of the proviso, the Chair feels constrained to hold that under the previous ruling requiring an amendment of this character to come from the appropriate committee as aforesaid, or to be offered under the authority of the appropriate committee, that would preclude its consideration in this connection and the point of order is sustained.

Later on the same day,¹ Mr. Ben Johnson, of Kentucky, from the Committee on the District of Columbia, by direction of that committee offered the same amendment to the bill.

Mr. Mann made the point of order that the amendment was not germane and did not retrench expenditure.

The Chairman held:

The Chair will also undertake to dispose of the other ground suggested by the gentleman from Illinois, as to whether the effect of the proposed amendment will be to retrench expenditures within the meaning of the rule. On the first question of germaneness, the Chair is of opinion that if the amendment would retrench expenditures within the meaning of the rule it would also be germane to this paragraph of the bill. It relates solely and alone to the question of improving the streets, avenues, roads for which an appropriation is being made, and seeks to modify the existing law; and if in doing so it retrenches expenditures, the Chair is of the opinion that that objection is not tenable. The proviso of clause 2 of Rule XXI is to the effect—

“That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House Members of any such commission having jurisdiction of the subject matter of amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.”

This last clause evidently means the retrenchment not only of appropriations or expenditures contained in the bill, but expenditures under the operation of the existing general law taken in connection with the provisions of the pending measure. The Chair finds from an examination

¹Record, p. 1319.

of a number of precedents undertaking to define the scope and meaning of the term "retrenchment of expenditures" that it is not to be taken in that precise literal sense which would perhaps result in restricting the proper and logical scope of its operation. The Chair will not stop to read the precedents. It is apparent that if the General Government and the District of Columbia should shift a substantial portion of the expenses of improving the streets, avenues, and roads of the District of Columbia to the abutting property owners, a correspondingly less amount would have to be appropriated annually out of the funds of the District of Columbia to the extent of one-half and the remainder out of the Treasury of the United States. The Chair thinks it necessarily follows that the effect of the operation of the proposed amendment, keeping in view the existing general law applying to the District of Columbia and the administration of its different bureaus, divisions, and departments, together with the pending measure, it would result in retrenching expenditures within the meaning of the proviso of clause 2, Rule XXI, and therefore the Chair overrules the point of order.

1565. The proviso of the Holman rule was held to apply to amendment rather than to provisions reported by the committee in the original bill.

To invoke the Holman rule, a proposition must show on its face an indubitable retrenchment of expenditure, and a proposal to levy an assessment on farm-loan banks to reimburse the Government for expenditures incurred in their behalf was held not to comply with this requirement.

On February 25, 1920,¹ the legislative, executive, and judicial appropriation bill was under consideration in the Committee of the Whole House on the state of the Union. This paragraph was read:

In all, \$294,320: *Provided*, That beginning with the fiscal year 1921 the Federal Farm Loan Board shall, as soon as possible after the close of each half of each fiscal year, levy upon the Federal land banks and joint stock land banks in proportion to their gross assets an assessment equal to the amounts expended from all appropriations on account of salaries (including any additional compensation) and expenses of the board and its appointees and employees for the half of the fiscal year then closed.

Mr. Dick T. Morgan, of Oklahoma, made the point of order that the paragraph was legislation and did not comply with the requirements of the Holman rule.

The Chairman² ruled:

This is, of course, new legislation and out of order on this bill unless it can be justified under the Holman rule. The first part of the Holman rule reads as follows:

"Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures in the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill."

Does this item qualify on any of those conditions named? Certainly it does not retrench expenditures by the reduction of the number and salary of the officers of the United States. Certainly it does not reduce the compensation of any person paid out of the Treasury of the United States, and certainly it does not reduce the amount of money covered by the bill. Therefore it is evident that this can not be sustained under the first provision of the Holman rule. Can it be sustained under the proviso, which reads as follows:

"*Provided*, That it shall be in order further to amend such bill upon the report of the committee on any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures."

¹Second session Sixty-sixth Congress, Record, p. 3468.

²Nicholas Longworth, of Ohio, Chairman.

The Chair doubts very much whether the proviso of the Holman rule covers items originally put into the bill by the Committee on Appropriations, but if it could by any possibility be construed to affect original items could be the action of the Committee on Appropriations be justified here?

The Chair asked the gentleman from Indiana, Mr. Wood, whether he believed that his committee had any jurisdiction over the original subject matter, and he replied in the negative. Of course the original subject matter was under the jurisdiction of the Committee on Banking and Currency. If this were to be considered solely as a revenue measure probably it might be under the jurisdiction of the Ways and Means Committee, but evidently it is not under the original jurisdiction of the Committee on Appropriations.

Now, the gentleman from Indiana, Mr. Wood, quotes a decision of Chairman Hull on the proposition of the half-and-half plan for the District of Columbia. If that ruling is in point, it is against the contention of the gentleman from Indiana, because the decision there hinged on the jurisdiction of the Committee on the District of Columbia. It will be remembered that when that amendment was offered first by a Member of the House it was ruled out of order, and it was only when it was brought in by the Committee on the District of Columbia that it was ruled in order on the express ground that that committee had jurisdiction over the subject matter. So in the opinion of the Chair the Committee on Appropriations does not qualify under either the original portion or the proviso of the Holman rule.

Now, if any precedent is to be considered, there is a precedent less than a month old, the one cited by the gentleman from Virginia, Mr. Saunders. It was attempted on the diplomatic and consular appropriation bill to add a provision increasing the price to be paid for passports. It was sought to justify that under the Holman rule on the ground that it would retrench expenditures. But both the chairman of the committee, Mr. Madden, when the matter was before the Committee of the Whole, and the Speaker subsequently on a motion to recommit held that that provision was out of order, and, as the chair believes, rightly. But even if the Chair did not have such a very recent precedent, he would have no doubt as to how to rule on this question. It seems to the Chair that it is not his function to do any guessing on such matters as this. To justify under the Holman rule you must show conclusively, beyond cavil or doubt, that it does reduce expenditure. This is a matter of absolute doubt in the mind of the Chair. He does not know whether it would reduce expenditures or increase them, and believes he has no course except to sustain the point of order.

1566. The Committee on Appropriations is not a legislative committee, and therefore is not authorized to report a legislative provision under the proviso of the Holman rule.

A Member may offer in his individual capacity any germane amendment providing legislation on an appropriation bill if it retrenches expenditures in any one of the three methods provided by the rule.

In passing upon the admissibility of an amendment under the Holman rule the Chair must determine from the terms of the amendment whether it would effect a reduction in expenditures.

A provision requiring clerks in the classified service to work an increased number of hours was held not to be in order under the exception to the rule prohibiting legislation on an appropriation bill.

On March 11, 1916,¹ the legislative, executive, and judicial appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when the Clerk read this paragraph:

SEC. 6. That the provisions of section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1899, approved March 15, 1898, and amendments thereto, requiring

¹First session Sixty-fourth Congress, Record, p. 3977.

not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order, of all clerks and other employees in the several executive departments, is amended so as to provide that the heads of the several executive departments and other executive establishments and the government of the District of Columbia shall hereafter require, subject to the provisions and exceptions of said section 7 and amendments thereof, of all clerks and other employees of whatever grade or class in such executive departments and other executive establishments and the government of the District of Columbia not less than eight hours of labor each day except Sundays and days declared public holidays by law or Executive order.

Mr. Frank W. Mondell, of Wyoming, made the point of order that the provision did not come within the exception of the prohibition imposed by section 2 of Rule XXI.

The Chairman ¹ held:

The gentleman from Wyoming makes a point of order against section 6 of the bill, providing in substance that the clerks of the executive departments shall work eight hours a day. The gentleman from Wyoming declares that the section is legislation and changes existing law, and therefore, under the rules of the House, is not in order on an appropriation bill.

It is the practice, under the rules of the House, that legislation is not in order on an appropriation bill unless it comes within the exception known as the Holman rule, which is clause 2 of Rule XXI. Under that rule, in certain instances, legislation is in order. Clause 2 of Rule XXI provides:

“Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.”

The Chair is of the opinion that section 6 of the bill under consideration does not retrench expenditures by the reduction of the number or salary of any officer of the United States. The Chair is also of the opinion that it does not, within the meaning of the rule, reduce the compensation of any person paid out of the Treasury of the United States, and the Chair is of the opinion that it does not reduce the amounts of money covered by the bill. So the amendment does not fall within any one of those three excepted classes.

Then the question arises that the Chair determine whether the amendment is in order under the proviso of the Holman rule. The gentleman from Missouri, Mr. Borland, and the gentleman from Wyoming, Mr. Mondell, both concede that the Committee on Appropriations is not a legislative committee. Therefore the Chair will not cite authority to that effect, although the Chair could do so.

In the opinion of the Chair, an individual Member can offer germane amendments, and if they fall within any one of the first three excepted classes the amendments are in order, even if legislation. But the Chair has ruled that in the opinion of the Chair the section in question does not come within any one of those three classes. The Committee on Appropriations, being a nonlegislative committee, has no more authority to insert as a part of a bill section 6 than any Member would have the right to offer said section 6 as an amendment on the floor of the House.

Chairman Garrett, on January 16, 1912, passing on an amendment to a provision brought in by the Committee on Appropriations, held that the Committee on Appropriations was not a legislative committee, and did not have jurisdiction of the legislative subjects that they incorporated in the bill, and therefore the section, not being authorized by a House committee or the

¹ Charles R. Crisp, of Georgia, Chairman.

members of a joint commission having jurisdiction of the subject matter, was out of order even if it retrenched expenditures, and he sustained the point of order.

Following that ruling Chairman Hull, of Tennessee, on December 20, 1913, ruled the same way, sustaining a point of order on the ground that the Committee on Appropriations was not a legislative committee, and therefore it was not in order for them to propose legislation, even though it might retrench expenditures.

The Chair does not feel, that it is incumbent upon him to pass upon section 6 as to whether or not it would reduce expenditures. The Chair, however, is of the opinion that under the Holman rule the amendment must show that a reduction naturally follows to bring it within the purview of the rule.

The Chair does not believe that the opinion of some one that the amendment might reduce and the opinion of another that it might not is legitimate for the Chair to consider; but the Chair must determine from the amendment itself whether or not its natural consequence is to reduce expenditures.

As before stated, however, the Chair is not required to pass upon that, for the Chair is clearly of the opinion that any amendment that reduces expenditures, as authorized by the proviso of clause 2 of Rule XXI, to be in order under said Holman rule must come from a committee having jurisdiction of the legislative subject. The Committee on Appropriations in this instance not being a legislative committee was without authority to insert section 6 in the bill, and therefore the Chair sustains the point of order.

1567. The proviso of the Holman rule is supplemental to and extends rather than restricts the scope and operation of the rule, and while the Committee on Appropriations is not a legislative committee, it has the same privilege of reporting legislation on an appropriation bill retrenching expenditure as that accorded Members on the floor to propose amendments reducing expenditures in one or more of the three methods provided in the rule.

The power to modify a law infers the power to repeal it, and a proposition to repeal a section of a law establishing certain offices, is in order on an appropriation bill.

On February 23, 1920,¹ the legislative, executive, and judicial appropriation bill was under consideration in the Committee of the Whole House on the state of the Union. A point of order raised by Mr. Edward W. Saunders, of Virginia, was pending on the following:

LEGISLATIVE DRAFTING SERVICE

Section 1303 of the "revenue act of 1918" is repealed on and after July 1, 1920.

Mr. Finis J. Garrett, of Tennessee, in discussing the point of order said:

Mr. Chairman, I think it hardly necessary to state the obvious fact that the point of order now pending is an extremely important one, and for that reason justifies that careful consideration which I know the present occupant of the chair will give, and I am sure is giving, to its final decision. The provision in the bill to which the point of order is leveled appears on page 9, lines 15 and 16, and consists simply of this:

"Section 1303 of the revenue act of 1918 is repealed on and after July 1, 1920."

¹Second session Sixty-sixth Congress, Record p. 3364.

That is brought in by the Committee on Appropriations as an integral part of the bill, and it is insisted that it is in order under what is commonly known as the Holman rule. I venture to read this rule in full:

“Nor shall any provision in any such bill”—

That is, appropriation bill—

“or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.”

It will be admitted, I take it, that the Committee on Appropriations has no jurisdiction over the legislation that is proposed, therefore it can not be in order under the proviso of the Holman rule.

Mr. Chairman, I think it is perfectly legitimate to direct attention as illustrating the importance of the matter now before the Chair, to the effect of a ruling which would overrule the point of order. It would then be in order for the Committee on Appropriations to bring in as an integral part of its bills a provision repealing any law whatsoever which carried a charge upon the Treasury. Not only that, but it would be in order, I fear, for any individual Member to offer on the floor of the House a proposition to repeal any existing law which carries a charge upon the Treasury.

The jurisdiction of the Committee on Appropriations is wholly for making appropriations, not for the purpose of making or unmaking law. The Committee on Appropriations may report a provision reducing to 1 cent, as was done in the case of the Commerce Court, but no effort was made to repeal the law. The Appropriations Committee can do that and bring it in as an integral part of the bill. Any individual can offer it from the floor of the House and it is in order, but this is confined to appropriations and this proposal is not an appropriation; this is legislation.

The Chairman¹ ruled:

The question for the Chair to determine arises under a point of order made by the gentleman from Virginia to the item carried in the bill repealing section 1303 of the revenue law. The gentleman from Virginia contends that this is a change of existing law and does not come under the Holman rule. The gentleman from Indiana admits that it is a change of existing law but contends that it does come under the Holman rule. The Chair realizes that this is a question of some considerable importance, not only as to how his ruling may affect this particular item, but as to how it may affect other items of this bill and of other appropriation measures which may come before the House. The Chair is glad that he has had opportunity, owing to the adjournment of the committee on last Friday, to give this matter some considerable investigation. He has examined the precedents submitted by the gentleman from Virginia, as well as a number of other precedents, and it must be confessed that the more one investigates the decisions under the Holman rule the more one's mind becomes confused and perplexed rather than clarified, for they are many and various and in some cases as far apart as the poles. Under the circumstances the Chair conceives it to be his duty to avoid technicalities in so far as possible, and to interpret as best he can the real purpose and intent of the rule. The Chair is inclined to think that this great diversity of ruling on the Holman rule comes from a misapprehension of just what it really means and particularly from a confusion between the proviso and the main part of the rule, which runs as follows:

“Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.”

¹Nicholas Longworth, of Ohio, Chairman.

So far that is the original Holman rule. It was subsequently amended by adding this proviso:

“Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.”

The Chair thinks that these provisions must be construed separately and apart. Under the proviso, to qualify under the Holman rule it is necessary that the committee submitting the item should have jurisdiction of the original subject matter. Under the first part of the Holman rule there is no such provision. The only thing necessary to qualify under the main part of the Holman rule when you seek to change existing law either by committee or individual action is to show first that your provision is germane and that it necessarily and indubitably effects a reduction of expenses.

As the gentleman from Virginia has stated, the present occupant of the chair has on a number of occasions, both in the chair and on the floor, said that he thought that the Holman rule should be construed strictly. That is true, but the Chair had particular reference in that statement to the proposition that a saving of expenditure must appear beyond all cavil. There must be no doubt about that, nor, in the opinion of the Chair, can there be any doubt in this particular case. The section which the item under consideration repeals creates a commission of two men, providing for their salaries and giving them the power to appoint assistants and fix their salaries, and carries an appropriation therefor. If this House intends to continue the legislative drafting bureau, how can it provide for it? In what bill should any provision for it be carried? Obviously in this particular bill. And where should it be carried? Obviously in the particular place where it is carried in this bill.

The Committee on Appropriations is of the opinion that this commission is unnecessary and proposes to abolish it. Nobody will contend that the committee would not have had the power and at this particular point to have brought in a change of existing law providing for the reduction of the number of officers and of the amount carried. Nobody will contend that the committee might not have brought in a provision at this point reducing the number of this commission to one and appropriating 1 cent to pay for its continuance, thus nullifying the law. But the committee preferred to abolish the commission altogether by repealing the law.

Some distinction has been sought to be made between the question of repealing a law and changing it. The gentleman from Virginia admits that you may change the law, but he questions whether you may repeal the law through any means except by a report of a committee which originally had jurisdiction of the subject matter.

Now, the Chair is unable to follow that line of reasoning. The Chair thinks that a repeal of a law is a change of existing law in contemplation of the Holman rule. It necessarily must be a change of existing law, and the Holman rule very clearly provides that you may change existing law provided you reduce the number of officers and the amount of money to be expended. The Chair does not see how the proviso of the Holman rule modifies the main proposition in this respect.

Under the circumstances, while the Chair realizes that such a ruling may afford considerable opportunity for committees to repeal laws and for Members of the House to offer amendments which repeal laws, he feels compelled to hold, under the Holman rule, that such propositions are in order if they are germane to the bill and necessarily reduce expenditures.

The Chair, therefore, feels constrained to overrule the point of order.

1568. A provision reported in the bill, and within the jurisdiction of the committee reporting it, but stricken out on a point of order in Committee of the Whole, was held to have been authorized by the committee within the meaning of the proviso in the Holman rule when subsequently offered, with the offending matter omitted, by a Member acting in individual capacity.

On February 13, 1912,¹ the Army appropriation bill was under consideration in the Committee of the Whole House on the state of the Union. The following paragraph was ruled out of the bill on a point of order submitted by Mr. George W. Prince, of Illinois, against the proviso in the paragraph:

SEC. 2. That hereafter all enlistments in the Army shall be made for the term of five years, and for all enlistments hereafter accomplished five years shall be counted as an enlistment period in computing continuous-service pay: *Provided*, That, in the absence of express authority hereafter given by Congress, the uniforms of officers and enlisted men of the Army shall hereafter be and remain as prescribed by War Department orders in force on the 25th day of May, 1911, except for such changes as can be made in the uniforms of enlisted men without loss or additional expense to the Government.

On February 15, 1912,² Mr. James Hay, of Virginia, offered the paragraph, with the proviso omitted, as an amendment.

Mr. Prince raised a question of order on the amendment as follows:

I make the point of order against that section as offered. The reason for my making the point of order is as follows: In the House Manual I find this language pertaining to Rule XXI:

“Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House members of any such commission; having jurisdiction of the subject matter of such amendment.”

This amendment is not offered by the committee. This is an amendment offered by an individual member of the Committee of the Whole to amend this bill. This is an amendment offered by an individual member of the Committee of the Whole and not an amendment to the bill upon the report of the committee or any joint commission authorized by law, or the House members of any such committee having jurisdiction of the subject matter.

To put it a little plainer, if I can, the objection to the amendment consists of three propositions:

First, this being an amendment offered by an individual Member in the Committee of the Whole for the consideration of this bill does not put it under the rule. The rule says it shall be in order to amend the bill on the report of the committee. The committee has not made a report. True, it was in the original bill; but the paragraph was subject to a point of order, and the Chair has ruled that section entirely out of the bill. Therefore, the action of the committee was unauthorized, as evidenced by the ruling of the Chair when the point of order was made against the report of the committee. So far section 2 is concerned, it promptly went out.

Now, the committee has not had another meeting, they have not even been called together for the purpose of considering whether they want the amendment made as a committee amendment or not, and therefore, not being a committee amendment, the Member has no right to offer it.

Neither does it come from any commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment. I insist again that under this rule the amendment brought in the manner it is, without a report of the committee, is still subject to a point of order, and I confidently expect the Chair to rule it out.

¹ Second session Sixty-second Congress, Record, p. 2030.

² Record, p. 2094.

The Chairman¹ held:

The Chair has no difficulty with the situation. Section 2 is composed of two parts. While they are reported together, they have no sort of relation or connection with each other. They are not dependent the one upon the other. The merits of the one have no relation to the merits of the other. While embodied in one paragraph, they are as separate and distinct in their nature and intended operation as two things can well be. The Chair is required under the precedents to support a point of order directed to a whole section when a segregated portion of that section is, in the judgment of the Chair, not in order. But the balance or offending portion of the section has been eliminated in the amendment submitted. It may be fairly said of the amendment now offered by the gentleman from Virginia that it has been reported by the committee to this House since it was included in the committee's bill. But, while the amendment can be supported on the ground indicated, the Chair does not rest its conclusion on that ground alone. The ruling that was made by the Chair a few days since on the amendment respecting the Cavalry regiments would support the regularity and order of the amendment now submitted by the gentleman from Virginia in his individual capacity. So that, from either point of view, the Chair thinks the amendment is in order. The Chair, therefore, overrules the point of order.

1569. The report of a committee as provided for in the proviso of the Holman rule must be formally authorized by the committee and presented in writing.

To come within the provisions of the Holman rule an amendment must include legislation necessary to accomplish the reduction proposed in the pending bill; otherwise permanent substantive legislation is not in order.

On January 6, 1925,² the first deficiency appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when the Clerk read as follows:

Conveying votes of electors for President and Vice President: For the payment of the messengers of the respective States for conveying to the seat of government the votes of the electors of said States for President and Vice President of the United States, at the rate of 25 cents for every mile of the estimated distance by the most usual roads traveled from the place of meeting of the electors to the seat of government of the United States, computed for one distance only, \$14,000.

Mr. John L. Cable, of Ohio, thereupon offered the following amendment:

Amendment offered by Mr. Cable at the direction of the Committee on Election of President, Vice President, and Representatives in Congress:

“Strike out the paragraph and insert in lieu thereof the following: “That section 140 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

“SEC. 140. The electors shall dispose of the certificates thus made by them in the following manner: (1) They shall forthwith forward by United States registered mail one of such certificates to the President of the Senate of the United States at the seat of government; (2) the first day thereafter they shall forthwith forward by United States registered mail one of such certificates to the President of the Senate of the United States at the seat of government; (3) they shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble.’

“That section 145 of the United States Statutes be, and the same is hereby, repealed.”

¹Edward W. Saunders, of Virginia, Chairman.

²Second session Sixty-eighth Congress, Record, p. 1349.

Mr. Martin B. Madden, of Illinois, made a point of order and said:

In the absence of a report from the legislative committee having jurisdiction, the question arises as to whether it would retrench expenditures by the reduction of amounts of money covered by the bill. It would not do for it to retrench expenditures in connection with future elections. It must definitely and positively show that it will reduce the amount of money covered by this bill and not result in a claim against the Government for mileage under section 144 of the Revised Statutes.

Mr. Cable maintained that the amendment, by striking out the paragraph for which it was offered as a substitute, reduced expenditures to the amount of the \$14,000 which the paragraph appropriated.

A question being raised by Mr. Finis J. Garrett, of Tennessee, as to the authorization of the amendment by the Committee on Election of President, Vice President, and Representatives in Congress, having jurisdiction of the subject matter, Mr. Cable explained:

The Committee on Election of President and Vice President has had up for some time a consideration of this matter. The gentleman from Texas, Mr. Sumners, has had a hearing or two, and I have had a hearing on my bill, and yesterday a motion was passed by the committee instructing me to offer this as an amendment to the appropriation bill.

Mr. Garrett said:

I do not think that would meet the situation that is required by the rule; I am not arguing except this one thing at this particular time. I think that which was under contemplation under the Holman rule was that the proposition must have been adopted as a bill by a committee having jurisdiction of the subject matter, and then as such offered as an amendment. I do not believe it was in contemplation under the Holman rule that one legislative committee might simply meet and direct its Chairman or any one of its members to offer some amendment to a bill brought in from the Committee on Appropriations.

The Chairman ¹ ruled:

To be order, this amendment very clearly must come within the Holman rule. It is evident that it is legislation upon an appropriation bill.

If necessary for the determination of the point of order, the Chair would be inclined to hold that the proposed amendment is germane to the paragraph to which it is offered. The practical questions that have been raised with reference to the possibility of passing the legislation in time to be effective this year would be interesting, but in the opinion of the Chair not necessary to pass upon, in the view that he takes of the precedents.

Clearly the amendment does not come within the first part of the Holman rule, reading as follows:

“Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.”

This clause in the rule follows the sentence reading as follows:

“No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.”

¹ Carl R. Chindblom, of Illinois, Chairman.

Then follows the paragraph or the sentence which the Chair just read relative to the three cases in which a retrenchment of expenditures may occur by the methods specifically set out. Following that, however, is this proviso:

“Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.”

In the view of the present occupant of the Chair the important question is whether we have before us the report of the committee having jurisdiction of the proposed amendment. The distinguished gentleman from Tennessee, Mr. Garrett, passed upon a similar question on January 16, 1912, when the gentleman from Tennessee considered the language of the proviso and himself used the following language:

“The Chair is of opinion that the Committee on Appropriations may not, under the rule, bring in as an integral part of an appropriation bill substantive legislation that if introduced in the ordinary way in the House—that is, by bill or joint resolution presented by a Member—would go to another standing committee of the House for consideration and action; nor does the Chair think that any Member of the House may offer from his place on the floor any amendment carrying such substantive legislation, even though that legislation would retrench expenditures, unless that Member offer it as the report of a committee or as a member of a joint commission which would have jurisdiction of the subject matter under the rules of the House. In other words, the scope is limited, and the outposts are fixed by the rule, to which the Committee on Appropriations may go or to which the individual member may go.”

There is an orderly procedure provided by the rules for the submission of reports of committees. The action of committees may, in a sense, be reported orally to the House in the course of debate for the information of the House, but the Chair hardly believe that that is the action contemplated by the proviso in the Holman rule. When the rules given permission for their violation in exceptional cases, such as this is, and use a term such as the word “report,” which has a specific meaning in the rules and in the knowledge of all the Members of the House, it would seem that in the interest of orderly procedure in the House the usual ordinary meaning or construction given to the term should be applied; otherwise, as was done in this case, a committee may hold a meeting and pass a resolution directing the Chairman or some member to offer an amendment on the floor of the House, without having in the usual way passed upon the legislation and submitted a legislative bill with a report setting forth to the House the reasons for the recommendation of the legislation. The Chair admits that the question may be a little close, but on the whole the Chair is of the opinion that this amendment does not come before the committee with a report from the committee such as is contemplated by the proviso in the Holman rule. It is to be noted that paragraph 2 of Rule XVIII requires that “all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.”

* * * * *

The Chair will say, with reference to the suggestion made by the gentleman from Ohio, that in order to come within the first part of the rule it must appear clearly that the reduction in expenditures would apply to the current appropriation or the appropriation before the House and not merely with reference to future expenditures in connection with the matter of substantive legislation which is passed. And in that connection it is somewhat significant that even the proponents of this amendment, while they propose to amend section 140 of the law relative to presidential elections and to repeal section 145, take no action with reference to section 141, 142, 143, and 144. In that connection the Chair will read section 144:

“Each of the persons appointed by the electors to deliver the certificates of votes to the President of the Senate shall be allowed, on the delivery of the list intrusted to him, 25 cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the electors to the seat of government of the United States.”

That section will remain in force, and very properly so, because if the proposed legislation should not be passed in time to affect the return of the votes by the messengers, they could come in for a deficiency appropriation thereafter.

On the whole the Chair can not escape the conviction that the rules contemplate a more formal and more definite action by way of report upon legislation from a legislative committee than is contained in the mere direction to the chairman of a committee to present an amendment after an appropriation bill is ready for action in the House and in the Committee of the Whole. The Chair, therefore, sustains the point of order.

1570. To be in order under the proviso of clause 2, Rule XXI, an amendment must be authorized by the committee having jurisdiction of the subject matter proposed.

An amendment providing for a reapportionment reducing the membership of the House was held not to be in order under the Holman rule.

On February 12, 1925,¹ the legislative appropriation bill was under consideration in the Committee of the Whole House on the state of the Union and the Clerk read this paragraph:

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, \$3,304,500.

Mr. Thomas L. Blanton, of Texas, offered an amendment as follows:

Strike out "\$3,304,500" and the period and insert in lieu thereof "\$2,322,000," a colon, and the following proviso, to wit:

"*Provided*, (a) That, beginning with the 1st day of July, 1925, the House of Representatives shall be composed of 304 members, to be apportioned among the several States, as follows:

"Alabama, 7; Arizona, 1; Arkansas, 5; California, 10; Colorado, 3; Connecticut, 4; Delaware, 1; Florida, 3; Georgia, 8; Idaho, 1; Illinois, 19; Indiana, 8; Iowa, 7; Kansas, 5; Kentucky, 7; Louisiana, 5; Maine, 2; Maryland, 4; Massachusetts, 11; Michigan, 10; Minnesota, 7; Mississippi, 5; Missouri, 10; Montana, 2; Nebraska, 1; Nevada, 1; New Hampshire, 1; New Jersey, 9; New Mexico, 1; New York, 30; North Carolina, 7; North Dakota, 2; Ohio, 16; Oklahoma, 6; Oregon, 2; Pennsylvania, 25; Rhode Island, 2; South Carolina, 5; South Dakota, 2; Tennessee, 7; Texas, 13; Utah, 1; Vermont, 1; Virginia, 7; Washington, 4; West Virginia, 4; Wisconsin, 8; Wyoming, 1.

"(b) That in effecting this proposed economy and retrenchment in governmental expenses where the provisions of this bill reduces the present representation of a State in Congress the delegation of such State, before July 1, 1925, shall decide by lot which of its Representatives shall be eliminated for service during the remainder of the Sixty-ninth Congress.

"(c) That in each State entitled under this apportionment to more than one Representative the Representatives to the Seventieth and each subsequent Congress shall be elected by districts composed of a contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative.

"(d) That in all States in which the present number of Representatives has been changed under this apportionment, until such States shall be redistricted in the manner provided by the laws thereof, and in accordance with the provisions of section 3 of this act, the Representatives from each State not so redistricted shall be elected by the State at large; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed.

¹Second session Sixty-eighth Congress, Record, p. 3589.

“(e) That candidates for representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.”

Mr. John Philip Hill, of Maryland, made the point of order that the amendment was legislation and did not come within the provisions of the Holman rule.

The Chairman ruled:¹

The Chair appreciates the fact that the amendment would reduce the amount of money paid out of the Treasury of the United States, but the amendment goes very much further than that in the way of changing existing law; in fact, the legislation is the main part of the amendment. Paragraph 958 of the Manual, under “Important decisions,” reads as follows:

“An amendment changing existing law, under the proviso of clause 2, Rule XXI, must be authorized by the House committee having jurisdiction of the subject matter of such legislation.”

This legislation would properly come from the Committee on the Census and could not be offered at this time by either the Committee on Appropriations or by an individual from the floor.

And the Chair bases his decision also on the decision rendered by Chairman Chindblom just the other day in reference to an amendment offered by the gentleman from Ohio, Mr. Cable, in regard to sending messengers to Washington with the electoral vote. The Chair at that time sustained the point of order against the amendment on the ground that the legislation did not come from a committee having jurisdiction over that legislation. The Chair would also further refer to a decision made by Representative Garrett, of Tennessee, in which he distinctly states:

“The Chair is of the opinion that the Committee on Appropriations may not under the rule bring in as an integral part of an appropriation bill substantive legislation that, if introduced in the ordinary way in the House—that is, by bill or joint resolution presented by a Member—would go to another standing committee of the House for consideration and action.”

On the basis that this amendment, if it could be introduced, must come from a committee having jurisdiction over the same, the point of order is sustained.

¹Bertrand H. Snell, of New York, Chairman.