

## Chapter CCLVI.<sup>1</sup>

### THE HOUSE RULE THAT AMENDMENTS MUST BE GERMANE.

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**2908. A former rule required that amendments to revenue bills be germane not only to the subject matter in the bill but to the item of the bill to which proposed.**

#### **History and form of former Section 3 of Rule XXI.**

On April 5, 1911,<sup>2</sup> the rule requiring that amendments be germane was supplemented by a rule requiring germaneness to the specific paragraph under consideration in amendments offered to revenue bills, as follows:

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

This rule was adopted to expedite consideration of the several tariff bills passed in the Sixty-second Congress revising the tariff by schedules, and was designed to supersede special orders under which tariffs had previously been revised by general bills including all schedules.

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<sup>1</sup>Supplementary to Chapter CXXVI.

<sup>2</sup>First session Sixty-second Congress, Record, pp. 16, 80.

It was retained in the rules until the Sixty-eighth Congress, when omitted in the adoption of the rules for that Congress on January 19, 1924.<sup>1</sup>

Notable decisions interpreting the rule were made by Speaker Champ Clark, of Missouri, on May 8, 1911;<sup>2</sup> May 8, 1913,<sup>3</sup> July 10, 1916;<sup>4</sup> and February 1, 1917;<sup>5</sup> Chairman Joshua Alexander, of Missouri, May 8, 1911;<sup>6</sup> Chairman Swagar Sherley, of Kentucky, April 21, 1911;<sup>7</sup> Chairman John C. Floyd, of Arkansas, January 27, 1912;<sup>8</sup> Chairman Finis J. Garrett, of Tennessee, April 29, 1913;<sup>9</sup> May 6, 1913;<sup>10</sup> and September 19, 1918;<sup>11</sup> Chairman Martin D. Foster, of Illinois, May 21, 1917,<sup>12</sup> and May 22, 1917;<sup>13</sup> Chairman Edward W. Saunders, of Virginia, May 21, 1917,<sup>14</sup> and September 19, 1918,<sup>15</sup> Chairman Ben Johnson, of Kentucky, September 5, 1917;<sup>16</sup> Chairman Sydney Anderson, of Minnesota, October 7, 1919,<sup>17</sup> and December 22, 1920;<sup>18</sup> Chairman C. Frank Reavis, of Nebraska, May 27, 1920;<sup>19</sup> Chairman Louis C. Cramton, of Michigan, May 27, 1920;<sup>20</sup> Chairman Philip P. Campbell, of Kansas, April 15, 1921;<sup>21</sup> Chairman Martin B. Madden, of Illinois, May 12, 1921;<sup>22</sup> and Chairman Horace M. Towner, of Iowa, October 24, 1921.<sup>23</sup>

**2909. The rule of germaneness applies to the relation between a proposed amendment and the pending bill to which offered and not to the relation between such amendment and an existing law of which the pending bill is amendatory.**

On August 19, 1921,<sup>24</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 8245) to amend the revenue act of 1918, proposing the modification of section 200 of that act.

<sup>1</sup> First session Sixty-eighth Congress, Record, p. 1143.

<sup>2</sup> First session Sixty-second Congress, Record, p. 1120.

<sup>3</sup> First session Sixty-third Congress, Record, p. 1381.

<sup>4</sup> First session Sixty-fourth Congress, Record, p. 10767.

<sup>5</sup> Second session Sixty-fourth Congress, Record, p. 2439.

<sup>6</sup> First session Sixty-second Congress, Record, pp. 1092, 1110.

<sup>7</sup> First session Sixty-second Congress, Record, p. 556.

<sup>8</sup> Second session Sixty-second Congress, Record, p. 1410.

<sup>9</sup> First session Sixty-third Congress, Record, p. 783.

<sup>10</sup> First session Sixty-third Congress, Record, p. 1234.

<sup>11</sup> Second session Sixty-fifth Congress, Record, p. 10522.

<sup>12</sup> First session Sixty-fifth Congress, Record, p. 2664.

<sup>13</sup> First session Sixty-fifth Congress, Record, p. 2724.

<sup>14</sup> First session Sixty-fifth Congress, Record, p. 2686.

<sup>15</sup> Second session Sixty-fifth Congress, Record, pp. 10510, 10511.

<sup>16</sup> First session Sixty-fifth Congress, Record, pp. 6635, 6638.

<sup>17</sup> First session Sixty-sixth Congress, Record, p. 6526.

<sup>18</sup> Third session Sixty-sixth Congress, Record, pp. 640, 658, 659, 662.

<sup>19</sup> Second session Sixty-sixth Congress, Record, p. 7745.

<sup>20</sup> Second session Sixty-sixth Congress, Record, p. 7765.

<sup>21</sup> First session Sixty-seventh Congress, Record, p. 353.

<sup>22</sup> First session Sixty-seventh Congress, Record, p. 1370.

<sup>23</sup> First session Sixty-seventh Congress, Record, p. 6702.

<sup>24</sup> First session Sixty-seventh Congress, Record, p. 5276.

Mr. Nicholas Longworth, of Ohio, offered an amendment to be inserted as a separate paragraph further modifying section 200 of the original act.

Mr. Otis Wingo, of Arkansas, made the point of order that the amendment was not germane to section 200 of the revenue act of 1918.

After debate the Chairman<sup>1</sup> ruled:

The gentleman from Arkansas makes the point of order to the amendment offered by the gentleman from Ohio on the ground that the proposed amendment is not germane to section 200 of the revenue act of 1918. The Chair will state that the rule of germaneness applies to amendments offered to a bill under consideration, but there is nothing in the rules of the House that requires when a former act is sought to be amended that the amendment under consideration should be germane to the former act sought to be amended either to the paragraph or section. The rule requires that the proposed amendment to the bill shall be germane to the subject matter of the bill under consideration.

The rule of germaneness does not require a measure under consideration, proposing an amendment to a former act, to be germane to any part of the former act or the act itself. An entirely different subject by way of amendment could be added to any particular section of the former act by a bill under consideration. The Chair overrules the point of order.

**2910. In passing on the germaneness of an amendment, the Chair considers the relation of the amendment to the bill as modified by the Committee of the Whole at the time at which offered, and not as originally referred to the committee.**

**An amendment which would have been in order if offered when the bill was first taken up for consideration, was held not germane to the bill as modified after portions of the bill had been stricken out by amendments in the Committee of the Whole.**

On May 31, 1932,<sup>2</sup> the Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 8174), to exempt certain classes from the immigration quota.

The Clerk read in part as follows:

Sec. 2 Section 6 of the immigration act of 1924 is amended to read as follows:

“(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes: (A) Quota immigrants who are the fathers or the mothers not over 60 years of age, or the husbands by marriage occurring after May 31, 1928, of citizens of the United States who are 21 years of age or over; and (B) in the case of any nationality the quota for which is 300 or more, quota immigrants who are skilled in agriculture, and the wives, and the dependent children under the age of 18 years, of such immigrants skilled in agriculture, if accompanying or following to join them.”

Mr. Thomas A. Jenkins, of Ohio, proposed an amendment providing visas should be issued to other quota immigrants.

Mr. William H. Stafford, of Wisconsin, raised the question of germaneness.

The Chairman<sup>3</sup> ruled:

The bill as originally offered by the committee undertakes to amend two sections of the immigration law.

<sup>1</sup> Joseph Walsh, of Massachusetts, Chairman.

<sup>2</sup> First session Seventy-second Congress, Record, p. 11691.

<sup>3</sup> William B. Bankhead, of Alabama, Chairman.

If the gentleman from Ohio chosen in the first place to offer is proposed amendment as a substitute for the entire bill, with notice that if the amendment was agreed to he would then move to strike out the remaining section, he would have offered a germane amendment, in the opinion of the Chair; but the gentleman from Ohio chose to offer his amendment as an amendment to section 1 of the bill. The Chair held on the interposition of a point of order that it was not germane. Thereupon the gentleman from Ohio elected to move to strike out section 1 of the bill. That motion prevailed, so that there is now left for the consideration of the committee only section 2 of the bill, and, that section undertakes only to deal with one class of persons, whereas the proposed amendment of the gentleman from Ohio seeks to enlarge the field of operation of the section now in the bill and include other people in the proviso. The Chair is of opinion that it is not germane because it deals with a number of subjects other than that provided in the section of the bill now before the committee, and the Chair sustains the point of order.

**2911. The rule providing that amendments must be germane has been construed as requiring that the fundamental purpose of an amendment be germane to the fundamental purpose of the bill to which it is offered.**

On September 19, 1918,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill H. R. 12863, the revenue bill, when Mr. J. Hampton Moore, of Pennsylvania, proposed the following amendment to be inserted as a new title:

That to cooperate with the President in promoting efficiency and preventing waste and extravagance in the conduct of the war with the Imperial Government of Germany a joint committee shall be appointed, composed of six Members of the Senate, including three Democrats and three Republicans, and seven Members of the House of Representatives, including three Republicans and four Democrats, to be known as the joint committee on war expenditures. The membership of such committee for the Senate shall be designated by the President of the Senate and for the House of Representatives by the Speaker thereof. Such committee shall sit during the sessions or the recesses of Congress, shall confer and advise with the President of the United States and the heads of the various executive departments on any or all matters relating to war expenditures, and shall make report to Congress from time to time, in its own discretion or when requested to do so by either branch of Congress.

Mr. Claude Kitchin, of North Carolina, made the point of order that the amendment was not germane.

After debate the Chairman<sup>2</sup> ruled:

The Chair does not think it is necessary to go into any elaborate statement. Even if it were not for the provision contained in clause 3 of Rule XXI, the Chair does not think that the amendment would be in order.

The present occupant of the chair had the honor of presiding as Chairman of the Committee of the Whole when the amendment was proposed to create a tariff commission as a part of a revenue bill. The point of order was made, and the Chair held generally that the meaning of the expression "germaneness" under the facts that were then presented was that the fundamental purpose of the amendment must be germane to the fundamental purpose of the bill.

Subsequently, when the matter reached the House the Speaker of the House, in a more elaborate and better reasoned ruling than the one delivered by the Chairman of the Committee of the Whole, sustained that ruling and held that that amendment was out of order because it was not germane. Under that general principle the Chair would certainly be of the opinion that this would not be in order, and the Chair sustains the point of order.

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<sup>1</sup> Second session, Sixty-fifth Congress, Record, p. 10522.

<sup>2</sup> Finis J. Garrett, of Tennessee, Chairman.

**2912. The mere fact that an amendment proposes to attain the same end sought to be attained by the bill to which offered does not render it germane.**

**One of the functions of the rule requiring germaneness is to preclude consideration of legislation which has not been considered in committee and for this reason the rule should be invoked with particular strictness against amendments proposing substitutes for an entire bill.**

**To a proposition to effect a purpose by one method a proposal to effect the same purpose by a different and unrelated method is not germane.**

**To a bill designed to raise the price of agricultural products to a ratio consistent with the price of other commodities by the creation of a corporation authorized to deal in such products an amendment proposing to accomplish the same result through a comprehensive system of cooperative marketing was held not to be germane.**

**To a bill undertaking to advance the price of agricultural commodities through the operation of a Federal agency with power to control marketing conditions an amendment proposing to secure such advance by granting a bounty to exporters of agricultural commodities was held not to be germane.**

**To a bill proposing measures to meet a declared emergency and limited in operation to a period of five years an amendment proposing permanent legislation of the same character was held not to be germane.**

**An amendment being offered, and the reading having begun, a point of order may interrupt the reading and the Chair may rule the amendment out if enough had been read to show that it is out of order.**

On May 24, 1924,<sup>1</sup> the Committee of the Whole House on the state of the Union, was considering the bill H. R. 9033, the farm relief bill, declaring an emergency in respect of certain agricultural commodities and providing for the creation of a corporation to continue for a period of five years with authority to buy and sell agricultural products and authorizing an appropriation for that purpose.

The first section of the bill having been read, Mr. James B. Aswell, of Louisiana, moved to strike out the section with notice as to subsequent sections, and insert a new bill proposing to relieve the declared emergency through a comprehensive system of cooperative marketing.

During the reading of the proposed amendment Mr. Clarence Cannon, of Missouri, interrupted the Clerk and submitted that sufficient had been read to show that the amendment was not germane to the pending bill.

The Chairman<sup>2</sup> ruled:

The question of whether the amendment will be read in full is largely in the discretion of the Chair, and the Chair is inclined to think that an important amendment like this should be read in full.

The gentleman's point is right on the proposition that when enough has been read and the Chair is convinced it is out of order the entire amendment does not have to be read. The Chair recognizes the rule as stated, but in this case the Chair, in his discretion, is going to have more read.

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<sup>1</sup> First session Sixty-eighth Congress, Record, pp. 9444, 9456.

<sup>2</sup> Everett Sanders, of Indiana, Chairman.

The reading of the proposed substitute having been concluded Mr. Cannon renewed the point of order.

After debate the Chairman sustained the point of order and said:

The amendment offered by the gentleman from Louisiana by way of a substitute undertakes to deal with the agricultural problem. However, the mere fact that it tackles the same problem does not necessarily make it a germane amendment. The gentleman from Missouri calls attention to some of the details of the bill offered by the gentleman from Louisiana which make it, it seems to the Chair, not germane.

The bill under consideration by the committee creates a Government corporation, and through the agency of that corporation—by the aid of other agencies—undertakes to artificially provide a means of taking care of the surplus exports in such way as to raise the price of agricultural commodities up to the point where the ratio will be the same on agricultural commodities as on other commodities over a fixed period of time, and it carries out that plan. Now, this proposition, while it undertakes to relieve agriculture, undertakes to do it in an entirely different way and in such manner as would not be proper by way of a substitute, because the committee would then have to vote upon the adoption of an entire bill, which would have to be rewritten on the floor and which has never been reported by any committee. The Chair will sustain the point of order.

Subsequently, Mr. Henry T. Rainey, of Illinois, offered an amendment in the nature of a substitute for the pending bill proposing to encourage the exportation of agricultural products and thereby relieve the declared emergency by granting a bounty to exporters of agricultural commodities.

Mr. Cannon made the point of order that the substitute was not germane.

After further debate the Chairman ruled:

The amendment offered by the gentleman from Illinois as a substitute for the entire bill is more nearly germane than the former amendment, but the Chair is of opinion that it does not come within the rule of germaneness. The object sought, of course, is farm relief, but that does not necessarily make the bill germane. The method is so entirely different in the bill offered by the gentleman from Illinois from the method of the bill under consideration that it seems to the Chair that it is not germane. Both bills recognize that the question of price is determined somewhat upon the exportable surplus, but the bill, with the Chair has rather hastily read, offered by the gentleman from Illinois by way of substitute, proposes to deal with this question of exportable surplus by giving a bounty to the exporter, evidently with the view that if the export brings a fair price, a fair price would result in the domestic market; but that is such a departure from the plan of the bill which creates a Government corporation, giving it power and authority to export, that it would not come within the rules of the House to hold it germane. The Chair therefore sustains the point of order.

Thereupon, Mr. Morgan G. Sanders, of Texas, offered an amendment intended to alleviate the declared agricultural situation by a method similar in many respects to that provided by the pending bill but proposed as a permanent legislation.

Mr. Cannon having again raised the question of germaneness, the Chairman said:

The amendment offered by the gentleman from Texas seeks to effect the same general purpose as the bill in question—that is, to relieve the agricultural situation. It is true as suggested that the mere fact that there is to an extent a departure from the bill under consideration does not make it out of order because otherwise there would be no necessity of offering a substitute or amendment of any kind. However, it is not possible to offer a substitute for a bill which undertakes to give the same relief and yet departs entirely from the method of the bill under consideration. The Haugen bill, under consideration, is an emergency measure and merely gives power to investigate and determine when a special emergency exists with reference to any one of the

enumerated agricultural products, and then the corporation having certain definite powers comes into action and by means of control of exportable surplus relieves the situation. This substitute is permanent legislation, giving the Government power to buy and sell farm products. While the ultimate object is to relieve agriculture, it embraces a method that does not come within the rules of the House in reference to germaneness to the bill under consideration, and the point of order is sustained.

**2913. To a proposition to appropriate for a general increase in salaries for one year an amendment to extend the increase to another year was held not to be germane.**

On December 19, 1916,<sup>1</sup> while the legislative, executive, and judicial appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, Mr. Joseph W. Byrns, of Tennessee, offered the following amendment to be inserted as a new section:

That to provide during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than \$1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is appropriated.

To this amendment Mr. Joseph G. Cannon, of Illinois, proposed an amendment reading as follows:

After the word "provide," insert "during the remainder of the fiscal year 1917 and."

Mr. John J. Fitzgerald, of New York, made the point of order that the amendment was not germane.

The chairman<sup>2</sup> ruled:

The Chair thinks that the object of the special rule is to provide for these increases for certain classes of employees for the fiscal year 1918, and that if the proviso in the special rule cited by the gentleman from Illinois, Mr. Mann, namely—

*"Resolved, That no amendment shall be in order in the consideration of the foregoing amendment changing existing law beyond the fiscal year 1918, nor shall any amendment be in order relating to the compensation of employees not appropriated for in H. R. 18542"*— were not in the special rule, an amendment would not be in order that would have extended it beyond the fiscal year 1918. It would not, in that event, be germane to this section. There is quite a difference, in the opinion of the Chair, between an amendment making an appropriation immediately available and in an amendment that provides for increasing the appropriation during the remainder of the year 1917. The Chair can not agree with the argument of the gentleman from Illinois that there is any deficiency to be taken care of in this amendment. It proposes, on the other hand, to increase an appropriation and change existing law. The amendment, in the opinion of the Chair, is not germane to the provision and sustains the point of order.

Mr. James R. Mann, of Illinois, having appealed, the decision of the Chair was sustained by the committee—yeas 96, nays 79.

**2914. To a section proposing legislation for the current year an amendment rendering such legislation permanent was held not to be germane.**

<sup>1</sup>Second session Sixty-fourth Congress, Record, p. 559.

<sup>2</sup>Pat Harrison, of Mississippi, Chairman.

On December 19, 1922,<sup>1</sup> the House was considering Senate amendment No. 1 to the Treasury Department appropriation bill then in disagreement between the two Houses and reading as follows:

Undersecretary of the Treasury, to be nominated by the President and appointed by him, by and with the advice and consent of the Senate, who shall receive compensation at the rate of \$7,500 per annum and shall perform such duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law, and under the provisions of section 177, Revised Statutes, in case of the death, resignation, absence, or sickness of the Secretary of the Treasury, shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease, \$7,500.

Mr. Martin B. Madden, of Illinois, moved that the House recede from its disagreement and concur in the Senate amendment with an amendment as follows:

In line 2 of the matter inserted by said amendment, after the word "Treasury," insert the word "hereafter." In line 4 of the matter inserted by said amendment, after the word "who," insert the word "hereafter."

Mr. Cassius C. Dowell, of Iowa, submitted that the insertion of the word "hereafter," as provided, would render the legislation permanent and made the point of order that the proposed amendment was for that reason not germane.

The Speaker<sup>2</sup> sustained the point of order and said:

It seems to the Chair that either the language is surplusage or it does make it permanent law. In that case it would be subject to a point of order.

**2915. To a provision in an appropriation bill proposing legislation for the fiscal year provided for by the bill, an amendment proposing to make the provision permanent legislation was held not to be germane.**

On February 6, 1925,<sup>3</sup> during consideration of the District of Columbia appropriation bill in the Committee of the Whole House on the state of the Union, the Clerk read this paragraph:

*Be it enacted, etc.,* That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1926, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and in addition, \$9,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923.

Mr. Louis C. Cramton, of Michigan, offered the following amendment:

*Provided,* That in order to defray the expenses of the District of Columbia for each fiscal year after the fiscal year ending June 30, 1926, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the

<sup>1</sup> Fourth session Sixty-seventh Congress, Record, p. 698.

<sup>2</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup> Second session Sixty-eighth Congress, Record, p. 3166.

activity or source from whence such revenue was derived, shall be credited wholly to the District of Columbia; and, in addition, \$9,000,000 shall each such fiscal year be appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923.

Mr. Carl R. Chindblom, of Illinois, made the point of order that the effect of the proposed amendment was to render permanent the proposed legislation carried by the pending paragraph, and the amendment was therefore not germane to the bill.

After debate the Chairman ruled:

The paragraph which this amendment seeks to amend clearly embodies legislation and would have been repugnant to the rule unless taken out by some exception to the rule. Doubtless, it would have been claimed that the Holman rule makes it an order. The present occupant of the chair, not now being called upon to decide it, can say that as the paragraph stood, if a point of order had been made against it, he would have ruled it out of order as not coming under the Holman rule, because of the indefinite, uncertain nature of the refund provision. If the uncertainty had been removed by some provision making it readily demonstrable that the amount appropriated in the paragraph is less than the 40 per cent of the total amount of the bill to be paid jointly from the General Treasury and from District funds, then the Chair would have held it in order, because the existing law authorizes a contribution of 40 per cent from the Treasury.

No point of order was made, however. Now, the gentleman from Michigan offers to amend by inserting a new paragraph, making permanent substantially the same provision carried in the original paragraph as applicable only to the year for which the appropriation is carried in the bill.

The new paragraph would make permanent law, so far as we can make a law permanent, whereas the paragraph in the bill relates only to the year for which the appropriation is made. The gentleman from Michigan claims that because the original paragraph is legislation, therefore, it opens up the paragraph to amendment by anything that is germane. The Chair agrees to this proposition as a general statement of the rule. The amendment, however, must be germane in fact. The paragraph as it stands deals with temporary legislation only, its force and effect being limited to the year for which the bill appropriates. The gentleman's amendment would make it permanent law. It seems to the Chair that this introduces an entirely new element that is in fact "a subject different from that under consideration" and, therefore, repugnant to the rule relating to germane amendments.

The Chair cites one precedent only, and that was by Mr. Speaker Gillett in the Sixty-seventh Congress, fourth session, on December 19, 1922. A bill was returned from the Senate carrying an amendment providing for an Undersecretary of the Treasury, but for the current year only. The gentleman from Illinois, Mr. Madden, moved that the House recede and concur with an amendment adding the word "hereafter," which would have had the effect of making it permanent law. On this the Speaker indicated that the word "hereafter," changing a temporary provision to a permanent one, made the amendment subject to a point of order as not germane to the amendment as it came from the Senate. The Chair sustains the point of order.

**2916. To a bill amendatory of an existing law as to one specific particular, an amendment relating to the terms of the law rather than to those of the bill was held not to be germane.**

**To a bill amending provisions of a law providing for the measurement of vessels to determine the tolls to be paid thereon an amendment repealing provisions of the law establishing such tolls was held not to be germane.**

**In determining the germaneness of amendments offered to a bill the title of the bill is not taken into consideration.**

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<sup>1</sup>John Q. Tilson, of Connecticut, Chairman.

On October 1, 1919,<sup>1</sup> the House was in the Committee of the Whole House on the state of the Union considering the bill (H. R. 7015) governing tolls to be paid at the Panama Canal.

Mr. Albert Johnson, of Washington, offered the following amendment:

*Provided*, That from and after the date of approval of this act no tolls shall be levied upon vessels engaged in the coastwise trade of the United States for the use of the Panama Canal, and all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. Everett Sanders, of Indiana, made the point of order that the proposed amendment was not germane to the bill.

After debate the Chairman<sup>2</sup> ruled:

There have been several arguments advanced in relation to the point of order under consideration, and while the Chair, after consulting precedents, feels that there are several counts on which the point of order can be sustained will consider only one, that of germaneness. The matter of germaneness, of course, is one that is filled at times with some uncertainty. There are frequently twilight zones, but in this case the matter seems clearly defined. There is one point the Chair wants to speak about, however, before considering the main question. It was advanced by the gentleman from Washington, Mr. Johnson, with reference to the title to this bill. In the opinion of the Chair the title was comparatively little to do with the body of the bill in this case. In Hinds' Precedents, volume 5, page 411, that point is very thoroughly brought out. The Chair will read that part of the decision which pertains to the title of a bill. It states that the title itself does not affect the essence of the bill. Regarding the interpretation of the title, Speaker Henderson said:

"The question as to whether these sections are germane can not be determined by the title alone, as had been suggested, because an act amending an act will always describe the title amended, although it may only touch one feature or part of the law; but the whole resolution has to be considered and the amendments to the resolution. If this was not clear, possibly the title would be brought into consideration."

Now, as to germaneness: It seems to the Chair that this is a matter of whether or not this particular amendment is properly related to the bill itself. The bill provides certain rules for the measurement of vessels using the Panama Canal, but it does not provide for the payment of tolls. It merely establishes a standard of measurement for ships going through and does not prescribe the amount of money which shall be paid by the ships themselves. From rule 16, paragraph 7, it is very clear, "That no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." Therefore it seems to the Chair that the two subjects, the subject matter of the bill and the subject matter of the amendment, are not related, and the Chair sustains the point of order.

**2917. A proposal to strike out a portion of a text may not be germane to the proposition involved.**

**A proposal to eliminate portions of a text thereby extending the scope of its provisions to other subjects that those originally presented is in violation of the rule requiring germaneness.**

**To a proposal to dismiss officers violating the "Federal prohibition laws" an amendment striking out the word "Prohibition" was held not to be germane.**

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<sup>1</sup>First session Sixty-sixth Congress, Record, p. 6225.

<sup>2</sup>Frederick C. Hicks, of New York, Chairman.

On February 8, 1930,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill H. R. 8574, the prohibition reorganization bill, when the following committee amendment was read:

*Provided*, That all officers and employees of the Bureau of Prohibition who the Attorney General finds have heretofore or shall hereafter violate any penal provisions of the Federal prohibition laws shall be dismissed.

Mr. Frederick Lehlbach, of New Jersey, offered an amendment proposing to strike out the word "prohibition" where last occurring.

Mr. William Williamson, of South Dakota, having submitted a point of order that the amendment was not germane, the Chairman<sup>2</sup> said:

The amendment offered by the committee provides:

"That all officers and employees of the Bureau of Prohibition who the Attorney General finds have heretofore or shall hereafter violate any penal provision of the Federal prohibition laws shall be dismissed."

The Chair thought at first that the canceling in the amendment of the word "prohibition" would be germane, but as he looks at it now he believes it would be enlarging, and enlarging very greatly, the scope of this amendment, and that it would be bringing into the amendment and into the purpose of the amendment a vast variety of other acts which are made crimes under the Federal law.

Therefore the Chair is inclined to hold, and does hold, that under the conditions the striking out of the term is not permissible and that the question of germaneness arises in the situation which confronts us, and sustains the point of order against the language of the amendment.

**2918. While an amendment proposing to strike out language in a pending bill can not ordinarily be ruled out of order as not germane, yet if the effect of striking out such language so affects the scope and import of the text as to present a different subject from that under consideration it is not germane.**

**To a bill relating to interstate commerce an amendment pertaining to foreign commerce was held not to be germane.**

On January 26, 1916,<sup>3</sup> during consideration in the Committee of the Whole House on the state of the Union of the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, the Clerk read as follows:

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce the product of any mine or quarry situated in the United States which has been produced, in whole or in part, by the labor of children under the age of 16 years.

J. Hampton Moore, of Pennsylvania, offered the following amendment:

After the word "States," insert a comma and the words "or any foreign country."

Mr. David J. Lewis, of Maryland, made the point of order that the subject under discussion related exclusively to interstate commerce, and the amendment proposing to add the products of foreign commerce was not germane.

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<sup>1</sup>Second session Seventy-first Congress, Record, p. 3310.

<sup>2</sup>Joseph L. Hooper, of Michigan, Chairman.

<sup>3</sup>First session Sixty-fourth Congress, Record, p. 1598.

The Chairman<sup>1</sup> ruled:

It will be understood that the Chair has nothing to do with the merits of the feasibility of extending this act to foreign commerce. His province is to determine whether or not the amendment offered by the gentleman from Pennsylvania is germane to the bill now pending. The House is familiar with the principle that to one specific subject another specific subject is not in order. This has been held in the House time and again. It seems to the Chair that most of the gentlemen who have argued in favor of this proposition have discussed the power of Congress to regulate both interstate and foreign commerce rather than the question of whether a proposition regulating foreign commerce is germane to a bill regulating interstate commerce. Two subjects are not necessarily germane to each other because they are related. The Chair believes that this is a bill to regulate child labor in interstate commerce, and, therefore, that an amendment proposing to extend it to foreign commerce is a different matter, and is not in order. Therefore the point of order is sustained.

Mr. Moore then proposed this amendment:

After the word "States," insert the words "or imported from any foreign country."

Mr. Lewis interposed the same point of order made against the first amendment.

The Chairman sustained the point of order and said:

The gentleman from Pennsylvania will observe that the committee has limited this bill to child-labor goods produced in the United States. The child-labor goods produced in foreign countries are another matter. If the gentleman will turn to the Record of a year ago, he will find where the Speaker overruled the Committee of the Whole on the same identical proposition. In that case the Speaker held that where the committee had limited the application of the bill to the products of one kind of labor, a proposition to extend it to the products of another kind of labor was not germane. The Chair thinks he ought to follow the ruling of the Speaker where the Speaker was sustained by the House and therefore sustains the point of order.

Mr. Edwin Yates Webb, of North Carolina, then asked, as a parliamentary inquiry, if any amendment striking out words in the pending paragraph would be in order, having reference to the words "in interstate commerce" and "in the United States."

The Chairman replied tentatively in the affirmative.

Mr. Swagar Sherley, of Kentucky, submitted:

Mr. Chairman, I desire to be heard before the Chair makes a ruling along those lines, because the Chair will find a long line of precedents in rulings by Speaker Carlisle and Speaker Reed and several other distinguished Speakers holding that where the effect of striking out words is to change the scope of the bill it is not in order.

The Chairman said:

Upon reflection, the Chair thinks the gentleman from Kentucky is correct. The Chair was in error in making his answer.

**2919. An amendment which by striking out words would change a privileged proposition to an unprivileged proposition was held not to be in order.**

On December 15, 1908,<sup>2</sup> the House was considering a privileged resolution of inquiry (H. Res. 447) requesting the Secretary of State to inform the House if he had in his possession any information as to whether or not the House of Commons of

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<sup>1</sup>John N. Garner, of Texas, Chairman.

<sup>2</sup>Second session Sixtieth Congress, Record, p. 276.

Great Britain had recently adopted a resolution to the effect that a committee be appointed to consider changes in its rules.

Mr. Augustus P. Gardner, of Massachusetts, offered an amendment striking out a portion of the resolution.

Mr. Sereno E. Payne, of New York, made the point of order that the elision of the language proposed to be stricken out would destroy the privilege of the pending resolution.

After debate the Speaker<sup>1</sup> ruled:

The motion to discharge the committee was privileged, and the resolution, from the consideration of which the Committee on Foreign Affairs was discharged, is privileged. The amendment strikes out the following words:

“That the Secretary of State, and he is hereby, respectfully requested, if not incompatible with the public interests, to inform the House of Representatives whether he has in his possession any information as to whether or not the House of Commons of Great Britain has recently adopted a resolution to the effect.”

Those words are to be stricken out by the amendment, and the amendment would then leave the words in the original resolution as follows:

“That a committee of eight Members of the House be immediately appointed, five to be selected by the Speaker and three by the leader of the minority, to consider the existing rules of the House and to report not later than February 1, 1909, what changes, if any, it is desirable to make.”

Thus the amendment would change the character of the resolution, which was one of inquiry and therefore privileged under the rule, by striking out the matter inquired about and leaving in the resolution matter that is not privileged. If the resolution had stood as the gentleman now proposes by his amendment to have it stand, it would not have been in order, because it would be shorn of all matter of inquiry contained in the resolution. The precedents are quite numerous. I read from the Digest, volume 7:

“A privileged proposition may not be amended by adding thereto matter not privileged or germane to the original question.” (Vol. 5, sec. 5890.)

That was a ruling by the present Speaker of the House.

“It is not in order to amend a pending privileged proposition by adding a matter not privileged and not germane to the original proposition.” (Vol. 5, sec. 5809.)

That was a ruling by Mr. Speaker Carlisle. Section 5810 contains a similar ruling by Mr. Speaker pro tempore Blackburn:

“The next of a bill containing a nonprivileged matter, privilege may not be created by a committee amendment in the nature of a substitute not containing the nonprivileged matter.” (Vol. 4, sec. 4623.)

The precedents are numerous and to the point, and the Chair is perfectly clear that the point of order is well taken, and sustains the same.

An appeal by Mr. Gardner from the decision of the Chair was, on motion of Mr. Payne, laid on the table—yeas 149, nays 136.

**2920. An amendment which by striking out a portion of the text changes the purpose and scope of the bill is not germane.**

**To a bill authorizing suit against a certain class of Government-owned vessels an amendment striking out language designating the class and making the bill applicable to all Government-owned vessels was held not to be germane.**

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<sup>1</sup>Joseph G. Cannon, of Illinois, Speaker.

On January 19, 1920,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (S. 3076) authorizing suits against the United States in admiralty for salvage services; applying exclusively to merchant vessels employed in carrying cargo for hire.

Mr. James W. Husted, of New York, proposed an amendment striking out the language specifying the class of vessels to which the bill related.

Mr. Joseph Walsh, of Massachusetts, made the point of order that the amendment was not germane and said:

Mr. Chairman I make the point of order, that the amendment offered by the gentleman from New York is not germane, in that this bill and the section to which the amendment is offered is confined to a certain class of Government-owned vessels. In line 10 and 11, on page 10 of this bill, the proviso is "that such vessel is employed or intended to be employed in the carriage of cargoes or of passengers for hire."

That certainly restricts the application of the act, if it becomes a law, to a certain class of vessels. I submit that *this amendment* seeks to strike out the language, and then provides for what shall be done and how suit may be brought and proceedings had *against all Government-owned vessels*, and that it is not germane to the purposes and provisions of the bill. It goes far beyond the scope of its provisions. It is a provision which if it were in the bill as originally introduced would probably take the jurisdiction of the bill out of the Committee on the Judiciary. I think it is well recognized that we can not include by way of amendment in a measure restricted to one particular subject or class, other classes. In other words, you can not, by amendment, broaden the scope of a bill when by the terms of that bill it is restricted to one particular class or subject. I submit that this measure as it has been passed by the Senate and as it has been reported by the Committee on the Judiciary to the House, is restricted in its provisions to merchant vessels employed or intended to be employed in the carriage of cargoes or passengers for hire. Under the amendment of the gentleman from New York it strikes out that proviso, and permits suits to be brought because of damage resulting from collisions with naval vessels, or Army transports, or Coast Guard cutters, or Bureau of Fisheries steamers and vessels under the jurisdiction of the Board of Engineers in the War Department, and opens it to all Government-owned vessels, whether they be employed or intended to be employed in the carriage of cargo, and passengers for hire, or whether they be employed or intended to be employed strictly on Government business, in which they are not competing with any privately owned craft or any individual enterprise.

Mr. Husted took the position that an amendment striking out words in a bill is always germane.

In reply Mr. James R. Mann, of Illinois, argued:

Mr. Chairman, I do not know that I shall take part in this discussion. I certainly would not but for the statement of the gentleman from New York that the motion to strike out words is always in order.

Now, I will give an illustration which I am sure the gentleman from New York will say proves that a motion to strike out is not always in order. Take, for instance, the Philippine tariff law. We had the right to fix the rates of duty on goods coming from the Philippines into the United States. We had the right to say that they should come in free from the Philippines. That would be a bill relating wholly to the question of tariff between the United States and the Philippine Islands, a possession of the United States. As I recall—and I do not give the reference—when that bill was up for consideration some one moved to strike out the language that would confine it to the Philippine Islands. If it had said "goods coming from the Philippines, imported into the United States from the Philippines," all that was necessary to do was strike out the words "coming from the Philippines," and that would have made it a universal tariff bill.

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<sup>1</sup> Second session Sixty-sixth Congress, Record, p. 1754.

Now, it is perfectly patent that the striking out of that language was not a germane amendment. It had no relation to the subject matter, because it was intended to change the subject matter wholly from a tariff with the Philippine Islands, to a universal tariff law, and it was held to be out of order.

The same thing was true when the Canadian reciprocity bill was before the House. I can not cite the reference; I do not know whether it is carried in the Record even, because some one who looked it up told me that while the decision was made there was some error in recording, so that it did not appear in the Record. I do not know as to that.

But a motion was made to strike out the language which would confine the provision for reciprocity to Canada. That would have made it universal and would have destroyed wholly the purpose of the bill in the first instance, which was designed to operate with Canada only, and would have made it a universal reciprocity proposition. It was held there that the motion to strike out was out of order. I think it is the general rule that where words of limitation are in a bill, limiting the subject matter of the bill, and it is proposed to strike out those words, so as to change the subject matter of the bill and enlarge its scope, such an amendment is held not germane, because it is not germane to that bill but would be germane to a bill involving the whole subject matter. Now, a Member introducing a bill has the right to introduce it in relation to a particular proposition. There are many adjectives of definition constantly used in public bills and private bills which, if you should strike them out, would make the bills universal in character and entirely change their scope. I hope the Chair will not express the opinion in ruling that it necessarily follows that a motion to strike out is in order because of the general principle that it is within the power of the House to strike out any language in a bill. It is generally true that a parliamentary body can strike out any proposition in a bill, but under the question of germaneness an amendment is not permissible which by striking out language would change the purpose and scope of the bill.

After further debate the Chairman<sup>1</sup> ruled:

The Chair recognizes that this point is somewhat involved and complicated and that it raises some new questions. The Chair has been consulting some of the references, not only those mentioned by gentlemen who have debated the point of order but some he has been able to find independent of the argument. The gentleman from New York in arguing to sustain his amendment bases it, as the Chair understands, largely upon the fact that striking out any words in a bill is in order, irrespective of what that effect will be. The Chair is aware that Mr. Speaker Clark some years ago made a ruling of that kind, that a motion to strike out, "that is always in order—to strike anything out of anything," and that since then, in a general way, we have followed that ruling.

The present occupant of the chair, however, without the slightest desire to take exception to the ruling of the former Speaker, believes that that ruling is at times subject to qualification and modification, and should properly be interpreted in reference to the subject matter affected.

The Chair for the moment will pass that point, however, and will consider the point of order from another angle.

A motion to strike out and insert is indivisible—paragraph 7, Rule XVI—and the amendment of the gentleman from New York not only strikes out certain words in the bill but inserts certain other words. It seems to the Chair that we should analyze those words which the amendment proposes for incorporation in the bill in conjunction with those that are to be stricken out. If we refer to the words to be inserted we find that while they are limitations to a certain extent, they refer directly to a specific class of vessels. The Chair will quote one sentence of the amendment to fortify his position:

"In the case of a vessel not employed as a merchant vessel."

What is that class of vessels? They are the military ships of the United States and vessels engaged in the public service of the United States. The subject matter of the bill, as the Chair understands its provisions, pertains solely to one class of ships, and what is that class? They are

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<sup>1</sup>Frederick C. Hicks, of New York, Chairman.

the ships engaged in merchant service, publicly owned though they be. Therefore it seems to the Chair that as the motion to strike out and insert can not be divided we have in the words to be added a subject which is not so related to the subject matter of the bill as to come within the rule for germaneness.

To complete the record on the point of germaneness, the Chair cites paragraph 7, Rule XVI, with which we are all familiar, "that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment," and to cite the same rule further: "One individual proposition may not be amended by another individual proposition, even though the two belong to the same class." There are so many noted precedents that have been established under this rule that the Chair does not think it necessary to refer to them. The Chair feels that the word "proposition" in paragraph 7 may be considered as providing for a situation in which a motion to strike out, while it does not in positive language add a new subject, does in effect widen the scope of the bill beyond that contemplated if we adhere too strictly to the theory "that it is always in order to strike anything out of anything." As a counter proposition to this—and the Chair feels that both are rather general in their application—the Chair refers to Hinds' Precedents, Volume V, section 5834, where, on a motion to recommit, it was held "that it is not in order to do indirectly by a motion what may not be done directly by way of amendment." The gentleman from New York in his able argument in support of his contention refers to Hinds' Precedents, Volume V, section 5805, "where an amendment simply striking out words already in a bill" was held to be germane. The gentleman from New York will note that the Chair in making that ruling was evidently not entirely sure of his ground, for he says "that this question is rather a question for the committee to decide; a question of policy rather than a question for the Chair to decide on a point of order."

This brings us to a consideration of the thought suggested by Mr. Mann, of Illinois, and Mr. Walsh of a single motion to strike out, if by so doing the scope of the bill would thereby be enlarged. The point of striking out certain words was the crux of the argument of the gentleman from New York, and the Chair will now consider the principle involved.

The points made in this feature of the discussion have opened up very broad and in some respects comparatively undetermined questions, which, since they have been brought forward, the Chair feels obliged to pass upon.

The Chair realizes that the presiding officer is not called upon to determine the effect of an amendment upon the law itself or to interpret legislative propositions. In the precedents that have been cited conflict of rulings appear, and the Chair thinks that when those conflicts arise it is the duty of the Chair to apply the rule of reason, and the Chair will endeavor to apply that in the present instance. The Chair desires to cite from a precedent and read the opinion of the presiding officer at the time, which has not been referred to by gentlemen who have spoken to the point of order. It seems to the Chair that his precedent is almost a parallel case to the point of order now being discussed. The Chair reads from Hinds' Precedents, Volume V, paragraph 5864. This was on December 16, 1898. The House was in Committee of the Whole House on the state of the Union, considering the bill to extend the laws relating to customs and internal revenue over the Hawaiian Islands, and the first section of the bill having been read—and here is the point that the Chair especially wants to have emphasized—

*"Be it enacted, etc., That the laws of the United States relating to customs and internal revenue, including those relating to the punishment of crimes in connection with the enforcement of said laws, are hereby extended to and over the Island of Hawaii and all adjacent islands and waters of the islands."*

After that had been read Mr. McRae, of Arkansas, offered an amendment to strike out, after the words "the United States," the following: "relating to customs and internal revenue." Mr. Dingley, of Maine, made the point of order that the amendment was not germane, and after debate upon the subject the Chairman held as follows:

"The Chair thinks that the point of order is well taken. This bill is to extend the laws relating to customs and internal revenue, and the amendment seeks to open up the question of land titles and other laws in the Territories, thus enlarging the scope and bringing in matter not germane to the bill."

The point of order was sustained.

In Hinds' Precedents, Volume IV, section 3596, is another case in point which the Chair will cite. An amendment was offered which contained, among others, these words, "appliances for the automatic control of railway trains." Mr. Crumpacker, of Indiana, moved to strike out the word "automatic," Mr. Mann, of Illinois, made a point of order, and the Chair in ruling upon it said:

"I would like to ask the gentleman from Indiana whether or not his description, by striking out the word "automatic" here, would not let in a great many things? That is, would not the scope of the investigation be much wider and more extended than if the term "automatic" is included?"

The ensuing debate having indicated that the effect of the amendment might be to extend the scope of the investigation, the Chair sustained the point of order, though evidently in some doubt.

The Chair feels that notwithstanding the general proposition that parliamentary questions are usually determined by the form and not the effect of an amendment, that when no rules are applicable the effect should be taken into consideration as a determining factor, when by striking out specific words new and different subjects are thereby introduced, and the scope of the legislation under consideration is broadened beyond that contemplated in the bill.

In line with what the Chair considers the most conclusive precedents in reference to striking out words, following also the precedents pertaining to germaneness, and in conformity with the views just expressed by the Chair on the subject of scope of legislation, the Chair feels that the point of order is well taken, and sustains it.

**2921. Under circumstances where the omission of language would sufficiently change the purport of the text to present another subject a motion to strike out has been held not to be germane.**

On March 27, 1920,<sup>1</sup> during consideration of the District of Columbia appropriation bill in the Committee of the Whole House on the state of the Union, Mr. Charles R. Davis, of Minnesota, proposed the following as a new paragraph:

The rate of taxation on real estate in the District of Columbia, under the provisions of section 5 of the District of Columbia appropriation act approved July 1, 1902, is hereby increased from 1½ per cent to 2½ per cent, and the rate of taxation on tangible personal property in the District of Columbia, under the provisions of section 6 of the said act, is hereby increased from 1½ per cent to 2½ per cent.

Mr. William F. Stevenson, of South Carolina, moved to strike out the word "tangible."

Mr. James R. Mann, of Illinois, raised a question of order and said:

As a general thing, of course, it is in order to strike out, but it has been held on a good many occasions that where a motion to strike out a word, such as the word "not," for instance so as absolutely to reverse what was intended, it may not be in order. It sometimes is, but it is here held not in order because it accomplishes something by striking out that you could not accomplish by inserting. In this particular case the Chair had already sustained a point of order to an amendment to insert a specific provision with reference to the intangible property. The effect of the amendment offered by the gentleman from South Carolina was to insert it, which amounted to the same thing.

The Chairman<sup>2</sup> sustained the point of order.

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<sup>1</sup>Second session Sixty-sixth Congress, Record, p. 4937.

<sup>2</sup>Martin B. Madden, of Illinois, Chairman.

**2922. An amendment must be germane to the section or paragraph to which it is offered.**

**To a section of a revenue bill proposing definitions of terms an amendment levying a tax was held not to be germane although germane to the bill as a whole.**

**If any part of an amendment is out of order the entire amendment may be ruled out.**

On February 18, 1924,<sup>1</sup> the bill H. R. 6715, the revenue bill, was being considered in the Committee of the Whole House on the state of the Union, when the Clerk read the first section devoted exclusively to the definition of terms used in the bill.

Mr. James A. Frear, of Wisconsin, proposed the following amendment to be inserted as a new subdivision under the section:

The term "taxable income from whatever source derived" shall include all incomes received from every source, including Federal, State, and municipal securities, except where specifically exempted by act of Congress, and shall be laid and collected the same as all other taxes.

Mr. William R. Green, of Iowa, made the point of order that the amendment was not germane to the section.

After debate the Chairman<sup>2</sup> ruled:

The rule has always been, ever since 1822, and has been repeatedly held by succeeding Speakers and Chairmen from that time, that amendments to be germane must not only be germane to the subject matter of the bill also to the paragraph where offered. That is the rule now. This particular part of the bill is headed "Definitions," and thus far in the reading certain terms are defined—for instances, "fiduciary," "withholding agent," "paid or incurred," "stock," and "shareholder"—giving a definition of the terms as they are used in the bill. When this amendment was first presented, the Chair on hearing it read was of the opinion that it was a definition and therefore proper and germane at this time. That would be true if it were not for the closing language of the amendment, "and shall be laid and collected the same as all other taxes." Manifestly this goes beyond a definition and imposes a tax, or attempts to impose a tax. If so, and if it is germane to the subject matter of the bill, upon which the Chair will not pass at this time, it ought to be offered to some other section. If the amendment were without this language it would be proper at this time. Having this language in it, the Chair is of the opinion that it is subject to the point of order, and therefore sustains the point of order.

**2923. An amendment should be germane not only to the subject matter of the bill but also to the particular section of the bill in which it is proposed to insert the amendment.**

**An amendment to the second title of a bill was held not germane to the first title of the bill.**

On April 24, 1930,<sup>3</sup> the Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 10381) to amend the World War veterans' act of 1924, as amended.

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<sup>1</sup> First session Sixty-eighth Congress, Record, p. 2719.

<sup>2</sup> Martin B. Madden, of Illinois, Chairman.

<sup>3</sup> Second session Seventy-first Congress, Record, p. 7641.

During the reading of Title I of the bill Mr. Robert A. Green, of Florida, offered an amendment appending a new section of Title II of the bill.

Mr. Royal C. Johnson, of South Dakota, submitted that the amendment was not germane to Title I of the bill.

The Chairman<sup>1</sup> sustained the point and said:

The offer proposes to amend a section of the law under Title II, which comes in at a later point in the bill. The Chair does not think it is germane to this portion of the bill. The Chair sustains the point of order.

**2924. It is not sufficient that an amendment proposed to a pending amendment be germane to the bill but it must also be germane to the amendment to which it is offered.**

On February 28, 1924,<sup>2</sup> during consideration of the bill H. R. 6715, the revenue bill, in the Committee of the Whole House on the state of the Union, Mr. Fiorello H. LaGuardia, of New York, proposed the following amendment:

No member of the board shall be permitted to practice before said board or any official of the Treasury Department, or be connected, directly or indirectly, with any person or any firm of lawyers, solicitors, accountants, or agents practicing before said board or any official of the Treasury Department on behalf of taxpayers for a period of two years after his term of office terminates or from the time such member resigns or otherwise leaves the service of the Government.

Mr. Thomas L. Blanton, of Texas, moved to amend this amendment as follows:

After the word "board," in the first line of the LaGuardia amendment, insert the words "or any official or Government employee in the Treasury Department."

Mr. William R. Green, of Iowa, made the point of order that the amendment was not germane to the amendment to which offered.

Mr. Blanton submitted that it was germane to the original bill.

The Chairman<sup>3</sup> held:

Heretofore the gentleman from Texas has offered an amendment, which at time was discussed, and which the Chair held would be germane when we arrived at the proper part of the bill, which the Chair thought at that time would be Title X. The gentleman now offers an amendment to an amendment. In order to ascertain whether or not it is germane to the amendment to which it is offered, one must look to the amendment and not to the bill. Now, what is the amendment? The amendment is that no member of the board shall be permitted to practice, and so forth. To that the gentleman from Texas seeks to add "or any official or Government employee of the Treasury Department," thereby interjecting an entirely different class of people from those mentioned in the amendment, namely the board. Therefore it is not germane to the amendment, although it might be germane to the bill if offered as a separate proposition. The point of order is sustained.

**2925. An amendment must be germane to the particular paragraph or section to which it is offered.**

On June 10, 1921,<sup>4</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau.

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<sup>1</sup> Carl E. Mapes, of Michigan, Chairman.

<sup>2</sup> First session Sixty-eighth Congress, Record, p. 3287.

<sup>3</sup> William J. Graham, of Illinois, Chairman.

<sup>4</sup> First session Sixty-seventh Congress, Record, p. 2397.

Title II of the bill having read, Mr. C. William Ramseyer, of Iowa, offered an amendment proposing a modify a section of existing law dealt with in Title IV of the pending bill.

Mr. Carl E. Mapes, of Michigan, made the point or order that the amendment was not germane to the section to which offered.

After debate the Chairman<sup>1</sup> ruled:

The war risk insurance act, as the Chair has already stated, is divided into four titles. The first of those titles deals with provisions that are more or less general to the entire act, definitions, and general provisions of that sort. The second title relates to allotments. The third title relates to compensation, and the fourth relates to insurance. The general rules applicable to amendments provides that an amendment must be germane not only to the bill but to the section, if it is offered to a section, or, if offered as a new section, it must be germane in the place where it is offered.

The provision under consideration amends but one section of the first title of the war risk insurance act. It amends no other section of that title. The Chair feels that the purpose of the rule requiring that an amendment shall be germane at the place in which it is offered is to preserve the proper order of the legislation, and that to permit the introduction of an amendment to a portion of the bill under Title IV, as an amendment to a section in Title I, for instance, of this bill, would be to destroy the orderly sequence of the legislation. The Chair is not now holding that the amendment proposed by the gentleman from Iowa is not germane to the bill, but under the rules of the House the Chair does not think the amendment proposed by the gentleman from Iowa is germane to the section to which it is offered as an amendment, or as a new section in the place in which it is offered, and therefore sustains the point of order.

**2926.** On May 1921,<sup>2</sup> during consideration of the army appropriation bill in the Committee of the Whole House on the state of the Union, the Clerk read this paragraph:

For construction and repair of quarters for hospital stewards at military posts already established and occupied, \$15,000.

Mr. C. B. Hudspeth, of Texas, offered an amendment as follows:

The sum of \$10,000 for the erection of a natatorium adjoining the Government base hospital at Fort Bliss, Tex., now in course of construction. The said natatorium to be a part of said plant.

Mr. Daniel R. Anthony, Jr., of Kansas, raised the question of order that the amendment while germane to the bill was not germane to the particular paragraph to which it was proposed.

After debate the Chairman<sup>3</sup> sustained the point of order.

**2927. An amendment must be germane to the portion of the bill under consideration.**

On February 2, 1909,<sup>4</sup> the Army appropriation bill was being read for amendment in the Committee of the Whole House on the state of the Union.

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<sup>1</sup> Sydney Anderson, of Minnesota, Chairman.

<sup>2</sup> First session Sixty-seventh Congress, Record, p. 1236.

<sup>3</sup> John Q. Tilson, of Connecticut, Chairman.

<sup>4</sup> Second session Sixtieth Congress, Record, p. 1732.

The last paragraph of the bill having been read, Mr. John J. Fitzgerald, of New York offered the following amendment to be inserted as a new section at the end of the bill:

No part of any appropriation made herein shall be expended in the purchase of powder except powder for small arms at a price not in excess of 64 cents per pound.

Mr. John A. T. Hull, of Iowa, made the point of order that the amendment should have been offered when the paragraph relating to the purchase of powder was under consideration, and was not now in order.

The Chairman<sup>1</sup> said:

It seems to the Chair that the rule is well settled that an amendment offered, or a provision made, must be germane to the portion of the bill then under discussion. Specific appropriation has been made for the manufacture and purchase of powder, and that has been passed, and since then specific appropriations have been made for many other subjects. It seems to the Chair, under the procedure of the House, that the point made that this amendment now offered is not in order is well taken, and the Chair must sustain the point of order.

**2928.** On February 18, 1933,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the District of Columbia appropriation bill, when that portion of the bill dealing with compensation for personal services under the Board of Public Welfare was reached.

The Clerk read:

For personal services, \$105,580.

Mr. Fiorello H. LaGuardia, of New York offered this amendment:

To enable the Board of Public Welfare to provide for the relief of all needy persons not otherwise provided for by appropriations herein made to such board, \$625,000, payable wholly from the revenues of the District of Columbia.

Mr. Clarence Cannon, of Missouri, made the point of order that the amendment was not germane to this portion of the bill, and if admissible should be appropriately offered when the section of the bill providing for relief was reached.

The Chairman<sup>3</sup> sustained the point of order.

**2929.** On May 24, 1910,<sup>4</sup> the sundry civil appropriation bill was being read for amendment under the five-minute rule in the Committee of the Whole House on the state of the Union.

When the section of the bill devoted to items relating to the Executive was reached, Mr. Gilbert M. Hitchcock, of Nebraska, offered the following amendment to be inserted as a new paragraph.

#### BUREAU OF LABOR

To enable the Commissioner of Labor to ascertain at as early a date as possible the cost of producing articles at the time dutiable in the United States in leading countries where such articles are produced by fully specified units of production and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in

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<sup>1</sup>James B. Perkins, of New York, Chairman.

<sup>2</sup>Second session Seventy-second Congress, Record, p. 4433.

<sup>3</sup>Anning S. Prall, of New York, Chairman.

<sup>4</sup>Second session Sixty-first Congress, Record, p. 6819.

such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of the manufacturers and producers of such articles; and the comparative cost of living, and the kind of living. \* \* \* what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices, \$100,000, to be immediately available.

Mr. James A. Tawney, of Minnesota, made the point of order that the proposed new section pertained to the Department of Commerce and Labor, provision for which was made later in the bill, and that the amendment was not germane to the pending section.

The Chairman<sup>1</sup> sustained the point of order and said:

In making up any appropriation bill it is essential, in the interests of those who watch the proceedings of the House and in the committee, that there be some order observed in an appropriation bill. Hence, under the rules, any amendment that is offered must not only be germane, but germane to that portion of the bill. In the sundry civil appropriation bill for many years it has been the custom—and it seems to the Chair a very proper one—to arrange items, as far as practicable, under the head of the different departments of the Government, commencing after some item for the Executive with the Treasury Department, and running down according to the date of the creation and priority of the department, and in that way the Department of Commerce and Labor is reached in the bill.

It seems to the Chair that it would be not only inappropriate, but out of order, to offer an amendment relating to some provision in the bill under the head of Department of Commerce and Labor at some other place in the bill. That seems too clear for argument, and it seems to the Chair than an item not relating to any matter of the bill, but germane to the bill and also germane to the Department of Commerce and Labor, should be offered at that part of the bill.

The Chair therefore sustains the point of order.

**2930. An amendment inserting an additional section should be germane to the portion of the bill to which offered.**

**The motion to return to a portion of a bill passed in reading for amendment is not privileged and a paragraph or section so passed may be again taken up by unanimous consent only.**

On January 19, 1909,<sup>2</sup> the urgent deficiency appropriation bill was being considered in the Committee of the Whole House on the state of Union.

After the Clerk in reading the bill for amendment had passed the section of the bill making appropriation for the Department of Agriculture Mr. J. Thomas Heflin, of Alabama, asked unanimous consent to return to that section for the purpose of considering an amendment which he proposed to offer as follows:

To supply deficiency in the quota of vegetable and other valuable seed authorized to be furnished each Senator and Representative, the sum of \$30,000, which the Secretary of Agriculture is required to purchase.

Objection having been made to the request, Mr. Heflin moved to return to the section for the purpose of permitting amendment.

Mr. James A. Tawney, of Minnesota, made the point of order that the motion was not privileged.

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<sup>1</sup>James R. Mann, of Illinois, Chairman.

<sup>2</sup>Second session Sixtieth Congress, Record, p. 1121.

The Chairman<sup>1</sup> sustained the point of order and said:

The Chair sustains the point of order, because it is contrary to the practice of the House. The practice of the House is that to return to a section or paragraph can only be done by unanimous consent. Unanimous consent was asked by the gentleman from Alabama and objection was made. Then the gentleman from Alabama moved that the committee return to that paragraph, whereupon the gentleman from Minnesota raised the point of order, which was sustained by the Chair.

Mr. Champ Clark, of Missouri, called attention to an instance in which a motion by Mr. Theodore E. Burton, of Ohio, to return to a paragraph in the reading of a bill had been entertained and agreed to.

The Chairman differentiated:

The Chair will say to the gentleman from Missouri, in response to the inquiry, that that was under different conditions. These conditions were that the reading of the bill had been completed; and the gentleman having the bill in charge moved that the committee rise and report; this was voted down. Under those circumstances, the Chair held that a motion to return to a paragraph was out of order, but the committee reversed this decision on appeal from the Chair.

Mr. Heflin then proposed to offer the amendment as a new section.

Mr. Tawney raised a question of order against the amendment.

The Chairman ruled:

For a long period of years it has been the ruling of the Chair that an amendment to be in order must be made in connection with the portions or the paragraph of the bill to which it is germane. This amendment would have been germane in connection with the paragraph under the head of the Department of Agriculture. It was not offered until the end of the bill.

The Chair sustains the point of order.

**2931. An amendment should be germane to that portion of the bill to which offered.**

**To a portion of a bill dealing with one class of Indian schools an amendment relating to an Indian school of another class was ruled not germane.**

On December 10, 1929,<sup>2</sup> during the consideration of the Interior Department appropriation bill in the Committee of the Whole House on the state of the Union, Mr. Jed Johnson, of Oklahoma, offered this amendment:

Concho, Okla.: For the construction of a shop building, \$12,000; employees' cottages, \$4,500; barn and implement shed, \$3,000.

Mr. Louis C. Cramton, of Michigan, made the point of order that the amendment was not germane to the portion of the bill to which offered and said:

Mr. Chairman, I make the point of order that the amendment is not germane at this place in the bill. the Concho School, as I understand, is cared for in the item on page 38, the maintenance; the school buildings are provided for on page 40.

The committee has taken a great deal of care to properly classify items. I know of no way the committee could classify more carefully. We first proceed with the general education items for day schools on the reservations. First there is the maintenance; next care of school buildings; and then we proceed for a number of pages to take care of boarding schools that are not on the reservations. Then over at the last are brought in those items that could not be taken care of in the preceding items, the item, for instance, of the Osage children. That is not out of the Treasury

<sup>1</sup>David J. Foster, of Vermont, Chairman.

<sup>2</sup>Second session Seventy-first Congress, Record, p. 416.

of the United States; it is out of the Osage funds. The item immediately before us, while it is out of the Treasury of the United States—and I want to emphasize this to the Chair—is not for the maintenance of schools by the Federal Government, but is its contribution to the maintenance of schools that are conducted by the State of Utah or subdivisions thereof. The bill is very carefully arranged, but its amendments like this can prevail, and we can have on page 40 an item for boarding schools on Indian reservations and for their building and repair and expansion of plants, and then 10 pages later one particular reservation boarding school has its plant provided for, Members of this House will not know where to look to find the things they are interested in.

That is the reason for the parliamentary rule, and that is the reason why it ought not to be in order for this amendment to be inserted over here in connection with items for the payment of tuition or appropriations from tribal funds or appropriations to carry on State and county schools where Indians attend. There is a place for it. That is on page 40, relating to reservation Indian boarding schools provided for out of the Treasury of the United States, where their physical needs are set forth.

The Chairman<sup>1</sup> ruled:

The Chair is very greatly impressed with the earnest argument of the gentleman from Michigan as to the necessity of order and procedure in the consideration of a bill, and, of course, has no purpose to consider lightly the determination of an important point of order.

Since the debate began the Chair has considered all the various paragraphs and finds that they are not as indiscriminate as they appear to be. It is true, as the gentleman from Michigan states, that the paragraph beginning on line 16 on page 40 was doubtless intended to be exclusive in the matter of constructing and repairing buildings at certain schools and like institutions, including the purchase of land and the installation of apparatus and equipment. It would be exclusive as to schools of a certain class, reservation, day or boarding school maintained out of the Federal funds.

What kind of school is this? It is a reservation boarding school maintained but of Federal funds.

On that statement the Chair feels constrained to sustain the point of order. In addition, the amendment is clearly not germane to the paragraph immediately preceding it, even though it relates to the general subject matter of the education of Indians.

**2932. While an amendment offered as a separate paragraph must be germane to that portion of the bill to which proposed, it is sufficient if offered to that portion of the bill relating to the department of government under which it properly belongs and the fact that it is not intimately related to the paragraphs immediately preceding or immediately following does not render it subject to a point of order.**

**An amendment making appropriation for the bureau of mines is not germane to provisions for the public land service of the United States Geological Survey carried in the bill to which proposed, but the three are under the Department of the Interior and as the last two were not intimately related the first was held in order for insertion between the other two and to be germane to that portion of the bill.**

On May 31, 1910,<sup>2</sup> the sundry civil appropriation bill was under consideration in the Committee of the Whole House on the state of the Union.

After the section of the bill providing for Public Land Service had been read and before the following section relating to the Geological Survey of the United States had been taken up, Mr. Albert Douglas, of Ohio, offered as a new section to

<sup>1</sup> Carl R. Chindblom, of Illinois, Chairman.

<sup>2</sup> Second session Sixty-first Congress, Record, p. 7164.

be inserted between the two an amendment making provision for the Bureau of Mines.

Mr. James A. Tawney, of Minnesota, made the point of order that the amendment was not germane to that part of the bill.

After debate, the Chairman<sup>1</sup> ruled:

The gentleman from Ohio offers an amendment, which has been reported, to come in immediately preceding the heading "United States Geological Survey," and the amendment offered by the gentleman from Ohio is headed "Bureau of Mines."

The point of order is first made that the amendment is not in order, being offered at this place in the bill, on the ground that it is not germane to the provisions of the bill at this point.

The bill is divided into different parts, relating to a certain extent, at least, to the different departments of the Government. Beginning on page 92 of the bill, under the heading in large capital letters, reading "Under the Department of the Interior," is a subheading "Public buildings," in capital letters. On page 94 is another subheading in capital letters, "Public lands service." On page 99 is another heading in capital letters, "Surveying the public lands," and on page 101 is a heading in capital letters, "United States Geological Survey."

All of these branches of the service are under the heading "Department of the Interior," and are all under the Department of the Interior. The gentleman from Minnesota has insisted that the items under "Public lands service" and those under "United States Geological Survey" relate to surveying the public domain, but it seems to the Chair that, even if the Chair were captious about it, that these two branches of the service are under different bureaus or divisions of the Department of the Interior which are in no way closely related, except as other bureaus may be related, and it seems to the Chair wholly for the Committee of the Whole to determine whether it prefers the provision in one place or in another part of the bill, the amendment being germane to these provisions of the bill under consideration. This item is offered as an amendment under the head of "Bureau of Mines," to come in between the items "Public lands service" and "United States Geological Survey," all three being in the same department. That part of the point of order the Chair overrules.

In the opinion of the Chair the amendment is in order at this place in the bill.

**2933. Amendments proposing new paragraphs should conform in germaneness to the section of the bill to which proposed.**—On March 21, 1930,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

When that portion of the bill relating to mergers of interstate carriers was reached, Mr. Fiorello H. LaGuardia, of New York, proposed an amendment inserting provisions of the United States Code relating to hours of labor.

Mr. James S. Parker of New York, made the point of order that the amendment was not in order at this place in the bill.

The Chairman<sup>3</sup> sustained the point of order and said:

The Chair is of the opinion that the gentleman's amendment would have been germane to subdivision 2 of section 2, but the Chair is of the opinion that the amendment is not germane at the place offered and, therefore, sustains the point of order.

<sup>1</sup>James R. Mann, of Illinois, Chairman.

<sup>2</sup>Second session Seventy-first Congress, Record, p. 5878.

<sup>3</sup>Earl C. Michener, of Michigan, Chairman.

**2934. An amendment must be germane to the portion of the bill to which offered but when proposed as a separate paragraph is not required to be germane to the paragraph immediately preceding it.**

On January 28, 1921,<sup>1</sup> while the diplomatic and consular appropriation bill was being considered in the Committee of the Whole House on the state of the Union, the Clerk read the section of the bill providing for salaries of ambassadors and ministers.

Mr. John Jacob Rogers, of Massachusetts, offered the following amendment to be inserted as a new paragraph:

For ambassador extraordinary and plenipotentiary to Turkey, \$10,000.

Mr. Thomas L. Blanton, of Texas, made the point of order that the amendment was not germane to the paragraph just read which it was proposed to immediately follow:

After debate the Chairman<sup>2</sup> held:

The point of order made by the gentleman from Texas as he states it himself regards the amendment as an amendment to the paragraph. The gentleman from Massachusetts offers his amendment in a separate paragraph.

The only question is as to whether or not it is properly with this branch of the bill. Is it within this title of "Salaries of ambassadors and ministers"? Of course, it is. The ambassador paragraph already passed was not necessarily exclusive. It was perfectly proper that an amendment should have been offered to that, or its proper to offer it as a separate paragraph, because of the fact that in the prior paragraph the salary is fixed at \$17,500 for all of the countries therein enumerated. In this case provision is made for an ambassador, but the salary is limited to \$10,000. Therefore, the point of order made by the gentleman from Texas is not sustained.

In response to an inquiry from Mr. Blanton the Chairman added:

A separate paragraph is certainly not a part of the paragraph that precedes it.

**2935. The rule on germaneness does not necessarily require that an amendment offered as a separate section be germane to the preceding section of the bill or to any other particular section of the bill, but it is sufficient that it is germane to the subject matter of the bill as a whole.**

On September 29, 1919,<sup>3</sup> while the bill (H. R. 9521) to regulate the preservation and distribution of cold storage foodstuffs was under consideration in the Committee of the Whole House on the state of the Union, the Clerk read this paragraph:

No person shall receive in commerce any article of food for cold storage or transport any article of food in commerce in any refrigerator vehicle, if such person has refused inspection, when requested under this act, of such warehouse or refrigerator vehicle; nor shall any person ship in commerce any article of food if he has refused inspection of such article of food when requested under this act.

To this paragraph Mr. Niels Juul, of Illinois, offered the following amendment:

Nor shall any person ship in commerce any poultry or game if the entrails of such game were not removed prior to the time of being received for cold storage.

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<sup>1</sup>Third session Sixty-sixth Congress, Record, p. 2173.

<sup>2</sup>Horace M. Towner, of Iowa, Chairman.

<sup>3</sup>First session Sixty-sixth Congress, Record, p. 6112.

Mr. Fred S. Purnell, of Indiana, raised the question of order as to the germaneness of the proposed amendment.

After debate the Chairman<sup>1</sup> held:

Members of the committee will recognize that the point of order does not involve the merits of an amendment. The rules as to germaneness require that an amendment must not only be germane to the bill but to the section to which it applies. This provision that is sought to be amended refers to inspection, while the amendment refers to the conditions of shipment. Therefore the amendment is not germane to the provision, and the point of order is sustained.

Whereupon, Mr. Juul proposed that the same amendment be inserted as a new section.

Mr. Sydney Anderson, of Minnesota, made the point of order that the amendment was not germane to the section of the bill which it was proposed to follow.

After extended discussion the Chairman ruled:

The Chair stated in the preceding ruling that the rule governing germaneness of amendments required that amendments be not only germane to the bill but to the section under consideration. This amendment is offered as a new section and stands not in the same relationship as if it were an amendment to the section itself. The ruling referred to some time ago referred to the question of whether when debate had been closed on a section and all amendments thereto it would cover a new section that was added or sought to be added, and the ruling of the Chair was to the effect that it would. However, the Chair does not think that that is on a parity with this. The amendment offered by the gentleman from Illinois is germane to the bill if added as a new section. It is not a part of the preceding section and does not need to be germane to it, and therefore the Chair overrules that point of order.

**2936. An amendment to a Senate amendment must be germane not only to the bill but to the Senate amendment to which offered.**

On August 16, 1921,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering Senate amendment No. 32 to the bill (H. R. 7294) supplemental to the national prohibition act, when Mr. Andrew J. Volstead, of Minnesota, moved to strike out the amendment and insert in lieu thereof the following substitute:

SEC. 6. That no officer, agent, or employee of the United States, while engaged in the enforcement of this act, the national prohibition act, or any law in reference to the manufacture or taxation of, or traffic in, intoxicating liquor, shall search any private dwelling without a warrant directing such search, and no such warrant shall issue unless there is reason to believe such dwelling is used as a place in which liquor is manufactured for sale or sold. The term "private dwelling" shall be construed to include the room or rooms occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house. Any violation of any provision of this paragraph shall be punished by a fine of not to exceed \$1,000 or imprisonment not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

Mr. Hallett S. Ward, of North Carolina, proposed to add the following to the substitute:

No execution or other process shall be levied on the property of any person for collection of penalties or forfeitures alleged to have been incurred by violation of this act or the national prohibition act until such person shall be duly convicted or shall plead guilty to the charge for which penalty or forfeiture shall arise.

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<sup>1</sup> Simeon D. Fess, of Ohio, Chairman.

<sup>2</sup> First session Sixty-seventh Congress, Record, p. 5080.

Mr. Volstead having made the point of order that the amendment was not germane to the substitute, Mr. Ward took the position that it was sufficient if the amendment was germane to the original bill.

After further debate the Chairman<sup>1</sup> held:

The committee is considering the Senate amendments and particularly this amendment which relates to search and seizure and limits the powers of Government officials in relation to search and seizures. It appears to the Chair that any amendment offered which is not germane to the subject covered by this amendment, even though it might be legitimate to the bill as a whole, is not in order, and the Chair sustains the point of order made.

**2937. To a bill amendatory of existing law in one particular a proposition to amend the law in another particular is not germane.**

**To a bill amending a section of a law designating and defining the constituent ingredients of oleomargarine an amendment proposing a tax on oleomargarine was held not to be germane.**

On February 6, 1930,<sup>2</sup> the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, was under consideration in the Committee of the Whole House on the state of the Union.

The Clerk read:

*Be it enacted, etc.*, That section 2 of the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, is amended to read as follows:

"SEC. 2 That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as 'oleomargarine,' namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; and all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, and suine, and neutral."

Mr. Jeremiah E. O'Connell, of Rhode Island, offered an amendment proposing a new paragraph imposing a tax of 2 cents per pound on oleomargarine.

Mr. Bertrand H. Snell, of New York, raised the point of order that the amendment was not germane and said:

There is a specific decision bearing exactly on this point, but I have not been able to find it at the moment; but when the House had before it a proposition for measuring boats in the Panama Canal Zone and an amendment was offered intended to repeal the charging of all tolls, that amendment was immediately ruled out of order on the ground that it tended to change the general provisions of the act and was not germane to the provision before the House at that time.

I think that is certainly on all fours with the proposition of the gentleman from Rhode Island. The proposition of the gentleman from Rhode Island is not germane to the proposition pending before the House at this time and is subject to a point of order.

The Chairman<sup>3</sup> sustained the point of order and added:

On October 1, 1919—Sixty-sixth Congress, first session, Record, page 6225; Cannon's Precedents, section 9781—Mr. Frederick C. Hicks, of New York, then Chairman of the Committee of

<sup>1</sup>Nicholas Longworth, of Ohio, Chairman.

<sup>2</sup>Second session Seventy-first Congress, Record, p. 3189.

<sup>3</sup>Willis C. Hawley, of Oregon, Chairman.

the Whole House on the state of the Union, made the decision to which the gentleman from New York has referred. In that case the Committee of the Whole was considering a bill amending the provisions of a law providing for the measurement of vessels to determine the tolls to be paid thereon. An amendment was proposed amending the existing law to the extent of repealing the provision dealing with tolls. The Chairman, in ruling on the point of order raised against the amendment, said:

"The bill provides certain rules for the measurement of vessels using the Panama Canal, but it does not provide for the payment of tolls. It merely establishes a standard of measurement for ships going through, and does not prescribe the amount of money which shall be paid by the ships themselves. \* \* \* Therefore, it seems to the Chair that the two subjects, the subject matter of the bill and the subject matter of the amendment are not related, and the Chair sustains the point of order."

The Chair sees a very great similarity between the proposition ruled on by Chairman Hicks and the one presented to the Chair at this time.

The amendment offered by the gentleman from Rhode Island in effect amends the act of August 2, 1886, but in a different section from that under consideration in this bill. The bill before us amends section 2 of the act of August 2, 1886, which pertains merely to definitions. The amendment offered by the gentleman from Rhode Island seeks to impose a tax. The Chair does not think the amendment germane and sustains the point of order.

**2938. Where a bill proposes to amend an existing law in several particulars, no arbitrary rule can be laid down either admitting or excluding further amendments to the law not proposed in the pending bill, but the question of the germaneness of such additional amendments must be determined in each instance on the merits of the case presented.**

On June 10, 1921,<sup>1</sup> the bill (H. R. 6611) for the establishment of a veterans' bureau in the Treasury Department was under consideration in the Committee of the Whole House on the state of the Union.

This bill proposed to amend severally a number of sections of the war risk insurance law.

Mr. John Jacob Rogers, of Massachusetts, proposed to amend the law in a manner not provided for by the pending bill by inserting the following as a new section:

SEC. 21½. Section 401 of the war risk insurance act, as amended, is hereby further amended by adding at the end of said section the following language:

*Provided further,* That any person in the active service who while in such service subsequent to the 6th day of April, 1917, and prior to the 6th day of October, 1917, because totally and permanently disabled without having applied for insurance shall be deemed to have been granted insurance in the sum of \$10,000, payments thereafter to be made in accordance with existing laws and regulations."

Mr. Everett Sanders, of Indiana, made the point of order that the amendment was not in order because not germane to the bill.

In support of the point of order, Mr. William H. Stafford, of Wisconsin, said:

Mr. Chairman, I should like to submit to the Chair an argument against the propriety of considering amendments to other sections of the war risk insurance act than those that are not included in the bill under consideration. I question very seriously whether under the rules of the House it is in order on a bill such as this, even though it presents amendments to various sections of the war risk insurance act, to present amendments like the one now proposed to this bill when such sections are not under consideration in the bill as reported. This is a large question that I do not

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<sup>1</sup>First session Sixty-seventh Congress, Record, p. 2415.

believe has been passed upon except once, to my recollection in the House. The question is, when a bill is presented like this one, amending, say, two, three, or four specific sections of a certain measure which contains perhaps a dozen sections, whether it is in order for any Member to offer an amendment to a section that has not been included for change. I take it that the reason for the rule of the House based on the relation of germaneness to the subject matter under consideration by the House is that it is founded on the idea that it is intended to dispatch the legislation under consideration, and for the further reason of protecting the House in the consideration of the proposed legislation by having the proposed legislation given consideration first by a committee as to whether it should be considered by the House at all. Otherwise there would be no logic in the rule which has been followed that when a Senate bill is presented to the House and referred to a committee for consideration, even that committee has no power to report any amendment except one that is germane to the bill, even though it may have authority to report legislation of a different character.

I call the attention of the chairman to a specific ruling by Speaker Clark when this very question was up for consideration, in which the Speaker upheld the contention of those protesting against the innovation attempted here. The point was contested by Messrs. Sherley, Fitzgerald, and myself, and also on the other side in support by Mr. Crisp. The bill under consideration then was a Post Office appropriation bill in which the Committee on the Post Office and Post Roads had brought into the House substantive legislation amending three sections of the criminal code. When the bill came back into the House the gentleman from California, Mr. Randall, offered a motion to recommit that had relation to other sections of the criminal code but did not have any direct relation to the provision on which he sought to hang his amendment.

The section of the criminal code that was amended and a part of the bill under consideration was section 215. That related exclusively to preventing the use of the mails for fraud. Mr. Randall offered an amendment to forbid the use of the mail by the sending of literature relating to liquor of any kind or any kind of advertisement relating to the sale of liquor. Although that amendment would have been in order to another section of the criminal code, but which, however, was not attempted to be reviewed and was not under consideration by the House in the amendments reported by the Committee on the Post Office and Post Roads, after elaborate argument by Messrs. Fitzgerald, Sherley, Crisp, and myself, the Speaker held that it was not germane to the subject matter under consideration.

Mr. Chairman, if we are going to indulge in this practice that when the committee brings in a bill amending say, two sections of a law that comprises 20 or 30 sections, that because there is an amendment of two sections it opens up for consideration every section in the original law, amendments to other sections which have no relation to the section attempted to be amended by the bill presented by the committee, then we put behind us that safeguard and protection which is necessary in legislation—that before legislation is considered in the Committee of the Whole House on the state of the Union it must first be considered by a committee of the House.

After further debate the Chairman<sup>1</sup> said:

It is always difficult to lay down a general rule with respect to admissibility of amendment which can be applied in every instance without question of doubt or without exception. The Chair is of opinion that, generally, it has been held that an amendment offered as a new section must be germane to the preceding section, but the Chair thinks that the rule is better stated by saying that the new section must be germane to the bill at the place at which it is offered. The Chair thinks that if the amendment of the gentleman from Massachusetts is in order at all, it is in order at the place at which he offered it.

The next question that arises is whether or not any amendment to section 401 of the war risk insurance act, which is not amended by the bill, as reported by the committee, is in order. The Chair confesses to having a considerable degree of difficulty with that question. The Chair does not think that the general rule can be laid down that where several portions of a law are amended by a bill reported by a committee, it is not in any case in order to amend another section of the bill not included in the bill reported by the committee, nor does the Chair think that the

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<sup>1</sup>Sydney Anderson, of Minnesota, Chairman.

opposite rule can be laid down and rigidly applied in every instance. The Chair thinks that a question of this kind must be determined in every instance in the light of the facts which are presented in the case.

In the particular case under consideration it appears that the committee has reported a bill which amends several sections of Title IV of the bill in various particulars. The Chair does not feel that he can hold that no amendment to a section not dealt with by the committee is in order. The question, therefore, comes down to whether or not the particular amendment proposed by the gentleman from Massachusetts is germane to section 401, if any amendment to that section is permitted.

The Chair thinks that the amendment proposed is clearly germane to that section, and the Chair thinks that the general character of the amendments proposed by the committee to various sections of Title IV is such that it is in order to amend section 401 in a germane way, even though that particular section is not dealt with by the committee or by the bill. The Chair, therefore, overrules the point of order.

**2939. A proposed amendment to existing law so comprehensive in its effect upon the law as to practically repeal it was held to admit as germane amendments providing an entirely different method for performing the functions of the original law.**

**A Senate amendment under consideration in the House is treated for purposes of amendment as an original bill.**

On May 3, 1922,<sup>1</sup> the House resumed consideration of Senate amendments to the District of Columbia appropriation bill with a point of order pending against an amendment offered on the preceding day to Senate amendment No. 1.

The Senate amendment proposed to substitute for the current method of taxation in the District of Columbia, known as the "half and half" plan, under which half of the expenses of the District was paid by the District and half by the Federal government, a new system under which all expenses of the District would be paid from the Treasury.

The pending amendment proposed by Mr. Charles R. Davis, of Minnesota, by way of a motion to recede and concur and against which a point of order had been lodged by Mr. R. Watson Moore, of Virginia, established a new fiscal system for the District and provided a new ratio in the propositions to be paid by the District and the Federal government.

After further debate on the amendment the Speaker<sup>2</sup> ruled:

This question has occasioned the Chair considerable difficulty in coming to a decision, for there are very strong arguments on both sides, as has been illustrated to the Members who have listened to the debate.

The Chair appreciates what has just been said, that if the Senate puts on a legislative provision it may prevent the legislative committee of the House from considering the proposition, and therefore is not the proper way to have it brought up. But, after all, that can not be prevented. That is still in the control of the House. If the House does not like that method of legislating, it may simply refuse to agree to the Senate amendment. But, after all, the Senate has a right to put on a legislative amendment if it desires, just as the House has that right, and when such a legislative amendment comes over to the House from the Senate the House is obliged to consider it, and it is just as properly before the House as if it had been reported from the House legislative committee.

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<sup>1</sup>Second session Sixty-seventh Congress, Record, p. 6274.

<sup>2</sup>Frederick H. Gillett, of Massachusetts, Speaker.

It seems to the Chair that some of the arguments which have been presented as to the amendment offered by the gentleman from Minnesota to the Senate amendment have been a little confused, because it has been referred to as action by the conferees. It is not action by the conferees. It is a motion made by the gentleman from Minnesota, Mr. Davis, as a Member of the House. Any other Member of the House might offer the amendment. Of course, the gentleman from Minnesota, being the chairman of the subcommittee, would have the first right to recognition; but the Senate amendment, being before the House, is subject to amendment by any Member of the House. There were two grounds stated for this point of order, first, that it was legislation, and, second, that it was not germane. The first point has not been insisted upon, and, of course, could not be, for there is no question that the whole Senate amendment is legislation. It is practically nothing but legislation. In fact, curiously enough, the Senate seems to have been so absorbed by the fact that it was legislation that it forgot to put on the appropriating clause. So that the Senate amendment is clearly legislation, and legislation of a very broad and sweeping character. It entirely changes the system under which taxation and appropriations in the District of Columbia have been made. It has always been on a proportional basis—half and half or some other ratio. This Senate amendment simply says at the outset that all expenses shall be paid out of the Treasury of the United States, and then it goes on to provide the details. That is a radical change, and, of course, it is legislation. Now, the Senate amendment comes before the House as an amendment to the first section of the House appropriation bill and it strikes out all of the House provision, and therefore, is a substitute. It seems to the Chair that this being a substitute and the matter being in the stage of disagreement any amendment can be offered which is germane either to this substitute or to the original House proposition, because it would be natural that a substitute should be offered which would bring the two House together, which would harmonize the two, which might contain part that was in one and part that was in the other, and yet the part that was in the original House bill might not be at all germane to the Senate amendment. But it seems to the Chair that it could hardly be argued that such an amendment was not germane, because the most natural amendment would be one tending to harmonize the provisions of the House and the provisions of the Senate and containing part of one and part of the other. Therefore, it seems to the Chair that, this being a substitute, anything is germane, and therefore in order, which is germane to either the original House section or to the Senate amendment.

The question remains, Is this amendment offered by the gentleman from Minnesota a germane amendment? The Chair having considered it overnight confesses that he has had considerable difficulty. There are provisions in this amendment offered by the gentleman from Minnesota which do not directly touch anything detailed in the Senate amendment. But the Chair has come to the conclusion that the Senate amendment is a complete and sweeping revision of existing law. It covers the whole field of relationship between the District and the Government in the affairs of taxation and expenditures. It practically repeals the existing law and establishes a new basis and a new system. In doing that the question arises whether only amendments can be offered which are directly applicable to the specific provisions which are detailed in the Senate amendment, or is the whole field so open that amendments can be offered which, although not specifically mentioned in the Senate amendment, apply to the changes made by the Senate amendment and are incidental to its whole subject and purpose. It seems to the Chair that the amendment of the gentleman from Minnesota contains such provisions only; that they are fairly incidental to the expressed purpose of the Senate amendment, and that the House has a right by amendment to adopt such incidental changes. The Chair therefore rules that the amendment offered by the gentleman from Minnesota is germane and in order.

**2940. To a bill reenacting in modified form an existing law, an amendment proposing further modification of the law proposing to be reenacted was held to be germane.**

On June 10, 1921,<sup>1</sup> the House was in the Committee of the Whole House on the state of the Union considering the bill (H. R. 6611) to establish a veterans' bureau.

The Clerk read a section of the bill proposing to reenact with amendments section 210 of the war risk insurance act.

Mr. Eugene Black, of Texas, offered an amendment proposing additional modification of section 210 of the war risk insurance act proposed to be reenacted.

Mr. Richard Wayne Parker, of New Jersey, made the point of order that additional modification of the section of existing law was not germane to the pending bill.

After debate the Chairman<sup>2</sup> held:

The Chair is quite willing to confess that he has had a good deal of difficulty in arriving at a general conclusion with respect to which the proposed bill opens up the war risk insurance act for amendment offered from the floor. The section under consideration amends section 210 of the war risk act, which section deals with the administration of family allowances. The Chair thinks it would be rather an arbitrary ruling to hold that where the committee has reported an amendment to a section in a law no amendment can be considered to that section except an amendment to the amendment proposed by the committee. The Chair is of the opinion that where the committee proposes an amendment to a section of the law in the nature of a substitute an amendment which is germane to that section of the law and the amendment of the committee is in order. The chair thinks that the amendment offered by the gentleman from Texas is germane to the section of the law under consideration and the amendment proposed by the committee, and the Chair therefore overrules the point of order.

**2941. An act continuing and reenacting an existing law is subject to amendment modifying the provisions of the law carried in the act.<sup>3</sup>**

**The committee, overruling the decision of the Chair, held that an amendment germane to an existing law is germane to a bill proposing its reenactment.**

On March 12, 1928,<sup>4</sup> the Committee of the Whole House on the state of the Union was considering the bill (S. 2317) continuing for one year the power and authority of the Federal Radio Commission under the radio act of 1927, when a committee amendment was read proposing modification of the provisions of the law sought to be continued.

Mr. Frederik R. Lehlbach, of New Jersey, made the point of order that the amendment was not germane to the bill because it referred to the provisions of the law proposed for reenactment rather than to the terms of the bill before the committee.

Mr. Wallace H. White, jr., of Maine, opposed the point of order and explained:

The first section of this bill provides that all the powers and all the authority vested in the Federal Radio Commission by the act of 1927 shall be vested in and exercised by the commission until March 16, 1929. It proposes in that language to extend for the period of another year each and every one of the powers vested by the 1927 law in the Radio Commission, and it does that by

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<sup>1</sup>First session Sixty-seventh Congress, Record, p. 2398.

<sup>2</sup>Sydney Anderson, of Minnesota, Chairman.

<sup>3</sup>Overruling sec. 5806 of Hinds' Precedents.

<sup>4</sup>First session, Seventieth Congress, Record, p. 4585.

the general language as fully and effectually as though the portion of the 1927 law were set out *seriatim*.

Now, paragraph 2 of section 9 of the 1927 law, one of the powers which, if it were not for this amendment, would be extended by that general language, is that the commission shall make such distribution of wave lengths, licenses, power, and periods of time for operation among the States and among the communities thereof as shall work out equitable service to those States and to those communities.

That proposition is before us by the general language with which this act starts. It is as fully and completely before us as though recited word for word and letter for letter. This amendment to which the point of order is directed seeks to amend that specific section and that specific paragraph. It seems to me it is clearly germane, clearly within the authority of the House and the committee to deal with that specific power when we undertake to deal with all the powers.

Mr. Lehlbach argued:

Is it germane? Fortunately, the Senate bill is short and we can examine it with a good deal of particularity. The radio act of 1927 covered the field of radio and laid down permanent substantive law in accordance with which radio activities were to be governed and regulated, and it provided for an authority to carry out that permanent and substantive law. Certain of the functions of the commission created by that act to carry out some of these functions and to put into operation this permanent substantive law by limitation would expire on the 15th of March next. The Senate passed this legislation for what purpose? In section 1 it provides that the power and authority vested in the Federal Radio Commission should continue until March 16, 1929, and that is all that section 1 does. It does not in the slightest particle alter the substantive permanent law that is written into the radio act of 1927. Section 2 provides that these commissioners shall continue to receive a salary at the rate of \$10,000 a year while they continue to exercise these functions. It does not in the slightest particular touch the permanent substantive law written in the act of 1927. Section 3 provides that this commission during its functioning and for a few months thereafter, until January 1, 1930, shall not issue licenses under the act for more than six months and one year. It does not in any way alter the permanent substantive law with respect to the length of time for which licenses should be issued but merely restricts the functioning for a short period of time and leaves the law unchanged. That is all there is here. How an amendment that radically and vitally changes the substantive law on the subject of radio can be germane to such a proposition is more than I can see.

Mr. Lehlbach then cited section 5806 of Hinds' Precedents in support of his position.

Mr. Finis J. Garrett, of Tennessee, answered:

When I was informed that there would be a point of order interposed to the committee amendment, I made an examination of the precedents, and, of course, I found there, as one of the first, the case which the gentleman from New Jersey has cited, section 5806 of Hinds' Precedent. I will say very frankly that when I came in to analyze that decision and to analyze this situation more carefully than was done in a casual reading it occurred to me that it was a precedent that might be decisive of the question. But upon the examination of the Congressional Record itself and a reading of the precise thing that was in the resolution reported by the gentleman from Wisconsin I came to the conclusion that the case at bar can be clearly differentiated from the one which existed there. I have before me the Congressional Record of April 24, 1900, and I should like to read the resolution which had passed the Senate, and which was reported by the Committee on Insular Affairs and presented by the gentleman from Wisconsin. I read:

"That until the officer to fill any office provided for by the act of April 12, 1900, entitled 'An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,' shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said act; and no officer of the Army shall lose his commission by reason thereof: *Provided*, That nothing herein

contained shall be held to extend the time for appointment and qualification of any such officers beyond the 1st day of August, 1900."

Now, to that the House committee adopted certain amendments, which fell before the point of order, or rather would have fallen before the point of order but for the fact that later on the Speaker held that the point of order came too late.

Those amendments that were proposed by the committee I shall not read, but there were two of them, and they went into section 32 of the act apparently passed in that session of Congress, and undertook to amend that section 32 by a very elaborate provision touching the question of franchise to be granted in Porto Rico.

Now, Mr. Chairman, I have before me the radio act of 1927 and I desire to read section 9 thereof, which is very brief and which it is proposed to amend here. I read:

"SEC. 9. the licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this act, shall grant to any applicant therefor a station license provided for by this act.

"In considering applications for licenses and renewals of licenses when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

"No license granted for the operation of a broadcasting station shall be for a longer term than three years and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term not to exceed three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses.

"No renewal of an existing station shall be granted more than 30 days prior to the expiration of the original license."

That is all of section 9.

Now, Mr. Chairman, Senate bill 2317, the bill before the Committee of the Whole, is not merely an extension of the time of the Radio Commission. It contains positive, substantive matters of law changing the existing law which I have just read to the Chair. In the first place, as was pointed out by the gentleman from Maine, in the very first section of the act there is the general extension of all powers and authority vested in the Federal Radio Commission, including its authority to issue licenses. But go to section 3 of the Senate bill. There you find your modification and there you find legislation entirely new in character changing the third paragraph of section 9 of the law. This proposal changes the time which was there fixed and makes what the gentleman from New Jersey is pleased to designate as substantive, positive law.

Now, section 9 is being amended to a material respect, a very material respect. The committee comes with a proposal to further amend section 9, but not bringing in some new law, as was proposed to be done by the Committee on Insular Affairs back in 1900, when they attached extraneous matter to a simple resolution extending the time for the appointment of certain officers in Porto Rico.

We have in section 3 of the Senate bill a change of existing law—law asserted in section 9 of the original radio act. The committee simply proposes to go further and by an amendment amend another clause of the very same section brought before the House by the Senate bill both of them embraced in the authority and the power of the Radio Commission, which by the terms of the first section of the act is being extended in this measure.

Now, it seems to me, Mr. Chairman, that unquestionably when we come to examine the language of the law, the language of the proposed act, we can differentiate from both the cases that are laid down in the precedents, one of which has been cited by the gentleman from New Jersey and the other of which was quoted in that same decision rendered by Mr. Speaker Henderson in 1900.

Therefore, Mr. Chairman, I respectfully submit that the committee amendment is germane and is in order.

Mr. Charles R. Crisp, of Georgia, also dissented from the rule laid down in the Precedents:

Mr. Chairman, I am familiar with the decision in which it was held by Speaker Henderson that you could make a point of order against an amendment added to a Senate bill by a House committee.

I think the Chair could render the House a service by overruling this decision, for I do not believe the decision is well founded. What is the object in parliamentary law of requiring that proposed amendments be germane? It is to keep the House from being taken by surprise in voting upon an amendment that has not been considered or digested or reported by a committee of the House. The natural presumption is that the committees of this House, whose members are intelligent men and good legislators, would not report an amendment to a bill which they were considering that did not relate, that was not relevant, that was not germane to the matter they were considering.

Now, what does this Senate bill do, Mr. Chairman? This Senate bill reenacts the radio control bill; and the body of the bill itself expressly says that all powers conferred on the Radio Commission by the original act are continued, with certain changes and limitations, and the Senate limits it and changes section 9, dealing with the issuing of licenses. The Senate bill itself, in section 3, in dealing with the issuing of licenses for radio and the permits which were issued under the original act, reduces and cuts down the time from three years and five years to one year and six months. This is a substantive change. The House committee proposed an amendment still further reducing the time for which licenses may be granted.

Under the facts in this case this amendment, dealing with a bill extending all the powers and all the provisions of the radio act is the same as if every one of those sections was enumerated in the bill. The amendment is unquestionably germane to the bill, and in my opinion there is no merit in the point or order.

The Chairman <sup>1</sup> decided:

The Chair was advised that this point of order would be made, and therefore gave considerable study to it prior to the consideration this afternoon. The Chair realizes the importance of the issue, so far as the merits of the question before the committee are concerned, and has attempted to divest himself of any interest in that question in the determination of the point of order.

The bill, S. 2317, as it came from the Senate, read as follows:

“An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

“*Be it enacted, etc.*, That all the powers and authority vested in the Federal Radio commission by the radio act of 1927, approved February 23, 1927, shall continue to be vested in and exercised by the commission until March 16, 1929; and wherever any reference is made in such act to the period of one year after the first meeting of the commission, such reference shall be held to mean the period of two years after the first meeting of the commission.

“SEC. 2. The period during which the members of the commission shall receive compensation at the rate of \$10,000 per annum is hereby extended until March 16, 1929.

“SEC. 3. Prior to January 1, 1930, the licensing authority shall grant no license or renewal of license under the radio act of 1927 for a broadcasting station for a period to exceed six months and no license or renewal of license for any other class of station for a period to exceed one year.

“SEC. 4. The term of office of each member of the commission shall expire on February 23, 1929, and thereafter commissioners shall be appointed for terms of 2, 3, 4, 5, and 6 years, respectively, as provided in the radio act 1927.”

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<sup>1</sup> Carl R. Chindblom, of Illinois, Chairman.

The committee amendment, as to which a point of order has been made, reads as follows:

“SEC. 4. The second paragraph of section 9 of the radio act of 1927 is amended to read as follows:

“The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States therefor in proportion to population and area.”

The Senate bill amended in certain particulars the radio act of 1927, which the Chair has before him. The Chair believes it in point to consider the structure and contents of that law. It is a large enactment, covering 15 pages of the usual public law print, and contains over 10,000 words. It relates to a large number of subjects in connection with “the regulation of radio communications.” The first section states the general purposes of the act. The second section creates the five zones into which the country is divided for the purposes of the act. The third section establishes the Federal Radio Commission. The fourth section states the authority of that commission. The fifth section provides for the transfer after the expiration of one year of a large part of the authority granted to the commission to the Secretary of Commerce. The law then contains numerous provisions regarding radio stations owned by the United States and provides for the use of private radio stations and facilities by the Government in time of emergency. Then follow a number of sections relating to the granting of licenses, beginning with section 9 and running through sections 10, 11, 12, 13, and 14, all of them relating to the matter of granting licenses, not only to broadcasting stations but to other stations. Section 15 relates to the matter of violations of law as to unlawful restraints and monopolies. Section 16 relates to appeals to the courts by persons dissatisfied with the action of the commission or of the Secretary of Commerce. Thus, throughout the bill a large number of subjects are treated, all relating to the general subject of radio communication and the control of radio operations and facilities by the Federal Government, including prosecutions and penalties for violations of the act. It will be seen, therefore, that the pending bill affects only a very small portion of the radio act of 1927 and can not be said to be a general revision of that act.

There are two main questions involved here, one of which has been raised only incidentally by the suggestion of the gentleman from Georgia, that in his opinion it would be well if there would be a reversal of the decisions heretofore made with reference to the rules applicable to committee amendments, as affecting perhaps particularly amendments to Senate bills. Of course, the present occupant of the chair would not feel warranted in overruling a rather long line of decisions by very distinguished Chairmen and Speakers. The Chair thinks that it is clear that a committee amendment is subject to the same rules with respect to germaneness and all other limitations as are amendments proposed on the floor.

The gentleman from Tennessee made reference to the precedent in Hinds' Precedents, volume 5, paragraph 5806, page 411, where the introductory paragraphs read as follows:

“To a bill amendatory of an existing law as to one specific particular an amendment relating to the terms of the law rather than to those of the bill was held not to be germane.

“The rule that amendments shall be germane applies to amendments reported by committees.”

It was the case in which the gentleman from Wisconsin, Mr. Cooper, offered amendments on behalf of the Committee on Insular Affairs to the law relating to the government of Porto Rico. As the Chair understood it, the gentleman from Tennessee said that at first he was quite impressed with the force of this precedent as applicable to the instant case. The Chair is quite impressed with the force of this precedent, and wishes to call attention to the very close similarity of the case now before the committee and that which then arose. It was on April 24, 1900, and the Chair now refers to the Congressional Record, volume 33, part 1, Fifty-sixth Congress, first session, page 4613. The gentleman from Wisconsin obtained consent for the consideration of Senate Joint Resolution 116, entitled:

“Joint resolution to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900,

entitled 'Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes.'

The act itself provided as follows:

"That until the officer to fill any office provided for by the act of April 12, 1900, entitled 'An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,' shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said act; and no officer of the Army shall lose his commission by reason thereof: *Provided*, That nothing herein contained shall be held to extend the time for appointment and qualification of any such officers beyond the 1st day of August, 1900."

It will be noted that here was a provision for the continuation of a system of government in Porto Rico, with a limitation as to when that system of government should expire, just as in the pending bill there is a provision for a continuation of the work and authority of the Radio Commission within the limit of the period of one year. Neither the Porto Rican act nor the present bill, as passed by the Senate, changed the permanent provisions of the laws whose operations were thus temporarily extended.

The gentleman from Wisconsin, on behalf of the Committee on Insular Affairs, offered two amendments relative to certain "franchises, privileges, and concessions," as to the granting and effect of which various preliminary requirements and restrictions were proposed, and subsequently the question arose as to the germaneness of those amendments.

The question raised here in debate was as to whether the original law which was then being extended in time of operation contained anything with reference to the very franchises, and so forth, to which the amendments referred. On that question the Chair will say that the amendments were specifically directed to section 32 of the act, which was then in question, and which read as follows:

"SEC. 32. That the legislative authority herein provided shall extend to all matters of a legislative character, not locally inapplicable, including power to create, consolidate, and reorganize the municipalities, so far as may be necessary, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico, or any municipality or district thereof, not inconsistent with the provisions hereof: *Provided, however*, That all grants of franchises, rights, and privileges or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Porto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same."

So that in the act, which was amended by the Senate bill providing for the temporary continuance in office of certain officers, there was actually contained a provision with reference to the franchises, privileges, and concessions to which the amendments offered by the gentleman from Wisconsin, on behalf of the Insular Affairs Committee, related, and still the Speaker held that the amendments were not germane.

The case referred to, in this decision, is discussed on page 412 of Hinds' Precedents, Volume V, section 5807, where a Senate bill (S. 4814) was before the House, which was entitled "An act to amend an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes." To this bill Mr. Thomas H. Carter, of Montana, moved an amendment providing for a method of classification to determine the mineral or nonmineral character of lands selected by railroads. The Speaker (Mr. Thomas B. Reed, of Maine) sustained the point of order in the following language, which shows the similarity of that case to the one now pending:

"The Chair can only consider, in determining the question, whether the amendment be germane to the bill before the House and the proposition therein contained. The pending bill relates solely to the time when a period named in the original act shall begin to run. The amendment proposed relates to a reclassification of lands, a subject so remote from that of the bill that it can be justified only by a claim that any amendment germane to this act proposed to be altered would be germane to this bill. But the very claim is its own answer. The test must be the bill before the House, for that is the bill which is to be amended."

On March 9, 1898, the House was in Committee of the Whole House on the state of the Union considering Senate amendments to an Indian appropriation bill. One of those amendments read as follows:

“That the time fixed for the Indian appropriation act approved June 7, 1897, for opening for location and entry, under all land laws of the United States, the lands of the Uncompahgre Indian Reservation in Utah, under the limitations and exceptions as therein provided, is hereby extended six months from the 1st day of April, 1898.”

To this amendment Mr. James S. Sherman, of New York, offered an amendment, which provided, in substance, that the Secretary of the Interior should be authorized to lease the said reserved lands containing minerals upon such terms and conditions as to royalties, length of leases, assignments of the leases, and other “regulations and limitations,” as the Secretary of the Interior might determine. Mr. King, of Utah, interposed a point of order, claiming, among other objections, that the Sherman amendment was not germane to the Senate amendment then under consideration.

The Chairman, Mr. Hepburn, of Iowa, sustained the point of order that the Sherman amendment was not germane.

Reference has been made, in debate, to the decision of Mr. Speaker Cannon on February 11, 1905, when the Committee on Naval Affairs, under a special order of the House permitting the consideration, on that day, of certain private bills, by a substitute for a bill not in the privileged classes, under the order, sought to bring the bill within the special order. Mr. Speaker Cannon then said (Hinds' Precedents, Vol. VI, sec. 4623, p. 954):

“The substitute is a mere proposition of no higher grade than an amendment that might be offered by any Member. \* \* \* The amendment can have no status and if it gets consideration at all it gets consideration by virtue of the bill which was referred to the Committee on Naval Affairs and reported back.”

Thus, in the case now before the committee, the amendments recommended to the Senate bill by the Committee on the Merchant Marine and Fisheries have no advantageous position on the question of germaneness, notwithstanding that committee has jurisdiction of the subject matter and the Senate bill was referred to it. The amendments must survive the same test as would amendments offered on the floor of the Committee of the Whole or of the House. What, then, is that test?

The rule was never better stated than by the distinguished gentleman from Tennessee, Mr. Garrett, when he said on September 19, 1918, as reported in the advance sheets of Cannon's Precedents, in section 2911, that—“the meaning of the expression ‘germaneness’”—

(In the case then before him) was—“that the fundamental purpose of the amendment must be germane to the fundamental purpose of the bill.”

The latest decision on a question of this sort was made in an admirable opinion by the gentleman from New Jersey, Mr. Lehlbach, on the 8th of this month, which occurs on pages 4486–4488 of the current Congressional Record.<sup>1</sup> That decision was sustained by the Committee of the Whole by the vote of 207 ayes to 33 noes.

That decision is almost on all fours with the pending question. What is the fundamental purpose of this Senate bill 2317? Who will say that it has any other purpose than to extend for another year the operation and the work of the Radio Commission which, under the radio act of 1927, was limited to one year?

Section 1 does it in about the same language as is employed in the other bills which have been heretofore quoted. Section 2 continues the salaries of the commissioners for this same work for another year. Section 3 makes an incidental provision with reference to limiting licenses during this enlargement of the activities of the Radio Commission, and section 4, which the House committee struck out but which must be considered in this connection was also a part of the general scheme for continuing the life of the commission for more year along the same lines and with the same powers and for the same purposes as were contained in the original radio act of 1927, when the commission was granted certain powers for one year only. Nowhere in the original

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<sup>1</sup>Sec. 2995 of this work.

Senate bill is there any permanent fundamental change in the wide range of the substantive provisions of the radio act of 1927, to which the Senate bill is an amendment.

The amendment proposed by the House committee, which is now designated as section 4, relates to an entirely different subject. It provides for the permanent territorial distribution and allocation of broadcasting licenses, in respect of wave lengths and of station power, among the five zones created by the radio act of 1927, and to the distribution and allocation of such broadcasting licenses, not all licenses, but broadcasting licenses only, among the different States in proportion to population and area.

It seems clear to the Chair that the fundamental purpose, in fact, the sole object of the Senate bill is the temporary extension of the jurisdiction of the commission and that the other matters which are inserted by the Senate bill are merely incidental thereto. If that is so, then section 4 is not germane, because it relates to an entirely different subject matter.

The Chair therefore sustains the point of order that the committee amendment, designated as section 4, is not germane to the Senate bill.

Mr. Crisp, appealing from the decision of the Chair, submitted:

The fundamental purpose of this bill is not to continue the life of the commission but it is to continue this Radio Commission with all of its powers, including the power for 12 months to continue to issue licenses. The Senate bill not only extended all the powers for 12 months but it extended them with certain limitations. The Senate bill amended section 9 of the original radio act by saying that this commission, with its life extended, could only grant licenses for one year and six months, instead of five and three years, and the House committee still further amended it by striking out the one and three years and putting in three months and six months.

Mr. Lehlbach submitted in rebuttal:

The gentleman stated correctly that the Senate bill was for the purpose of extending the powers and authority of the Radio Commission for 12 months with certain limitations. If section 4 were a limitation upon the powers and authority of the Radio Commission during the period for which their powers and authority are extended, it would be in order, but it does not refer to the functioning of the Radio Commission for the next 12 months. If changes, until amended, for all time the basic law with respect to radio, no matter who exercises the function. Consequently, it is in no sense germane.

The question being put on the appeal and the committee having divided, tellers reported yeas 140, nays 168, and the decision of the Chair was not sustained as the judgment of the committee.

**2942. To a bill amending a law in several particulars an amendment proposing modification in another particular was held to be germane.**

On September 10, 1919,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 9065) proposing modification of several sections of the Federal far loan act.

Mr. Melvin O. McLaughlin, of Nebraska, offered an amendment proposing modification of a section of the law unprovided for in the pending bill.

Mr. Thomas L. Blanton, of Texas, made the point of order that the amendment was not germane to the bill.

Mr. Otis Wingo, of Arkansas, said:

Mr. Chairman, while I am opposed to this amendment, there is no question that the proposed amendment is in order. It proposes to change the figures of the original act. This bill proposes amendments to several sections of the act.

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<sup>1</sup>First session Sixty-sixth Congress, Record, p. 5204.

The Chairman<sup>1</sup> affirmed:

It is clear to the Chair that the gentleman from Arkansas has stated the effect of this amendment; and, if that be correct, the amendment is certainly in order, and the Chair overrules the point of order. The gentleman from Nebraska.

On September 12,<sup>2</sup> when the same bill was again under consideration in the Committee of the Whole House on the state of the Union, Mr. Daniel A. Reed, of New York, proposed a further amendment of the original act not provided for in the pending bill.

Mr. Burton E. Sweet, of Iowa, raised the question of order that the proposed amendment was not germane to the bill.

The Chairman ruled:

It is well established by precedents that where it is proposed in a bill to amend an act in a number of its sections, an amendment to amend another section of the act is in order. A number of cases have occurred in the consideration of this bill where amendments have been offered which were not germane to any section included in the present bill but were clearly germane to sections in the original law. It seems clear to the Chair that this amendment is germane to a section of the original law, which under the precedents may be repealed or amended in this bill. The Chair therefore overrules the point of order.

**2943. To a bill to modify a section of an existing law an amendment proposing to repeal a portion of the section sought to be modified was held to be germane.**

On February 1, 1928,<sup>3</sup> the House ordered to a third reading the bill (H. R. 6491) to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies and for other purposes," approved October 15, 1914, as amended.

Thereupon Mr. T. Alan Goldsborough, of Maryland, moved to recommit the bill to the Committee on Banking and Currency with instructions to report it back forthwith with the following amendment:

Strike out all of the language after the enacting clause and insert in lieu of the matter stricken out the following language: "That the last proviso of the second paragraph of section 8 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, as amended is hereby repealed."

Mr. Louis T. McFadden, of Pennsylvania, made the point of order that the amendment proposed in the motion to recommit was not germane.

The Speaker,<sup>4</sup> after ascertaining that the amendment proposed to repeal only the provisions of the law which the pending bill sought to amend, overruled the point of order and put the question on the motion to recommit.

**2944. Although a bill amending a general law in several particulars is presumed to admit as germane an amendment providing for the repeal of the whole law, in an instance wherein the modifications proposed by the**

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<sup>1</sup> John Q. Tilson, of Connecticut, Chairman.

<sup>2</sup> Record, p. 5311.

<sup>3</sup> First session Seventieth Congress, Record, p. 2339.

<sup>4</sup> Nicholas Longworth, of Ohio, Speaker.

**pending bill did not vitally affect the entire law, an amendment providing for repeal was held not to be germane.**

On June 17, 1919,<sup>1</sup> Mr. James W. Good, of Iowa, called upon the conference report on the third deficiency appropriation bill, reporting agreement on all votes in disagreement except on Senate amendment No. 21, directing the Secretary of the Treasury to acquire and complete a hospital in Cook County, Illinois.

The conference report was agreed to, and the Senate amendment remaining in disagreement was reported, when Mr. Good moved to recede from disagreement and concur in the Senate amendment with an amendment repealing the entire law authorizing the Secretary of the Treasury to build such hospitals of which the Senate amendment was amendatory.

Mr. Alben W. Barkley, of Kentucky, raised the question of order that the amendment proposing the repeal of the law was not germane.

Debate on the point of order having occupied the remainder of the day, the Speaker<sup>2</sup> took the question of order under advisement and the House adjourned.

On the next day<sup>3</sup> on which the business was again in order, consideration of the Senate amendment having been resumed, the Speaker said:

The point of order made by the gentleman from Kentucky is that the amendment offered by the gentleman from Iowa is not germane to the Senate amendment. The rule on germaneness is very simple—

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

While the rule seems simple, of course the difficulty always lies in deciding what is strictly the subject under consideration. In this instance the original bill gave the Secretary of the Treasury power to establish hospitals in several different places, and also other powers in respect to hospitals. The Senate amendment compelled him to build one of these hospitals, where before he simply was given authority to build it. The gentleman from Iowa moves an amendment to the Senate amendment to repeal the whole law which gave the Secretary the discretion to build these hospitals. It seems very clear to the Chair that if the only clause in the Senate amendment was to compel building the Chicago hospital, then an amendment which repealed the whole law giving the Secretary authority to build all these hospitals would not be in order. Indeed, it would be questionable, under the precedents, whether an amendment which forbade the Secretary to build the Chicago hospital alone would be in order. That, at least, would be open to debate, for although that in one sense is “the subject under consideration,” yet it has been held, for instance, that a bill authorizing the Court of Claims to adjudicate a claim can not be amended to provide for payment of that same claim. The subject under consideration was not simply the claim but the action to be taken concerning the claim. And so it might be argued that to forbid the Secretary of the Treasury to build one hospital is not germane to an amendment which compelled him to build it. But the question here is broader than that. The question here is, When an amendment orders the Secretary to build the hospital, is it germane to repeal the whole law under which the Secretary previously had power to build that hospital and others? The Chair thinks it clearly would not be germane if that was the only subject in the Senate amendment.

But in the Senate amendment there is another proposition which applies to a different pay of the law to be amended. There is a clause in the original law setting aside a special fund of \$1,500,000 to purchase land and buildings. That clause is amended by the Senate amendment to authorize the Secretary not only to purchase buildings but also to erect buildings. That, of

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<sup>1</sup>First session Sixty-sixth Congress, Record, p.1231.

<sup>2</sup>Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup>Record, p. 1393.

course, is a minor paragraph in the original law and this is a rather insignificant amendment. Yet it is argued, and argued plausibly and forcibly, that when more than one clause or section of a law is amended that fact brings the whole law before the House, and an amendment would then be in order to repeal the law. There is one notable precedent for that, but the Chair thinks it is clearly distinguished from this. In the case to which the Chair refers the amendments were numerous and went to the heart of the bill, and changed the bill in a vital way. In that case it was held that a motion to repeal the whole law was in order, but it seems to the Chair that in the case before us the two sections referred to by the Senate amendment are easily segregated from the rest of the law, and that they do not affect the whole law, and that a motion to repeal the whole law is not fairly germane to an amendment which simply changes those two paragraphs. The Chair, therefore, sustains the point of order.

**2945. To a bill modifying existing law in a number of particulars an amendment referring to the entire law is not necessarily germane.**

On June 10, 1921,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 6611) to establish a veterans' bureau.

This bill proposed the reenactment in modified form of a number of sections of the war risk insurance act, but containing no reference to the act as a whole.

Mr. Clay Stone Briggs, of Texas, offered the following amendment:

The provisions of this act, as well as those of the war risk insurance act as amended, shall be liberally construed in favor of the claimant within the class of beneficiaries entitled to relief under the provisions of this act.

Mr. Everett Sanders, of Indiana, made the point of order that the amendment was not germane.

After debate the Chairman<sup>2</sup> ruled:

The amendment of the gentleman from Texas provides that the provisions of this act, as well as the war risk insurance act as amended, shall be liberally construed in favor of the claimant, and so forth. The provision offered by the gentleman from Texas undertakes to interpret not only the sections of the war risk insurance act as amended but many sections of the war risk insurance act which are not before the House now for amendment. The Chair thinks it is not in order on this bill to amend sections or interpret sections of the war risk act which are not before the House for amendment or interpretation. Therefore the Chair sustains the point of order.

**2946. To a bill amending the Federal Reserve Act in a number of particulars an amendment relating to the Federal Reserve Act but to no portion provided for in the pending bill was held not to be germane.**

On January 14, 1925,<sup>3</sup> the Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 8887) to amend the Federal reserve act and the national bank act.

Mr. W. A. Ayers, of Kansas, offered an amendment proposing modification of a portion of the Federal reserve act not referred to in the pending bill.

Mr. Carroll L. Beedy, of Maine, made the point of order that the amendment was not germane to the bill.

The Chairman<sup>4</sup> held that the amendment was not germane to any particular section of the pending bill and sustained the point of order.

<sup>1</sup> First session Sixty-seventh Congress, Record, p. 2424.

<sup>2</sup> Sydney Anderson, of Minnesota, Chairman.

<sup>3</sup> Second session Sixty-eighth Congress, Record, p. 1833.

<sup>4</sup> Frederick R. Lehlbach, of New Jersey, Chairman.

**2947. To a bill amendatory of an act in several particulars an amendment proposing to modify the act but not related to the bill was held not to be germane.**

On May 14, 1924,<sup>1</sup> the House was considering the bill (H. R. 2169) proposing to amend several sections of the national defense act, when Mr. John J. McSwain, of South Carolina, offered an amendment proposing to modify a section of the national defense act not referred to in the pending bill.

Mr. Thomas L. Blanton, of Texas, submitted that the amendment was not germane either to the bill or to the pending section.

After a brief debate the Speaker<sup>2</sup> ruled:

It does not seem to the Chair that this bill brings the whole national defense act before the House. It only brings before the House a very limited portion of it and not the portion affected by the amendment offered by the gentleman from South Carolina. The Chair is disposed to sustain the point of order. The point of order is sustained.

**2948. To a bill amendatory of one section of an existing law an amendment proposing further modification of the law was held not be germane.**

On December 20, 1919,<sup>3</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 11224) to amend section 1 of the act approved October 16, 1918, providing for deportation of alien anarchists.

Mr. Benjamin F. Welty, of Ohio, offered an amendment proposing to add to the existing law a new section to be known as section 4.

Mr. Albert Johnson, of Washington, made the point of order that the amendment while germane to the existing law was not germane to the pending bill.

After debate the Chairman<sup>4</sup> sustained the point of order.

**2949. To a bill amending a law in one particular an amendment repealing the law is not germane.**

**To a bill amending a single feature of the war prohibition act an amendment repealing the act was held not to be germane.**

On July 14, 1919,<sup>5</sup> during consideration in the Committee of the Whole House on the state of the Union of the bill (H. R. 6810) the prohibition enforcement bill, the Clerk read as follows:

That the term "war prohibition act" used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States. The words "beer, wine, or other intoxicating malt or vinous liquors" in the war prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.

To this paragraph Mr. William L. Igoe, of Missouri, proposed the following amendment:

After the word "States," strike out the remainder of the section and insert the words "and the same is hereby repealed."

<sup>1</sup> First session Sixty-eighth Congress, Record, p. 8554.

<sup>2</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup> Second session Sixty-sixth Congress, Record, p. 1000.

<sup>4</sup> James W. Good, of Iowa, Chairman.

<sup>5</sup> First session Sixty-sixth Congress, Record, p. 2555.

Mr. Andrew J. Volstead, of Minnesota, raised the question of order that the amendment was not germane to the bill.

After debate the Chairman<sup>1</sup> ruled:

The section reads as follows:

“That the term ‘war prohibition act’ used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States. The words ‘beer, wine, or other intoxicating malt or vinous liquors’ in the war prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.”

Under that section the gentleman from Missouri has offered the following amendment:

“Page 2, line 1, after the word ‘States,’ strike out the remainder of the section and insert the words ‘and the same is hereby repealed.’”

The part stricken out, according to this amendment, reads as follows:

“The words ‘beer, wine, or other intoxicating malt or vinous liquors’ in the war prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.”

The gentleman from Minnesota makes the point of order that this amendment is not germane to the paragraph. It has been decided a number of times by the House that to a bill amendatory of any existing law as to one specific particular amendment relating to the terms of the law rather than those of the bill are held not to be germane. I think that is the well-decided opinion of the House and to that opinion I understand the gentleman from Missouri does not object, but claims that his amendment falls within the provision of the decision of this House which was first made in 1902. I read from Hinds’ Precedents, volume 5, page 420, section 5824:

“To a bill amending a general law in several particulars an amendment providing for the repeal of the whole law was held to be germane.

It is the contention of the gentleman from Missouri that the bill involves the war prohibition act in more than one particular, and therefore is in order. The Chair has very carefully gone through this bill, and is of the opinion that the language which reads: “That the term ‘war prohibition act’ used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States” does not amend the war prohibition act. The Chair is of the opinion that the bill amends the war prohibition act in only one particular, and that is puts in an amendment commencing with the words in line 1, page 2, reading as follows:

“The words ‘beer, wine, or other intoxicating or vinous liquors’ in the war prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.”

That is the only amendment to the war prohibition act that the Chair has been able to find which can be dignified by the term of an amendment to the act, and the Chair therefore sustains the point of order.

**2950. To a proposition to extend for two years the operation of a temporary act and declaring that conditions prompting its original enactment still existed, an amendment germane to the existing act sought to be extended was held to be germane.**

On April 28, 1924,<sup>2</sup> the bill (H. R. 7962) to regulate rents in the District of Columbia was under consideration in the Committee of the Whole House on the

<sup>1</sup>James W. Good, of Iowa, Chairman.

<sup>2</sup>First session Sixty-eighth Congress, Record, p. 7418.

state of the Union, when Mr. Florian Lampert, of Wisconsin, moved to strike out all after the enacting clause and insert the following:

That it is hereby declared that the emergency described in Title II of the food control and the District rents act still exists and continues in the District of Columbia and that the present housing and rental conditions therein require the further extension of the provisions of such title.

Sec. 2. That Title II of the food control and the District of Columbia rents act, as amended, is reenacted, extended, and continued, as hereinafter amended, until the 22d day of May, 1926, notwithstanding the provisions of section 2 of the act entitled "An act to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended, approved May 22, 1922, etc.

Mr. Henry L. Jost, of Missouri, proposed the following as a substitute for the pending amendment:

It shall be unlawful for any corporation, firm, or individual owning, managing, or controlling premises devoted to dwelling purposes and offered for rental or rented to others for such purpose within the District of Columbia after the passage of this act to charge or exact therefor, either directly or indirectly, by any means, method, or device whatsoever, for and during the period for which the same is proposed to be or is rented, a rental in excess of an amount which, calculated on the basis of 12 consecutive months, will produce and yield the owner 12 per cent annually on the assessed value of said property for the purpose of taxation, etc.

Mr. James T. Begg, of Ohio, made the point of order that the amendment was not germane.

After debate the Chairman<sup>1</sup> held:

Let the Chair make a suggestion to the gentleman from Ohio that may bring the matter to a little closer issue, and that is that where it is proposed to reenact a specific law and a resolution is introduced for the purpose of extending the provisions of that act, is it in order then as an amendment to such as act to make provisions that amend the original act?

Now, the only proposition is whether the amendment as offered is a proper amendment to the pending substitute. Chairman Burton, in Committee of the Whole House on October 18, 1921, held that:

"To a bill extending the operation of a certain act, an amendment excepting a certain portion of the act to be extended is germane."

In other words, that on a proposition which has to do with the reenactment or the prolongation of a pending act an amendment can be offered which amends the language of the original act. This amendment is germane to provisions of the present rent act. Aside from that, the Lampert substitute does more than to merely extend the provisions of the present law. It declares the continued existence of an emergency in the District of Columbia. There might be some doubt on the subject if this amendment did nothing but extend a certain act, but it does more than that. That being true, the Chair thinks the gentleman's amendment germane and the Chair overrules the point of order.

**2951. An amendment proposing to add an individual proposition to a bill embodying another individual proposition is not admissible even though the two propositions belong to the same class.**

**To a bill providing insurance for crews of vessels an amendment providing insurance for soldiers transported on such vessels was held not to be germane.**

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<sup>1</sup> William J. Graham, of Illinois, Chairman.

On June 2, 1917,<sup>1</sup> the Committee of the Whole House on the state of the Union resumed consideration of the bill (S. 2133) amending the war risk insurance act, with the following paragraph pending:

The Bureau of War Risk Insurance, subject to the general direction of the Secretary of the Treasury, shall, as soon as practicable, make provisions for the insurance by the United States, as further provided in section 3a, of masters, officers, and crews of American merchant vessels against loss of life or personal injury by the risks of war, and for compensation during detention following capture by enemies of the United States whenever it shall appear to the Secretary that in any trade the need for such insurance exists.

Mr. J. Willard Ragsdale, of South Carolina, offered this amendment:

After the word "capture," insert: "That the commanding officer of each company of soldiers in the service of the United States Government while being transported on the sea shall insure his officers and soldiers on the same terms and in like amount as the officers and crews of vessels."

Mr. William C. Adamson, of Georgia, raised the question of order that the proposed amendment was not germane.

The Chairman<sup>2</sup> held:

The gentleman from Georgia makes a point of order against the amendment. The bill among other things authorizes insurance against loss of life and personal injury on account of war risks and so forth on American merchant vessels. The amendment offered by the gentleman from South Carolina proposes to include insurance for officers and soldiers of the Army in like amount as the officers and crews of merchant vessels. The chair thinks it is clear that the amendment offered by the gentleman from South Carolina is not germane to the provision now under consideration. This is an individual proposition to insure the lives of certain persons upon merchant vessels. It has been held a number of times and there are a number of precedents to the effect that it is not in order to amend one individual proposition by another individual proposition, even though the two may belong to the same class. The Chair, therefore, sustains the point of order.

**2952. It is not in order to propose to amend one individual proposition by another individual proposition even though they be of the same class.**

**To a proposition that the Secretary of War issue medals to personnel of the Army an amendment proposing that Secretaries of other departments issue similar medals to personnel of the Navy and Coast Guard is not germane.**

On March 19, 1928,<sup>3</sup> the House was considering the bill (H. R. 5789) to authorize the award and supply of service medals to individual soldiers as prescribed by Army Regulations for the rendition of certain services, authorizing the Secretary of War to issue such medals.

Mr. J. Charles Linthicum, of Maryland, proposed an amendment to authorize the Secretary of the Navy and the Secretary of the Treasury to issue similar medals to the personnel of the Navy and the Coast Guard, respectively.

Mr. Louis C. Cramton, of Michigan, made the point of order that the amendment was not germane.

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<sup>1</sup>First session Sixty-fifth Congress, Record, p. 3252.

<sup>2</sup>Joseph W. Byrns, of Tennessee, Chairman.

<sup>3</sup>First session Seventieth Congress, Record, p. 5006; Journal, p. 1015.

The Speaker pro tempore <sup>1</sup> sustained the point of order and said:

We have before us a proposition authorizing the Secretary of War to do certain things. The gentleman from Maryland seeks to amend this proposition by authorizing the Secretary of the Navy and the Secretary of the Treasury to do the same thing; in other words, the gentleman is offering to amend an individual proposition by a general provision so as to include several departments.

There is a long list of precedents which state that one individual proposition may not be amended by another individual proposition even though the two may belong to the same class, such as admitting a Territory, an amendment providing for the admission of another Territory is not in order; to a bill providing pensions for veterans of the Indian wars, an amendment providing for pensions for veterans of the Mexican War is not in order. Also, in section 9809 there is a precedent exactly similar to the one pending, where to a bill for the relief of dependents of men in the Regular Army, an amendment proposing to extend the benefits of the act to dependents of men in the National Guard and the Reserve Corps was held not to be germane. This decision was afterwards upheld by Speaker Gillett.

The Chair therefore sustains the point of order.

**2953. To a proposition providing for a class, a proposition providing for another related class is not germane.**

**To a bill for the relief of dependents of men in the Regular Army an amendment proposing to extend the benefits of the act to dependents of men in the National Guards and the Reserve Corps was held not to be germane.**

On December 3, 1919,<sup>2</sup> the Committee of the Whole House on the state of the Union had under consideration the bill (S. 2497) to provide six months pay for dependents of men in the Regular Army dying of disabilities incurred in the service.

Mr. Tom Connally, of Texas, proposed the following amendment:

After the word "duty," insert "or of the death from wounds or disease not the result of his own misconduct, of any officer or enlisted man in the National Guard or the Reserve Corps when in the active Federal military service of the United States."

Mr. James R. Mann, of Illinois, made the point of order that the amendment was not germane to the bill.

After debate the Chairman sustained the point of order and said:

The bill under consideration is one to provide for the payment of certain pay to the widow, children, or designated dependent relatives of any officer or enlisted man of the Regular Army whose death resulted from wounds or disease and not from his own misconduct. The amendment offered by the gentleman from Texas would extend this same payment to the widows and children and designated relatives of officers and enlisted men of the National Guard or the Reserve Corps. Clearly the amendment is subject to the point of order and is not germane to the section, and the Chair sustains the point of order.

The bill having been reported to the House with favorable recommendation and having been ordered to be engrossed and being read the third time, Mr. Thomas L. Blanton, of Texas, offered a motion to recommit the bill to the Committee on Military Affairs with instructions to report the same back forthwith with the amendment previously proposed by Mr. Connally.

Mr. Mann again raised the question of order against the amendment carried in the proposed motion to recommit.

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<sup>1</sup> Bertrand H. Snell, of New York, Speaker pro tempore.

<sup>2</sup> Second session Sixty-sixth Congress, Record, p. 94.

The Speaker<sup>1</sup> sustained the point of order.

**2954. To a provision authorizing distribution through the Red Cross an amendment providing for distribution through the Salvation Army was held not germane.**

On March 3, 1932,<sup>2</sup> the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (S. J. Res. 110), authorizing the distribution of Government wheat by the American Red Cross for the relief of distress.

The Clerk read in part:

*Resolved, etc.,* That the Federal Farm Board is authorized and directed to take such action as may be necessary to make available, from time to time, to the American National Red Cross, or any other organization designated by the American National Red Cross, wheat of the Grain Stabilization Corporation, for use in providing food for the needy and distressed people of the United States and Territories.

Mr. Louis Ludlow, of Indiana, offered this amendment:

After the word "Cross," insert "the Salvation Army."

Mr. Marvin Jones, of Texas, having raised the question of germaneness, the Chairman<sup>3</sup> sustained the point of order.

**2955. To a bill providing for the erection of a statue of General Von Steuben an amendment substituting a proposition for the erection of a statue of George Washington was held not to be germane.**

On February 9, 1910,<sup>4</sup> the House was considering the bill (H. R. 16222) providing for the erection of a statue of General Von Steuben to be presented to the German Nation in return for the statue of Frederick the Great presented by the German Emperor to the people of the United States.

Mr. William Sulzer, of New York, proposed an amendment as follows:

Strike out the words "Von Steuben" and insert "George Washington."

Mr. William H. Stafford, of Wisconsin, made the point of order that the amendment was not germane.

The Speaker<sup>5</sup> held:

The Chair sustains the point of order, as under the precedents it is clearly not germane. The object of the bill is for the erection of a replica of a statue of General Von Steuben. It is not a general bill to erect a monument, but it is confined to a monument or a replica of General Von Steuben.

**2956. To a resolution providing a special order for the consideration of one bill an amendment substituting another bill, even though relating to the same subject, was held not to be germane.**

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<sup>1</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>2</sup> First session Seventy-second Congress, Record, p. 6216.

<sup>3</sup> Schuyler Otis Bland, of Virginia, Chairman.

<sup>4</sup> Second session Sixty-first Congress, Record, p. 1655.

<sup>5</sup> Champ Clark, of Missouri, Speaker.

On February 17, 1923,<sup>1</sup> Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, reported the resolution (H. Res. 536) providing for the consideration of the bill (H. R. 14041) to amend the Federal farm loan act.

During debate it was explained that through inadvertence the resolution designated H. R. 14041 although the intention had been to provide for the consideration of H. R. 14270, which was a redraft of H. R. 14041, and introduced under identical title.

Mr. Campbell, therefore, proposed to amend the resolution by striking out "H. R. 14041" and inserting "H. R. 14270."

Mr. Marvin Jones, of Texas, raised a question of order against the substitution. The Speaker<sup>2</sup> ruled:

The Chair thinks that it is not in order to amend a resolution naming one bill by naming another bill. The Chair thinks the same result would be accomplished by striking out the number entirely. Then it would be designated by title.

**2957. To a bill regulating the sale of friar lands in the Philippine Islands an amendment including the Crown lands of the Philippine Islands was held not to be germane.**

On May 15, 1912,<sup>3</sup> the House was considering the bill (H. R. 17756) to amend an act providing for the civil government on the Philippine Islands and having particular reference to the disposition of the friar lands of the islands.

Mr. John A. Martin, of Colorado, offered an amendment restricting the amount of land which might be acquired by any one corporation or individual.

Mr. Marlin E. Olmsted, of Pennsylvania, made the point of order that under the terms of the amendment the proposed legislation would apply not only to the friar lands but to all lands in the Islands owned by the Government.

The Speaker<sup>4</sup> sustained the point of order and said:

The Chair will take judicial notice of the fact that from the beginning of our occupancy of the Philippine Islands the Crown lands have been considered as one thing and the friar lands as another; and the rules and regulations touching the Crown lands are different from the rules and regulations touching the friar lands. This bill, which has been discussed for three days, has reference entirely to the friar lands. The substitute offered by the gentleman from Colorado not only affects the friar lands but it affects the Crown lands; it also provides for an elaborate system of escheat, a subject that this bill has nothing in the world to do with. It also makes certain acts crimes, and provides penalties for the same. Therefore the substitute of the gentleman from Colorado is ruled out and the point of order made by the gentleman from Pennsylvania is sustained.

**2958. To a bill providing for vocational rehabilitation in the United States an amendment extending the provisions of the bill to Hawaii was held not to be germane.**

On October 16, 1919,<sup>5</sup> the bill (H. R. 4438) to provide industrial vocational rehabilitation in the United States (not including the Territories or the District of

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<sup>1</sup> Fourth session Sixty-seventh Congress, Record, p. 3869.

<sup>2</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup> Second session Sixty-second Congress, Record, p. 6522.

<sup>4</sup> Champ Clark, of Missouri, Speaker.

<sup>5</sup> First session Sixty-sixth Congress, Record, p. 7026.

Columbia) was being considered in the Committee of the Whole House on the state of the Union.

Mr. J. Kuhio Kalanianaʻole, of Hawaii, offered an amendment to extend the benefits of the proposed legislation to the Territory of Hawaii.

Mr. Thomas L. Blanton, of Texas, made the point of order that the amendment was not germane to the bill.

After debate, the Chairman<sup>1</sup> held:

The gentleman will observe that in line 10, page 2, the Territories, outlying possessions, and the District of Columbia are specifically excluded from the population ratio. Under those circumstances, the Chair is inclined to think that the point of order is well taken, and the Chair sustains the point of order of the gentleman from Texas.

**2959. To a bill for the relief of women and children in Germany an amendment providing similar relief for Porto Rico was held not to be germane.**

**To a proposition to extend Federal aid to starving women and children an amendment providing that such aid should not become effective prior to a certain date was admitted.**

On March 24, 1924,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the joint resolution (H. J. Res. 180) for the relief of the distressed and starving women and children of Germany, providing for the purchase in the United States of grains, fats, milk, and other foodstuffs and its distribution in Germany and authorizing an appropriation of \$10,000,000 for that purpose.

Mr. John E. Rankin, of Mississippi, offered an amendment providing for extension of the benefits of the proposed legislation to Porto Rico.

Mr. James T. Begg, of Ohio, made the point of order that the amendment was not germane.

The Chairman<sup>3</sup> sustained the point of order.

Mr. Tom Connally, of Texas, proposed this amendment:

At the end of the paragraph, insert: "*Provided*, That this act shall not become effective until January 1, 1925."

Mr. Rankin made the point of order that the amendment was not germane.

The Chairman overruled the point of order.

**2960. To a bill pensioning veterans of the Indian wars an amendment pensioning veterans of the Texas rangers engaged in opposing "Mexican marauders and Indian depredations" was held not to be germane.**

On February 16, 1916,<sup>4</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 655) to pension veterans of the Indian wars.

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<sup>1</sup>Nicholas Longworth, of Ohio, Chairman.

<sup>2</sup>First session Sixty-eighth Congress, Record, p. 4858.

<sup>3</sup>William J. Graham, of Illinois, Chairman.

<sup>4</sup>First session Sixty-fourth Congress, Record, p. 2668.

Mr. William H. Murray, of Oklahoma, offered this amendment:

To the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State against Mexican marauders and Indian depredations from January 1, 1859, to January 1, 1861, inclusive, and from the year 1866 to the year 1876, inclusive, and

Mr. Edward Keating, of Colorado, made the point of order that the amendment was not germane to the bill.

The Chairman<sup>1</sup> overruled the point of order.

Thereupon Mr. Robert Y. Thomas, jr., of Kentucky, proposed an amendment to pension certain Kentucky troops engaged in the Civil War "or in Indian depredations."

Mr. Keating having raised a question of order against the amendment, Mr. Thomas cited the decision just made holding Mr. Murray's amendment in order.

The Chairman reversed the ruling on the previous point of order and said:

The Chair will state to the gentleman and to the committee that at the time of that ruling his attention was not called to the fact that the amendment carried with it a provision concerning Mexican marauders, but was under the impression it applied only to Indian depredations. The Chair is therefore now of the opinion that his ruling at that time, so far as Mexican marauders was concerned, was a wrong ruling, but a wrong ruling in that instance would not now justify or cause the Chair to make a similar ruling. The Chair therefore sustains the point of order.

**2961. To a proposition to pay employees of the House and Senate extra compensation an amendment proposing to include clerks of Members was held not to be germane.**

On July 31, 1911,<sup>2</sup> the House was considering the amendments of the Senate to the joint resolution (H. J. Res. 130) making appropriation for certain expenses of the House and Senate incident to the first session of the Sixty-second Congress, when the Clerk read Senate amendment No. 3 as follows:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of July, 1911, including the Capitol police, the official reporters of the Senate and House and W. A. Smith, Congressional Record clerk, for extra services during the first session of the Sixty-second Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Mr. John A. Thayer, of Massachusetts, moved to concur in the Senate amendment with the following amendment:

After the words "Sixty-second Congress," insert "And to enable the Secretary of the Treasury to pay to each Senator and Congressman for extra services of his secretary."

Mr. John J. Fitzgerald, of New York, made the point of order that the amendment was not germane to the Senate amendment to which offered.

The Speaker<sup>3</sup> sustained the point of order.

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<sup>1</sup> Pat Harrison, of Mississippi, Chairman.

<sup>2</sup> First session Sixty-second Congress, Record, p. 3399.

<sup>3</sup> Champ Clark, of Missouri, Speaker.

**2962. To an item relating to carriers in the postal service an amendment adding clerks in the same service was held not be germane.**

On January 21, 1911,<sup>1</sup> the post office appropriation bill was being read for amendment in the Committee of the Whole House on the state of the Union, when Mr. William Hughes, of New Jersey, offered this amendment.

*Provided,* That no part of this appropriation shall be used to pay carriers who are required or permitted to work for more than 48 hours in the six working-days of a week.

Mr. Martin B. Madden, of Illinois, proposed the following amendment to the pending amendment.

After the word "carriers" in the amendment insert "and postal clerks."

Mr. John W. Weeks, of Massachusetts, raised a question of order.

The Chairman<sup>2</sup> ruled:

The Chair is ready to rule. The paragraph in the bill now before the committee provides for the pay of carriers. There are other paragraphs in the bill which provide for the pay of clerks. The limitation which is provided in this amendment concerns the pay of carriers, and there has been no objection raised to it or point of order made against it. The provision limiting the time of service of clerks would necessarily concern other items in the bill, and therefore is not germane to the amendment before the committee, and the Chair sustains the point of order.

**2963. One individual proposition may not be amended by another individual proposition even though the two may belong to the same class.**

**To a bill prohibiting the importation of products of convict labor, pauper labor, and detained labor an amendment placing a like restriction on the importation of products of child labor was held not germane on the ground that the labor affected by the bill constituted a single class of labor.**

On March 18, 1914,<sup>3</sup> the bill (H. R. 14330) to prohibit the importation of certain goods, wares, and merchandise, was under consideration in the Committee of the Whole House on the state of the Union.

Mr. Patrick H. Kelley, of Michigan, proposed an amendment to extend the restrictions imposed by the bill to products of labor:

By children under the age of 14 years.

Mr. Charles L. Bartlett, of Georgia, made the point of order that the amendment was not germane.

In debating the point of order, Mr. James R. Mann, of Illinois, said:

Mr. Chairman, the rule, as the Chair is aware, is well settled. Where a bill relates to one particular thing you can not amend it by adding another particular thing, or you can not amend it by adding a general class.

The gentleman from Georgia, I think, cited a case of that sort, where a bill related to the admission of one Territory and an amendment was offered to add another Territory. But the gentleman did not refer to the fact that where a bill proposes to admit two Territories you could add a third. The rule is just as well settled one way as the other.

Now here is a bill that is not confined to one class but to several classes, and there is a good deal closer connection between pauper labor and child labor than there is between prison labor and pauper labor.

<sup>1</sup>Third session Sixty-first Congress, Record, p. 1239.

<sup>2</sup>Frederick C. Stevens, of Minnesota, Chairman.

<sup>3</sup>Second session Sixty-third Congress, Record, p. 5481.

I remember the decision of Speaker Clark on that subject very well, and he said if the bill covered two items you could add something more if you wanted to; and Speaker Clark, in making the ruling that you could not add grain to a bill relating to cotton futures said that to a bill relating to wheat and corn you could add other articles specifically.

That is the case here. This bill does not relate to one class. It relates to several classes, and under the rule it is always construed that where you have a bill relating to several classes you can add an additional class. If this bill were confined solely to convict-made goods, the amendment would not be in order to add pauper-made goods.

But the bill itself, covering both convict-made goods and pauper-made goods, is open to the addition of another class. There is no great distinction between the class that is sought to be added and one of the classes that is in this bill. If the Chair holds that pauper-made goods are entirely distinct and separate from child-labor goods made by children under 14 years of age, the Chair will make a very strained construction of the facts, in my opinion.

The Chairman<sup>1</sup> approved that position taken by Mr. Mann, and said:

The Chair thinks that in this bill the committee enumerated the class of persons whose labor was to be restricted from entry into the United States, and under the rule which has been cited we have in this bill already convict and pauper labor, making two classes, and the Chair thinks it is germane to add another, and therefore overrules the point of order.

The question was taken on agreeing to the amendment, and being decided in the negative, the amendment was rejected.

The reading of the bill for amendment having been completed, the Committee reported it back to the House and it was ordered to be engrossed and was read the third time, when Mr. Mann moved to recommit it to the Committee on Labor with instructions to report it back forthwith with the following amendment:

Add at the end of section 1, as a part of said section, the following:

“That no goods, wares, articles, and merchandise, except immediate products of agriculture, forests, and fisheries, manufactured wholly or in part in any foreign country principally by children under 14 years of age, in countries where they have no laws regulating child labor, shall be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited. Any shipment consigned for entry at any of the ports of the United States of goods, wares, articles, and merchandise, except immediate products of agriculture, forests, and fisheries, manufactured in any foreign country, province, or dependency, where the industrial employment of children not regulated by law shall be accompanied by an affidavit of the shipper of such merchandise or his legal agent, to the effect that the merchandise covered by the invoice has not been manufactured principally by children under 14 years of age, the form of the affidavit to be prescribed by the Secretary of the Treasury, who is also authorized and directed to issue such further regulations and to collect all information pertinent thereto through cooperation with the Consular Service of the United States as may be necessary for the enforcement of the provision.”

Mr. Bartlett made the point of order that the amendment proposed in the motion to recommit was not germane.

After exhaustive debate, the Speaker<sup>2</sup> ruled:

The title of this bill is “A bill to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor.”

The first section of the bill is—

“That all goods, wares, and merchandise produced in whole or in part by convict, pauper, or prison labor, or in the production of which convict, pauper, or prison labor has been employed,

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<sup>1</sup> Martin D. Foster, of Illinois, Chairman.

<sup>2</sup> Champ Clark, of Missouri, Speaker.

either directly or indirectly, in any manner and for any purpose, \* \* \* shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited.”

Section 9, defining paupers, provides—

“That the term ‘pauper,’ as used in this act, shall be limited to those persons who are held or confined in eleemosynary institutions at the public expense in whole or in part.”

Now there is no dispute—the matter having been settled long ago and having been ruled one way so often that there can not be any mistake about it—that where one subject matter is mentioned—one class, and only one—you can not add others, but if more than one are mentioned, then you can add others. The only case of this kind that the Chair remembers having ruled on himself was the cotton-futures case.

The only difficulty about the rule is in applying it. If it were not for section 9 of this act, defining a pauper, the Chair would hold that this motion of the gentleman from Illinois to recommit with instructions is in order. But when you read the whole bill and listen to the arguments pro and con it is clear to the mind of the Chair that the one thing that this bill seeks to do is to shut out what might be called State-expedited manufactured articles; that is, where the State pays part of the cost.

The contention of the labor people has always been, as I understand it, that their objection is not to convict-made goods per se. That is not what they object to. They object to convict-made goods because the convict-made goods may be made so much more cheaply by the aid of the State, or county, or whatever it happens to be, than they could be made by free labor; and, therefore, free labor can not compete with convict labor. That is the whole of the contention, and the intent of this bill goes to that, and to that alone.

The Chair thoroughly agrees with the gentleman from Illinois on the proposition that no sane man would undertake to put convicts and paupers on the same moral plane. It is a misfortune to be poor, and the poorer you are the greater the misfortune. But the intent of this bill is clearly to prohibit the importation into this country of goods, wares, and merchandise or anything of the sort that is made by laborers who do not receive the wages of free labor, but who are in some way assisted by the State.

In addition to that, while it has nothing to do with the parliamentary point, the popular acceptance of “pauper labor” in this country has been that class of labor in foreign countries which receives less wages than the American laborers get. There have been all sorts of tales told about what the wages of workmen in foreign countries are—some of them true and some of them not true—for political effect. But this bill defines what “a pauper” is for the purposes of this act.

I may be permitted to say that I am as much opposed to “child labor,” as we use that term, as any living man.

There is no other remark that might be pertinent and that is if this Mann amendment were adopted it would practically put an end to commerce. So the Chair rules it out of order.

Mr. Mann then offered this motion:

I move to recommit the bill H. R. 14330 to the Committee on Labor, with instructions to that committee to report said bill back forthwith, with the following amendment:

Insert, “by children under the age of 14 years or.”

Mr. David J. Lewis, of Maryland, having raised a question of order, Mr. Mann cited the decision rendered by the Chairman of the Committee of the Whole on the same amendment.

The Speaker said:

The Chair has a very high opinion of the gentleman from Illinois, Mr. Foster, and this is simply a difference of opinion as to whether the bill relates to two different classes or one class of labor. The Chair remembers a certain occasion when, on the free-list bill, a distinguished Missourian, who was chairman of the Committee of the Whole, ruled one way, and ruled correctly, as far as that was concerned. When we got back into the House the gentleman from Illinois, Mr. Mann, moved to recommit, and stated that the Chairman of the Committee of the Whole had ruled one way, but that he would rather have the ruling of the Speaker. The Chair dislikes very much

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to disagree with the Chairman of the Committee of the Whole House on the state of the Union, Mr. Foster, but under the ruling which the Chair made about 15 minutes ago he is compelled, unless he has changed his mind in the meantime, which he has not, to rule this motion to recommit out of order.

On appeal the decision of the Speaker was sustained.

**2964. To a subject dealing with one class an amendment relating to another class is not in order.**

**To a bill relating to interstate commerce a proposition relating to intrastate commerce is not germane.**

**The Committee of the Whole having under consideration a measure providing for issuance of certificates of convenience and necessity in interstate traffic, an amendment dealing with issuance of such certificates in intrastate traffic was not admitted.**

On March 21, 1930,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The Clark read as follows:

Sec. 4. (a) No corporation or person shall operate as a common carrier by motor vehicle in interstate or foreign commerce on any public highway unless there is in force with respect to such carrier a certificate of public convenience and necessity authorizing such operation.

Mr. Marvin Jones, of Texas, proposed as an amendment the following proviso:

*Provided*, That it shall not be necessary to procure such a certificate in order to operate a common carrier by motor vehicle wholly within any State, nor to operate an extension of any line where such extension is wholly within any State, if a certificate or permit for such purpose has been issued by the State commission or other duly constituted regulatory authority of the State affected.

A point of order having been made that the amendment was not germane, the Chairman<sup>2</sup> rules:

The Chair is of the opinion that section 4 contemplates dealing with interstate and foreign commerce only. In the opinion of the Chair, the question of germaneness is involved here. The amendment offered by the gentleman from Texas seeks to bring within this section the subject of intrastate commerce. The Chair does not think that where you have one subject dealing specifically with one class that you may add another specified class. It occurs to the Chair that interstate commerce is quite different from intrastate commerce, and, in the opinion of the Chair, the amendment is not germane. The Chair sustains the point of order.

**2965. One individual proposition is not properly subject to amendment by including another individual proposition of the same class.**

**To a bill providing penalties for violation of Federal law an amendment providing penalties for violation of State law was deemed not germane.**

On February 8, 1930,<sup>3</sup> during the consideration of the bill H. R. 8574, the prohibition reorganization bill, in the Committee of the Whole House on the state of the Union, a committee amendment was read authorizing the dismissal of prohibition employees violating any provision of the Federal prohibition law.

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<sup>1</sup> Second session Seventy-first Congress, Record, p. 5861.

<sup>2</sup> Earl C. Michener, of Michigan, Chairman.

<sup>3</sup> Second session Seventy-first Congress, Record, p. 3308.

Mr. Vincent L. Palmisano, of Maryland, offered an amendment extending the provisions of the committee amendment to violation of State laws.

A point of order having been raised by Mr. William Williamson, of South Dakota, the Chairman<sup>1</sup> ruled:

The point of order arises on the committee amendment, which reads as follows:

*“Provided, That all officers and employees of the Bureau of Prohibition who the Attorney General finds have heretofore or shall hereafter violate any penal provisions of the Federal prohibition laws shall be dismissed.”*

The gentleman from Maryland offers an amendment to the amendment, which reads as follows:

*“Strike out down to and including the word ‘dismissed,’ and insert in lieu thereof the following: ‘Have heretofore or shall hereafter violate any penal provision of the Federal or State laws shall be dismissed.’”*

The point of order which is made against the amendment to the amendment is that it is not germane to the amendment, and the discussion on the matter has been an interesting one. The Chair is well aware of the fact that questions of germaneness frequently are very embarrassing and that it is frequently difficult to try to draw the exact line between that which is germane and that which is not germane.

In Cannon’s Procedure in the House of Representatives, page 124, it is stated:

*“One individual proposition may not be amended by another individual proposition even though the two may belong to the same class.”*

It is hardly necessary to say that under this particular rule there have been many decisions in regard to germaneness. However, each question naturally arises on its own base, under its own given set of circumstances.

Germaneness means relevancy, relationship.

The question here is whether the amendment offered by the gentleman from Maryland has such relationship, such relevancy to the committee amendment as to permit it to stand in making it subject to a point of order.

Now, to be brief about it, the Chair believes that where there is introduced into the proviso which he has just read an additional subject matter, such as it seems apparent to the Chair has been introduced by bringing in State laws together with Federal laws, it seems to the Chair that the rule as to relevancy and relationship has been violated. It is not only an amplification as suggested here of the subject matter of the amendment offered by the committee, but it seems to the Chair that not only does it amplify but it brings in a new body of matter, a new situation, that certainly is not relevant and not germane, and the Chair sustains the point of order.

**2966. A specific proposition of a class is not germane to another specific proposition of the same class.**

**To a bill proposing farm relief through the agency of a Federal Farm Board authorized to establish orderly marketing an amendment proposing farm relief through the agency of a Federal Beverage Board authorized to license the manufacture of alcoholic beverages was held not germane.**

On April 24, 1929,<sup>2</sup> while the bill (H. R. 1) to establish a Farm Board to promote the effective merchandising of agricultural commodities in interstate and foreign commerce, and to place agriculture on a basis of economic equality with other industries, was under consideration in the Committee of the Whole House on the state of the Union, Mr. Loring M. Black, Jr., of New York, offered in lieu of the first section of

<sup>1</sup> Joseph L. Hooper, of Michigan, Chairman.

<sup>2</sup> First session Seventy-first Congress, Record, p. 466.

the bill, providing for the establishment of a Federal Farm Board for the orderly marketing of farm products, the following:

There is hereby established a Federal Farm Beverage Board in the Department of Agriculture to consist of three members, to be appointed by the Secretary of Agriculture.

The board may grant licenses, to expire at the end of one year from the date of issuance, to farm organizations and cooperative marketing associations for the processing and selling beer and wine containing alcohol for beverage purposes, providing such are not intoxicating in fact.

The revenue derived from licenses under this act shall be devoted to agricultural relief generally in a manner directed by the Secretary of Agriculture.

A point of order being raised by Mr. Fred S. Purnell, of Indiana, the Chairman<sup>1</sup> held that the amendment was not germane to the bill and sustained the point of order.

**2967. To a bill proposing to rise the price of agricultural products to a basis of comparative equality with the price of other commodities through the establishment of a Federal Farm Board authorized to promote effective marketing an amendment proposing to raise agricultural prices through the authorization of export debentures on agricultural products was held not to be germane.**

On April 25, 1929,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 1) to establish a Federal Farm Board to promote effective merchandising of agricultural commodities in interstate and foreign commerce, and to place agriculture on a basis of economic equality with other industries, when Mr. Marvin Jones, of Texas, offered an amendment reading in part as follows:

Whenever the board finds it advisable, in order to carry out the policy declared in section 1 with respect to any agricultural commodity, to issue export debentures with respect to such commodity, the board shall give notice of such finding to the Secretary of the Treasury. Upon the receipt of such notice it shall be the duty of the Secretary of the Treasury, commencing and terminating at such time as the board shall prescribe, to issue export debentures to any farmer, cooperative association, stabilization corporation, or other person with respect to such quantity of the commodity or any manufactured food product thereof as such person may from time to time export from the United States to any foreign country.

Mr. Bertrand H. Snell, of New York, interposed a point of order and said:

We have before us at this time presented by the Agricultural Committee a bill which has for its express purpose improving agricultural conditions by a special and distinct method of promoting and making more efficient the cooperative marketing associations of the country. While there is a general purpose stated in the first section of the bill, as there is in most all bills, the real heart of the bill goes to the separate and distinct plan by which the Agricultural Committee intends to accomplish these results. To that bill the gentleman from Texas has offered an amendment rather in the form of a substitute, which intends and provides for improving the conditions in agriculture by providing for the issuance of export debentures upon the exportation of such commodities. The two ways proposed to accomplish the result are entirely distinct and start out in opposite directions. For instance, individually, I think that you could improve agricultural conditions by improving the internal waterways of the country, and especially by improvement of the St. Lawrence River. I could introduce a bill and make some general statement in the first section and provide to accomplish that by improvement of the St. Lawrence River, but no man in this House would have the temerity to stand up and state that it would be germane to the proposition under consideration. Another man may consider that the best way to accomplish this result

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<sup>1</sup> Carl E. Mapes, of Michigan, Chairman.

<sup>2</sup> First session Seventy-first Congress, Record, p. 566.

would be by a revision of the tariff, and if the gentleman's amendment were in order—and you can add new methods to the one contained in the bill—it would be in order to present here an entire revision of the tariff schedules for the purpose of accomplishing that result.

Of course, no one would ever content that that would be possible. There is an elementary principle in parliamentary procedure that merely because amendments seek to accomplish the same result as the bill under consideration, they are not necessarily germane to the bill. The question of the germaneness has to be considered very carefully, for the simple reason that it is necessary to keep out propositions that have not been carefully considered before by the committee, and not allow the House to pass snap judgment on entirely new matter.

Mr. Jones replied:

In the declared purposes of the bill it is provided: “to protect, control, and stabilize the current of interstate and foreign commerce in the marketing of agricultural commodities and their food products”—which is also applicable. In another place in the declared policy of the bill we find the language: “to prevent such surpluses from unduly depressing prices for the commodity.”

It seems to me that the debenture plan comes within the all-covering provisions of all three of those statements. I could not write a better title for my amendment.

The Chair is familiar with the line of decisions that if a measure may not be in line with any particular paragraph, it may be offered as a separate paragraph where it is most nearly germane to the various propositions. I have offered this debenture plan as an additional power of the board following several other main powers. The line of decisions is practically universal that you can not add one specific power to another specific power, but that if you have two or more powers, in other words, if you have general powers, you may add an additional specific or general power.

Mr. Chairman, here are some seven or eight powers which this board has been given in the bill. It has been stated, it has been repeated, that it is the purpose of this measure to clothe the board with broad powers, that the board may have power to handle the commodity so as to relieve the situation presented by the farm problem which has been puzzling those who have had to deal with it for several years. The general purpose is farm relief. The general intention of this bill is to provide for a relief of this situation. In order to reach that end they establish a farm board. That board is given a number of enumerated powers. I simply seek to give that board additional power and in line with the general purposes of the bill and altogether in line with the declaration of policy in the bill set out in the first paragraph.

The purpose of the rules of the House are to enable it to do business, to enable it in an orderly way to do what it wants to, not to keep it from doing so. This amendment is strictly in line with the declared purposes of the bill.

The Chairman<sup>1</sup> held:

The practice and the rule as to germaneness, so far as this farm legislation is concerned, are pretty well fixed by the rulings that have been made during the consideration of the legislation at different times during the last few years. The gentleman from Texas says that the general purpose of his amendment is the same as the general purpose of the bill before the committee; that is, farm relief. But the Chair thinks that that is not enough to make the amendment germane. It is not enough to make the amendment germane to show that it seeks to accomplish the same purpose as the legislation pending before the committee if the method employed to accomplish that purpose is entirely different. The rule has been often stated to be that if an amendment proposes such modification of the bill that it could not reasonably have been anticipated or can not be said to be a logical sequence of the matter contained in the bill, or is not such a modification as would naturally suggest itself to the legislative body considering the bill, then it is not germane.

The Chair has read, in substance, from a decision rendered by a former chairman of the committee, Mr. Fitzgerald, of New York, who was one of the best parliamentarians in the House. I do not think that anyone would seriously contend that the amendment offered by the gentleman from Texas comes within the rule as stated in that decision by Mr. Fitzgerald.

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<sup>1</sup> Carl E. Mapes, of Michigan, Chairman.

As has been said, the pioneer in this legislation was the gentleman from Indiana, Mr. Sanders, who was chairman of the Committee of the Whole during the consideration of the original or first McNary-Haugen bill. He announced several principles during the consideration of that first bill, which have served as guides during the consideration of the other bills.

The parliamentarian in his notes has made a digest of some of the rulings made at that time which I would like to read:

“Simply because an amendment seeks to solve the same problem as that sought to be solved by the pending bill does not make the amendment germane.

“The purpose of the rule of germaneness is to prevent the consideration of legislation which has not been considered in committee, and therefore the rule may be applied more strictly to a long amendment by way of a substitute for the entire bill under consideration.

“To a bill undertaking to raise the price of agricultural products to a ratio consistent with the price of other commodities, an amendment seeking to relieve agriculture by a different plan—that is, by a comprehensive system of cooperative marketing—was held not germane, although one of the incidental features of the pending bill dealt with cooperative marketing.”

The substance of what I have read has been incorporated in Cannon’s Precedents, section 2912.

In addition to announcing the general principles which I have read, this precise question was passed upon by Chairman Sanders in an amendment offered by the gentleman from Illinois, Mr. Henry T. Rainey, to the bill then under consideration. As the gentleman from Texas has said, the legislation differed somewhat in form, but the Chair thinks it did not differ in substance.

The question came up again one year ago, and the Chairman at that time, following the precedent of 1924, sustained the point of order and declared the debenture plan not germane to that bill.

The gentleman from Texas says that the fund to be administered by the Federal Farm Board in the pending bill comes out of the Treasury and that the money to be paid to the exporters under the debenture plan also comes out of the Treasury, which is quite true, but the benefit which the farmer will receive under the pending bill is an indirect benefit. The debenture plan provides for a direct payment out of the Treasury to exporters, and is in effect if not in fact a direct subsidy to the exporters.

The debenture plan would only benefit those who export surpluses, and it has been repeatedly stated by different members of the committee during the consideration of this bill under general debate that this bill does not attempt to deal with the surplus; some say not at all, but certainly it deals with it only incidentally.

There are a great many legislative proposals to relieve or aid the agricultural situation which are not germane to the pending bill. The Chair thinks that this debenture plan is one of them.

The Chair appreciates the earnestness with which the gentleman from Texas advocates the debenture plan, but he feels that both on principle and under the precedents the amendment is not germane to the legislation under consideration, and therefore sustains the point of order.

**2968.** On February 27, 1932,<sup>1</sup> the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9642), authorizing supplemental appropriations for highway construction.

The Clerk read:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated the sum of \$120,000,000, to be immediately available for expenditure in emergency construction on the Federal-aid highway system, with a view to increasing employment. such sum shall be apportioned by the Secretary of Agriculture to the several states by the method provided in section 21 of the Federal highway act.<sup>2</sup>

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<sup>1</sup>First session Seventy-second Congress, Record, p. 4879.

<sup>2</sup>U.S. Code, Supp. V, title 13.

Mr. John C. Ketcham, of Michigan, offered an amendment as follows:

except that such apportionment shall be upon the basis of population instead of area, population, and mileage.

Mr. Lindsay C. Warren, of North Carolina, made the point of order that the amendment was not germane to the bill.

The Chairman<sup>1</sup> sustained the point of order and said:

The bill provides a specific method of distribution, to wit, that contained in the highway act. The method of distribution in the highway act is a specific method. It has been held many times that, where a bill provides a specific method, an amendment providing a different method is not germane. The Chair has before him a decision made by the gentleman from Michigan, Mr. Mapes, directly on the point. That decision was made April 24, 1929. The Chair will quote the syllabus:

“To a bill seeking to afford agricultural relief by one specified method, an amendment seeking to afford the same relief by a different method was held to be not germane.”

The Chair will follow that decision and sustain the point of order.

**2969. To a bill proposing farm relief through the refinancing of farm-mortgage loans, an amendment providing for farm relief through expansion of the currency was held not germane.**

On April 13, 1933,<sup>2</sup> the bill (H. R. 4795), to provide emergency relief with respect to agricultural indebtedness, to refinance farm mortgages at lower rates of interest and to amend and supplement the Federal farm loan act, by the granting of credit through the Federal Land Bank system, was read a third time.

Mr. Gerald J. Boileau, of Wisconsin, moved to recommit the bill to the Committee on Agriculture with instructions to report it back forthwith with an amendment striking out all after the enacting clause and substituting a bill providing for the liquidation and refinancing of agricultural indebtedness by the expansion of the currency through issuance of bonds redeemable in Federal Reserve notes.

Mr. Marvin Jones, of Texas, made the point of order that the amendment was not germane.

The Speaker<sup>3</sup> held:

The question presented has been passed upon two or three times and presents nothing new. The bill under consideration provides a method of farm relief, essentially by the issuance of bonds, to be marketed in the ordinary way. The Frazier bill, which is the subject of the motion to recommit, provides also for farm relief, also for bond issues, and, in addition to that, provides a method of meeting the bond issues by currency printed and issued, clearly inflation, which may amount to as much as 3½ billion dollars. The two methods are as wide apart as the poles.

The present Speaker of the House argued a like question back in 1924 when the very first farm relief bill was under consideration, the first of the McNary-Haugen bills. That bill provided a method of farm relief, fixing farm prices with reference to related products, and the present Speaker of the House proposed an amendment to the bill which provided an entirely different method, and the present Speaker agrees with the gentleman from Texas when he said that his method was much better than the method provided in that bill; but that did not make any difference. A point of order was made against the amendment proposed by the present Speaker, by Mr. Cannon of Missouri, the author of Cannon's Precedents, and the gentleman from Missouri

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<sup>1</sup>Thomas L. Blanton, of Texas, Chairman.

<sup>2</sup>First session Seventy-third Congress, Record, p. 1679.

<sup>3</sup>Henry T. Rainey, of Illinois, Speaker.

argued the point of order and convinced the Chairman of the Committee of the Whole, Mr. Sanders, although he did not convince me then, that my amendment was not germane. The object of my amendment then and the object of the bill under consideration at that time were to provide methods of farm relief, but they were widely different, although not as widely different as is proposed in the so-called "Frazier bill" and in the bill under consideration.

Again, on April 24, 1929, the same question came up.

The Chairman of the Committee of the Whole at that time was Mr. Mapes. He rendered a decision based upon the decision rendered by Mr. Sanders in 1924. The opinion by Mr. Chairman Mapes was a well-considered opinion covering the entire subject.

The Chair feels he cannot ignore the precedents that he has cited, and he might add that he could call attention to a number of others. The Chair, therefore, feels constrained to and does sustain the point of order.

**2970. The fact that two subjects are related does not necessarily render them germane.**

**To a bill authorizing an investigation of the supply and demand for foodstuffs, an amendment prohibiting waste, monopolies and hoarding of foodstuffs was held not to be germane.**

**If any portion of an amendment is out of order the entire amendment is subject to a point of order.**

On May 24, 1917,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 4188) for the distribution of agricultural products.

Mr. Gilbert N. Haugen, of Iowa, offered this amendment to be inserted as a new section:

That it is hereby made unlawful for any person to commit or permit preventable waste or deterioration of any necessities; to hoard, or to hold, or enter into any contract or arrangement for any necessities in excess of an amount reasonably needed to supply his individual or business requirements for a reasonable time; to monopolize or attempt to monopolize, either locally or generally, any such necessities; to engage in any discriminatory and unfair or any deceptive practice or device in handling or dealing in or with such necessities; to enter into any contract arrangement, or conspiracy to restrict the supply, or, except as permitted by law, for preventing gluts and for effecting equitable apportionment of perishable products among markets, to restrict distribution, or to enhance the prices of any such necessities; to exact excessive prices for any such necessities; or to aid or abet the doing of any act made unlawful by this section. Any person who violates any provision of this section shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, be punished by a fine not exceeding \$5,000 or by imprisonment for not more than two years, or both.

Mr. Asbury F. Lever, of South Carolina, made the point of order that the amendment was not germane to the bill.

In debating the point of order. Mr. Sydney Anderson, of Minnesota, said:

The rule provides that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Under that rule the philosophy relating to germaneness has been developed. Now, we do not look to the title of this bill to determine what the proposition under consideration is. We look to the contents of the bill itself. The chairman of the Committee on Agriculture has already gone over the bill section by section, with a view of stating exactly what is involved in each proposition.

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<sup>1</sup>First session Sixty-fifth Congress, Record, p. 2838.

Now, what does the amendment of the gentleman from Iowa do? It does not facilitate, as section 3 does, the obtaining of certain information relative to the food supply. It proposes 8 or 9 or 10 or a dozen new crimes. It is purely a criminal statute. It proposes to create new crimes which are in no way directly or indirectly connected with the subject matter of this bill. For instance, the amendment proposed by the gentleman from Iowa proposes to make it a crime to monopolize food. There is not a single word in this bill about monopoly.

The amendment of the gentleman from Iowa makes it a crime to enhance the price of food. There is not a word in this bill about regulating the price of food. The amendment of the gentleman from Iowa, as I recall it, makes it a crime to engage in any unfair or discriminatory practices. Not a word in this bill about discriminatory or unfair practices. It makes it a crime to enter into a contract, arrangement, or conspiracy to restrict the supply of food. Not a word in this bill relative to the restricting of the supply of food. There may be propositions in the amendment of the gentleman from Iowa which are germane to the bill, but there are also contained in his amendment propositions which are not germane to the bill, and which do not relate to the subject matter thereof.

It seems to me that the amendment is clearly out of order.

The Chairman<sup>1</sup> ruled:

The Chair understands the gentleman from Iowa does not offer his amendment to any particular section of the bill, but as a new section, and puts it on the ground that it is germane to the subject matter of the bill.

A hasty examination of the amendment leads the Chair to conclude it deals with waste, hoarding, monopolizing, unfair and deceptive practices, restricting of supplies, and restricting of distribution. The bill itself, as it appears, deals with the question of authorizing the Secretary of Agriculture to investigate and ascertain the demand for and supply, and so forth, of foodstuffs, and for the purchase and sale of seeds, cooperation with local officials, the appointment of additional secretaries, and that the President is authorized to ask any agency or organization of the Government to cooperate with the Secretary of Agriculture in carrying out these purposes, and for the purposes of this act the following sums are hereby appropriated, and so forth.

Now, it seems to the Chair that while this amendment is somewhat in line with the purposes of this bill, and related to them, but I find in the rules these propositions laid down:

“Two subjects are not necessarily germane because they are related. Thus the following have been held not to be germane: To a proposition relating to the terms of Senators, an amendment changing the manner of their election; to a bill relating to commerce between the States, an amendment relating to commerce within the several States; to a proposition to relieve destitute citizens of the United States in Cuba, a proposition declaring a state of war in Cuba and proclaiming neutrality.”

And yet they did relate to each other.

There is another proposition I would call the gentleman's attention to. If any portion of the amendment is not germane, of course the whole amendment must go out.

There is a portion of this amendment that does relate to food distribution and waste, but there are incorporated in the amendment certain matters that certainly are not referred to in the bill nor germane thereto. The Chair thinks, therefore, that it is not in order on this bill, and sustains the point of order.

**2971. Two subjects are not necessarily germane because they are related.**

**To a proposition to increase salaries of Government employees, an amendment proposing the establishment of a minimum wage for such employees was held not to be germane.**

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<sup>1</sup> Courtney W. Hamlin, of Missouri, Chairman.

On December 19, 1916,<sup>1</sup> the legislative, executive, and judicial appropriation bill was under consideration in the Committee of the Whole on the state of the Union.

Mr. Joseph W. Byrns, of Tennessee, proposed the following to be inserted as a new section:

That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than \$1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is appropriated.

Mr. John I. Nolan, of California, offered this amendment:

*Provided*, That during the fiscal year 1918 the minimum compensation for any person provided for in this bill shall be not less than \$3 per day, or, if employed by the hour, not less than 37½ cents an hour, and if employed by the month, \$90 a month; or, if employed by the year, \$1,080 per annum.

Mr. Thomas U. Sisson, of Mississippi, made a point of order against the amendment.

The Chairman<sup>2</sup> held:

In the opinion of the Chair, the Byrns amendment simply proposed a lump appropriation to increase the compensation of employees of the Government provided for in this bill of a certain class, namely, those receiving less than \$1,800 per annum. The Nolan amendment proposes new affirmative legislation, namely, to adopt a policy by the Government that none of its employees appropriated for by this bill shall receive less than \$3 per day. The Chair can not see how the new affirmative legislation is germane to the intent or spirit of the Byrns amendment. Therefore, the Chair is constrained to sustain the point of order.

**2972. To a proposal to reduce allowances a proposal to increase allowances is not germane.**

On April 28, 1932,<sup>3</sup> the legislative appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when a paragraph providing for the reduction of travel allowances was read as follows:

The traveling allowances provided for in the act approved February 28, 1925, shall not exceed \$2 per day.

Mr. Tom D. McKeown, of Oklahoma, proposed this amendment.

After the word "exceed," strike out "\$2" and insert in lieu thereof "\$4."

Mr. Lewis W. Douglas, of Arizona, made the point of order that the proposed amendment was not germane to the paragraph.

The Chairman<sup>4</sup> sustained the point of order.

**2973. Two propositions dealing with the same subject matter are not necessarily germane.**

**To a proposition to use proceeds from the sale of battleships for the construction of another battleship, a proposition to utilize such proceeds in the construction of roads was held not to be germane.**

<sup>1</sup> Second session Sixty-fourth Congress, Record, p. 571.

<sup>2</sup> Pat Harrison, of Mississippi, Chairman.

<sup>3</sup> Lindsay C. Warren, of North Carolina, Chairman.

<sup>4</sup> First session Seventy-second Congress, Record, p. 9184.

On June 23, 1914,<sup>1</sup> the House was considering the following Senate amendment to the naval appropriation bill, remaining in disagreement after the conference report on other disagreeing votes had been agreed to:

The President may, in his discretion, direct the sale, in such manner, at such price, and upon such terms as he shall deem proper, of the battleships *Idaho and Mississippi*. All moneys received from the sale of said vessels shall, after payment therefrom of the expenses of such sale, be deposited by the Secretary of the Navy in the Treasury, and shall, until expended, be available for the construction of such other vessel or vessels, at least equal for purposes of offense and defense to the most modern vessels of the same class now projected here or abroad, as the President may in his discretion authorize.

Mr. Lemuel P. Padgett, of Tennessee, moved that the House recede from its disagreement to the Senate amendment and concur therein with the following amendment.

Strike out the Senate amendment and in lieu thereof insert:

“The President may, in his discretion, direct the sale in such manner, at such price, and upon such terms as he shall deem proper, of the battleships *Idaho and Mississippi*. All moneys received from the sale of said vessels shall be deposited by the Secretary of the Navy in the Treasury after said sale. In addition to the two battleships hereinbefore authorized, the President is hereby authorized to have constructed a first-class battleship carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed \$7,800,000. Out of the money when so deposited in the Treasury there is hereby appropriated toward the construction of said battleship on account of increase of the Navy, construction and machinery, \$2,000,000; armor and armament, \$2,535,000; and equipment, \$100,000.

Mr. John L. Burnett, of Alabama, offered the following as a substitute for the amendment proposed by Mr. Padgett.

That the House recede and concur with an amendment providing for the appropriation of the money, the proceeds of the sale of said battleships, to the construction and maintenance of the public roads of the country traversed by rural and star-route mail carriers of the United States.

Mr. Padgett made the point of order that the proposed substitute was not germane.

The Speaker<sup>2</sup> ruled:

There are three propositions pending here. All of them would have been out of order originally in the House. Part of them are in order by reason of this Senate amendment. They all agree to sell these battleships. When we get through selling them, then there is a dispute about what we are going to do with the money.

There are three propositions. The gentleman from Tennessee, Mr. Padgett, wants to build a new battleship. The proposition of the gentleman from Illinois, Mr. Mann, is really to strike out. That is always in order—to strike anything out of anything. Now comes the gentleman from Alabama, Mr. Burnett, and wants to build wagon roads with this money. It does not make any difference whether building roads by the Government is a good thing or not. It might be a very meritorious proposition, but it has nothing on earth to do with a naval appropriation bill.

Now, let us see where we are on the road question. The pressure for an appropriation from the Federal Government to build wagon roads became so strong that the House created a Roads Committee. The House created a special committee to take charge of this public wagon-road business, and under the lead of that committee the House authorized an appropriation of \$25,000,000 at the beginning of this session.

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<sup>1</sup> Second session Sixty-third Congress, Record, p. 10962.

<sup>2</sup> Champ Clark, of Missouri, Speaker.

Now, if you can build roads on the naval appropriation bill, you can take charge of the entire business of the government under the naval appropriation bill. The point of order is sustained against the substitute of the gentleman from Alabama, and the question is on the motion of the gentleman from Illinois to strike out.

**2974. To an amendment relating to “pineapples in barrels and other packages” a proposed substitute relating to “pineapples in bulk” was held not to be germane.**

On April 8, 1909,<sup>1</sup> the House was considering the bill H. R. 1438, the tariff bill, when Mr. Sereno E. Payne, of New York, offered the following amendment:

275. Pineapples in barrels and other packages, 8 cents per cubic foot of the capacity of barrels or packages.

Mr. Swagar Sherley, of Kentucky, proposed the following as a substitute for the pending amendment:

275. Pineapples in barrels and other packages, 6 cents per cubic foot of the capacity of the barrels or packages; in bulk, \$6 per thousand.

Mr. Payne made the point of order that the proposed substitute was not germane to the amendment to which offered.

The Chairman<sup>2</sup> ruled:

The gentleman from New York offers an amendment relating to pineapples in barrels and other packages. The gentleman from Maryland offers an amendment to that amendment, changing simply the rate of duty.

Now, the gentleman from Kentucky offers as a substitute for the amendment offered by the gentleman from Maryland an amendment which relates not only to pineapples in barrels and other packages, and which in that regard is the identical amendment offered by the gentleman from Maryland, but the amendment offered by the gentleman from Kentucky goes further and applies to a different item or subject-matter of duty, to wit, pineapples in bulk. The Chair thinks that without any reference to the special order or rule of the House under which we are now proceeding that would not be properly a substitute and could not be entertained as a substitute either for the amendment offered by the gentleman from New York or the amendment to the amendment offered by the gentleman from Maryland.

**2975. To a proposition to punish for violation of a law a proposition to award for action tending to achieve the purpose of the law is not germane.**

**To a bill providing penalties for failure to comply with the draft law an amendment to award with citizenship those volunteering for service was held not to be germane.**

On February 13, 1918,<sup>3</sup> the Committee of the Whole House on the state of the Union had under consideration the bill H. R. 5667, the alien slacker bill, providing for the deportation of aliens failing to comply with the draft law.

Mr. Henry I. Emerson, of Ohio, offered the following amendment to be inserted as a new paragraph:

That any alien who enlists or is drafted into the military or naval service of the United States and waives his exemptions, serves his time of enlistment, and is honorably discharged, and is at least 21 years of age at the time of his discharge, shall, because of such service, become a citizen

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<sup>1</sup>First session Sixty-first Congress, Record, p. 1211.

<sup>2</sup>Marlin E. Olmsted, of Pennsylvania, Chairman.

<sup>3</sup>Second session Sixty-fifth Congress, Record, p. 2075.

of the United States without complying with any of the naturalization laws, and may vote on his discharge papers.

Mr. John L. Burnett, of Alabama, raised the point of order that the amendment was not germane.

The Chairman,<sup>1</sup> after debate, held:

The point of order is made against this amendment, and after some investigation by the Chair he finds that the section provides for denying citizenship and for deportation, while this amendment provides for creating citizens and giving them the right to vote, exactly at cross-purposes with the section that it seeks to amend. The Chair thinks the point of order should be sustained. The amendment is out of order.

**2976. To a bill providing for enforcement of a law an amendment proposing modification of the law was held not to be germane.**

On July 19, 1919,<sup>2</sup> during the consideration in Committee of the Whole House on the state of the Union, of the bill (H. R. 6810) the prohibition enforcement bill, Mr. John F. Fitzgerald, of Massachusetts, proposed the following to be inserted as a proviso:

*Provided*, That nothing in this act or in any title thereof shall prohibit or make unlawful the making or possessing by any person at this own home wine, beer, or cider for his personal use or for use of his immediate family.

Mr. Andrew J. Volstead, of Minnesota, raised a question of order against the amendment.

The Chairman<sup>3</sup> held:

The gentleman from Minnesota makes a point of order to the amendment offered by the gentleman from Massachusetts that it changes the law in regard to war-time prohibition. This bill simply provides machinery for enforcing that law. The point of order is sustained.

**2977. To a section providing a penalty an amendment authorizing trial to determine the imposition of such penalty was held not to be germane.**

On July 19, 1919,<sup>4</sup> the Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 6810) the prohibition enforcement bill, when the Clerk read this section:

That any person violating the terms of the injunction as provided for in this title shall be punished for contempt by a fine of not more than \$1,000, and by imprisonment of not less than 30 days nor more than one year; and the court shall have the power to enforce such injunction by such measures and means as in the judgment of the court may be necessary.

Mr. Warren Gard, of Ohio, proposed the following amendment:

May try the accused, or upon demand of the accused, the trial may be by jury, in which latter event the court may impanel a jury from the jurors then in attendance on the court, or a judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor, and such trial shall conform as near as may be to the practice in criminal cases prosecuted by indictment or upon information.

<sup>1</sup> Joseph J. Russell, of Missouri, Chairman.

<sup>2</sup> First session Sixty-sixth Congress, Record, p. 2864.

<sup>3</sup> James W. Good, of Iowa, Chairman.

<sup>4</sup> First session Sixty-sixth Congress, Record, p. 2898.

Mr. Andrew J. Volstead, of Minnesota, submitted that the proposed amendment was not germane to the section.

After debate the Chairman<sup>1</sup> said:

Section 25 of the bill provides for a penalty. The amendment offered by the gentleman from Ohio provides for a method of trial. It has been repeatedly held that where a provision in the bill provides for a penalty, it is not in order to offer an amendment simply providing for a method by which that penalty may be inflicted.

Mr. Gard appealed from the decision of the Chair, and the question being submitted to the committee it was decided in the affirmative yeas 83, nays 27, so the decision of the Chair stood as the judgment of the committee.

**2978. One method of attaining an object is not germane to another method of attaining such object unless closely related.**

**To a bill providing for the distribution of coal by vesting in the Interstate Commerce Commission power to establish priorities an amendment providing for distribution through governmental purchase was held not to be germane.**

On August 30, 1922,<sup>2</sup> The Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 12473) proposing to prevent extortion in the sale of fuel, by authorizing the Interstate Commerce Commission to declare car service priorities.

Mr. Sydney Anderson, of Minnesota, offered an amendment proposing to authorize the President within his discretion to buy coal and sell it to consumers at a fair price.

Mr. Walter H. Newton, of Minnesota, made the point of order that the amendment was not germane.

After debate the Chairman<sup>3</sup> ruled:

The provision of our rules which is to be interpreted in this case is as follows:

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

"No motion or proposition on a subject different shall be considered germane." There have been many Speakers that have held that merely because an amendment offered referred to a particular subject that was under consideration in the bill did not necessarily make it germane. For instance, in the consideration of the food control law several provisions regarding the purposes for which food might be used were offered. One prohibited the use of any food substance for the purpose of manufacturing liquor. That was ruled out of order by the Chair as not being germane. So that merely because the matter here relates to coal would not bring it within the rule as germane, as that requirement has been interpreted by prior occupants of the chair.

The provision of the bill under consideration is for regulation regarding the transportation of coal. The object and purpose of it is to prevent if possible extortionate charges and to see that there is an equitable distribution of coal. I do not know how far it would be proper to go as considering an extortionate charge a part of transportation, but that has nothing whatever to do with the question under consideration. The subject and object and purpose of the bill is that which relates to the transportation of coal.

Now we have an amendment offered by the gentleman from Minnesota stating that if the emergency, which is referred to in the bill under consideration, exists or is shown to exist, then

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<sup>1</sup>James W. Good, of Iowa, Chairman.

<sup>2</sup>Second session Sixty-seventh Congress, Record, p. 11993.

<sup>3</sup>Horace M. Towner, of Iowa, Chairman.

for purposes specified the President shall have power virtually to take over the mines and run them, because the requirement that the output of the mines be sold only to the Government is equivalent to taking over the mines and the operation of them by the Government. It would have no other foundation under the Constitution except that which would exist under the right of eminent domain, so that we really have under consideration a proposition here of whether or not it is germane within the rules to offer an amendment involving the proposition that the Government shall take over and operate the mines; whether such an amendment shall be considered as germane to a bill regulating the transportation of coal in interstate commerce. I do not think there can be any question under the authorities that such an amendment is not germane.

I want to call attention in this connection to a decision which was rendered a good many years ago, in 1898. This is the statement, and that is sufficient, I think, to indicate the full extent of it:

“To a bill granting a right of way to a railroad an amendment providing for the purchase of the railroad by the Government was held not to be germane.”

It seems to me that that is very nearly analogous to the case that we have before us to-day. “To a provision granting a right of way to a railroad an amendment was offered providing for the purchase of the railroad.” Here we have a bill for the transportation of coal, to which is offered an amendment for the purchase, sale, and distribution of coal. Taking over and operating the mines would practically be the effect. It seems to me that decision would be pertinent to the question now under consideration. Let me also call attention to a case that is numbered 5891 in the fifth volume of Hinds’ Precedents:

“To a proposition for the appointment of a select committee to investigate a certain subject an amendment proposing an inquiry of the Executive on that subject was held not to be germane.”

Here we have a proposition for the control of interstate commerce by the Interstate Commerce Commission. To that is offered an amendment proposing that the President shall take charge of the entire matter, not only controlling the transportation but the production and sale of the coal. The Chair rules that the point of order is well taken and the amendment is held not to be germane.

**2979. To a proposition to effect a purpose by one method a proposition to effect such purpose by another method wholly unrelated is not germane.**

**To a bill providing for the conservation of food by educational and demonstrational methods an amendment to conserve food by prohibiting the use of food materials in the manufacture of alcoholic beverages was held not to be germane.**

On May 21, 1918,<sup>1</sup> the House in the Committee of the Whole House on the state of the Union was considering the bill (H. R. 11945) to stimulate food production and the distribution of agricultural products, when Mr. Charles H. Randell, of California, proposed the following amendment:

*Provided*, That in order to further eliminate waste and to promote conservation of food, it shall be unlawful during the existence of the war with Germany to use any food or food materials in the manufacture or preparation of alcoholic beverages.

Mr. Ezekiel S. Chandler, of Mississippi, made the point of order that the amendment was not germane.

After debate the Chairman<sup>2</sup> held:

In order that the situation may be clearly apprehended by members of the committee, the Chair will read, first, the language of the paragraph and then the language of the proposed amendment. The language of the paragraph is:

<sup>1</sup> Second session Sixty-fifth Congress, Record, p. 6867.

<sup>2</sup> Edward W. Saunders, of Virginia, Chairman.

"Fourth. For increasing food production and eliminating waste and promoting conservation of food by *education and demonstrational methods*, through county, district, and urban agents and others, \$6,100,000."

The amendment proposed by the gentleman from California is in the following words:

"That in order to further eliminate waste and to promote conservation of food, it shall be unlawful, during the existence of the war with Germany, to use any food or food materials in the manufacture or preparation of alcoholic beverages."

In order to ascertain whether or not this amendment is germane to the paragraph, it becomes necessary to determine the purport, and effect of the matter proposed to be amended. If the paragraph had concluded with the word "food" in line 25, so that it would read as follows:

"For increasing food production and eliminating waste and promoting conservation food, \$6,100,000"—

there would be no doubt in the mind of any member of the committee that the amendment would be absolutely in order. But that is not the paragraph. The paragraph in its entirety proposes to increase food production, eliminate waste, and promote conservation of food by *certain indicated processes*, namely, by educational and demonstrational methods, through county, district and urban agents. In other words, lecturers are to be sent out to instruct the public with respect to their farming activities and the household arts so that in the result production will be increased, waste will be eliminated, and food will be conserved. If it was proposed by the amendment that some of the money which is appropriate should be utilized in the employment of agents to instruct the public in the folly of converting food products into alcoholic beverages for public consumption, such an amendment would be in order and in perfect harmony with the avowed purposes of the paragraph. It would come within the manifest scope and intent of this particular portion of the bill. But that is not what is intended to be done by the amendment. The amendment does not propose to educate the public, or by demonstrational methods, convince them of the folly of utilizing food products to produce alcoholic drinks, but to absolutely inhibit the use of such products for alcoholic conversion.

The Chair does not think that it can be successfully maintained that the chief purpose of this paragraph is to increase food production, eliminate waste and promote the conservation of food. If that was the chief purpose of the paragraph then it would end with the word "food" in line 25, thereby rendering possible an infinite variety of methods to accomplish the purposes indicated. Eliminate the words providing the methods by which production is to be increased, waste eliminated and food is to be conserved, and the amendment of the gentleman from California would be plainly germane and in order. But the committee evidently did not intend that the department should have free rein to accomplish the results intended, and secure the elimination of waste by any means that seemed good to them. Hence the use of the restrictive language confining the activities of the department to certain indicated lines of accomplishment. The one and only meaning of the paragraph therefore is to provide the means whereby the results intended may be secured on certain restricted lines of endeavor. The Agricultural Department is "cabin'd, cribbed, confined," so to say, to the restricted paths of activity marked out for them to pursue.

As to the suggested meaning of the word "others," it occurs to the Chair that this word ought to be interpreted to mean "other educational and demonstrational methods," in view of the general meaning of the paragraph. For instance bulletins might be sent out. It is perfectly true that a general subject may be amended by a specific subject of the same character, but the amendment of the gentleman from California is not a specific subject of this general subject. This amendment does not propose to eliminate waste, to increase food products, or to promote conservation by any educational process, but is a flat legislative inhibition upon certain practices. Therefore it is not a specific subject of the same character as the general subject. The general subject is to increase food production, and so forth, by educational and demonstrational methods.

The methods indicated are not illustrative of what may be done, but are restrictive, confining the expenditure of the money appropriated to them, and them only. The department could not expend this money otherwise than as indicated, namely, on educational and on demonstrational methods. The suggestion has been made that certain legislation in this bill has been made in order by the rule, and that this amendment would be in order to this legislation. In this con-

nection the Chair will say that if there is any legislation in this bill, made in order by the rule, to which this amendment would be proper, relevant, and germane, then the amendment can be offered when that legislation is reached, and will then be in order. This matter has been very earnestly argued by gentlemen who have taken a different view of the meaning of the paragraph from that held by the Chair. If their interpretation of the paragraph is correct, then the Chair will admit that the amendment is in order. Hence the propriety of the ruling on this point depends upon the meaning proper to be imputed to the paragraph. In that view it might be well to take an appeal from the decision of the Chair so as to afford the opportunity for full discussion of the paragraph on the appeal, and thereby secure an authoritative disposition of this question by the committee itself. The Chair has sought to set out in full the reasons for the conclusion reached and in view of that conclusion is constrained to sustain the point of order.

**2980. To a proposition to attain a definite purpose by a designated method an amendment proposing another method entirely remote is not germane.**

**To a bill proposing to increase the food supply by educational and demonstrational methods an amendment proposing to effect such increase through sale of nitrate of soda was held not to be germane.**

**If a portion of an amendment is inadmissible the entire amendment is subject to the point of order.**

On May 26, 1917,<sup>1</sup> while the Committee of the Whole House on the state of the Union was considering the bill (H. R. 4188) for the distribution of agricultural products, the following paragraph was reached:

For increasing food production and eliminating waste and promoting conservation of food by *educational and demonstrational methods*, through county, district, and urban agents and others \$4,500,000.

Mr. Joseph W. Byrns, of Tennessee, offered an amendment reading in part as follows:

SEC. 5. That whenever the Secretary of Agriculture shall find that there is or may be a special need in any restricted area for nitrate of soda necessary for the production of food or feed crops he is authorized to purchase such nitrate of soda, store it, and sell it to the farmers at cost, including transportation and all other expenses, such cost price to be payable in advance. The Secretary of Agriculture is authorized to require any person having at his disposal a supply of nitrate of soda to furnish the whole or any part thereof to the Secretary of Agriculture in such quantities, at such times, and at such price as shall be determined by him to be reasonable. Upon failure of the person to comply with such requirement the Secretary of Agriculture is authorized to requisition and take possession of such nitrate of soda and pay for it at the price so determined. If the price so determined be unsatisfactory to the person entitled to receive the same, such person shall be paid for such nitrate of soda on delivery the amount prescribed by the Secretary of Agriculture and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such nitrate of soda; and jurisdiction is hereby conferred upon the United States district courts to hear and determine all such controversies. For the purpose of carrying out the provisions of this section the Secretary of Agriculture is authorized to cooperate with the Secretary of the Navy or any other agency of the Government, and for such purpose there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, available immediately and until expended, the sum of \$10,000,000. Any moneys received by the United States from the sale of nitrate of soda to farmers under this section may, in the discretion of the Secretary of Agriculture, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

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<sup>1</sup>First session Sixty-fifth Congress, Record, p. 2933.

Mr. John J. Fitzgerald, of New York, made the point of order that the amendment was not germane to the bill.

The Chairman<sup>1</sup> sustained the point of order and said:

The Chair realizes that it is not always an easy matter to determine just what is germane and what is not. This amendment is not offered as an amendment to any particular section in the bill, but as a new section. The Chair also realizes that there is a well-established principle that one individual proposition may not be amended by adding another individual proposition.

The Chair is also aware of the fact that a single proposition may be added to a general proposition if it is otherwise germane. The Chair is not prepared to discuss generally the rules governing the proposition of germaneness, except in a general way, but will offer this suggestion: The Chair thinks, in order to be germane to the subject matter of the bill, an amendment must relate directly to something in the bill, and is not germane simply because it relates to some similar subject, or to the same kind of a subject covered by the bill. It seems to the Chair that if this amendment should be held germane it would throw open the floodgates. In other words, if this amendment is germane, then a proposition for the Government to purchase mules or horses or wagons or plows or harrows, or even land itself, or to reclaim land, and sell these things to the farmer at cost would be germane, because that might tend generally to stimulate agriculture or the production of food products. If this is germane, either one of those other propositions would unquestionably be germane, and the Chair does not think that the bill contemplates anything of the kind. The Chair realizes that it is rather a close question and he realizes that he may be wrong, and would be glad to leave it to the judgment of the committee. If the gentleman desires to appeal from the decision, the Chair would be very glad to have him do so. But it is the opinion of the Chair that the amendment is not in order on this bill, and the Chair sustains the point of order.

Mr. Byrns modified the amendment and again offered it in this form:

The Secretary of Agriculture is empowered, whenever he shall find that there is or shall be a special need in any restricted area for nitrate of soda for the production of food or feed crops, to purchase such nitrate of soda, store it, and sell it to farmers at cost, including transportation and all other expenses, such cost price to be payable in advance. The Secretary of Agriculture is authorized to require any person having at his disposal a supply of nitrate of soda to furnish the whole or any part thereof to the Secretary of Agriculture in such quantities, at such times, and at such price as shall be determined by him to be reasonable. Upon failure of the person to comply with such requirement the Secretary of Agriculture is authorized to requisition and take possession of such nitrate of soda and pay for it at the price so determined. If the price so determined be unsatisfactory to the person entitled to receive the same, such person shall be paid for such nitrate of soda on delivery the amount prescribed by the Secretary of Agriculture and shall be entitled to sue the United States to recover such further sum as, added to the amount so paid, will be just compensation for such nitrate of soda, and jurisdiction is hereby conferred on the United States district courts to hear and determine all such controversies. Any moneys received by the United States from the sale of nitrate of soda to farmers under this section may, in the discretion of the Secretary of Agriculture, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts. For carrying out the purposes of this section, \$4,500,000.

Mr. Anderson having again raised a question of order, the Chairman ruled:

The gentleman from South Carolina offers an amendment to which the gentleman from Minnesota makes a point of order. The Chair has before him the rule to which attention has been called. It is in this language:

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

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<sup>1</sup> Courtney W. Hamlin, of Missouri, Chairman.

The paragraph sought to be amended reads as follows:

“For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others”—

And so forth.

The gentleman's amendment provides for the Government buying nitrate of soda and selling to the farmers, and argues that it is in order for the reason that such action would tend to increase food production. Clearly the food production provided for in this paragraph is in a specific way, and that is by “educational and demonstrational methods.” The gentleman from Virginia, Mr. Saunders, fair, as he always is, admits that unless certain language now in the paragraph is stricken out the amendment of the gentleman from South Carolina, Mr. Byrnes, would not be in order, but contends that the language now in the paragraph which stands in the way of the amendment, in the face of a point of order, can be stricken out and the other language contained in the amendment inserted at the same time. The Chair does not think that this can be done. In the face of a point of order the affirmative matter contained in the amendment offered can not even be considered. You can not do by indirection that which can be done directly. A motion to strike out certain language in the bill would, of course, be in order, but the very fact that that motion has coupled with it matter which is not in order renders the whole amendment out of order. If this amendment is in order, you could amend the bill by providing for the purchase of a million acres of land to be given to the farmers of the country to encourage food production. The Chair thinks this is clearly out of order and sustains the point of order.

**2981. To a proposition to pay wages a proposition to pay a bonus is not germane.**

**To a bill establishing a minimum wage scale an amendment to add a bonus was held not to be germane.**

On July 16, 1919,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 5726) to establish a minimum wage for certain employees of the Government.

The Clerk having read a section providing for salaries of employees of the Post Office Department, Mr. Marvin Jones, of Texas, offered this amendment:

*Provided*, That fourth-class postmasters shall hereafter be paid the sum of \$240 per year in addition to the compensation paid them under existing law.

Mr. John I. Nolan, of California, raised a question of order against the amendment.

The Chairman<sup>2</sup> sustained the point of order.

Subsequently,<sup>3</sup> Mr. Martin L. Davey, of Ohio, proposed the following amendment:

*And provided further*, That the minimum wage of temporary clerks and carriers of the Post Office Department shall be 50 cents per hour, and that each permanent employee of the Post Office Department in the classified service shall receive the special bonus of \$240 per annum during the fiscal year ending June 30, 1920, as provided for other Government employees, and this shall be in addition to the amount otherwise provided.

<sup>1</sup> First session Sixty-sixth Congress, Record, p. 2681.

<sup>2</sup> William R. Wood, of Indiana, Chairman.

<sup>3</sup> Record, p. 2684.

Mr. Nolan having again raised the question of germaneness, the Chairman said:

The first part of the gentleman's amendment is in order, but that portion with reference to the bonus is not in order.

Mr. Davey then offered an amendment in this form:

*And provided further,* That that minimum pay of temporary clerks and carriers of the Post Office Department shall be 50 cents per hour, and that the minimum salaries of permanent employees of the Post Office Department in the classified service shall be not less than \$240 per annum above the amount already provided by law during the fiscal year ending June 30, 1920.

The Chairman held the amendment to be in order.

**2982. To a bill establishing telephone rates an amendment prohibiting reductions in wages of telephone employees while such rates remained effective was held not to be germane.**

On June 19, 1919,<sup>1</sup> the bill (S. 120) to amend the telephone, telegraph, and radio control act was read a third time.

Mr. John A. Moon, of Tennessee, moved to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to that committee to report it back to the House forthwith and with the first section of the bill continuing current telephone rates amended by the addition of the following proviso:

*Provided further,* That no reduction of wages of telephone or telegraph employees now in effect shall be made so long as the orders of the Postmaster General fixing present rates are effective.

Mr. Joseph Walsh, of Massachusetts, raised a question of order against the motion on the ground that the amendment proposed in the motion to recommit was not germane to the bill.

After debate the Speaker<sup>2</sup> held:

The Chair has no right to consider the merits of the amendment. The only question before the Chair is whether it is germane. This bill simply provides that the telephone rates as established in the existing law shall continue, to which the gentleman from Tennessee makes the motion that no reduction of wages shall be allowed. The bill does not refer at all anywhere to the question of wages, and therefore that question is obviously not germane to the bill, and it is clear that the Chair must sustain the point of order.

An appeal by Mr. Moon was, on motion of Mr. Walsh, laid on the table by a vote of 189 yeas to 161 noes.

**2983. To a bill granting soldiers the right to retain Government clothing an amendment to grant them extra pay was held not to be germane.**

On December 18, 1918,<sup>3</sup> the House was considering the bill (H. R. 13366) authorizing the retention of uniforms and personal equipment by discharged soldiers.

Mr. Frank W. Mondell, of Wyoming, proposed an amendment as follows:

And all persons honorably discharged from the military or naval service should receive one month's extra pay on discharge.

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<sup>1</sup> First session Sixty-sixth Congress, Record, p. 1395.

<sup>2</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup> Third session Sixty-fifth Congress, Record, p. 523.

Mr. S. Hubert Dent, jr., of Alabama, made the point of order that the proposed amendment was not germane.

The Speaker<sup>1</sup> sustained the point of order.

**2984. To a plan providing for acquisition by gift a substitute providing for acquisition by purchase is not germane. To a bill for the acceptance as a gratuity of a tract of land as a site for a sanatorium an amendment providing for the purchase of a tract of land for that purpose was held not to be germane.**

**To a proposal to establish an institution in one location a proposition to establish it in another location is germane.**

**To a bill providing for the establishment of a sanatorium at Dawson Springs, Ky., an amendment to establish it on public lands in the State of Minnesota was held to be germane.**

On December 4, 1918,<sup>2</sup> the House was in the Committee of the Whole House on the state of the Union considering the bill (H. R. 12917) providing for the establishment of a sanatorium for discharged soldiers and sailors on a tract of land to be donated for that purpose near Dawson Springs, Ky.

Mr. Cassius C. Dowell, of Iowa, proposed an amendment to strike out the provision for the acceptance of land near Dawson Springs, Ky., and insert in lieu thereof the following:

That the United States is authorized to acquire by purchase or otherwise a tract of land to be selected by the Secretary of the Treasury in either of the States of Colorado, New Mexico, Arizona, or Texas suitable.

Mr. Finis J. Garrett, of Tennessee, made the point of order that as the bill provided for acquisition by gift, an amendment providing for acquisition by purchase was not germane.

After debate the Chairman<sup>3</sup> ruled:

The Chair begs to state that this bill now before the committee provides for the building of a sanatorium at Dawson Springs, Ky., and the land can only be secured at Dawson Springs, Ky., by gift. There is no provision in the bill saying that this land can be purchased; so that if the people of Dawson Springs, Ky., should conclude after the bill has become a law that they would not give the Government this land, then, in the opinion of the Chair, it would not be possible to establish the sanatorium there without further legislation, because it says that it must be acquired by gift and that the land can only be secured in that way. The amendment proposed by the gentleman from Iowa says that this sanatorium may be established in either the State of Colorado, New Mexico, Arizona, or Texas by purchase or otherwise. The Chair begs to state that so far as he has been able to ascertain from a brief time spent in looking up the precedents this is the only one where it was proposed to offer an amendment to give away public land, and the Chair at that time held that that was not in order. That decision is found in Volume V of Hinds' Precedents, paragraph 5877. The point of order was made on January 20, 1859, by Mr. Cobb, of Alabama, and the decision was rendered by Speaker Orr, of South Carolina.

The Chair believe, in the view he takes of this amendment, that if this bill should pass with this amendment in it the Secretary of the Treasury might go to either one of these States and if

<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> Third session Sixty-fifth Congress, Record, p. 108.

<sup>3</sup> Martin D. Foster, of Illinois, Chairman.

he was unable to secure the land otherwise than by purchase the sanatorium would not be built, and then that would compel the purchase of ground upon which to place the sanatorium, so that it would change the entire scope of the bill as now proposed, which is specifically to provide for the establishment of the sanatorium by gift. Under these circumstances, the Chair thinks that the amendment of the gentleman from Iowa would not be in order.

Mr. Halvor Steenerson, of Minnesota, then offered an amendment proposing as a site for the sanatorium.

One hundred thousand acres of the national forest bordering on Tuck Lake and Cass Lake and Lake Winnibigoshish, in Minnesota, or so much thereof as may be required, be set aside.

Mr. Frank Clark, of Florida, made the point of order that the amendment was not germane.

The Chairman held:

The Chair is ready to make up his mind. The Chair begs to state that the amendment offered by the gentleman from Minnesota proposes to strike out all of lines 5, 6, 7, and 8 and the first three words of line 9 and insert in lieu thereof the following: "One hundred thousand acres of the national forest bordering on Tuck Lake and Cass Lake and Lake Winnibigoshish, in Minnesota, or so much thereof as may be required, be set aside." Now, the Chair thinks this bill provides for the location of a sanatorium at Dawson Springs. That is a particular point. The Chair thinks it would be in order to change the location of the same sanatorium and believes that this provides only for a change of location, not for the buying of any land, but that it shall be established where the Government buys no land, and the Chair begs to call the attention of the committee to the fact that in the case of the canal decision, which has been quoted here many times, that it was in order to change the location of a canal, and therefore, believes this amendment is in order and overrules the point of order.

**2985. To a proposition to sell a commodity, service, or equity a proposition to give such commodity, service, or equity is not germane.**

**To a bill providing for the payment of compensation under certain circumstances as a part of the benefits of insurance policies to be issued by the Government in consideration of the payment of annual premiums an amendment providing for the payment of such compensation as a pension was held not to be germane.**

On September 12, 1917,<sup>1</sup> while the Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 5723) to amend the war risk insurance act, the following paragraph was read:

COMPENSATION FOR DEATH OR DISABILITY

Sec. 300. That for death or disability resulting from personal injury suffered or disease contracted in the course of the service by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided.

To this paragraph Mr. Richard Wayne Parker, of New Jersey, offered the following amendment:

After the word "compensation," insert the words "by way of pension."

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<sup>1</sup>First session Sixty-fifth Congress, Record, p. 7061.

Mr. William C. Adamson, of Georgia, having made the point of order that the amendment was not germane, the Chairman<sup>1</sup> held:

The Chair thinks that the amendment is not germane, and sustains the point of order.

**2986. To a proposition to market a commodity for a consideration a proposition to donate such commodity as a gratuity is not germane.**

**To a law providing for the sale of insurance to soldiers in consideration of the payment of annual premiums an amendment proposing to grant such insurance for two years without payment of premiums was held not to be germane.**

On September 13, 1919,<sup>2</sup> the Committee of the Whole House on that state of the Union was considering the bill (H. R. 8778) to amend the war risk insurance act, when Mr. Roscoe C. McCulloch, of Ohio, proposed an amendment providing insurance for persons honorably discharged from the Army or Navy to continue for a period of two years after such discharge without cost to the insured.

Mr. Bertrand H. Snell, of New York, made the point of order that the amendment was not germane to the bill.

After extended debate the Chairman<sup>3</sup> held:

As we all know, there is a tendency in this House and in the body at the other end of this Capitol to attach all sorts of legislation to bills in the form of what are called riders. This has been carried to such an extent that sometimes matters entirely unrelated and incongruous are combined in the same bill, to the detriment of the law as to clearness of meaning and to the despair of persons trying to find the law after it is enacted.

Rule XVI, paragraph 7, provides that—

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

What is the subject under consideration? The subject under consideration is a bill amending the war-risk insurance act in several respects. Section 400 of article 4 of the war-risk insurance act provides—

“That in order to give to every commissioned officer and enlisted man, etc., when employed in active service under the War Department or Navy Department greater protection for themselves and their dependents than is provided in article 3, the United States, upon application to the bureau and without medical examination, shall grant insurance against the death or total permanent disability of any such person in any multiple of \$500, and not less than \$1,000 or more than \$10,000, upon the payment of the premiums as hereinafter provided.”

The words “as hereinafter provided” evidently refer to sections 401, 402, 403, 404, and 405.

Section 401 prescribes the time for making applications. It also makes provision for persons in service disabled or dying without applying for insurance, allowance if disabled, allowance in case of death, and limitation of payments of 240 installments.

Section 402 provides the form of policy, viz:

“That the director, subject to the general direction of the Secretary of the Treasury, shall promptly determine upon and publish the full and exact terms and conditions of such contract of insurance.”

Section 402 also provides that the insurance shall be nonassignable for alternative policies, the basis of premiums, and the beneficiaries.

<sup>1</sup> Finis J. Garrett, of Tennessee, Chairman.

<sup>2</sup> First session Sixty-sixth Congress, Record, p. 5343.

<sup>3</sup> John Q. Tilson, of Connecticut, Chairman.

Section 403 provides—

“That the United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality, and interest at 3½ per cent per annum.”

Section 404 provides for term insurance during the war, for conversion after the termination of war, and for conversion rights.

Section 405 provides for disagreements, attorney fees, and so forth.

The subject under consideration is not “insurance,” nor even “war-risk insurance,” but the “granting of insurance by the United States upon the payment of premiums.” In short, article 4 provides for insurance upon the payment of premiums. There is nothing in the law which would indicate that it was the intention of Congress to give insurance or to fix premium rates or payments, except by means of the American Experience Table of Mortality.

The joint amendment of the gentleman from Ohio proposes to amend the bill by adding a new section as follows:

“The term insurance in force on the life of every commissioned officer and enlisted man or member of the Army or Navy Nurse Corps (female) on the date he leaves the active military or naval service shall continue in force for two years after the end of the calendar month in which he is separated from the active service, without the payment of premium by the insured: *Provided, however,* That in the case of the persons who are or have been so separated from the service and who have paid their premiums after being so separated the period of two years herein provided shall begin to run on the first day of the calendar month succeeding the passage of this act or on the first day of the calendar month succeeding the month for which the premium was last paid, whichever date was the earlier: *Provided further,* That every person who converts or has converted his term insurance before the expiration of the two-year period herein provided shall, during such period or the remainder thereof, be entitled to a commutation credit on his term or converted insurance equivalent to what the monthly premium on his term insurance would have been during the said two-year period if he had not converted it and if this amendatory act had not been passed.”

What is the subject of the proposed amendment? “The term insurance in force shall be continued in force for two years without the payment of premiums.” The object of this amendment, when stripped of all verbiage and reduced to its last analysis, is to give to the insured two years’ free insurance.

In other words, the present law, as well as the bill under consideration, provides for insurance upon the payment of premiums, while the amendment provides for insurance without the payment of premiums. Surely such a radical change of the policy of the Government presents a different subject within the inhibition of the rule.

In Hinds’ Precedents (v. 5877) is cited a case in point:

“To a bill relating to the sale of the public lands an amendment proposing to give them to settlers was held not to be germane.”

Clearly the two propositions are related, but “two subjects are not necessarily germane because they are related.”

Many other cases can be cited.

The Chair is not altogether able to follow the logic of the gentleman from Iowa, Mr. Towner, in his contention that the proposition of the amendment is not the granting of free insurance, but is to prevent the lapsing or forfeiture of policies. If the gentleman will refer to the act, section 401, he will find this provision:

“Any person in the active service on or after the 6th day of April, 1917, who while in such service and before the expiration of 120 days from and after such publication he becomes or has become totally and permanently disabled, or dies or has died, without having applied for insurance, he shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments.”

On June 17, 1919, the gentleman from Iowa, Mr. Good, offered an amendment to the Senate amendment No. 21 on the deficiency appropriation bill. The Senate amendment directed the Secretary of the Treasury to complete the hospital at Broadview in Chicago, and also amended section 6 of the act approved March 3, 1919, creating an emergency fund of \$1,500,000 for the

United States Public Health Service. Mr. Good's amendment restricted the Secretary of the Treasury as to taking further action under a number of sections of the above act.

The Speaker sustained the point of order, setting out his reasons in a carefully prepared ruling. If the present occupant of the Chair would follow the long line of precedents clearly established, he must of necessity sustain the point of order.

The Chair sustains the point of order made by the gentleman from New York.

**2987. To a joint resolution repealing declarations of war an amendment authorizing the negotiation of treaties of peace was held not to be germane.**

**It is not in order to strike out an amendment already agreed to by the House.**

On June 13, 1921,<sup>1</sup> the House was considering the joint resolution (S. J. Res. 16) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and the joint resolution of December 7, 1917, declaring a state of war to exist between the United States and the Imperial and Royal Austro-Hungarian Government.

The question being on the passage of the joint resolution, Mr. Henry D. Flood, of Virginia, moved to recommit it to the Committee on Foreign Affairs with instructions to that committee to forthwith report the joint resolution back to the House with an amendment striking out all after the enacting clause and inserting the following:

That the President be, and he is hereby, requested and authorized to enter into negotiations with the Government of Germany and her allies and with the powers associated with the United States in the European War with a view to concluding a settlement of all controversies between the United States and Germany and her allies, and to conclude, by and with the advice and consent of the Senate, any and all international acts or agreements necessary to reach a definite adjustment with all of the powers engaged in the European War in respect to any questions or controversies relating to the conflict.

Mr. John Jacob Rogers, of Massachusetts, made the point of order that the amendment proposed in the motion to recommit was not germane to the joint resolution.

After extended debate the Speaker<sup>2</sup> ruled:

The Chair will not consider the suggestions that this motion refers to the Allies of the United States and the Allies of the other nations, because, as the gentleman from Virginia suggested, he could withdraw his motion to recommit and amend it and remedy that defect. The Chair will base his ruling upon the main question, and the Chair will state frankly that he would prefer to hold that it is germane, because, as he understands, those have been the two contentions, one that peace must be secured by a treaty and the other that it can be secured by declaration, and the Chair would be glad to allow the issue to be settled by a vote, and appreciates the force of the suggestion that a motion to recommit is intended to allow the minority to express its views. But the Chair thinks he ought to not depart from parliamentary precedent even to accomplish what the general intent of the rules of the House may have been, and it seems clear to the Chair that a resolution declaring that a war is at an end can not, if the point of order be made, be amended by the recommendation that a treaty shall be entered into. The very issue that has been made is that the House has no right to declare peace; that that is an entirely different proposition from making a treaty of peace, so different that the House has no right to do it; and that the only way to secure peace is by a treaty. Therefore the Chair feels constrained to rule that the motion to recommit is not in order.

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<sup>1</sup>First session Sixty-seventh Congress, Record, p. 2546.

<sup>2</sup>Frederick H. Gillett, of Massachusetts, Speaker.

There is another ground on which the Chair perhaps could easily base his decision, and that is the well-established rule that where the House itself has adopted an amendment as it has in this case, then that amendment can not be stricken out by a motion to recommit, as is attempted by this motion; but the Chair prefers to base his ruling on the general proposition of germaneness. The Chair therefore sustains the point of order.

**2988. To a proposition to attain a definite object by a specific method a proposition to achieve the same object by another unrelated method is not germane.**

**To a bill proposing to regulate grain exchanges by taxation an amendment proposing to regulate them by prohibiting the transmission of messages was held not to be germane.**

On May 12, 1921,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 5676) taxing contracts for the sale of grain for future delivery and options for such contracts and providing for the regulation of boards of trade.

The Clerk read as follows:

SEC. 3. That in addition to the taxes now imposed by law there is hereby levied a tax of 20 cents a bushel on every bushel involved in such transactions, upon each and every privilege or option for a contract either of purchase or sale of grain, intending hereby to tax the transactions known to the trade as "privileges," "bids," "offers," "puts and calls," "indemnities," or "ups and downs."

Mr. John L. Cable, of Ohio, proposed to strike out the section and insert in lieu thereof the following:

SEC. 3. That it shall be unlawful, by means of telephone or telegraph lines, wires, or other means of communication extending from one State to another or to foreign countries, to make or offer to make or assist in making any contract respecting the purchase or sale either upon credit or margin of any grain, not intending the actual bona fide receipt or delivery of any such grain, but intending a settlement of such contract based upon the differences of the public market quotation of prices made on any board of trade or exchange upon which such grain is dealt in, and without intending a bona fide purchase or sale of the same.

Mr. David H. Kincheloe, of Kentucky, made the point of order that the amendment was not germane to the section.

After debate the Chairman<sup>2</sup> held:

The bill under consideration has for its purpose the regulation of boards of trade dealing in grain under a governmental license by means of the taxing power. The substitute offered by the gentleman from Ohio, instead of licensing boards of trade to carry on their dealings would absolutely forbid all transactions of the character referred to in the bill that are authorized under certain conditions and limitations. Under the general rule of the House relating to germaneness, as found in Rule XVI, without referring to clause 3, Rule XXI, which still further limits the privilege of amendment on revenue bills, which this is, this amendment would be excluded because it is extraneous to that which is under consideration by the committee. It involves an entirely different subject for consideration than that in the bill under consideration. The bill provides for licensing under the taxation power of Congress; the amendment is to prohibit entirely under the commerce clause. It is clearly a different proposal, and therefore without resorting to the strict rule found in Rule XXI, that on revenue bills an amendment must be germane, not only to the subject matter but to the item under consideration, the Chair believes that it is not germane under the ban of the general rule, and therefore sustains the point of order.

<sup>1</sup>First Sixty-seventh Congress, Record p. 1376.

<sup>2</sup>William H. Stafford, of Wisconsin, Chairman.

**2989. To a proposal to authorize certain activities an amendment proposing to investigate the advisability of undertaking such activities is not germane.**

**To a bill for the improvement of rivers and harbors an amendment providing for a commission to study, consider and report on the subject was held not to be germane.**

On June 26, 1917<sup>1</sup> the river and harbor appropriation bill was under consideration in the Committee of the Whole House on the state of the Union.

Mr. John H. Small, of North Carolina, offered an amendment reading in part as follows:

That a commission, to be known as the waterways commission, consisting of the Secretary of War, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, and three additional members to be appointed by the President of the United States from the active or retired list of the Engineer Corps of the Army, or other Government services, or from civil life, one of whom shall be designated by the President as chairman, is hereby created and authorized, under such rules and regulations as it may adopt, to bring into coordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, and commissions of the several governmental department of the United States and commissions created by Congress that relate to study, development, or control of waterways and subjects related thereto, with a view to uniting such services in investigating questions relating to the development, improvement, regulation, and control of rivers and harbors to secure the necessary data, and to formulate and report to Congress, as early as practicable, a comprehensive plan or plans for the development of waterways for the purposes of navigation and recommendations for the modification or discontinuance of any project herein or heretofore adopted.

Mr. Allen T. Treadway, of Massachusetts, made the point of order that the amendment was not germane.

After debate, the Chairman<sup>2</sup> ruled:

When the revenue bill was up some time in 1913 a motion to recommit was made providing for the appointment of a commission to investigate and gather information touching the tariff question, and Speaker Clark, in an elaborate opinion, held that on a revenue bill they would not have the right to appoint a commission to gather this data. There is another decision handed down by the gentleman from Tennessee, Mr. Garrett, along similar lines. The Chair thinks, in view of these decisions, that the point of order should be sustained, and therefore sustains the point of order.

**2990. To a proposal to buy bonds from farm-loan banks for a specified purpose an amendment proposing the purchase of bonds from another source which would necessarily contribute directly to the same purpose was held not to be germane.**

On May 18, 1920,<sup>3</sup> the Committee of the Whole House on the state of the Union had under consideration the joint resolution (H. J. Res. 351) proposing to amend the Federal farm loan act and reading as follows:

Whereas the Supreme Court of the United States has asked for a reargument of the case involving the constitutionality of the Federal farm loan act; and

Whereas the reargument of the case will postpone a decision until next October at the earliest; and

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<sup>1</sup>First session Sixty-fifth Congress, Record, p. 4331.

<sup>2</sup>Pat Harrison, of Mississippi, Chairman.

<sup>3</sup>Second session Sixty-sixth Congress, Record, p. 7254.

Whereas the Federal land banks are now and it is feared will be unable under these circumstances to sell bonds to meet outstanding commitments for loans to farmers pending a final decision: Therefore be it

*Resolved etc.*, That the provisions of the act of congress approved January 8, 1918, entitled "An act to amend section 32 of the Federal farm loan act, approved July 17, 1916," be, and the same hereby are, extended to the final years ending June 30, 1920, and June 30, 1921, to the extent that the Secretary of the Treasury be, and he hereby is, authorized, as by the terms of said act, to purchase during the fiscal years ending June 30, 1920, and June 30, 1921, or either of them, any bonds which he might have purchased during the fiscal years ending June 30, 1918, and June 30, 1919, or either of them, under the provisions of the original act.

Mr. W. M. Morgan, of Ohio, offered an amendment proposing to authorize the Secretary of the Treasury to purchase such bonds at par and accrued interest in the open market.

Mr. Edmund Platt, of New York, made the point of order that the amendment was not germane.

Following debate on the point of order the Chairman <sup>1</sup> ruled:

The pending resolution, for certain reasons set forth in the preamble, seeks to extend the life of the Federal farm loan act and to authorize the Secretary of the Treasury to purchase certain farm-loan bonds. The gentleman from Oklahoma offers an amendment to the amendment of the committee to authorize the Secretary of the Treasury to purchase certain farm-loan bonds in the open market and not from the Federal farm-loan bank, as provided by existing legislation and by the resolution now pending before the committee.

The point of order has been made that the amendment of the gentleman from Oklahoma is not germane. The amendment, of course, must be germane to the subject of the resolution itself, and it must also be germane to the section to which it is offered.

The preamble sets forth the purpose of the resolution in the following language:

"Whereas the Federal land banks are now, and it is feared will be, unable under these circumstances to sell bonds to meet outstanding commitments for loans to farmers pending the final decision: Therefore be it resolved"—

And so forth.

So the preamble itself shows that the purpose of this resolution is to authorize the Secretary of the Treasury to purchase these bonds from the land banks in order to relieve the land banks, and the purpose as set forth in the preamble and the resolution is not apparently to relieve the owners. There is not any very close precedent which the Chair has been able to find on this proposition, but the Chair does think that the argument advanced by the gentleman from Oklahoma is not in accordance with the precedents that exist, namely, that where legislation authorizes the purchase of bonds on one city an amendment authorizing the purchase of bonds of another city would be germane, because that, in the Chair's view, is directly contrary to existing precedents. The Chair thinks that in this amendment the gentleman from Oklahoma seeks to go beyond the scope of the resolution and to introduce in it a new purpose not set forth in the preamble and not set forth in any part of the resolution, and that the provision to authorize the Secretary of the Treasury to buy bonds generally in the open market is not germane to the provision authorizing the Secretary of the Treasury to purchase from a particular source, and therefore the Chair sustains the point of order.

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<sup>1</sup>James W. Husted, of New York, Chairman.

**2991. To be a bill levying a tax on gasoline an amendment fixing the price of gasoline was held not to be germane.**

On February 11, 1924,<sup>1</sup> the bill (H. R. 655) to provide a tax on motor fuels in the District of Columbia, was being considered in the Committee of the Whole House on the state of the Union:

The Clerk read as follows:

That it shall be unlawful for any person, firm, or corporation, or any dealer or distributor of motor-vehicle fuel to receive and accept any shipment from any dealer or to pay for the same, or to sell, or offer for sale, any motor-vehicle fuel unless the statement provided for in section 5 of this act appears upon the invoices of said shipment.

Mr. Tom D. McKeown of Oklahoma, offered this amendment:

After the word "shipment" insert:

It shall be unlawful for any dealer to charge any additional sum than the regular price and 2 cents per gallon tax.

Mr. Everett Sanders, of Indiana, made the point of order that the amendment was not germane.

The Chairman<sup>2</sup> held:

The Chair does not think that is germane. The gentleman is undertaking to regulate price. The Chair must sustain the point of order.

**2992. To a section conferring on carriers the right to recover for loss of freight an amendment conferring on shippers the right to recover was held not to be germane.**

On November 17, 1919,<sup>3</sup> the Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 10453) to provide for the termination of Federal control of railways, and the Clerk had read the following section:

Whenever property is diverted or delivered by one carrier to another carrier contrary to routing instructions in the bill of lading, unless such diversion or delivery is in compliance with a lawful order, rule, or regulation of the commission, such carriers shall, in a suit or action in any court of competent jurisdiction, be jointly and severally liable to the carrier thus deprived of its right to participate in the haul of the property for the total amount of the rate or charge it would have received had it participated in the haul of the property. In any judgment which may be rendered the plaintiff shall be allowed to recover against the defendant a reasonable attorney's fee, to be taxed in the case.

To this section Mr. Clay Stone Briggs, of Texas, proposed an amendment as follows:

And in case of loss or of injury or damage to any such property, the owner thereof shall be entitled to recover the fair and reasonable value thereof, or, as the case may be, such amount as will reasonably compensate such owner for such injury or damage sustained by such property.

Mr. Everett Saunders, of Indiana, made the point of order that the amendment was not germane.

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<sup>1</sup>First session Sixty-eighth Congress, Record, p. 2276.

<sup>2</sup>Theodore E. Burton, of Ohio, Chairman.

<sup>3</sup>First session Sixty-sixth Congress, Record, p. 8668.

The Chairman<sup>1</sup> held:

The paragraph to which this amendment is offered confers on carriers the right in a suit or action in any court of competent jurisdiction to recover for the loss of freight by reason of improper diversion of the delivery of the freight, contrary to routing instructions contained in the bill of lading. The amendment of the gentleman from Texas provides that in case of loss or damage to freight being so transported, having been so improperly diverted, the shipper may recover the damage in a proper proceeding in a court for the injuries sustained by the loss or damage to such property. In the opinion of the Chair the remedy proposed to be given to the shipper for this loss or injury is not akin to the provisions of the paragraph conferring a remedy, a right on a carrier, and in the Chair's view the amendment proposed is not germane to the section offered. The chair therefore, sustains the point of order.

**2993. To a bill providing that funds derived from the sale of certain public lands be paid into a reclamation fund to be used in the construction of reclamation works amendments proposing that such funds be paid into a national good-roads fund to be used in the building of roads, or deposited in the Treasury to the credit of a Navy petroleum fund, were held not to be germane.**

**Definition of the term "germane."**

On September 22, 1914,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium or sodium.

The Clerk read:

SEC. 30. That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund, created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State for the support of public schools or other educational institutions or for the construction of public improvements as the legislature of the State may direct.

Mr. James R. Mann, of Illinois, offered an amendment as follows:

Substitute for section 30:

"That all moneys received from royalties and rentals under the provisions of this act, except those from Alaska, shall be deposited in the Treasury as a special fund, to be known as the 'national good-roads fund,' which fund shall be applied as Congress may from time to time direct by, appropriation or otherwise, for the building of good roads."

Mr. Scott Ferris, of Oklahoma, made the point of order that the amendment was not germane to the bill.

The Chairman<sup>3</sup> ruled:

A few days since, while this bill was under consideration, notice was given that amendments would be offered to this section to provide for the disposition of the receipts from various leases

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<sup>1</sup> Joseph Walsh, of Massachusetts, Chairman.

<sup>2</sup> Second session Sixty-third Congress, Record, p. 15553.

<sup>3</sup> John J. Fitzgerald, of New York, Chairman.

authorized in the bill, in a manner different from that provided in the bill. As a result of the intimation then given, the Chair has given considerable attention to the questions that might arise under this section.

The rule of the House—Rule XVI, paragraph 7—is that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. That is the rule which generally is mentioned as required amendments to be germane to a bill or to the particular part of the bill to which an amendment is offered. Under general parliamentary law amendments need not be germane. Mr. Jefferson states in section 460 in his Manual that—

“Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves.”

In a decision by Mr. Carlisle in 1880 the history of the adoption of the rule by the House requiring amendments to be germane is set forth in great detail. Ever since 1822 the rule in the House has been as it is at present. Mr. Carlisle in his decision, which is found in volume 5, section 5825, of *Hinds’ Precedents*, said:

“When therefore it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair upon examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

“It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration, within the meaning of the rule, and it is especially difficult to do so when, as in the present instance, the amendment may, by reason of the terms it employs, appear to have a remote relation to the original subject.”

That an amendment be germane means that it must be akin to, or relevant to, the subject matter of the bill. It must be an amendment that would appropriately be considered in connection with the bill. The object of the rule requiring amendments to be germane—and such a rule has been adopted in practically every legislative body in the United States—is in the interest of orderly legislation. Its purpose is to prevent hasty and ill-considered legislation, to prevent propositions being presented for the consideration of the body which might not reasonably be anticipated and for which the body might not be properly prepared.

The provision in this bill to which the amendment is offered provides:

“That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State for the support of public schools or other educational institutions, or for the construction of public improvements, as the legislature of the State may direct.”

Any amendment to a section which is relevant to the subject matter, and which may be said to be properly and logically suggested in the perfecting of the section in the carrying out of the intent of the bill, would be germane to the bill and thus in order. To determine whether an amendment is relevant and germane, while not always easy, can best be done by applying certain simple tests. If it be apparent that the amendment proposes some modification of the bill, or of any part of it, which from the declared purposes of the bill could not reasonably have been anticipated and which can not be said to be a logical sequence of the matter contained in the bill, and is not such a modification as would naturally suggest itself to the legislative body considering the bill, the amendment can not be said to be germane.

It seems to the Chair that applying these tests to the amendment of the gentleman from Illinois to determine whether it is germane, the question to be answered is whether the amendment is relevant, appropriate, and a natural and logical sequence to the subject matter of the bill. It is quite clear to the Chair that the amendment can not be so characterized, and that the committee could not have anticipated or reasonably expected that to a proposition that the money to be derived from the royalties of the leases, authorized to be made under this legislation, should be put in the reclamation fund, a well-established fund created for specific and definite purposes; that a proposition to create a new fund, to be known as the "national good-roads fund," could be considered as a natural, appropriate, relevant, and logical sequence to the proposal in the bill; and therefore the Chair sustains the point of order.

Mr. Mann having appealed from the decision of the Chair, the decision was sustained—yeas 59, nays 0.

Mr. Irvine L. Lenroot, of Wisconsin, then proposed this amendment:

*Provided*, That any moneys which may accrue to the United States under the provisions of the act from lands within the naval petroleum reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the "Navy petroleum fund," which fund shall be applied to the needs of the Navy as Congress may from time to time direct by appropriation or otherwise.

Mr. Mann made the point of order that the amendment was not germane.

The Chairman said:

The Chair intended, in making his former ruling, to call attention to a decision of Mr. Speaker Clark made on June 23, 1914. On that occasion there was under consideration a Senate amendment in which it was proposed to provide that the proceeds of the sale of certain ships should be appropriated to build an additional battleship. To that amendment there was proposed an amendment providing that the money should be available for the construction of good roads. Mr. Speaker Clark held that that amendment was not in order, because it was not germane.

Very frequently the difficulty in reaching a conclusion as to whether an amendment is germane arises from the fact that while the proposed amendment is somewhat similar to the subject matter of the bill, the particular predilection of Members favorable to the amendment makes them reason themselves into a frame of mind to believe the amendment to be germane without careful analysis of its relation to the matter proposed to be amended. Under the act of June, 1910, the president is authorized to withdraw public lands for any public purposes. While it does not appear on the face of this bill that certain lands have been withdrawn for the purpose of providing oil for the Navy, it is a matter well within the knowledge of the Chair and of Members generally that such action has been taken. Suppose the President had also withdrawn public lands and set them aside to be utilized as military reservations or as forest reserves or for park or some other purpose, would amendments be in order to this provision which would provide that the royalties of any leases of such lands should be segregated in the Treasury and dedicated to the development of military reservations or of public parks or for some other public purpose assigned as the reason in the order of withdrawal made by the President? It seems to the Chair that such proposals could not reasonably be anticipated, nor could they be held as logical sequences to the provision in the bill.

The meaning of the word "germane" is akin to, or near to, or appropriate to, or relevant to, and "germane" amendments must bear such relationship to the provisions of the bill as well as meet the other tests; that is, that they be a natural and logical sequence to the subject matter, and propose such modifications as would naturally, properly, and reasonably be anticipated. The Chair has been unable to find any comprehensive definition of the term "germane" as used in a parliamentary sense. It is not easy to define, and it is difficult to state concisely, yet comprehensively, the rule to be applied to determine unerringly whether amendments are germane. The Chair believes that the true rule, and the tests to be used in applying it, have been here epitomized.

The fundamental purpose of this bill is not to provide revenue and to dedicate or segregate it in the Treasury. The fundamental purpose of the bill is "to authorize exploration for and dis-

position of coal, phosphates, oil, gas, potassium, or sodium," and the segregation of the proceeds of the leases authorized is merely incidental to the general scheme of the legislation.

The amendment of the gentleman from Wisconsin provides that "any moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserve shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of the fund to be known as the Navy petroleum fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct by appropriation or otherwise."

To simplify determining whether this amendment is in order, without changing its fundamental purpose, let it be assumed that instead of designating this fund as a "Navy petroleum fund" it were to be designated as a "Navy battleship fund," and to be applied by appropriation or otherwise by Congress to the needs of the Navy. The Chair does not believe that it would be seriously argued that the creation of such a fund as an amendment to this provision would be considered germane. The mere designation of the fund as a Navy petroleum fund, because this bill applies to oil leases, while perhaps confusing, does not change the character of the amendment. It would be no different if it were proposed that royalties from leases made of parts of public lands reserved for military purposes be placed in the Treasury for the support of the Army, or of lands reserved for health purposes be applied for the support of the Public Health Service. The very suggestion of such amendments clarifies the situation and, in the opinion of the Chair, obviates any difficulty in determining the question of order. In the opinion of the Chair the amendment is not germane, and the Chair sustains the point of order.

**2994. The a resolution to approve the report of a committee an amendment providing for disapproval of the report and amendment of an existing law was held not to be germane.**

On January 29, 1913,<sup>1</sup> the House was considering the joint resolution S. J. Res. 158, reading as follows:

*Resolved, etc.,* That the plan, design, and location for a Lincoln memorial, determined upon and recommended to Congress December 4, 1912, by the commission created by the act entitled "An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln," approved February 9, 1911, be and the same are hereby, approved.

Mr. Thetus W. Sims, of Tennessee, offered this amendment:

Strike out the word "approve" and insert "disapprove, and that a memorial arch on Sixteenth Street at a suitable point north of the intersection of U Street and Sixteenth Street, at a cost not to exceed \$2,000,000, be erected instead of the building provided by the commission."

Mr. James R. Mann, of Illinois, raised a question of order against the amendment and said:

This resolution is a resolution providing:

"That the plan, design, and location for a Lincoln memorial, determined, upon and recommended to Congress December 4, 1912, by the commission created by the act," referred to in the resolution, "be, and the same are hereby, approved."

The act referred to in the resolution is an act approved February 9, 1911, which the Speaker will find in Thirty-sixth Statutes at Large, page 898. That was passed in the last Congress. That act provides that the gentlemen named in the act are created a commission to secure and determine upon a location, plan, and design for a monument or memorial in the city of Washington, D.C., to the memory of Abraham Lincoln, subject to the approval of Congress. Section 3 of the act provides—

"That the construction of the monument or memorial herein and hereby authorized shall be upon such site as shall be determined by the commission herein created and approved by Congress."

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<sup>1</sup>Third session Sixty-second Congress, Record, p. 2250.

The resolution pending before the House is simply a resolution to approve the location, the plan, and the design on the report of the commission which has been submitted to Congress in conformity with the act. It is not a resolution to amend the original act; it does not propose to amend the original act at all, but it is simply a resolution in accordance with the provisions of the original act to approve the plans which have been submitted by the commission.

**The Speaker<sup>1</sup> ruled:**

The pending resolutions is very simple. It is simply to approve certain findings of that commission; that one proposition and nothing else.

The present occupant of the chair has ruled more than once that where a law contains several sections and some gentleman brings in a bill to amend one section of that law only, then the House can not wander around and undertake in that bill to amend other sections of that law, because there must be an end and a limit to all things. The statute provides that the Lincoln monument or memorial shall be "in the District of Columbia." That settles that part of it. I do not believe that under that statute you can go outside the District of Columbia. I do not believe that a fair, careful reading of this resolution will permit any amendment providing for passing on another memorial in the city of Washington or out of it.

There are various ways of defeating this proposition. The first step, if the House desires to take it, is to vote this resolution down. Any step might be taken after that. There are two ways of getting rid entirely of this limitation as to the District of Columbia. One of them is by a bill amending the statute creating the commission, and another by a joint resolution, which is tantamount to a bill, for the same purpose. Therefore the Chair sustains the point of order.

**2995. The burden of proof of the germaneness of an amendment rests upon its proponents.**

**Propositions however closely related are not necessarily germane.**

**To a proposal to fix the commencement of the terms of Representatives in Congress a proposition to extend the duration of such terms is not germane.**

On March 8, 1928,<sup>2</sup> during the consideration of the joint resolution (S. J. Res. 47) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress, in the Committee of the Whole House on the state of the Union, Mr. William B. Bankhead, of Alabama, offered an amendment proposing to increase the terms of Members to four years.

Mr. C. William Ramseyer, of Iowa, made the point of order that the amendment was not germane to the joint resolution.

Mr. Bankhead proposed to yield to Mr. Ramseyer for debate when Mr. Ramseyer submitted that the burden of proof of germaneness rested on the proponents of the amendment.

**The Chairman<sup>3</sup> agreed:**

The burden to show that it is in order is on the gentleman from Alabama. The Chair thinks the gentleman from Alabama would also be entitled to rebut the arguments made in behalf of the point of order.

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<sup>1</sup> Champ Clark, of Missouri, Speaker.

<sup>2</sup> First session Seventieth Congress, Record, p. 4368.

<sup>3</sup> Frederick R. Lehlbach, of New Jersey, Chairman.

After debate the Chairman ruled:

The Committee of the Whole House on the state of the Union has before it for consideration the text of the committee substitute for the Senate Joint Resolution 47. This substitute being read for the purpose of amendment, the gentleman from Alabama offers the following amendment:

“SEC. 2. The House of Representatives shall be composed of Members chosen every fourth year by the people of the several States.”

To this a point of order is made that the amendment is repugnant to the provisions of the rule on germaneness, which reads as follows:

“And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.”

In order to determine whether this amendment is on a subject different from that under consideration it is necessary to examine the subject matter of the legislative proposition to which it is offered as an amendment. An examination of the entire article shows that it is composed of four sections having two distinct and definite purposes. Sections 1 and 2 provide that the term of the President shall commence on the 24th day of January and the terms of Senators and Representatives shall commence on the 4th day of January, instead of as now on the 4th day of March, and that the Congress shall assemble on the 4th day of January, instead of as now on the first Monday of December. That is the distinct proposition involved in the first two sections, the reason for the proposition being to abolish the session of Congress after its successor has been elected and to bring the session of the new Congress nearer the date of election, so that the Congress will be more responsive to the will of the people.

The other proposition deals entirely with who shall exercise the powers of the Chief Executive and perform his duties in the event of the failure to elect the President, Vice President, or both, or in the event of the death of the President elect, or the Vice President elect, or both. These are the distinct and clear-cut propositions involved in the article, and there are no other propositions.

There is no proposition to alter permanently the length of the terms of any of the officers dealt with, either President, Vice President, Members of the Senate, or Members of the House. While in one instance throughout the future history of the country the terms of these officers are shortened by two months, that is merely incident to moving forward the date of the assembling of Congress and the abolition of the session of Congress subsequent to election.

Now, an examination of the amendment offered by the gentleman from Alabama shows that its effect not only deals with the length of the term of the members but necessarily affects the make-up of the Senate and of the Congress. Although the Constitution does not in express words say so, it is a necessary result of the structure of our legislature as laid down in the Constitution that a Congress begins with the term of the Members of the House of Representatives and ends with the expiration of the term of the Members of the House of Representatives. That is not the case with the Senate, because the Senate is considered a continuing body, one-third of its Members going out every two years.

So, if this amendment were adopted, it would result in this, that where now in each Congress every member of the Senate and every Member of the House is a Member at the beginning and remains a Member of the Senate and House until the expiration of Congress, we would have a situation where one-third of the Members of the Senate who began with the Congress would go out in the middle of its work and one-third of the membership of the Senate would come in when the work of the Congress was half done. That shows that this proposition involves not merely the length of the term of the Members of the House of Representatives, and for that reason might be deemed germane to section 1, but other consequences by reason of which it could not be held germane to section 1.

As to the doctrine of germaneness, the Chair has diligently refreshed his memory from the precedents, and will refer first to the decision of former Speaker John G. Carlisle, to which reference has been made.

Mr. Carlisle, prior to this election as Speaker, frequently served as Chairman of the Committee of the Whole House on the state of the Union, and in that capacity in 1880 he rendered a decision in which he discussed at great length the rule requiring amendments to be germane.

“When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment.”

Representative Fitzgerald, on September 22, 1914, in passing on a point of order that an amendment is not germane, among other things said:

“If it be apparent that the amendment proposed some modification of the bill, or of any part of it, which from the declared purposes of the bill could not reasonably have been anticipated and which can not be said to be a logical sequence of the matter contained in the bill, and is not such a modification as could naturally suggest itself to the legislative body considering the bill, the amendment can not be said to be germane.”

The question might arise whether the doctrine as to germaneness applies to an amendment to the Constitution, and for that reason the Chair directs attention to precedent to be found in the fifth volume of Hinds', paragraph 5882.

It will be observed that the proposition then pending to amend the Constitution was substantially the same proposition that is pending at the present time. The difference between the amendment of the gentleman from Alabama and the amendment held not germane by Mr. Speaker Crisp is that the manner of the election of the Members of the Senate was sought to be added to the propositions then, and the lengthening of the term of Members of the House of Representatives is sought to be appended to similar propositions on this occasion.

Just a word further with respect to the germaneness of this amendment to the text of the committee substitute. The Chair calls attention to the language used on September 19, 1918, by Mr. Finis J. Garrett, of Tennessee, presiding in the Committee of the Whole House on the state of the Union, on the question of germaneness. He said:

“The present occupant of the chair had the honor of presiding as Chairman of the Committee of the Whole when the amendment was proposed to create the Tariff Commission as a part of a revenue bill. The point of order was made, and the Chair held generally that the meaning of the expression ‘germaneness’ under the facts that were presented was that the fundamental purpose of the amendment must be germane to the fundamental purpose of the bill.”

The Chair commends that language to the House—“that the fundamental purpose of the amendment must be germane to the fundamental purpose of the bill.”

The proposition is now advanced, however, that while the amendment may not be germane to the provisions of the subject matter under consideration, inasmuch as the resolution under consideration amends the Constitution in several particulars, it, therefore, is in order to amend it in any particular, although the amendment may not be germane to the amendments carried in the resolution itself. That is based on a doctrine which is frequently reiterated in this House, that if a bill amends a law in several particulars, the law may be amended by an amendment to the bill in all particulars. The Chair has been unable to find substantial authority for this doctrine. In discussing this contention, Mr. Speaker Clark, on December 5, 1912, stated his opinion very succinctly. He said:

“The rule is not that if there are two substantive propositions in the bill you can add anything else to it.”

Mr. Speaker Gillett, on June 19, 1919, speaking on this phase of the question of germaneness, said:

“That although more than one clause or section of a law is amended, that fact does not necessarily bring the whole law before the House, but the law itself is only subject to amendment when the propositions under consideration are numerous and go to the heart of the law and change the law in a vital way.”

“It is insisted that these proposed amendments do not go to the heart of our Constitution or change it in a vital way. The gentleman from Alabama in his argument has referred to the decision found in Hinds' Precedents, volume 5, section 5824. The Chair is familiar with that decision and

calls attention to the situation that led to the ruling upon which the gentleman from Alabama relies. In holding an amendment to the original law in order because the bill under consideration amended the original law in various particulars the Speaker pro tempore, who was Mr. Dalzell, of Pennsylvania, said this:

"It is apparent from even a casual examination of the bill that it is a general amendatory bill. Section 1 relates to clause 15 of section 1 of the existing bankruptcy law; section 2 relates to clause 5 of section 2 of the existing bankruptcy law; section 3 relates to clause 4 of subdivision A of section 3 of the bankruptcy law; section 6 relates to section 17, and section 10 relates to section 40, and so on, skipping from section to section throughout the entire law, without regard to the particular relation of these sections to each other. In other words, 16 sections in all of the 70 sections of the bankruptcy law are here sought to be amended, or more than one-fourth of the entire law."

In other words, the decision upon which reliance is placed for the doctrine was in a case where the bill under consideration revised generally the original law.

Mr. Sidney Anderson, on June 10, 1921, in passing on an amendment to a bill amending the war risk insurance act in various particulars, the amendment under consideration applying to a section of the original act, not dealt with by the pending bill, said:

"The Chair does not think that the general rule can be laid down that where several portions of a law are amended by a bill reported by a committee, it is not in any case in order to amend another section of the bill not included in the bill reported by the committee nor does the Chair think that the opposite rule can be laid down and rigidly applied in every instance. The Chair thinks that a question of this kind must be determined in every instance in the light of the facts which are presented in the case."

The point of order was sustained.

Chairman Stafford, on December 10, 1921, in passing on a similar point of order as now under consideration, said:

"The gentleman invokes the rule that because the bill under consideration amends two or three provisions of the Judicial Code, therefore it is in order to amend all or any section of the entire Judicial Code. The Chair can not subscribe to that doctrine, since it would violate the fundamental principles that guide the procedure of the House in the consideration of questions that come up from time to time."

The Chair has fortified himself with many other precedents, but does not deem it necessary to go further into an exposition of what the records disclose.

In order to point out the fact that the decision that the Chair is about to render is not based on the decisions only of certain presiding officers, the Chair calls attention to the fact that a decision was made on this very point on May 20, 1920, and that an appeal therefrom was taken, and the decision at that time, holding that the amendment was not germane, was sustained by an almost two to one vote; so that the highest authority that can exist for the ruling that the Chair indicates he is about to make, is the decision of the House itself, on an appeal, sitting in Committee of the Whole House on the state of the Union.

On that occasion a bill containing a series of amendments to the war risk insurance act was under consideration, dealing with various matters of administration but not with the beneficiaries or the benefits provided for in the act. Mr. Sims of Tennessee offered an amendment to include a certain class within the beneficiaries under the act. The point of order that the amendment was not germane was sustained.

The decision was made by the present incumbent of the chair, who reads it not because it has intrinsic merit but that it may be known just what question was involved in the precedent established by the House itself:

On May 20, 1920, Mr. Lehlbach ruled as follows:

"The amendment of the gentleman from Tennessee, Mr. Sims, reads:

"That section 401 of the war risk insurance act is amended as follows:

"The Chair presumes the intent is to add to the end of section 401 this additional proviso.

The bill under consideration is a bill to improve the facilities and service of the Bureau of War Risk Insurance and further amending and modifying the war risk insurance act as amended. The first

section of the bill provided for the installation of regional offices and suboffices, and the various other sections of the bill provide for the mode of administration and method and manner of making payments under the bill. The bill is entirely within that general scope. It is not a bill generally amending the war risk insurance act. It does not amend it in various particulars, but only amends it in the method or manner of making certain payments; in matters of administration, in other words. It does not deal with a class of beneficiaries or change the advantages that beneficiaries may enjoy, nor does it any way define or modify who such beneficiaries may be. The Chair therefore thinks that the amendment offered by the gentleman from Tennessee is not within the scope of the bill or any of the provisions of the bill and is, therefore, not germane, and sustains the point of order.’”

The Chair, therefore, sustains the point of order that this amendment is not germane to the joint resolution, nor is it in order, under the rule of germaneness, because the resolution amends the Constitution itself in various particulars.

Mr. Bankhead having appealed, the decision of the Chair was sustained. On division, yeas 207, nays 33.

**2996. A proposition is not necessarily germane because related to the subject under consideration.**

**To a bill providing for reapportionment of Representatives in Congress an amendment authorizing redistricting of States in accord with such apportionment is not germane.**

**An instance in which a bill was considered in the House under the provisions of a special order without having been reported by a standing committee.**

**The rule on germaneness is not affected by the manner in which a bill is brought before the House or the fact that it has not had previous consideration by a standing committee.**

On June 6, 1929,<sup>1</sup> when the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses, and to provide for apportionment of Representatives in Congress, the Chairman<sup>2</sup> announced that a point of order by Mr. John J. O'Connor, of New York, was pending against an amendment proposed by Mr. Daniel A. Reed, of New York.

At the instance of the Chair the amendment was again reported as follows:

*Provided,* That nothing in this act contained shall be construed to prevent the legislature of any State (subject, however, to the initiative and referendum law in any State wherein such a law exists) at any time after the approval of this act, in order to secure contiguous and compact territory and equalization of population in accordance with the rules enumerated in section 3 of the apportionment act, approved August 8, 1911, by concurrent resolution, from redistricting the State for the purpose of electing Representatives to Congress, and upon each and every such redistricting the Representatives to Congress shall in any such State be elected from the new districts so formed.

Mr. Burton L. French, of Idaho, in debating the point of order took the position that as the bill under consideration proposed to repeal certain sections of the law relating to the apportionment of Representatives in Congress it was therefore in

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<sup>1</sup>First session Seventy-first Congress, Record, p. 2444.

<sup>2</sup>Carl R. Chindblom, of Illinois, Chairman.

order to offer amendments relating to other sections of the same law, including the section relating to redistricting.

Mr. Fiorello H. LaGuardia, of New York, took the further position that in view of the fact that the bill had not been considered and reported by a standing committee the rule of germaneness did not apply with its usually strictness, and said:

We are operating at the present moment under unusual and extraordinary conditions by reason of the fact that the committee which would ordinarily have had jurisdiction of the bill has not been appointed by the House, and therefore the bill is now before the House and the Committee of the Whole under a special rule, never having been considered by a committee.

The rules of the House which would ordinarily guide the Chair in deciding the germaneness of the amendment can not be applied, because the rules of the House contemplate that every bill which comes from the Senate goes through the ordinary legislative channels of the House, one of which is to be referred to a committee having jurisdiction of the subject matter, and from that committee reported to the House and from the House considered in the Committee of the Whole. That is not the fact here. Therefore, the Chair can not approach this question under the ordinary rules or precedents of the House established when we have committees and a committee has considered the bill. The Chairman in this instance is exactly in the same position that a chairman of a committee would be. If this amendment were offered in the Census Committee, and the point of order were made, clearly the chairman of that committee would hold that it is germane, that it is related, that it does pertain to the subject matter of the bill, and would hold it in order. The Chairman of the Committee of the Whole in this instance is in exactly that position, because the Committee of the Whole is acting in the capacity of a House committee considering a bill in the first instance. We have no Census Committee functioning. It was therefore necessary to bring in a special rule setting aside all the rules of the House, in order to bring this bill properly before the House and for consideration in the Committee of the Whole.

#### The Chairman held:

With reference to the suggestion of the gentleman from New York the Chair will say that in the view which the Chair takes of the present situation there is no difference in the application of the rules of the House in regard to the subject of germaneness by reason of the fact that this bill has not been considered by the standing committees of the House. The Chair thinks that the effect of the special rule adopted by the House for the consideration of this bill was merely to bring the bill before the House without the intervention of the action of a standing committee, and, of course, in contravention of the ordinary rules of the House. In that connection the Chair is very distinctly of the opinion that all amendments, whether made by a standing committee having jurisdiction of the subject matter to either a House bill or a Senate bill or offered on the floor of the Committee of the Whole, are equally subject to the rule of germaneness.

There is nothing in the present bill which relates to the subject matter of the amendment which subject matter is the action of State legislatures and of State authorities in redistricting a State upon the basis of a reapportionment of Members of the House made by Congress. The Chair takes it that no one now is prepared to claim that there is anything in the bill pending before us (S. 312) which directly relates to the matter of the redistricting of the States.

However, the gentleman now claims that the provision in section 21 is applicable, which reads as follows:

“That the act entitled ‘An act to provide for the fourteenth and subsequent decennial censuses,’ approved March 3, 1919, and all other laws and parts of laws inconsistent with the provisions of this act are hereby repealed.”

The gentleman calls attention to that provision and claims that that relates to certain sections of the act of August 8, 1911, which bore on the subject of redistricting by the States, but it seems to the Chair that the gentleman overlooked the effect of the words—“all other laws and parts of laws inconsistent with the provisions of this act are hereby repealed.”

If there is nothing in this bill relating to redistricting, then there can be nothing in it which is inconsistent with the act of 1911 on that subject. There can be no repeal by this bill of any law

or parts of laws which are not inconsistent with that act on the subject of redistricting by State legislatures.

All the way through every provision of the act of August 8, 1911, relates to "this apportionment"; that is, the apportionment provided for in the act of August 8, 1911.

Therefore, it seems to the Chair very clearly that the amendment offered by the gentleman from New York is not germane to the pending bill; and the Chair sustains the point of order.

**2997. A specific proposition may not be amended by a general provision.**

**To a paragraph applying to one bureau in the Navy Department an amendment applying to the Navy Department as a whole was held not to be germane.**

On February 28, 1920,<sup>1</sup> the House was considering Senate amendment No. 34 to the second deficiency appropriation bill, reading as follows:

BUREAU OF CONSTRUCTION AND REPAIR

For the preservation and completion of vessels on the stocks and in ordinary, etc., including the same objects specified under this head in the naval appropriation act for the fiscal year 1920, \$3,000,000.

Mr. George Holden Tinkham, of Massachusetts, offered this amendment:

*Provided*, That such parts of this appropriation as in the judgment of the Secretary of the Navy may be necessary may be applied to the objects of expenditure specified in the appropriations for various bureaus of the department for the fiscal year 1920.

Mr. James. W. Good, of Iowa, made the point of order that the amendment was not germane.

The Speaker<sup>2</sup> held:

The Chair sustains the points of order. The Chair thinks that clearly the amendment offered by the gentleman from Massachusetts extends this appropriation, which is made for yards and docks over the whole Navy Department, and is subject to the ruling which was made in the committee on this subject.

**2998. A general provision is not in order as an amendment to a specific proposition.**

**To a bill relating to a specific class of canned goods an amendment dealing with canned goods in general was not admitted.**

On May 7, 1930,<sup>3</sup> the House had under consideration the bill (H. R. 730) to amend section 8 of the pure food and drugs act.

Mr. Franklin Menges, of Pennsylvania, offered an amendment reading:

*Provided*, That the standards of quality and condition for any canned foods which have been or which in the future may be established by or under authority of any other act of Congress shall be and are hereby adopted for the purpose of this act as the official standards of the United States for canned foods.

Mr. Carl Chindblom, of Illinois, made the point of order that the amendment was not germane to the bill and argued:

<sup>1</sup> Second session Sixty-sixth Congress, Record, p. 3647.

<sup>2</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup> Second session Seventy-first Congress, Record, p. 8532.

I wish to call the attention of the Speaker to the language in the proposed amendment to section 8 of the pure food and drugs act:

“For the purposes of this paragraph the words canned food mean all food which is in hermetically sealed containers and is sterilized by heat, except meat and meat food products, which are subject to the provisions of the meat inspection act of March 4, 1907 (34 Stat. 1260), as amended, and except canned milk.”

Then, I call the attention of the Chair to the following words, which follow immediately:

“The word class means and is limited to a generic product for which a standard is to be established, and does not mean a grade, variety, or species of a generic product. The Secretary of Agriculture is authorized to determine, establish, and promulgate, from time to time, a reasonable standard of quality, condition, and/or fill of container for each class of canned food as will in his judgment promote honesty and fair dealing in the interest of the consumer; and he is authorized to alter or modify such standard from time to time as in his judgment honesty and fair dealing in the interest of the consumer may require.”

All of these provisions are limited to class, and the term “class” is specifically defined to be limited to a generic product and does not include a grade, variety, or species of a generic product. The amendment offered by the gentleman from Pennsylvania is not limited to class. It includes grades, varieties, and species of classes; that is, of generic products.

Every other act which has been passed by Congress relates to canned foods, aside from the pure food and drugs act, which alone is amended by the pending bill. Therefore, it goes beyond the purposes of the bill as reported by the committee, and is subject to the objection which I am making.

The Speaker<sup>1</sup> sustained the point of order on the ground that:

The class of defined in this act and that the amendment of the gentleman from Pennsylvania goes beyond the class as defined in the bill.

**2999. To an amendment affecting one item in a paragraph a proposed substitute affecting all items in the paragraph was held not germane.**

On April 8, 1909,<sup>2</sup> the bill H. R. 1438, the tariff bill, was being considered in the Committee of the Whole House on the state of the Union, when Mr. Sereno E. Payne, of New York, offered an amendment changing the proposed duty on one item in a paragraph comprising a number of similar items.

To this amendment Mr. John J. Fitzgerald, of New York, moved an amendment as follows:

*Provided*, That only 50 per cent of all the other rates of duty in this paragraph shall be collected for a period of ten years next ensuing after the date on which the act shall take effect.

Mr. Payne made the point of order that the proposed amendment was not germane to the pending amendment to which offered.

The Chairman<sup>3</sup> ruled:

The committee amendment offered by the gentleman from New York applies only to the duty on decalcomanias in ceramic colors, and proposes to change the rate from \$2.50 to 80 cents. Now, the amendment to the amendment as offered by the gentleman from New York, Mr. Fitzgerald, does not relate to that item at all, but in express terms relates only to “all other” rates in the paragraph.

This question is analogous to the question which was raised when the present occupant was in the Chair during the consideration of the Philippine tariff bill in 1906. The bill related only to sugar coming from the Philippine Islands.

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<sup>1</sup>Nicholas Longworth, of Ohio, Speaker.

<sup>2</sup>First session Sixty-first Congress, Record, p. 1229.

<sup>3</sup>Marlin E. Olmsted, of Pennsylvania, Chairman.

An amendment was offered relating to sugar coming from other countries. The present occupant of the chair ruled that the amendment was not germane. The bill and the amendment were subjects of great controversy and some feeling; an appeal was taken from the decision of the Chair, and the Chair was sustained by a vote of nearly two to one (5 Hinds' Precedents, 5857). The Chair has no hesitation in ruling that the amendment offered by the gentleman from New York is not germane to the committee amendment to which it is offered.

**3000. To a proposition to impose a penalty an amendment imposing additional and unrelated penalties is not germane.**

**To a bill providing for the deportation of aliens avoiding the draft law an amendment prohibiting the acquiring title to real estate was held not to be germane.**

On February 13, 1918,<sup>1</sup> the bill (H. R. 5667) providing for the deportation of aliens failing to comply with the requirements of the draft law was under consideration in the Committee of the Whole House on the state of the Union, when Mr. Richard Wayne Parker, of New Jersey, offered the following amendment providing that such aliens:

Shall forever be denied the right of acquiring any interest or estate, legal or equitable, in any lands within the United States or any of its possessions.

Mr. John L. Burnett, of Alabama, raised the question of order that the amendment was not germane.

The Chairman<sup>2</sup> tentatively held the amendment to be in order but after debate said:

On second thought the Chair believes that the amendment is out of order. Here is an authority in the Manual:

"One individual proposition may not be amended by another individual proposition, even though the two belong to the same class."

This is adding another penalty to the same class, and the Chair holds it out of order.

**3001. To a bill designed to prohibit speculation in cotton an amendment adding wheat and corn was held not to be germane.**

On July 16, 1912,<sup>3</sup> the House was considering the bill (H. R. 56) to prohibit transmission of certain messages by telephone, telegraph, and cable, when the Clerk read as follows:

SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, acquires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations.

Mr. Thomas L. Rubey, of Missouri, offered this amendment:

SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton, grain,

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<sup>1</sup>Second session Sixty-fifth Congress, Record, p. 2076.

<sup>2</sup>Joseph J. Russell, of Missouri, Chairman.

<sup>3</sup>Second session Sixty-second Congress, Record, p. 9142.

or other farm product without intending that such cotton, grain, or other farm product shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto or any party for whom or in whose behalf such contract is made or acquires the right or privilege to demand in the future the acceptance or delivery of cotton, grain, or other farm product without specifying the grade to be delivered, and being thereby obligated to accept or to deliver such cotton, grain, or other farm product of the grades and quantities specified in said contract, and a settlement of a contract by the payment of a margin shall constitute prima facie evidence of a violation of this section; and the transmission of any message relating to any such transaction is hereby declared to be an unlawful interference with commerce among the States, Territories, insular possessions, District of Columbia, and with foreign nations.

Mr. James R. Mann, of Illinois, made the point of order that the amendment was not germane.

After extended debate, the Speaker<sup>1</sup> ruled:

If the Chair chose to do so, he could find precedents in the action of eminent Speakers whereby he could submit this question to the House. Mr. Speaker Blaine, one of the greatest men who ever occupied the Speaker's chair, did that on more than one occasion. The Chair had two or three hours' notice that this question would probably be raised, and the Chair examined all the precedents, and they all run one way.

The parliamentary situation is this: The gentleman from Missouri offers a substitute for section 2 of the bill, by which substitute he proposes to add wheat, corn, and so forth, to the bill. The proposition, whether brought in as an amendment or in a motion to recommit, which is the same thing precisely, must be germane.

Now, it has been held, with reference to the last suggestion made by the gentleman from New York, Mr. Fitzgerald that if the other bill—that is, the one treating of futures in wheat, corn, and several of the subjects—were pending here, which is general in its character, then we could add to it by way of amendment the item of cotton. There is no question whatever about that, if we pay any attention to the precedents. It has been held, for instance, that if a bill were pending to admit one Territory into the Union as a State we could not add another as an amendment; that situation would be identical with the present situation; but when the proposition was turned around, and there was a bill that proposed to bring more than one Territory into the Union as States, then we could add another Territory to that bunch. All of the decisions run in the same direction, and there are many of them.

Now, let us apply these precedents to the case before us. What is the subject matter of the section to which the gentleman from Missouri is offering an amendment by way of substitute? And what is the subject matter of this bill? The Chair expresses his own opinion, independent of this report, that the only thing talked about or treated in this bill is the question of dealing in cotton futures. The committee must have known when it presented this report. Here is a paragraph from the report:

“The purpose of the bill is to restrict, so far as may be, those transactions on the cotton exchanges of the country which are recognized as dealing only with the fluctuations in the price of cotton and which do not involve the actual transfer of the commodity. It does not seek to prohibit or to interfere with a single legitimate transaction in cotton.”

The precedent that comes nearest to supporting the contention of the gentleman from New York, Mr. Fitzgerald, is one about renovated butter. The title of the bill under consideration then was in reference to “oleomargarine and other imitation dairy products.” Evidently the distinguished gentleman from Iowa, Mr. Lacey, who happened to be in the chair at that time, let this amendment about renovated butter come in under the words “imitation of dairy products,” because I know enough about butter—and most of the Members of this House do, especially those from the rural districts—to know that renovated butter is essentially an imitation of butter.

The decision which General Grosvenor rendered about the canals was a correct decision. The question then under consideration was building a canal to connect the waters of the Atlantic

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<sup>1</sup> Champ Clark, of Missouri, Speaker.

and the Pacific, and the fact that the original bill referred to the Nicaragua route and the amendments proposing the Panama route were mere incidents.

In one case Mr. Speaker Cannon rendered a decision which is in point here. There was a proposition pending in the House to appropriate money to get rid of the boll weevil, and the gentleman from Massachusetts, Mr. Gillett, offered an amendment to appropriate money to get rid of the gypsy moth. Speaker Cannon ruled that one proposition had nothing to do with the other.

The matter in controversy here is cotton and cotton futures, and nothing else, and the point of order made by the gentleman from Illinois is sustained.

**3002. A general subject may be amended by a specific proposition of the same class.**

**To a section enumerating a number of requirements to be complied with in the marketing of certain foodstuffs an amendment providing an additional requirement of the same class was held to be germane.**

On September 27, 1919<sup>1</sup>, the House was in the Committee of the Whole House on the state of the Union considering the bill (H. R. 9521) to regulate the preservation and distribution of cold-storage foods.

The Clerk read a section forbidding the sale and distribution of—

Any article of food that is or has been in cold storage, unless such article of food or the container thereof is plainly and conspicuously marked in accordance with this act or the regulations under this act, (1) "Cold storage," (2) with all the dates when put in and when taken out of cold storage, (3) together with the name and location of all warehouses in which so stored.

To this section Mr. William B. Bankhead, of Alabama, proposed the following amendment:

After the word "storage," add the following words: "and the selling or market price at which the article of food or contents of the package went into cold storage."

Mr. Sydney Anderson, of Minnesota, made the point of order that the amendment related to a subject different from that treated by the pending bill.

After brief debate the Chairman<sup>2</sup> ruled:

The object of this section is to identify the goods that are in cold storage, and the chief method of doing it is to determine how they should be marked. The language of the section is "marked in accordance with this act or the regulations under this act—'cold storage.'" The marks of identification are the date, together with the name and the location, and this amendment intends to add one other item, viz, the price. These marks of identification having already been put in the bill; in the opinion of the Chair, it will be germane to add this other, the price of the article, and the Chair overrules the point of order.

**3003. A bill dealing with an individual proposition but rendered general in its scope by amendment is then subject to further amendment by propositions of the same class.**

**To a bill providing for food relief in a designated area but rendered general in its nature by the addition of a second area an amendment proposing the incorporation of a third area was held to be germane.**

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<sup>1</sup>First session Sixty-sixth Congress, Record, p. 6059.

<sup>2</sup>Simeon D. Fess, of Ohio, Chairman.

On April 24, 1928,<sup>1</sup> while the Committee of the Whole House on the State of the Union was considering the bill S. 3740, the flood control bill, providing for flood relief on the Mississippi River, an amendment was agreed to on motion of Mr. Robert A. Green, of Florida, extending the scope of the bill to include the Sacramento River.

Subsequently Mr. Green offered an amendment further extending the operation of the bill as follows:

The sum of \$10,000,000 is hereby authorized to be appropriated for the control of floods in the Florida Everglades.

Mr. Frank R. Reid, of Illinois, having made a point of order against the amendment, the Chairman<sup>2</sup> held:

The bill as originally reported to the House dealt solely with the control of floods on the Mississippi River and its tributaries. An amendment was submitted by the committee for the control of floods on the Sacramento River, Calif. This amendment was clearly subject to a point of order, but no point of order was made, and now it is in the bill.

The bill now contains two similar projects to control floods in two different sections of the country. It is a well-known rule of germaneness that where there are two similar projects, a third project may be added by a germane amendment. For instance, where two Territories are admitted to the Union an amendment to admit a third Territory is in order. In the same way where authority is given for the construction of buildings in two cities it is perfectly in order to put in an amendment for a building in a third city. For this reason the amendment is in order and the point of order is overruled.

**3004. To a proposition general in its nature an amendment specific in character is germane if within the same class.**

**To a section of the river and harbor bill making a lump-sum appropriation for the maintenance of river and harbor projects an amendment designating specifically the projects on which the sum should be expended was held to be germane.**

On January 22, 1920,<sup>3</sup> while the river and harbor bill was under consideration in the Committee of the Whole House on the state of the Union, the Clerk read the following paragraph:

*Be it enacted, etc.,* That the sum of \$12,000,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation.

Mr. Edward E. Denison, of Illinois, moved to strike out the section and insert in lieu thereof an amendment designating a number of projects on which the money should be expended.

Mr. Joseph Walsh, of Massachusetts, made the point of order that the amendment was not germane.

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<sup>1</sup>First session Seventy-first Congress, Record, p. 7121.

<sup>2</sup>Frederick R. Lehlbach, of New Jersey, Chairman.

<sup>3</sup>Second session Sixty-sixth Congress, Record, p. 1895.

After debate the Chairman<sup>1</sup> ruled:

This is a bill appropriating money for the improvement of rivers and harbors. Section 1 of the bill provides for a lump-sum appropriation to be expended under the direction of the Secretary of War. The gentleman from Illinois offers an amendment to the section by way of substitute incorporating a lump-sum provision and also providing for certain specific appropriations. The gentleman from Massachusetts makes the point of order that the amendment is not germane to the section of the bill. It is true that certain circumstances might suggest that the purpose of the amendment is to defeat the purpose of the first section. The method proposed by the first section is one way of expending the money provided. The gentleman from Illinois proposes another way of doing it, and he also provides appropriations for certain improvements that fall within the class for which the lump-sum appropriation is made.

The general rule is that specific provisions can be made qualifying a general provisions in a bill. The Chair holds that the section under consideration is an appropriation for the improvement of rivers and harbors generally and for the continuation of certain projects, and it seems to the Chair that the amendment of the gentleman from Illinois is germane not only to the subject of the bill itself but also to the subject under consideration; and the Chair therefore overrules the point of order.

**3005. A bill general in its provisions may be amended by specific provisions inclusive thereunder.**

**To a bill providing for a decennial census of the entire population of the United States a specific provision relating to the alien population of the United States was admitted as germane.**

On June 4, 1929,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the bill (S. 312) providing for the fifteenth and subsequent decennial censuses.

Mr. William B. Bankhead, of Alabama, offered the following amendment:

In taking such census the Director of the Census shall cause to be registered the names and addresses of all aliens and shall have entered upon such registration a statement by each alien showing by what right or authority of law he had entered the United States.

Mr. Fiorello H. LaGuardia, of New York, having lodged a point of order against the amendment, the Chairman<sup>3</sup> decided:

While it seems to the Chair that the matter of the registration, so called, is a little vaguely expressed, its purport in connection with the context to which it is offered doubtless would be that the census enumerators would make up lists of the names and addresses of all aliens, and in connection with those lists would show by what right or authority of law the aliens had entered the United States. That is a statistical matter, it seems to the Chair. The section deals with matters of statistics and enumerates the various things which may be subjected to a statistical enumeration and ascertainment of facts. It will be noticed that the section is very broad in the matter of the subject matter of these statistics and of the enumeration. It is not limited merely to population, but in addition relates to agriculture, irrigation, drainage, distribution, unemployment, and in the original text, to radio sets and mines. With such a large number of items named in the section as to which statistics may be obtained, it seems to the Chair that the amendment is merely an enlargement of the general purposes of the section and therefore is not subject to a point of order, and the Chair overrules the point of order.

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<sup>1</sup>James W. Husted, of New York, Chairman.

<sup>2</sup>First session Seventy-first Congress, Record, p. 2339.

<sup>3</sup>Carl R. Chindblom, of Illinois, Chairman.

**3006. A general subject may be amended by a specific proposition within the subject.**

**To a bill authorizing an executive to select sites for certain public institutions an amendment specifically designating the sites is germane.**

On January 22, 1930,<sup>1</sup> the House had under consideration the bill (H. R. 6807) establishing two institutions for the confinement of United States prisoners, providing:

That the Attorney General is hereby authorized and directed to select forthwith and procure two sites, of not less than 1,000 acres each, and cause to be erected thereon suitable buildings for two institutions for the confinement of male persons who have been or shall be convicted of offenses against the United States.

Mr. John C. Shafer, of Wisconsin, offered an amendment specifically designating the sites as:

After the word "sites," insert the words "one in the State of Idaho and one in the State of Ohio."

Mr. Tom D. McKeown, of Oklahoma, having objected that the amendment was not germane, the Speaker<sup>2</sup> overruled the point of order.

**3007. To a proposition general in its nature an amendment specific in character is germane if subsidiary to the pending proposition.**

**To a bill authorizing the appointment of a commission to report on matters relating to the public domain an amendment specifying that the commission report on a designated area of the public domain is germane.**

On January 24, 1930,<sup>3</sup> the bill (H. R. 6153) authorizing the President to appoint a commission to study and report on the conservation and administration of the public domain was being considered in the Committee of the Whole House on the state of the Union.

The bill having been read, Mr. James V. McClintic, of Oklahoma, offered an amendment requiring the investigation by the proposed Commission of a portion of the public domain known as the Oregon and California land grant.

In response to a point of order by Mr. Don B. Colton, of Utah, the Chairman<sup>4</sup> ruled:

The bill reads:

"That the President of the United States be, and he is hereby, authorized to appoint a commission to study and report on the conservation and administration of the public domain."

And the amendment reads:

"That the commission shall make a full investigation of that part of the public domain known as the Oregon and California land grant, and the law which permits such lands to be assessed in favor of certain counties in the States of Oregon and Washington."

The amendment, therefore, recites that the lands to which it relates are a part of the public domain.

The Chairman can not, upon the information that has been furnished him, determine the exact question whether the lands may be in the public domain or not. The Chair will have to rely upon the language of the bill and the language of the amendment, and upon that basis it seems

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<sup>1</sup> Second session Seventy-first Congress, Record, p. 2141; Journal, p. 10.

<sup>2</sup> Nicholas Longworth, of Ohio, Speaker.

<sup>3</sup> Second session Seventy-first Congress, Record, p. 2335.

<sup>4</sup> Carl R. Chindblom, of Illinois, Chairman.

clear to the Chair that the amendment is germane. Both on their face relate to the “public domain,” whatever that may be.

Secondly, with reference to the question whether to general language contained in the bill a specific subject included in that language may be offered by way of amendment, the Chair calls attention to a decision in paragraph 9848 of Cannon’s Precedents, volume 7, reading as follows:

“To a proposition general in its nature, an amendment specific in character is germane if within the same class”—

and specifically holding as follows:

“To a section of the river and harbor bill making a lump-sum appropriation for the maintenance of river and harbor projects, an amendment designating specifically the projects on which the sum should be expended was held to be germane.”

Under this and similar decisions the Chair will hold the amendment in order.

**3008. To a proposition general in its application an amendment making specific provision within the proposition may be germane.**

**To a bill providing a lump-sum appropriation for the prosecution of authorized river and harbor works an amendment designating specific works upon which the appropriation should be expended was held to be germane.**

On January 22, 1920,<sup>1</sup> the question was pending on the passage of the river and harbor bill, when Mr. John H. Small, of North Carolina, moved to recommit the bill to the Committee on Rivers and Harbors with instructions to report it back forthwith with an amendment striking out the section providing a lump-sum appropriation for the “prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation” and inserting in lieu thereof a section naming specific projects on which the sum so appropriated should be expended.

Mr. Joseph Walsh, of Massachusetts, raised the question of order that the projects proposed in the amendment were not referred to or provided for in the bill and the amendment was not germane.

The Speaker<sup>2</sup> overruled the point of order and said:

The Chair is disposed to think that a general clause making a general appropriation for the “prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation” could fairly be amended by specifically mentioning projects which are now under construction by the department, and as the Chair understands this present amendment is confined to existing projects, the Chair overrules the point of order.

**3009. To a proposition general in its nature a specific provision is germane.**

**To a resolution requesting the sale of surplus food products an amendment suggesting a specific plan for such sale was held to be germane.**

On July 29, 1919,<sup>3</sup> the House had under consideration a resolution reported by the Select Committee on Expenditures in the War Department as follows:

*Be it resolved, etc.,* That the Secretary of War be, and is hereby, requested to place on sale, without delay, the surplus food products in the hands or under the control of the War Department

<sup>1</sup> Second session Sixty-sixth Congress, Record, p. 1923.

<sup>2</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup> First session Sixty-sixth Congress, Record, p. 3356.

now stored in the United States, under such plan as will safeguard the interest of the Government and insure an opportunity to the people of the United States to purchase the same directly from the Government.

Mr. M. Clyde Kelly, of Pennsylvania, offered this amendment:

After the word "Government," in the last line, strike out the period, insert a comma and the following: "And such plan shall include utilizing the Parcels Post Service."

Mr. Finis J. Garrett, of Tennessee, having raising a question of order, the Speaker<sup>1</sup> ruled:

The original resolution provides: "That the Secretary of War is requested to place on sale under such plans as will safeguard the interests of the Government," and so forth.

The gentleman from Pennsylvania offers to amend by adding "and such plans shall include utilizing the parcels post."

The original resolution provides a general plan, and the amendment of the gentleman from Pennsylvania adds or includes a specific plan. It is a rule that a general proposition can be amended by a specific one, and the Chair thinks that this amendment is clearly in order.

**3010. To a bill including several propositions of the same class an amendment adding another proposition of that class is germane.**

**To a section providing a number of restrictions on the expenditure of certain funds an amendment adding another restriction was held to be germane.**

On October 16, 1919,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 4438) to provide for industrial vocational rehabilitation and providing a number of restrictions upon the expenditure of the fund so appropriated.

Mr. William R. Wood, of Indiana, offered an amendment providing an additional restriction as follows:

*Provided*, That if any discrimination is made on account of color, sex, or religion, in the use of the funds herein authorized, the State so offending shall forfeit all its rights to further participation in the benefits provided for in this act.

Mr. William B. Bankhead, of Alabama, made the point of order that the amendment was not germane.

After debate the Chairman<sup>3</sup> overruled the point of order and said:

The Chair is inclined to think that if the pending bill as reported by the committee did not make several reservations or provisions as to what should be done further reservations would not be in order. But in view of the fact that this section already makes five reservations the Chair thinks it is competent for the House by amendment to add one more reservation to the section. If there was only one reservation, the Chair does not think it would be competent to add a further reservation as proposed by the gentleman from Indiana, but under the practice of the House it seems to the Chair, in view of the language of the bill making several reservations as to how the money shall be expended, or as to the conditions under which it shall be expended, that it is well within the rules of the House for the Committee of the Whole to add one or more reservations, as it sees proper to do so. The Chair, therefore, overrules the point of order.

<sup>1</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>2</sup> First session Sixty-sixth Congress, Record, p. 7023.

<sup>3</sup> Martin B. Madden, of Illinois, Chairman.

**3011. A proposition dealing with a number of subjects may be amended by an additional subject of the same class.**

**To a section embodying a declaration of policy and including a number of purposes an amendment proposing to incorporate an additional purpose was held to be germane.**

On April 24, 1929,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 1) to establish a Federal Farm Board to promote the effective merchandizing of agricultural commodities in interstate and foreign commerce and to place agriculture on a basis of economic equality with other industries.

The first section of the bill, embodying the declaration setting forth a number of purposes which the legislation was intended to accomplish, being read, Mr. Clarence Cannon, of Missouri, offered an amendment proposing to add another purpose as follows:

to make the tariff effective on such commodities.

Mr. Fred S. Purnell, of Indiana, having raised a point of order, Mr. Cannon said:

The first section of the bill now pending contains the declaration of policy. Two purposes are included in that declaration, "to promote effective merchandising" and "to protect, control, and stabilize commerce." Under the rule a general subject may be amended by specific propositions of the same class. The proposed amendment embodying a third policy, "to make the tariff effective," is another specific proposition of the same class and is therefore in order.

The Chairman<sup>2</sup> ruled:

The Chair does not understand that the declaration of policy has any particular effect upon the bill, and in this paragraph containing the declaration of policy there are several different propositions. This amendment suggests one more. It seems to the Chair that the amendment is in order.

The Chair therefore overrules the point of order.

**3012. A general subject may be amended by a specific proposition of the same class.**

**To a bill providing appropriations for a number of Army camps at designated locations an amendment providing for an additional camp at another location was held to be germane.**

On December 13, 1919,<sup>3</sup> the pending question was on the passage of the Army appropriation bill, including among other provisions appropriations for the purchase of sites for a number of army camps.

Mr. Warren Gard, of Ohio, offered a motion to recommit the bill to the Committee on Military Affairs with instructions to that committee to report it back forth-with with an amendment providing an appropriation for the acquisition of Dayton-Wright plant and real estate at Dayton, Ohio, as a site for an air service engineering experimental station.

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<sup>1</sup> First session Seventy-first Congress, Record, p. 466.

<sup>2</sup> Carl E. Mapes, of Michigan, Chairman.

<sup>3</sup> Second session Sixty-sixth Congress, Record, p. 549.

Mr. Thomas L. Blanton, of Texas, made the point of order that the amendment was not germane.

The Speaker<sup>1</sup> said:

The Chair finds the bill makes a number of appropriations for different fields, and the Chair thinks a provision for the addition of any field is not subject to a point of order, and therefore overrules the point of order.

**3013. To a proposal embodying a number of individual propositions of the same class the addition of another individual proposition belonging to that class may be germane.**

**To a bill providing for the assignment of district judges and circuit judges to relieve congestion in the Federal courts an amendment providing for the assignment of judges of the Court of Customs Appeals was held to be germane.**

On December 10, 1921,<sup>2</sup> the bill (H. R. 9103) for the appointment of additional Federal judges was under consideration in the Committee of the Whole House on the state of the Union, when the Clerk read:

That whenever it shall be certified to the Chief Justice of the United States by the Chief Justice of the Court of Appeals of the District of Columbia or in his absence by an associate justice of said court of appeals, that on account of the accumulation or urgency of business in said district it is impracticable for the judges of the supreme court of said district to relieve such accumulation or urgency of business the Chief Justice of the United States may, if in his judgment the public interests so require, designate, and appoint the judge of any district court in any circuit to sit in the Supreme Court of the District of Columbia and to have and to exercise within said district to which he is so assigned the same powers as are vested in a supreme judge thereof.

Mr. Andrew J. Volstead, of Minnesota, proposed the following amendment to be inserted as a new section:

The judges of the United States Court of Customs Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest so requires, be designated and assigned by said Chief Justice for service from time to time and until he shall otherwise direct, in the district court of any district or the Supreme Court of the District of Columbia or the court of appeals of said district, when so requested by the judge thereof, or in courts with more than one judge when requested by the senior judge or chief justice thereof, and the judge so assigned shall exercise and is hereby vested with all powers, jurisdiction, rights, and duties conferred by law upon the judge of the court to which he may be assigned.

Mr. Otis Wingo, of Arkansas, made the point of order that the amendment was not germane to the bill.

After debate the Chairman<sup>3</sup> overruled the point of order and said:

The bill under consideration, so far as the assignment of judges is concerned, provides not only for assignment of district judges, but in section 6, for the assignment of circuit judges to relieve the congested conditions in various district courts.

If the bill under consideration were restricted merely to the appointment of district judges, it might be argued that, as it applied only to one class, it would not be in order to provide for the

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<sup>1</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>2</sup> Second session Sixty-seventh Congress, Record, p. 207.

<sup>3</sup> William H. Stafford, of Wisconsin, Chairman.

designation of another class. but as there are two classes of judges that may be designated to district courts, it comes within that familiar rule where when a bill provides for more than one class, a third class may be added. The Chair overrules the point of order.

**3014. To a bill providing for several departments of service in the Army an amendment providing an addition for a transportation service was held to be germane.**

On March 12, 1920,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 12775) to reorganize the Army, including in its provisions authorizations specific and several, for the General Staff, the Adjutant General's Department, the Inspector General's Department, the Judge Advocate General's Department, the Quartermaster Corps, the Finance Department, the Medical Department, the Corps of Engineers, the Ordnance Department, the Chemical Warfare Service, the Signal Corps, the Air Service, and the Bureau of Insular Affairs.

Mr. Charles C. Kearns, of Ohio, offered an amendment to be inserted as a new section providing for a separate transportation service.

Mr. Thomas L. Blanton, of Texas, submitted that the amendment was not germane to the bill.

The Chairman<sup>2</sup> overruled the point of order.

**3015. To a bill to pay several employees of the Government, specifically named, for injuries received while in discharge of duty an amendment to pay another employee for such injury was held to be germane.**

On February 3, 1911,<sup>3</sup> the House was considering the bill (H. R. 26367) for the relief of injured Government employees, providing for the payment of claims of 26 designated employees of the Government injured in the line of duty.

Mr. D. R. Anthony, Jr., of Kansas, offered an amendment to be added as a new paragraph as follows:

That the sum of \$5,000 be, and the same is hereby, appropriated for the relief of Catherine Ratchford, because of the death of her son, James Ratchford, on or about the 7th day of August, 1895, caused by the injuries received by him on or about the 24th day of July, 1895, while an employee of the United States Government, riplapping on the Missouri River, near Leavenworth, Kans., because of the negligent and careless acts of omission of his foreman in using a rotten and defective rope after he had notice of the same, and after they had promised to replace the same.

Mr. George W. Prince, of Illinois, made the point of order against the amendment that it was not germane.

The Speaker<sup>4</sup> said:

The Chair will read from the Manual:

"One individual proposition may not be amended by another individual proposition even though the two belong to the same class. Thus the following are not germane: To a bill proposing the admission of one Territory into the Union, an amendment for admission of another Territory; to a bill for the relief of one individual, an amendment proposing similar relief for another; to a

<sup>1</sup>Second session Sixty-sixth Congress, Record, p. 4241.

<sup>2</sup>John Q. Tilson, of Connecticut.

<sup>3</sup>Third session Sixty-first Congress, Record, p. 1905.

<sup>4</sup>Joseph G. Cannon, of Illinois, Speaker.

resolution providing a special order for one bill, an amendment to include another bill; to a provision for extermination of the cotton-boll weevil, an amendment including the gypsy moth," etc.

Now, that is where there is one proposition, but this is not one proposition, not two propositions, but a whole class of propositions.

The Chair reads further from the Manual, subsection (c), page 391, section 780;

"A general subject may be amended by specific proposition of the same class. Thus the following have been held to be germane: To a bill admitting several Territories into the Union, an amendment adding another Territory; to a bill providing for the construction of building in each of two cities, an amendment providing for similar buildings in several other cities; to a resolution embodying two distinct phases of international relationship, an amendment embodying a third. But to a resolution a class of employees in the service of the House, an amendment providing for the employment of a specific individual was held not to be germane."

That is not this case. This bill covers many claims for accidents and deaths of those who were employed by the Government in various departments. It seems to the Chair that the amendment is germane.

**3016. To a proposition to collect statistics on population, agriculture, manufacturing, and mining, an amendment providing for the simultaneous collection of similar statistics on insurance was held to be germane.**

February 2, 1910,<sup>1</sup> the bill (H. R. 18364) to amend the act providing for the thirteenth and subsequent decennial censuses was under consideration in the Committee of the Whole House on the state of the Union.

To a section providing for the compilation of statistics on population, agriculture, manufacturing and mining, Mr. Philip P. Campbell, of Kansas, offered this amendment:

And to collect authoritative statistics relating to farmers' mutual insurance companies, showing the amount of such insurance and the insurance results accomplished.

Mr. Edgar D. Crumpacker, of Indiana, made the point of order that the amendment was not germane to the section.

The Chairman<sup>2</sup> ruled.

The Chair is of the opinion that section 8 of the census law being presented here for amendment, the entire section is before the Committee of the Whole, being a part of the test of the bill as presented here for consideration. That being so, the matter of insurance is only adding another phase to the inquires already provided for in the bill, to wit, population, agriculture, manufacturing, and mining, and is no more foreign, for instance, to population than agriculture is to population, or manufacture is to population. So the Chair is of the opinion that it is germane to section 8 of the census law, which is presented here for consideration. Therefore, the point of order is overruled.

**3017. A bill dealing with a subject as a whole may be amended by provisions relating to specific items within the subject.**

**To a bill authorizing the compilation of census statistics on population, professions, properties, unemployment, and other subjects an amendment authorizing the compilation of statistics showing the number of persons whose right to vote has been abridged was held to be germane.**

<sup>1</sup> Second session Sixty-first Congress, Record, p. 1409.

<sup>2</sup> John Q. Tilson, of Connecticut, Chairman.

On June 4, 1929,<sup>1</sup> during the consideration of the bill (S. 312) providing for the fifteenth and subsequent decennial censuses Mr. George Holden Tinkham, of Massachusetts, offered an amendment proposing to enumerate—

the number of inhabitants in each State being 21 years of age and citizens of the United States, whose right to vote at the election next preceding such census for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislative thereof, has been denied or abridged except for rebellion or other crime.

Mr. John E. Rankin, of Mississippi, made the point of order that the amendment was not germane to the bill.

The Chairman<sup>2</sup> overruled the point of order and said:

We are now considering the portion of the bill which relates to the census, and for all practical purposes section 1 is a part of census bill. That section provides for the taking of a census making enumeration for the purpose of statistical information on a number of different subjects. The original text included population, agriculture, irrigation, drainage, distribution, unemployment, radio sets, and mines, and the action of the committee has already added another item relating to the enumeration of aliens in the United States. At this point in the bill the Chair believes the amendment to be in order on the theory which is well known to the membership of the House, that where a large number of objects are enumerated other objects relating to the same general subject matter may be added as being germane to the text.

The Chair overrules the point of order.

**3018. To a bill providing severally for the support and civilization of a number of Indian tribes an amendment adding another tribe was held to be germane.**

On January 25, 1924,<sup>3</sup> during consideration of the Interior Department appropriation bill in the Committee of the Whole House on the state of the Union, a section of the bill was reached providing for the support and civilization of a number of Indian tribes designated by name.

Mr. Knud Wefald, of Minnesota, offered an amendment extending the benefits of the provision to the Chippewa Indians of Minnesota.

Mr. Louis C. Cramton, of Michigan, made the point of order that the amendment was not germane.

After brief debate the Chairman<sup>4</sup> held:

It seems clear that it is well within the rules for the committee to bring in such an appropriation. In this case, at any rate, a Member has the right to propose the amendment just offered from the floor. The Chair overrules the point of order.

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<sup>1</sup>First session Seventy-first Congress, Record, p. 2348.

<sup>2</sup>Carl R. Chindblom, of Illinois, Chairman.

<sup>3</sup>First session Sixty-eighth Congress, Record, p. 1464.

<sup>4</sup>John Q. Tilson, of Connecticut, Chairman.

**3019. To a bill relating to salaries of officers in a number of bureaus of the Department of Agriculture an amendment relating to salaries to of other officers of the department was held to be germane.**

On February 7, 1923,<sup>1</sup> the bill (H. R. 10819) relating to the Department of Agriculture was being considered in the Committee of the Whole House on the state of the Union, when Mr. Gilbert N. Haugen, of Iowa, proposed an amendment increasing the salaries of various officers in the Department of Agriculture, not provided for in the bill.

Mr. William H. Stafford, of Wisconsin, made the point of order that the purpose of the bill was to increase the salaries of officers engaged in scientific research only, and provision for other officers was not germane.

The Chairman<sup>2</sup> ruled:

This is a bill the title of which is "Relating to the Department of Agriculture." Section 1 attempts to increase the maximum salaries of certain scientific investigators and employees engaged in scientific work.

Section 2 of the bill relates to the salaries of certain officials described as "officers in the Department of Agriculture," making no reference whatever to whether they are scientific or other officers. The only question, then, is whether the officers included in the amendment are officers in the Department of Agriculture. If so, the amendment is germane to the second section of the bill, which is the section to which the amendment is offered. It would seem to be clear that they are officers in the Department of Agriculture. The Chair therefore overrules the point of order.

**3020. To a paragraph providing a lump sum appropriation for repairs to suburban roads an amendment proposing additional repairs for designated suburban roads was held to be germane.**

On March 29, 1920,<sup>3</sup> while the District of Columbia appropriation bill was being read for amendment in the Committee of the Whole House on the state of the Union, the Clerk read:

Repairs to suburban roads: For current work of repairs to suburban roads and suburban streets, including maintenance of motor vehicles and the purchase or exchange of three light motor vehicles with truck bodies, in lieu of three motor vehicles owned by the District of Columbia, at a total cost not to exceed \$1,800, \$250,000.

Mr. Sydney E. Mudd, of Maryland, offered the following amendment:

After the figures \$1,800 insert the following: "And including repairs to Bladensburg Road from Fifteenth and H Streets NE. to the District line, at a total cost not to exceed \$51,100; and including Alabama Avenue from Pennsylvania Avenue to Ridge Road and Bowen Road, between Ridge Road and the District line, at a total cost not to exceed \$21,000.

Mr. Thomas U. Sission, of Mississippi, made the point of order that the amendment proposed an additional item and was not in order.

Mr. James R. Mann, of Illinois, argued:

Mr. Chairman, it is certainly in order to appropriate in this bill specifically for the improvement of streets. The bill carries a great many items of that sort—specific items. The paragraph under consideration is repair of suburban roads. That provision appropriates \$250,000.

<sup>1</sup> Fourth session Sixty-seventh Congress, Record, p. 3224.

<sup>2</sup> John Q. Tilson, of Connecticut, Chairman.

<sup>3</sup> Second session Sixty-sixth Congress, Record, p. 4980.

Now, in a paragraph for the improvement of suburban roads it is certainly in order to include an item for an additional amount that is desired for specific roads or to provide that any portion of this total sum shall be used for the improvement of specific roads. The whole theory of the bill is based upon the point of Congress making appropriations for the improvement of these roads. I do not see how it can be held that the amendment is subject to the point of order. It certainly is not.

The Chairman<sup>1</sup> held:

The Chair thinks that what the gentleman from Illinois has stated is the fact and that this amendment is in order and overrules the point of order.

**3021. To a proposition to pay a claim against the Government an amendment authorizing the claimant to bring suit in a Federal court for the amount claimed was held not to be germane.**

On October 3, 1919,<sup>2</sup> the Committee of the Whole House was considering this bill:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Mrs. Thomas McGovern, the sum of \$5,000 for damages suffered by reason for her husband Thomas McGovern, being struck and fatally injured by a Government motor truck which was driven by a regularly enlisted soldier of the United States Army.

Mr. Warren Gard, of Ohio, offered the following amendment:

Strike out all after enacting clause and insert:

That Mrs. Thomas McGovern, or the authorized legal representatives of Thomas McGovern deceased, may sue the United States for the benefit of the widow and children of said deceased in the district court of the United States for the district of Nebraska under the rules governing such court for damages because of the death of Thomas McGovern, and said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the authorized legal representative of Thomas McGovern, deceased, upon the same principles and measures of liability as in like cases between private parties and with the same right of appeal.

Mr. Albert W. Jefferis, of Nebraska, raised a question of order against the amendment.

After debate the Chairman<sup>3</sup> held:

This is a bill authorizing the Secretary of the Treasury to pay the sum of \$5,000 to the widow of the deceased—Mrs. McGovern. The amendment offered by the gentleman from Ohio authorizes the legal representative of the deceased to bring an action, a proper action, in the district court of the United States for the district of Nebraska.

There is such a distinction between the bill and the amendment as has arisen in former cases and upon which many ruling have been made:

“A bill to pay a claim may not be amended by an amendment directing that the claim be referred to the Court of Claims.”

So that by analogy this being a bill to pay the claim outright can not be amended by referring the claim to the district court of the United States for the district of Nebraska, and the Chair sustains the point of order.

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<sup>1</sup> Martin B. Madden, of Illinois, Chairman.

<sup>2</sup> First session Sixty-sixth Congress, Record, p. 6359.

<sup>3</sup> Philip P. Campbell, of Kansas, Chairman.

**3022. To a provision delegating certain powers a proposal to limit such powers is germane.**

**To a section authorizing the Interstate Commerce Commission to change rates an amendment providing that the commission in making such changes shall not increase rates was held to be germane.**

On November 17, 1919,<sup>1</sup> the bill (H. R. 10453) to provide for the termination of Federal control of railroads was being read for amendment in the Committee of the Whole House on the state of the Union.

The Clerk read section 415 of the bill proposing to amend section 13 of the existing commerce act, authorizing the Interstate Commerce Commission to change rates charged by interstate carriers, when Mr. Marvin Jones, of Texas, offered an amendment as follows:

*Provided*, This section shall not be construed to empower the commission to change any such intrastate rate by substituting any greater compensation in the aggregate for the transportation of passengers, or of property of like kind or kinds, for a shorter than for a longer distance the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the intermediate rates subject to the provision of this act.

Mr. John J. Esch, of Wisconsin, raised a question of order against the amendment.

The Chairman<sup>2</sup> ruled:

The section under consideration is section 415 of the bill, which is to amend section 13 of the commerce act. Section 13 of the commerce act deals with complaints and investigation of complaints, and the issuance of orders by the Interstate Commerce Commission as a result of its investigation. This is offered as an amendment to paragraph (4) of the section, which paragraph gives the commission authority to make such findings and orders as may tend to remove undue advantage, preference, or prejudice between persons or localities in intrastate commerce on the one hand and interstate foreign commerce on the other hand, or any undue burden upon interstate and foreign commerce, which is forbidden and declared to be unlawful, and it further provides that such findings and orders shall be observed while in effect by the carriers parties to such proceedings affected thereby, the law of any State or the decisions or order of any State authority to the contrary notwithstanding.

The amendment proposed by the gentleman from Texas is a proviso to the effect that the authority given in paragraph (4) particularly and the section of the bill shall not be construed to empower the commission to change any such intrastate rates by substituting a greater compensation in the aggregate for the transportation of passengers, and so forth, for the shorter than for a longer distance over the same line in the same direction.

The Chair is of opinion that this is a restriction placed upon the Interstate Commerce Commission in making its findings, namely, that after it has investigated and had these joint hearings with the State commissions or boards, and comes to make its findings, in making its findings it shall not change any intrastate rates by substituting as proposed, and the Chair overrules the point of order.

**3023. To a proposal to grant certain authority an amendment proposing to limit such authority is germane.**

**To a bill authorizing the Bureau of War-Risk Insurance to insure vessels an amendment denying such insurance to vessels charging exorbitant rates was held to be germane.**

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<sup>1</sup>First session Sixty-sixth Congress, Record, p. 8655.

<sup>2</sup>Joseph Walsh, of Massachusetts, Chairman.

On June 1, 1917,<sup>1</sup> the Committee of the Whole House on the state of the Union had under consideration the bill (S. 2133) authorizing a bureau of war-risk insurance.

The clerk read as follows:

SEC. 2. That the said Bureau of War-Risk Insurance, subject to the general direction of the Secretary of the Treasury, shall, as soon as practicable make provisions for the insurance by the United States of America vessels, their freight and passage moneys, cargoes shipped or to be shipped therein, and personal effects of the masters, officers, and crews thereof against loss or damage by the risks of war, whenever it shall appear to the Secretary that America vessels, shippers, or importers in American vessels, or the masters, officers, or crews of such vessels, are unable in any trade to secure adequate war-risk insurance on reasonable terms.

Mr. Charles H. Dillon, of South Dakota, offered the following amendment:

*Provided*, That when it shall appear to the Secretary of the Treasury that the ocean rates charged by the owners or operators of such vessels are unreasonable or confiscatory, or when such rates are fixed by an unlawful combination of owners or operators engaged in shipping, then it shall be the duty of the Bureau of War-Risk Insurance to refuse insurance on such vessels.

Mr. Joshua W. Alexander, of Missouri, made the point of order that the amendment was not germane to any portion of the bill.

Mr. James R. Mann, of Illinois, said in opposition to the point of order:

I do not think I am in favor of the amendment, but here is a section, Mr. Chairman, which makes provision for the insurance by the United States of American vessels, their freight and passage moneys, and so forth and so on, including officers and everything else. Now, that is the authority to make the insurance. A limitation upon that authority, of course, is germane to it.

The Chairman<sup>2</sup> agreed and said:

The Chair thinks this amendment is in the nature of a limitation on the paragraph and overrules the point of order. The Chair thinks the amendment is clearly germane to the paragraph.

**3024. Provisions restricting authority may be modified by amendments providing exceptions.**

**To a bill prohibiting the issuance of injunctions by the courts in labor disputes, an amendment excepting all labor disputes affecting public utilities, was held to be germane.**

On March 8, 1932,<sup>3</sup> the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 5315), amending the judicial code.

The Clerk read:

*Be it enacted, etc.*, That no court of the United States, as herein defined, shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a case involving or growing out of a labor dispute, except in strict conformity with the provisions of this act; nor shall any such restraining order of temporary or permanent injunction be issued contrary to the public policy declared in this act.

Mr. James M. Beck, of Pennsylvania, offered as an amendment the following proviso:

*Provided, however*, That neither this section or any subsequent section of this bill shall apply to any labor dispute which involves the suspension or discontinuance of a public utility

<sup>1</sup>First session Sixty-fifth Congress, Record, p. 3204.

<sup>2</sup>Joseph W. Byrns, of Tennessee, Chairman.

<sup>3</sup>First session Seventy-second Congress, Record, p. 5504.

whose continuous operation is essential to the property, health, and lives of the people of any State or community.

Mr. Fiorello H. LaGuardia, of New York, made the point of order that the amendment was not germane to the bill.

The Chairman<sup>1</sup> ruled:

The amendment of the gentleman for Pennsylvania is clearly an exception, which provides that no court of the United States, as herein defined, shall have jurisdiction to issue any restraining order or temporary or permanent injunction, and so forth. The amendment of the gentleman from Pennsylvania excepts cases where the welfare and health of the public are concerned.

The Chair overrules the point of order.

**3025. To a bill dealing with radio communication in general an amendment proposing to restrict the operation of the proposed law was held to be germane.**

On January 24, 1923,<sup>2</sup> the Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 13773) to amend the act to regulate radio communication approved August 13, 1912.

Mr. Thomas L. Blanton, of Texas, offered the following proviso:

*Provided*, That where intrastate operation is so controlled and regulated by States in cooperation with the Secretary of Commerce that same does not conflict or interfere with interstate operations, then such intrastate operations shall remain wholly within the jurisdiction and control of such State.

Mr. Frederick C. Hicks, of New York, made a point of order against the amendment.

After debate the Chairman<sup>3</sup> held:

The measure under consideration is all pervading, so far as the regulation of radio communication is concerned. It is a general law, and in the first section covers radio communication among the several States or with foreign nations, radio communication upon any vessel of the United States engaged in interstate or foreign commerce, and also the transmission of radiograms or signals which extend beyond the jurisdiction of the State, Territory, or the District of Columbia. Under the last clause it is apparent that its purpose is to cover regulation of radiograms that extend beyond the jurisdiction of the State, Territory, or District of Columbia, radiograms that lapse over into a State from another State. This being a general law relating to the regulation of radiograms, it is within the power of the committee to restrict it in whatever way it seems fit. It is within the power of Members to offer amendments to restrict it to communications on foreign vessels. The committee may restrict control over activities exclusively interstate. The extent of the jurisdiction to be exercised is for the committee to pass upon, and the Chair holds the amendment is germane and overrules the point of order.

**3026. 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.**

**To a bill denying the benefits of war risk insurance to persons discharged from service on the charge of being alien enemies an amendment granting such benefits to alien enemies who had rendered faithful service was held to be germane.**

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<sup>1</sup> John J. O'Connor, of New York, Chairman.

<sup>2</sup> Fourth session Sixty-seventh Congress, Record, p. 2349.

<sup>3</sup> William H. Stafford, of Wisconsin, Chairman.

On June 9, 1921,<sup>1</sup> in the consideration of the bill (H. R. 6611) for the establishment of a veterans' bureau, the following section was reached:

SEC. 29. The discharge or dismissal of any person from the military or naval forces on the ground that he is an enemy alien, conscientious objector, or a deserter, or is guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct shall terminate any insurance granted on the life of such person under the provisions of article 4, and shall bar all rights to any compensation under article 3 or any insurance under article 4: *Provided*, That, as to converted insurance, the cash surrender value thereof, if any, on the date of such discharge or dismissal shall be paid the insured, if living, and, if dead, to the designated beneficiary.

Mr. Andrew J. Hickey, of Indiana, proposed to amend the section by the addition of the following proviso:

*Provided further*, That an enemy alien who volunteered or who was drafted into the Army, Navy, or Marine Corps of the United States during the World War, and whose service was honest and faithful, shall be entitled to the benefit of the war risk insurance act.

Mr. William B. Bankhead, of Alabama, made the point of order that the amendment was not germane.

After debate the Chairman<sup>2</sup> held:

Section 29 of the pending bill, to which the provision of the gentleman from Indiana is offered as an amendment, deals with the termination of insurance or of compensation under the war risk insurance act by virtue of the discharge or dismissal of any person from the military and naval service, on the ground that he is an enemy alien, conscientious objector, or a deserter, and so forth. The amendment of the gentleman from Indiana provides that—

“An enemy alien who volunteered or was drafted into the Army, Navy, or Marine Corps of the United States during the war and whose service was honest and faithful shall be entitled to the benefits of the war risk insurance act.”

The Chair thinks the amendment of the gentleman from Indiana is germane to the section under consideration and overrules the point of order.

**3027. To a proposition extending certain benefits to a class a proposal to establish qualifications limiting the number of individuals in that class entitled to receive such benefits is germane.**

**To a bill authorizing aid to shipping an amendment limiting participation in such benefits to ships equipped with ship-saving devices was held to be germane.**

On November 29, 1922,<sup>3</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 12817) to amend the merchant marine act of 1920 by providing for the granting of certain benefits to ships of the merchant marine.

Mr. J. Will Taylor, of Tennessee, offered this amendment to be added as a new section:

All vessels which receive the benefits of this act shall be equipped with an efficient and quickly applicable vessel-saving device for quickly and effectively closing accidental openings in the hull of the vessel below the water line so as to stop the inrush of water and prevent the vessel from sinking.

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<sup>1</sup>First session Sixty-seventh Congress, Record, p. 2351.

<sup>2</sup>Sydney Anderson, of Minnesota, Chairman.

<sup>3</sup>Third session Sixty-seventh Congress, Record, p. 425.

Mr. George W. Edmonds, of Pennsylvania, made the point of order that the amendment was not germane.

After debate the Chairman<sup>1</sup> ruled:

It seems to the Chair that if the Congress so desired it might prescribe that all the ships receiving aid should be painted red, white, and blue. The Congress would have the right to do this. The amendment offered by the gentleman from Tennessee provides that ships receiving aid shall be equipped with a certain kind of life-saving device, which seems to bring this amendment within the rule. Therefore the Chair overrules the point of order.

**3028. To a bill extending the operation of an existing law an amendment excepting certain portions of the law was held to be germane.**

On October 18, 1921,<sup>2</sup> the Committee of the Whole House on the state of the Union had under consideration the bill H. R. 8643, reading as follows:

*Be it enacted, etc.,* That titles 1 and 5 of the act entitled "An act imposing temporary duties upon certain agricultural products to meet present emergencies and to provide revenue; to regulate commerce with foreign countries; to prevent dumping of foreign merchandise on the markets of the United States; to regulate the value of foreign money; and for other purposes," approved May 27, 1921, shall continue in force until February 1, 1922, unless otherwise provided by law.

Mr. Walter H. Newton, of Minnesota, moved to amend the bill by adding the following proviso:

*Provided,* That this shall not apply to item 3 of title 1, reading as follows:  
"3. Flaxseed, 30 cents per bushel of 56 pounds."

Mr. Nicholas Longworth, of Ohio, raised a question of order as to the germaneness of the proposed amendment.

After the debate the Chairman<sup>3</sup> said:

What does the gentleman from Ohio say to the argument that this is a bill which provides for the extension of the duties on certain articles and fixing the time when those duties shall cease. This proposed amendment selects out one of those articles, giving it an exceptional position; is not that according to the ruling made by the gentleman from Kansas Mr. Campbell on the 12th of April last? That ruling was that a general subject may be amended by a specific proposition of the same class. An amendment taking away from a general subject a specific item is germane.

This brings to an end at a certain date one of the duties specified in the amendment.

While the Chair does not consider this question free from doubt, he overrules the point of order.

**3029. Provision for delaying operation of a proposed enactment pending an ascertainment of fact is germane to such proposed enactment.**

**To a bill providing for the deportation of a certain class of aliens an amendment exempting a portion of such class was held to be germane.**

On July 30, 1919,<sup>4</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 6750) to deport certain undesirable aliens providing for the deportations of alien convicted of certain designated crimes.

<sup>1</sup>John Q. Tilson, of Connecticut, Chairman.

<sup>2</sup>First session Sixty-seventh Congress, Record, p. 6464.

<sup>3</sup>Theodore E. Burton, Chairman.

<sup>4</sup>First session Sixty-sixth Congress, Record, p. 3370.

Mr. J. Hampton Moore, of Pennsylvania, moved to amend the bill by inserting at the end of the bill the following proviso:

*Provided*, That no alien whose property has been seized by the Alien Property Custodian during the war who has not been convicted of crime shall be deported against his protest pending the lawful determination of the ownership of the property claimed by him.

Mr. Albert Johnson, of Washington, made the point of order that the amendment was not germane to the bill.

After debate the Chairman<sup>1</sup> held:

At first blush the Chair thought that the point of order was well taken, for the reason stated, that there were not sufficient references to this bill to warrant the finding that the amendment was germane; but on a closer examination of the proposition the Chair is well satisfied that the amendment is germane, for this fundamental reason and upon this principle: This bill is for the purpose of deporting aliens under certain circumstances. This amendment offers a time restraint. It says that it shall not be done until certain things have been found with regard to property. Now, the germaneness of an amendment of this kind is not dependent upon the nature of the time conditions, because it has been decided more than once that the ascertainment of a fact which delays the operation of the principal portion of the bill is a germane amendment. For that reason and upon that ground the point of order is overruled.

**3030. To a provision to become effective immediately, an amendment deferring the time at which it shall become effective, without involving affirmative legislation, was held to be germane.**

On May 5, 1932,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 11051), providing for the leasing and utilization of Muscle Shoals, when the Clerk read section 18 of the bill as follows:

SEC. 18. This act shall take effect immediately.

Mr. William R. Eaton, of Colorado, offered the following amendment:

This act shall not become effective until those certain phosphate and fertilizer lands of the United States in the States of New Mexico and California heretofore leased and for which 139 prospecting permits have been issued in eight States, under the act of February 25, 1920, show signs of depletion within the present existing and authorized terms of said leases and permits.

Mr. John J. McSwain, of South Carolina, made the point of order that the amendment was not germane to the provision of the bill to which proposed.

The Chairman<sup>3</sup> overruled the point of order.

**3031. To a bill providing for the appointment of judges for an unlimited term an amendment restricting the term to four years was held to be germane.**

**It is not within the province of the Chair to pass upon the constitutionality of a legislative provision.**

On December 10, 1921,<sup>4</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 9103) for the appointment of additional

<sup>1</sup> Horace M. Towner, Chairman.

<sup>2</sup> First session Seventy-second Congress, Record, p. 9669.

<sup>3</sup> Daniel E. Garrett, of Texas, Chairman.

<sup>4</sup> Second session Sixty-seventh Congress, Record, p. 192.

judges for certain courts of the United States providing for the creation and appointment of Federal judges for an unlimited term.

Mr. Sid C. Roach, of Missouri, offered an amendment limiting the tenure of office to four years.

Mr. Joseph Walsh, of Massachusetts, made the point of order that the Constitution in authorizing such judges provided for life tenure, and an amendment to limit the term of office was not in violation of the Constitutional provision but was not germane.

After debate the Chairman<sup>1</sup> held:

The gentleman from Missouri offers an amendment limiting the term of the judges to be appointed by this act to four years. The gentleman from Massachusetts makes the point of order that it is not germane, and argues that because the Constitution provides in section 1 of article III that judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, therefore this amendment is in violation of that constitutional mandate. All the precedents that the Chair is acquainted with are uniform to the effect that it is not for the presiding officer to pass upon the constitutionality of any proposed legislation.

The Chairman of the Committee of the Whole does not occupy the position of a judge of the supreme Court to pass upon the constitutionality of a bill or of amendments that are offered to bills. Many times in the history of Congress bills are subject to objection on the ground that they are beyond the constitutional prerogative of Congress, and the individual Member may oppose them for that reason. Yet the Supreme Court, recognizing the fact that we have a Government of coordinate branches, does not even set aside a bill upon the ground that it is unconstitutional because they would have, as member of the legislative body, considered it such, but they resolve the doubt as to constitutionality in favor of the Congress, and hold it unconstitutional only when they have no doubt that the Congress has exceeded its constitutional powers.

Leaving out of consideration, then, the question whether the Constitution has any effect on this question, the point of order now pressed by the gentleman from Massachusetts resolves itself for decision whether in a bill providing for the creation and appointment of judges for an unlimited term, as this bill proposes, an amendment restricting that term would not be in order as not being germane. The Chair, from that point of view, can not follow the reasoning of the gentleman from Massachusetts. Suppose this bill had by its phraseology provided that these district judges should be created for a term of life or for a specific term of years, it would be in order for the gentleman to offer an amendment limiting and restricting the term. Therefore the Chair overrules the point of order.

**3032. To a bill authorizing the conversion of ships to oil-burning vessels an amendment denying the use of the appropriation proposed to be authorized for the purchase of oil-burning engines constructed outside of the United States was held to be germane.**

On May 28, 1924,<sup>2</sup> the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8687) reading as follows:

*Be it enacted, etc.,* That alterations are hereby authorized for the United States ships *New York*, *Texas*, *Florida*, *Utah*, *Arkansas*, and *Wyoming*, to consist of the installation of additional protection against submarine attack, of the installation of anti-air attack deck protection, of the conversion of such vessels to oil burning, and, in addition, for the *New York* and *Texas*, the purchase, manufacture, and installation of new fire-control systems, at a total cost not to exceed \$18,360,000 in all.

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<sup>1</sup> William H. Stafford, of Wisconsin, Chairman.

<sup>2</sup> First session Sixty-eighth Congress, Record, p. 9765.

Mr. Edgar Howard, of Nebraska, offered the following amendment to be added as a proviso:

*Provided*, That no part of the money authorized to be appropriated by this bill shall be used for the purchase or installation of any oil-burning engine constructed outside of the United States, or under any pattern owned by citizens of any foreign government.

Mr. Roy O. Woodruff, of Michigan, made the point of order that the amendment was not germane.

After debate the Chairman<sup>1</sup> ruled:

The only question in this matter, it seems to the Chair, is whether the amendment is germane. If it is germane, it would be as proper as a limitation to a bill of this kind as it would to an appropriation bill. This section provides that alterations are authorized for certain ships, naming them, and that these alterations shall consist of the installation of additional protection against submarine attack, the installation of anti-air attack deck protection, and the conversion of such vessels to oil burning. Now, the conversion of these vessels to oil-burning vessels means the buying or obtaining in some way of oil-burning engines; and, of course, if you can buy an oil burning engine, it is proper for the House or the committee to say that you can not spend your money on foreign engines or that you can not buy a certain type. Then it becomes a germane limitation.

In the opinion of the Chair it is simply a question whether this is a germane limitation and the Chair thinks it is. The wisdom of the provision is for the committee to settle and not for the Chair. The point or order is overruled.

**3033. An amendment is not necessarily germane because presented in the form of a limitation.**

**To a bill proposing to increase the efficiency of naval vessels an amendment authorizing an effort to reduce naval armament was held not to be germane.**

On May 28, 1924,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 8687) providing for the conversion of naval ships to oil-burning vessels, when Mr. Meyer Jacobstein, of New York, proposed this amendment:

*Provided, however*, That no money authorized to be appropriated by this section and the following section shall be expended until the President has made an earnest effort to secure a further limitation in naval armament among the great powers on a naval ratio basis acceptable to the United States.

Mr. Carl R. Chindblom, of Illinois, made the point of order that the amendment was not germane to the bill.

After debate the Chairman<sup>3</sup> sustained the point of order and said:

The Chair may say in the first place that, of course, if this amendment is in order at all it is obviously as much in order here as at any place. It provides "That no money authorized to be appropriated by this section and the following section shall be expended until the President has made an earnest effort to secure a further limitation to naval armament among the great powers on a naval-rate basis acceptable to the United States."

The gentleman who offered this amendment doubtless had in mind the idea that it is a limitation. The rule of limitation does not apply to a legislative bill. The limitation rule is for use

<sup>1</sup> William J. Graham, of Illinois, Chairman.

<sup>2</sup> First session Sixty-eighth Congress, Record, p. 9771.

<sup>3</sup> William J. Graham, of Illinois, Chairman.

on appropriation bills and authorities certain legislation by way of limitation, which might not otherwise be in order.

Two recent decisions have been made along similar lines which, I think, are in point. For instance, on the 24th of March last to a bill for the relief of starving women and children in Germany an amendment which was offered provided that the act should not take effect until the soldiers' compensation legislation had become a law. The amendment was held not germane.

Also, on April 12, Chairman Sanders ruled that to an immigration bill an amendment dealing with foreign relations was not germane; to a bill regulating immigration an amendment restricting the operation of the act from conflict with the so-called gentleman's agreement with Japan was held not germane.

What does this amendment do? It seeks to authorize and direct the President to make an earnest effort to get the powers to agree to a limitation of armament. That is not germane. There is to mention of an armament conference in this bill. This bill is to authorize certain expenditures for the repair and building of certain ships and does not deal with the question of disarmament or of any arbitration. Therefore it is not germane, and the Chair sustains the point of order.

**3034. It is not in order to propose by way of limitation propositions on subjects different from that under consideration.**

**To a bill authorizing expenditures on naval vessels an amendment providing that no part of such expenditures be made for repairs in Government yards which could be made at less expense elsewhere was held not to be germane.**

On February 16, 1923,<sup>1</sup> the Committee of the Whole House on the state of the Union had under consideration the bill (S. 4137) to authorize the transfer of certain vessels from the Navy to the Coast Guard, and authorizing repairs and alterations in vessels and equipment incidental to such transfer.

Mr. Frederick W. Dallinger, of Massachusetts, proposed the following amendment:

*Provided, however,* That no part of the moneys authorized to be appropriated in each or any section of this act shall be used or expended for repairs or changes by private parties or for the purchase or acquirement of any article or articles that at the time of the proposed repairs, changes, or acquirement can be made, manufactured, or produced in each or any of the Government navy yards of the United States, when time and facilities permit, for a sum less than they can be made, produced, or acquired otherwise.

Mr. Thomas L. Blanton, of Texas, made the point of order that the amendment was germane neither to the pending section nor to the bill.

Mr. William J. Graham, of Illinois, argued:

It is a proper limitation on the other sections of the bill so far as they call for expenditures. A proper limitation on expenditures is a limitation that they shall not be used except in a certain way, and therefore is applicable only to the expenditures authorized by the bill. This limitation comes within those requirements. For that reason I think it is pertinent and germane. I well remember, for instance, the argument made by our late colleague, Mr. Mann, here when he contended on the floor of the House, and I think properly, that if the House should provide a limitation that the expenditure should be made by a red-headed man it would be a good limitation. That was a favorite expression of his. I think this is germane.

After further debate the Chairman<sup>2</sup> held:

This is not a question of limitation on an appropriation bill. It is a legislative bill, and the only question here is the question of germaneness. As the amendment is drawn, referring to a num-

<sup>1</sup> Fourth session Sixty-seventh Congress, Record, p. 3803.

<sup>2</sup> John Q. Tilson, of Connecticut, Chairman.

ber of sections in the bill, it seems to the Chair that under the rules of the House it is not germane to this particular section. The amendment affects all the sections and all the expenditures authorized in the bill. Therefore the Chair sustains the point of order.

**3035. A different subject from that under consideration may not be proposed under the guise of a limitation.**

**To a bill for the relief of women and children in Germany an amendment providing that the proposed legislation should not become effective until a soldiers' compensation law had been enacted was held not to be germane.**

On March 24, 1924,<sup>1</sup> during consideration in the Committee of the Whole House on the state of the Union of the joint resolution (H. J. Res. 180) for the relief of distressed and starving women and children of Germany, Mr. Roy G. Fitzgerald of Ohio, offered this amendment:

*Provided further,* That this act shall take effect only if and when the adjusted compensation measure for the American veterans of the World War shall become a law.

Mr. Hamilton Fish, jr., of New York, having made the point of order that the amendment was not germane to the joint resolution, Mr. Fitzgerald argued that the amendment merely limited action proposed to be taken and could not therefore be ruled out as not germane.

After further debate the Chairman<sup>2</sup> ruled:

This House joint resolution is for the relief of distressed and starving women and children of Germany. It deals with that question exclusively. At the end of the resolution the gentleman from Ohio seeks to add a proviso, as follows:

*“Provided further,* That this act shall take effect only if and when an adjusted-compensation measure for the American veterans of the World War shall become a law.”

The Chair will state that he finds himself in some doubt because of two decisions which at first blush seemed to him to be conflicting. I think, however, upon analysis and some thought, that there is a distinction, which I shall endeavor to point out. The War Department appropriation bill was before the House on June 24, 1922, with Speaker Gillett in the chair, and an item had been read for the continuation of work on Dam No. 2 on the Tennessee River, at Muscle Shoals, Ala., to be immediately available, \$7,500,000; and to that Mr. Huddleston offered a substitute, an amendment which had the following language in it:

*“Provided, however,* That this appropriation shall not become available until such time as the Congress shall have taken final action on H. R. 11903, and not then if the subject matter of said bill is enacted into law in a manner as will result in the consummation of contracts for lease and sale of the Government Muscle Shoals properties to Henry Ford: *Provided further,* That this provision shall not operate to postpone such availability later than January 1, 1923.”

To that amendment Mr. Stafford, of Wisconsin, offered a point of order. The Speaker said during the discussion:

“The Chair will state that it seems to the Chair very clear that the provision carrying out the purposes of the Government as to contracts for lease or sale is legislation. The Chair will hear the gentleman on that.”

After further discussion the Chair ruled on the matter. The Speaker said:

“The Chair is ready to rule. It seems to the Chair that this is purely a limitation on the appropriation. It does not make an appropriation available that the present law does not make available. It simply makes it contingent on a future event, and that seems to the Chair merely a limitation. The Chair overrules the point of order.”

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<sup>1</sup>First session Sixty-eighth Congress, Record, p. 4859.

<sup>2</sup>William J. Graham, of Illinois, Chairman.

That would seem, on the face of it, to be authority, but there is this distinction: That was an appropriation bill and the Chair was deciding the matter on a question of limitation, and not on the question of making the appropriation available on the passage of some other act.

Now, then, afterwards, on the 9th day of February, 1923, with Mr. Speaker Gillett in the chair, a bill was before the House, and a motion to recommit was made, as follows:

“Mr. O’Connor moves to recommit the bill to the Committee on Ways and Means with instructions to that committee to report the same back forthwith with the following amendment: At the end of the bill insert: ‘This resolution shall not go into effect until the Hay-Pauncefote treaty is repealed.’”

A point of order was made against it by Mr. Stafford, and Speaker Gillett sustained the point or order. The Chair thinks that is authority, and sustains this point of order.

**3036. The presentation of an amendment in the form of a limitation does not render it germane.**

**An amendment is required to be germane to the particular section or paragraph to which it is offered.**

**To a provision authorizing a corporation to borrow money an amendment providing that no money so borrowed be expended for a particular purpose was held not to be germane.**

On May 31, 1924,<sup>1</sup> the bill H. R. 9033, the farm relief bill, providing for the creation of a corporation to deal in agricultural products, was being considered in the Committee of the Whole House on the state of the Union.

The Clerk read the following section:

SEC. 32. The corporation may borrow money and issue its notes, bonds, or other evidences of indebtedness therefor, except that the corporation shall not have power to issue or obligate itself in an amount of notes, bonds, or other evidences of indebtedness outstanding at any one time in excess of five times the amount of its authorized capital stock. The rate of interest, the maturity, and the other terms of the notes, bonds, or other evidences of indebtedness, and the security therefor, may be determined by the corporation.

Mr. James H. MacLafferty, of California, offered an amendment as follows:

*Provided, however,* That neither the money subscribed for the capital stock as provided in section 31 of this act nor the additional funds raised by the issuance of obligations as provided in this section shall be used for the purpose of exporting surpluses of agricultural products by sea during emergencies unless the exportation is carried out in ships of American registry.

Mr. L. J. Dickinson, of Iowa, raised the question of order that the amendment was not germane.

After debate the Chairman<sup>2</sup> held:

The section just read—section 32—is a grant of power to the corporation to borrow money and issue bonds, and it contains nothing further than that grant of power. The amendment is as follows:

*Provided, however,* That neither the money subscribed for capital stock as provided in section 31 of this act nor the additional funds raised by the issuance of obligations as provided in this section shall be used for the purposes of exporting surpluses of agricultural products by sea during emergencies, unless the exportation is carried out in ships of American registry.”

The rule is that an amendment to be in order must be not only germane to the bill but germane to the particular section to which it is offered. This amendment is not germane to the par-

<sup>1</sup> First session Sixty-eighth Congress, Record, p. 10037.

<sup>2</sup> William J. Graham, of Illinois, Chairman.

ticular section to which it is offered. The Chair expresses no opinion as to whether it is germane to the bill itself, but as to this particular section the point of order is sustained.

The rule of limitations is only applicable as ordinarily understood to appropriation bills. This is not an appropriation bill. This is a legislative bill, and, therefore, the only test as to whether this amendment is in order is the test of germaneness. It is not germane to the particular subject matter in this section. It may be to the bill, but not to the particular section; and the Chair sustains the point of order.

**3037. An amendment delaying operation of proposed legislation pending an unrelated contingency was held not to be germane.**

On February 9, 1923,<sup>1</sup> the House was considering the bill (H. R. 14254) for the funding of the foreign debt.

The bill having been read the third time, Mr. James O'Connor, of Louisiana, moved to recommit the bill to the Committee on Ways and Means with instructions to report it back forthwith with the following amendment:

This resolution shall not go into effect until the Hay-Pauncefote treaty is repealed.

Mr. William H. Stafford, of Wisconsin, raised a question of order against the motion on the ground that the amendment proposed in the instructions was not germane to the pending bill.

The Speaker<sup>2</sup> sustained the point of order.

**3038. A revenue amendment is not germane to an appropriation bill.**

On March 27, 1920,<sup>3</sup> while the District of Columbia appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, the Clerk read a paragraph proposing to increase rates of taxation in the District of Columbia.

Mr. James R. Mann, of Illinois, raised a question of order<sup>4</sup> against the paragraph.

The Chairman<sup>5</sup> held:

The Committee on the District of Columbia appropriation bill report the following item in the pending bill:

"The rate of taxation on real estate in the District of Columbia, under the provisions of section 5 of the District of Columbia appropriation act approved July 1, 1902, is hereby increased from 1½ per cent to 2½ per cent, and the rate of taxation on tangible personal property in the District of Columbia, under the provisions of section 6 of the said act, is hereby increased from 1½ per cent to 2½ per cent."

Of course no one will contend that it is within the power of the committee to report legislation on an appropriation bill, and it is clear that this provision is legislation, in that it seeks to amend the act of 1902. Furthermore, if the provision were offered as an amendment by direction of the Committee on the District of Columbia under the proviso to the Holman rule it would hardly be in order, since a revenue amendment is not germane to an appropriation bill, nor is an

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<sup>1</sup> Fourth session Sixty-seventh Congress, Record, p. 3371.

<sup>2</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup> Second session Sixty-sixth Congress, Record, p. 4930.

<sup>4</sup> Points of order were raised against similar propositions on December 10, 1914, May 22, 1916, and June 4, 1919.

<sup>5</sup> Martin B. Madden, of Illinois, Chairman.

amendment increasing income or revenue such retrenchment legislation as would be in order under the Holman rule.

Therefore the Chair, without expressing any opinion as to the merits of the case, feels that the point of order is well taken, and sustains it.

**3039. An amendment offered to a revenue bill proposing a tax for any other purpose than that of securing revenue is not germane.**

**To an internal revenue bill an amendment proposing to levy a tax on rents in excess of a fixed standard was held not to be germane.**

On February 26, 1924,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill H. R. 6715, the revenue bill, when Mr. Tom D. McKeown, of Oklahoma, offered an amendment proposing as a new title a provision for the levying of a tax on dwelling-house rents in excess of a standard rent and prescribing in detail a method for computing the standard.

Mr. Everett Sanders, of Indiana, made a point of order against the amendment and said:

The amendment singles out the sole proposition of rents and then undertakes to deal with excessive rents, and it comes within the ruling of the Chair which was sustained by the committee that an amendment can not be offered in a tax bill which has some ulterior purpose in view which has for its purpose the regulation of some matter and merely adds on the question of the tax. If the gentleman can do this, he can go out and regulate the price of coal, the price of shoes, the price of anything else in the whole category and merely say that if it exceeds a certain profit then it shall be subject to taxation. It opens up this tax bill to all of the wide, wild field of regulation of prices.

After further debate the Chairman<sup>2</sup> ruled:

The gentleman from Oklahoma offers an amendment which is to substitute a new title, and has in it several sections. The ruling of the committee, twice expressed, one on the matter of undistributed profits and the other on an excess-profits tax, was as the Chair understands it, that any matter of internal-revenue tax would be admissible as an amendment to this bill, whether offered as an amendment to some section or as a new section or title. The ruling went no further than that, as the Chair understood it.

The Chair has had this matter under advisement for a little while, because of the fact that the amendment was printed in the Record, and there are some rulings which the Chair has found in which the principle is adhered to that the effect of the amendment must govern its germaneness, and not the purpose of which the amendment is offered. But that does not mean that everything that is offered as an amendment to this bill would be in order because it contains a tax. The Chair thinks that the common-sense and practical view of the matter would justify him in coming to the same conclusion that the Chair has arrived at from the offering previously of an amendment of this kind, to take into account what the apparent purpose of the amendment is; and in this case the Chair believes that he has the right to determine this matter from a consideration of this question, namely, whether this amendment imposes a new tax, whether that is its manifest purpose, or whether its manifest purpose is to do something else and it is attempted to incorporate a provision in this revenue bill something alien to the subject matter.

This amendment in its first paragraph provides for the rent of a dwelling house, when, if it is above the standard rent as defined in the paragraph, 50 per cent of that increase over the standard rent should be taxes. Then the amendment provides that if the landlord increases the rent not exceeding 15 per cent on account of repairs, the amount so expended on repairs shall not be deemed an increase for the purpose of this title.

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<sup>1</sup> First session Sixty-eighth Congress, Record, p. 3177.

<sup>2</sup> William J. Graham, of Illinois, Chairman.

In the second paragraph the amendment provides that where the standard rent is not in excess of 10 per cent net of the capital value of the dwelling the amendment shall not apply, and the only return the landlord shall be required to render is an affidavit to the effect that the rent received during the taxable year does not exceed the standard rent as defined in the amendment.

In the third section the provision is that when a person lets a dwelling house or any part thereof at a rent which includes payment in respect of the use of furniture which will yield the lessor a profit of 25 per cent per annum in excess of the standard rent of the dwelling unfurnished, the excess rent shall be taxed 50 per cent.

Then the next section provides that if the landlord rents more than one dwelling house or part of a dwelling house in excess of a standard rent, the excess rent shall be taxed 75 per cent.

It is unnecessary for the Chair to go into a long dissertation on which this amendment does. The Chair has come to the conclusion, after looking it over and examining its contents, that it is a manifest attempt to regulate rents and that it comes within the purview of the ruling of the Chair on the corrupt practices amendment, and the Chair sustains the point of order.

On appeal the decision of the Chair was sustained.

**3040. To a bill providing for determination of the amount of a tax an amendment requiring such determination to be made within a certain time was held to be germane.**

On February 22, 1924,<sup>1</sup> during consideration of the bill H. R. 6715, the revenue bill, in the Committee of the Whole House on the state of the Union, the Clerk read this paragraph:

SEC. 271. As soon as practicable after the return is filed the commissioner shall examine it and shall determine the correct amount of the tax.

Mr. Eugene Black, of Texas, proposed to amend the paragraph by adding the following:

*Provided*, That except in cases of fraud, such determination as to returns under this act shall be made within two years from the time said return is filed.

Mr. William R. Green, of Iowa, submitted that the proposed amendment was not germane.

After debate the Chairman<sup>2</sup> ruled:

Section 271 is headed "Examination of return and determination of tax," and reads:

"SEC 271. As soon as practicable after the return is filed the commissioner shall examine it and shall determine the correct amount of the tax."

To which the gentleman from Texas wants to add the following proviso:

*Provided*, That except in cases of fraud such determination as to returns under this act shall be made within two years from the time said return is filed."

The section is intended to have these returns passed upon as soon as practicable. Suppose the section had said within two years after the return. There is a time limit in one case "as soon as practicable," but this might have been put in other language defining a certain period of limitation.

The gentleman from Texas simply desires to modify that by language "that except in cases of fraud the determination shall be made within two years." There might be a better place in the bill for the amendment, and it might be advisable for the committee to refuse to adopt such amendments except to a later section, but that is a legislative question and not a question of parliamentary law. The Chair thinks that if the gentleman from Texas insists upon his amendment it is germane, and overrules the point of order.

<sup>1</sup> First session Sixty-eighth Congress, Record, p. 2968.

<sup>2</sup> William J. Graham, of Illinois, Chairman.

**3041. To an internal-revenue tax bill an amendment requiring persons making returns under the act to include a statement of campaign contributions was held not to be germane.**

On February 22, 1924,<sup>1</sup> while the bill H.R. 6715, the revenue bill, was under consideration in the Committee of the Whole House on the state of the Union, Mr. R. Walton Moore, of Virginia, offered an amendment to be added as a new section requiring persons making returns under the act to include a statement of contributions made for campaign purposes.

Mr. William R. Green, of Iowa, having raised a question of order against the amendment, the Chairman<sup>2</sup> ruled:

The title which the committee is now considering is "Title III—Corporations," and deals with the tax on corporations. The particular part of the title which the committee has just finished is headed "Corporation Returns," and provides for certain returns to be made by corporations for the purpose of the assessment of their corporation tax, and for no other purpose. Throughout the paragraph relative to returns to be made by the taxpayer nothing else is included except elements upon which this tax may be assessed. To that the gentleman from Virginia seeks to add a new section to be known as 239(b), which is as follows:

"Every person required by this act to make a return shall therein specifically state each item, and the amount thereof, of all gifts, advances, subscriptions, payments, contributions, and expenditures made, and to whom, in behalf of, or for the purpose of influencing directly or indirectly the nomination or defeat or election or defeat of, any candidate or candidates for the office of President, Vice-President, Senator, or Representative, or presidential and vice-presidential electors, or for use in, or in respect to, any convention, primary, or election in which there is nominated or elected a candidate for any of the aforesaid offices, but when the aggregate thereof in any taxable year does not exceed the sum of \$1,000 no return thereof need to be made."

There is nowhere in this amendment any statement of any fact which aids and assists the taxing officers in computing the amount of the tax and that should be the reason for the return to be made by the taxpayer. If there was any information contained in the amendment which would affect the amount of the tax, it would be germane, but there is nothing in it that affects that question. The only thing that is affected by it is that if the taxpayer is a candidate for public office and spends less than \$1,000, he need not make this return to the taxing authorities. Therefore, the matter is not in any particular germane to the object to be accomplished, namely, to tax corporations; but this is an attempt, as the Chair last night ruled, and I think properly, to impose upon every candidate for office the necessity of complying with certain corrupt practices provisions under the guise of an income-tax return. If the House, in its wisdom, desires to overrule the Chair on this ruling, it will have the right to do so, but the Chair can not stultify himself, and come to any other conclusions than that he has heretofore expressed, that such an amendment is not germane, and therefore sustains the point of order.

**3042. To a bill raising revenue by several methods of taxation the Committee of the Whole (overruling the Chairman) held an amendment proposing an additional method of taxation to be germane.**

**To a bill proposing an income tax, an estate tax, and certain excise taxes, an amendment proposing a tax on the undistributed profits of corporations accruing during the taxable year was held to be germane.**

On February 21, 1924<sup>3</sup> the Committee of the Whole House on the state of the Union was considering the bill H. R. 6715, the revenue bill, proposing to raise

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<sup>1</sup>First session Sixty-eighth Congress, Record, p. 2950.

<sup>2</sup>William J. Graham, of Illinois, Chairman.

<sup>3</sup>First session Sixty-eighth Congress, Record, p. 2916.

revenue through the levying of various taxes, including an income tax, a corporation tax, excise taxes, and taxes derived from other methods of taxation.

Mr. James A. Frear, of Wisconsin, moved to amend the bill by adding a new section as follows:

In addition to the taxes herein provided there shall be levied, collected, and paid on that portion of the net income of every corporation, not distributed in the form of cash dividends, a tax upon the amount of such net income for such year in excess of the credits provided in section 236, and a further deduction of \$3,000 for such year at the following rates: Five per cent of the amount of such excess not exceeding \$20,000; 10 percent of the amount of such excess above \$20,000.

Mr. John Q. Tilson, of Connecticut, made the point of order that the amendment was not germane.

After exhaustive debate the Chairman<sup>1</sup> held that the proposed tax on undivided profits was not in the class with other methods of taxation provided by the bill and sustained the point of order.

Mr. Frear appealed from the decision of the Chair and the vote being taken by tellers, the yeas were 150, the noes were 164, and the decision of the Chair did not stand as the judgment of the committee.

**3043. To a proposed constitutional amendment authorizing taxation of income derived from securities issued under authority of the States an amendment authorizing taxation of income derived from other sources was held not be germane.**

On January 23, 1923,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the joint resolution (H. J. Res. 314) proposing to amend the Constitution by adding an article authorizing the taxation of income derived from securities issued under the authority of the States, as follows:

SECTION 1. The United States shall have power to lay and collect taxes on income derived from securities issued, after the ratification of this article, by or under the authority of any State, but without discrimination against income derived from such securities and in favor of income derived from securities issued, after the ratification of this article, by or under the authority of the United States or any other State.

Mr. George Huddleston, of Alabama, offered this substitute:

In the exercise of the power to lay and collect taxes on incomes as granted by Article XVI, Congress shall lay and collect taxes on incomes derived from securities issued by or under the authority of the United States and by or under the authority of any State, Territory, or possession, and on incomes derived from salaries or compensation by all public officers, and on incomes derived from all other sources whatsoever, all without discrimination on account of the source from which derived.

Mr. William R. Green, of Iowa, submitted that the proposed amendment was not germane to the joint resolution.

After debate the Chairman<sup>3</sup> ruled:

The resolution brought in by the Committee on Ways and Means, H. J. Res. 314, deals with State securities, public securities, bonds; while the amendment offered by the gentleman

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<sup>1</sup> William J. Graham, of Illinois, Chairman.

<sup>2</sup> Fourth session Sixty-seventh Congress, Record, p. 2276.

<sup>3</sup> Clifton N. McArthur, of Oregon, Chairman.

from Alabama deals with income-tax questions, the salaries of public officials, and other matters, and in the judgment of the Chair it is clearly not germane to the resolution pending.

**3044. To a section of a revenue bill relating to tax returns required by the bill an amendment relating to all tax returns was held not to be germane.**

On February 22, 1924,<sup>1</sup> the bill H.R. 6715, the revenue bill, was being read for amendment under the five-minute rule in the Committee of the Whole House on the state of the Union.

Mr. James A. Frear, of Wisconsin, offered an amendment striking out the pending paragraph and inserting in lieu thereof an amendment reading in part as follows:

All tax proceedings and determinations subject to reasonable regulation shall be public, and an advance calendar of all hearings of contested tax rulings shall be open to the public.

Mr. William R. Green, of Iowa, raised the question of order that the amendment was not germane.

After debate the Chairman<sup>2</sup> sustained the point of order and said:

This is offered as a substitute for section 257.

Section 257(a) provides for returns to be public records and deals entirely with income-tax returns and records and states that under certain circumstances those income-tax returns shall be public records, and under certain other circumstances they shall not be public records. The gentleman from Wisconsin offers an amendment as follows: To insert in lieu of that language this provision:

“That when returns of any person shall be made as provided in this title, the returns, together with any correction thereof which may have been made by the commissioner, shall be filed in the Treasury Department and shall constitute public records and be open to inspection as such, under the same rules and regulations that govern the inspection of other public records.”

Thus far, obviously, the language is germane to the section. Then follows this paragraph:

“All tax proceedings and determinations, subject to reasonable regulation, shall be public, and an advance calendar of all hearings of contested tax rulings shall be open to the public.”

The query arises, just what that language means. The language is “all tax proceedings.” What sort of tax proceedings? Income-tax proceedings, internal revenue tax proceedings, external revenue tax proceedings, or what sort of proceedings? In other words, it seems to the Chair that the language “all tax proceedings,” if this amendment is to be considered germane, should be limited by some appropriate language so that it will be confined to the internal revenue provisions contained in this bill.

**3045. To a bill amendatory of an existing law as to one specific particular, an amendment relating to the terms of that law rather than to those of the bill was held not to be germane.**

**To a proposition relating exclusively to the educational test in the current immigration law an amendment applying to the law as a whole was held not to be germane.**

On December 18, 1912,<sup>3</sup> the bill (S. 3175) to regulate the immigration of aliens to the United States, which was being considered under a special order, was read the third time.

<sup>1</sup> First session Sixty-eighth Congress, Record, p. 2954.

<sup>2</sup> William J. Graham, of Illinois, Chairman.

<sup>3</sup> Third session Sixty-second Congress, Record, p. 863.

Mr. James R. Mann, of Illinois, moved to recommit the bill to the Committee on Immigration and Naturalization with instructions to that Committee to report it back forthwith with an amendment in part as follows:

The word "alien" wherever used in this act shall include foreign-born, unnaturalized seamen. That the term "United States," as used in the title as well as in the various sections of this act, shall be construed to mean the United States, including the Territories of Alaska and Hawaii; and if any alien shall attempt to enter the United States from the Canal Zone, the Philippines, Porto Rico, or any other place outside of the United States but subject to the jurisdiction thereof, such alien shall be permitted to enter only on the conditions applicable to aliens entering the United States from a foreign country. That the term "seamen" as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place. That nothing in this act shall be construed to apply to accredited officials of foreign Governments nor to their suites, families, or guests.

Mr. Augustus P. Gardner, of Massachusetts, made the point of order that it was not permissible by a motion to recommit to propose amendments not germane to the bill.

After debate, the Speaker<sup>1</sup> ruled:

The rule about motions to recommit is simple enough in its statement, though it is sometimes difficult to apply it. It is that the propositions contained in a motion to recommit must have been germane to the subject matter of the bill if offered as an amendment. The situation in this case is very peculiar. The Chair does not believe that a similar situation has arisen in the 18 years he has been in the House. In the first place, this special rule is peculiar. It contains a provision that the Chair does not remember ever to have seen in one before; and while the House got out from under that rule when it got back into the House, still the Chair will read the rule and see what the House was trying to do and what the House intended to do:

*Resolved*, that immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3175, with the amendment reported by the House Committee on Immigration and Naturalization."

Of course, everybody who paid any attention to the debate knows the amendment was a substitute and covered everything the House wanted to do.

"That there shall be four hours' general debate, to be divided equally between those favoring and those opposing the measure. At the expiration of said four hours' general debate the same shall be considered under the five-minute rule as follows: The amendment proposed by the House committee shall be first read for amendment and perfected. After same has been so perfected the vote shall be taken upon the question of the adoption of said amendment. If same shall be adopted, then the Senate bill shall not be read."

That is the remarkable statement in that rule. If it ever was in any other, the Chair has forgotten it.

"If same shall be adopted, then the Senate bill shall not be read, but the committee shall rise and report the measure to the House. If it shall not be adopted, then the Senate bill shall be considered for amendment under the five-minute rule, and when perfected the committee shall rise and report the same to the House. Immediately upon the perfected measure being reported to the House the previous question shall be considered as ordered upon the bill and all pending amendments to final passage"—and there was only one amendment, that is, the committee amendment, and it was not changed in a single respect—"and all pending amendments to final passage without intervening motions, except one motion to recommit. But a separate vote may be demanded upon any amendment or amendments thereto adopted by the Committee of the Whole."

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<sup>1</sup> Champ Clark, of Missouri, Speaker.

The only purpose of reading that rule was to show what the House was trying to get at. Evidently the intention of the House was to consider the educational test and nothing else. The Senate bill has never even been read to the House. The question before the House is evidently this educational test and nothing else.

The Senate bill discusses the whole question of immigration. It defines the terms to be used. It has a section in it as to people in the Philippines, and so on, to the end of the bill. But the House indicated its intentions to hold this matter down to the educational test. That is all the Chair reads this special rule for. Under the rule the gentleman from Illinois could not offer the propositions in this motion to recommit as amendments in the Committee of the Whole. The House was so determined that it would not consider the Senate bill that it provided it should not be even read—a most extraordinary provision.

There is another thing about this. The Chair has held—this occupant of the chair, and it was held before, although not quite so elaborately as the present Speaker stated it, because the matter had not been argued, I suppose, so vociferously—but on one occasion the Chair held that you could not do by indirection, in a motion to recommit, what you could not do by direction, and the Chair was backed up by the authority of a long line of illustrious Speakers. You can not take a proposition that has been ruled out directly by the House and put it back again by a motion to recommit.

In this case clearly the only thing before this House is the educational test. If the general Senate bill had been pending and the previous question had not been ordered, and the gentleman from Illinois or any other gentleman had offered the educational test as an amendment to a general immigration bill, the Chair would have held it in order, because it would have been in order. But this situation turns the question squarely around. The matter pending before this House is on the educational test. This motion of the gentleman proposes to recommit with an entire immigration bill as an amendment. Consequently the point of order is sustained.

**3046. To a bill regulating the entry of aliens into the United States an amendment providing like restrictions on admission of anarchists, Bolsheviks, and others, was held not to be germane.**

On October 15, 1919,<sup>1</sup> the House in the Committee of the Whole House on the state of the Union was considering the bill (H. R. 9782) to regulate further the entry of aliens into the United States, when Mr. Henry I. Emerson, of Ohio, proposed this amendment:

Which restrictions shall provide that no Bolshevik, anarchist, or I.W.W. sympathizer shall be allowed to enter the United States.

Mr. John Jacob Rogers, of Massachusetts, submitted a point of order.

After debate the Chairman<sup>2</sup> ruled:

The bill is designed to prevent the admission of aliens. The amendment offered by the gentleman from Ohio adds to it other classes which may not be admitted, anarchists, I.W.W.'s, Bolsheviks, and so on. The rule is clear that where a bill is limited to one class you can not by amendment add several other classes, and the Chair sustains the point of order.

**3047. To a proposition relating to one class of individuals a proposition relating to another class of related individuals is not germane.**

**To a section proposing the admission of aliens fleeing from religious persecution an amendment proposing the admission of aliens fleeing from political persecution was held not to be germane.**

<sup>1</sup> First session Sixty-sixth Congress, Record, p. 6982.

<sup>2</sup> Simeon D. Fess, of Ohio, Chairman.

On April 21, 1921,<sup>1</sup> the Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 4075) to limit the immigration of aliens into the United States.

The Clerk read the following committee amendment providing for the admission of aliens who prove to the satisfaction of the proper immigration officer or of the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution is evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith.

Mr. Adolph J. Sabath, of Illinois, proposed to amend the committee amendment by the addition of the following provision:

After the word "faith," insert: "Aliens fugitive or refugee for political reasons, which facts may be established by the verdict of a jury on an issue framed in a habeas corpus proceeding in the district court of the United States where such alien may be sojourning."

Mr. Albert Johnson, of Washington, raised the question of order that the proposed amendment was not germane to the committee amendment to which it was offered.

After debate the Chairman<sup>2</sup> ruled:

The gentleman from Illinois offers an amendment which seeks to add a different class to that of the committee amendment, namely, to fugitives or refugees for political reasons. The amendment under consideration excepts only those from the computation who seek admission to this country to avoid religious persecution. This is adding a new class apart and distinct to that in the amendment under consideration and accordingly is out of order. The Chair will say that he will recognize the gentleman to offer his amendment as a new subdivision. The point of order made by the gentleman from Washington is sustained.

**3048. An amendment providing for the dissemination abroad of information designed to attract a better class of immigrants was held not to be germane to a bill to limit the immigration of aliens into the United States.**

On April 11, 1924,<sup>3</sup> the Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 7995) to limit the immigration of aliens into the United States, when Mr. James B. Aswell, of Louisiana, offered as a new section an amendment in part as follows:

The Secretary of Labor shall from time to time in cooperation with the various States and Territories desiring or in need of immigration collect and publish for distribution in foreign countries information concerning the resources, products, and physical characteristics of each such State or Territory and the opportunities for profitable employment existing therein, and such other information as will enable consular officers to select immigrants of the class and occupation needed and who are qualified by education, training, or previous experience to meet the necessary requirements. The publication herein provided for shall be in the language of the country where distributed, and shall be in such form as shall be prescribed by regulations. Consular officers shall post such information in public or other places or otherwise distribute the same in such manner and to such extent as will bring the information to the notice and attention of prospective immigrants.

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<sup>1</sup>First session Sixty-seventh Congress, Record, p. 549.

<sup>2</sup>William H. Stafford, of Wisconsin, Chairman.

<sup>3</sup>First session Sixty-eighth Congress, Record, p. 6158.

Mr. John E. Raker, of California, raised the question of order that the amendment was not germane.

After debate the Chairman<sup>1</sup> ruled:

The amendment offered by the gentleman from Louisiana is composed of four or five different sections dealing with the question of advertisements in the different foreign countries with respect to prospective immigrants, and dealing subsequently with the conduct of the immigrants who are admitted to this country.

The Chair is of the opinion that the amendment is not germane to the point in the bill at which it is offered, and the point of order is sustained.

**3049. To a bill excluding certain several classes of immigrants an amendment excluding all immigrants was held to be germane.**

On April 11, 1924,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 7995) to limit the immigration of aliens into the United States, when Mr. Albert H. Vestal of Indiana, offered the following amendment to be inserted as a new section:

Whenever the Secretary of Labor and the Secretary of Commerce shall jointly certify that unemployment exists in the continental United States or any specified Territory or insular possession thereof to such an extent as in their opinion immigration thereto should be suspended in whole or in part from all or certain designated countries, the President of the United States shall by proclamation suspend immigration for the time and to the extent set forth in such certificate and during such time immigration certificates shall not be issued to any immigrant who is a national of any country designated in such proclamation, nor shall such immigrant be permitted to enter the continental United States or such specified Territory or insular possession thereof.

Mr. John E. Raker, of California, made the point of order that the amendment was not germane.

After debate the Chairman<sup>3</sup> held:

The Chair is inclined to the opinion that the amendment is germane. The whole bill deals with the question of restricting the number of aliens who can come to this country, and it seems to the Chair that an amendment providing that all could be kept out for a certain time would be germane, and that, regardless of the fact that it departs from the general trend of the bill, it does not depart to such an extent as to affect the germaneness, and therefore the point of order is overruled.

**3050. To a bill regulating immigration an amendment providing that the operation of the proposed act should not conflict with an informal "agreement" with Japan was held not to be germane.**

On April 12, 1924,<sup>4</sup> the Committee of the Whole House on the state of the Union had under consideration the bill H. R. 7995, the immigration bill, providing for the exclusion of certain classes of aliens applying for admission to the United States.

Mr. Emanuel Celler, of New York, proposed to insert as a new section the following:

Nothing in this act shall affect the validity of the "gentleman's agreement" of 1907 between the United States and Japan concerning immigration from Japan, which agreement is hereby reaffirmed.

<sup>1</sup> Everett Sanders, of Illinois, Chairman.

<sup>2</sup> First session Sixty-eighth Congress, Record, p. 6143.

<sup>3</sup> Frederick R. Lehlbach, of New Jersey, Chairman.

<sup>4</sup> First session Sixty-eighth Congress, Record, p. 6231.

Mr. Albert Johnson, of Washington, having raised the question of order that the amendment was not germane, the Chairman<sup>1</sup> said:

The amendment offered by the gentleman from New York is an amendment dealing with diplomatic relations. It is not germane at this point of the bill if germane at all, and the point of order is sustained.

**3051. To a bill providing for an eight-hour day and creating a commission to investigate the subject, an amendment authorizing the appointment of a commission to arbitrate labor disputes and prevent strikes was held not to be germane.**

On September 1, 1916,<sup>2</sup> the House was considering the bill (H. R. 17700) to establish an eight-hour day for employees of interstate carriers.

The bill was ordered to be engrossed and was read the third time, when Mr. John A. Sterling, of Illinois, moved to recommit it to the Committee on Interstate and Foreign Commerce with instructions to report it back forthwith with an amendment for the creation of a board of mediation and conciliation authorized to induce employers and employees to submit their labor controversies to arbitration and providing for such arbitration.

Mr. William C. Adamson, of Georgia, made the point of order that the amendment proposed in the motion to recommit was not germane to the bill.

The Speaker<sup>3</sup> sustained the point of order and said:

The gentleman from Illinois, Mr. Mann, very correctly suggests that the Speaker does not have to forget all he knows in order to rule upon a point of order, and what the Chair does know is that those six propositions laid down by the President embodied two principal features, one of which was to prevent a strike from taking place on all of the railroads of the United States at 7 o'clock next Monday morning, and the other looking to a general system of preventing strikes in days to come. The one that we are working on now is to prevent a strike at 7 o'clock next Monday morning. All of the propositions laid down in the motion of the gentleman from Illinois, Mr. Sterling, may be of the highest merit. The Chair is not passing upon that; he does not have to pass upon it. This bill contains four sections. One of them establishes an eight-hour law. The second section is to appoint a commission of observation—and that is exactly what it is—which is to make its report at a certain time. The third is that, pending the report of this commission and for a period of 30 days thereafter, the compensation of the railway employees subject to the act shall not be reduced below the present standard day's wage, and that for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour workday. Section 4 prescribes penalties for violating the provisions of the bill.

The Chair does not think that the motion of the gentleman from Illinois, Mr. Sterling, is germane, and, therefore, sustains the point of order.

An appeal by Mr. James R. Mann, of Illinois, was, on motion of Mr. John J. Fitzgerald, of New York, laid on the table—yeas 204, nays 87.

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<sup>1</sup> Everett Sanders, of Indiana, Chairman.

<sup>2</sup> First session Sixty-fourth Congress, Record, p. 13606.

<sup>3</sup> Champ Clark, of Missouri, Speaker.

**3052. To a bill prohibiting the mailing of revolvers an amendment prohibiting the mailing of publications containing advertisements of revolvers was held not to be germane.**

**To a bill prohibiting the mailing of revolvers except to certain public officials an amendment proposing an additional excepted class was construed as a further exception and admitted as germane.**

On December 17, 1924,<sup>1</sup> the House had under consideration the bill (H. R. 9093) declaring revolvers and other firearms capable of being concealed on the person unmailable.

Mr. Thomas L. Rubey, of Missouri, offered an amendment proposing to exclude from the mails:

Any newspaper, circular, pamphlet, or any publication of any kind containing any advertisement for the sale of any pistol, revolver, or other firearm.

Mr. C. William Ramseyer, of Iowa, having raised a question of order against the amendment, the Speaker<sup>2</sup> held that the amendment was not germane to the bill and sustained the point of order.

Thereupon Mr. John Philip Hill, of Maryland, proposed this amendment:

*Provided*, That no firearm shall be mailed to any person unless such person is required to wear a prescribed and distinctive uniform when armed with such firearm.

Mr. Ramseyer again raised the question of order as to germaneness.

The Speaker said:

The bill is all in one section. The part pertaining to the mailing of firearms is an exception. The Chair can not see why there can not be another exception. The Chair overrules the point of order.

**3053. To a bill providing for the establishment of branch banks an amendment proposing regulations for the control of such branches was held to be germane.**

On January 13, 1925,<sup>3</sup> the bill (H. R. 8887) providing for the amendment of the national bank act and the Federal reserve act was being considered in the Committee of the Whole House on the state of the Union, when section 8 of the bill providing for the establishment of branch banks by certain national banking associations was read.

Mr. Emanuel Celler, of New York, submitted an amendment as follows:

*Provided*, That all such branches of such associations shall be established, maintained, and operated subject to the same rules and regulations, if any, prescribed in pursuance of section 9 of the Federal reserve act by the Federal Reserve Board for the establishment, maintenance, and operation of branches by State banks and trust companies which may be members of the Federal reserve banks.

Mr. Otis Wingo, of Arkansas, raised the question of order that the amendment was not germane.

<sup>1</sup> Second session Sixty-eighth Congress, Record, p. 735.

<sup>2</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup> Second session Sixty-eighth Congress, Record, p. 1839.

The Chairman<sup>1</sup> ruled:

Section 8 of this bill under consideration provides for the establishment in certain locations and under certain circumstances of branch banks of national banks and provides that such branches of such national banking associations shall be subject to the general supervising powers of the Comptroller of the Currency and shall operate under such regulations as he may prescribe. Now the amendment offered by the gentleman from New York provides further that not only should the establishment of such branches be limited by the provisions contained in the bill; that is, supervisory powers of the Comptroller and the regulations he may prescribe, but that such establishment of branches shall be subject to the further regulations, as provided in section 9 in reference to the admission of State banks to the Federal reserve system. Now with the wisdom or unwisdom of the proposition of such further limitation upon the establishment of branches the Chair has nothing to do, and is ruling only on the germaneness of the amendment offered. The Chair thinks it will not be questioned that if instead of referring to section 9 the limitations contained in section 9 were set forth in language and sought to be added to the limitations already carried in the section as reported by the committee, the point of order would not be good. This is a further limitation, prescribing still further regulations with respect to the establishment of branches, and therefore is germane, and the Chair overrules the point of order.

**3054. To a proposition providing for the attainment of an objective by a specific method a proposal to achieve the same objective through the adoption of another method closely related may be germane.**

**To a bill authorizing the Secretary of War in his discretion to discharge enlisted men an amendment directing the Secretary of War to prescribe regulations permitting the discharge of such men was held to be germane.**

**An instance wherein a proposal to instruct an executive to take definite action was held to be germane to a proposal to authorize him to take such action.**

**A paragraph subject to the point of order that it constitutes legislation on an appropriation bill but allowed to remain in the bill is open to germane amendments.**

On May 6, 1921,<sup>2</sup> while the army appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, the Clerk read:

The Secretary of War shall discharge from the military service with pay and with the form of discharge certificate to which the service of each, after enlistment, shall entitle him all enlisted men under the age of 18 on the application of either of their parents or legal guardian, and shall also furnish to each transportation in kind from the place of discharge to the railroad station at or nearest to the place of acceptance for enlistment, or to his home if the distance thereto is no greater than from the place of discharge to the place of acceptance for enlistment, but if the distance be greater he may be furnished with transportation in kind for a distance equal to that from place of discharge to place of acceptance for enlistment; and the Secretary of War is authorized in his discretion to grant applications for discharge of enlisted men without regard to the provisions of existing law respecting discharges.

Mr. Harry E. Hull, of Iowa, proposed this amendment:

After the word "is," strike out the words "authorized in his discretion" and insert "directed under such reasonable regulations as he may prescribe"; after the word "discharges," insert the words "until the number in the Army has been reduced to 150,000 enlisted men, not including the Philippine Scouts."

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<sup>1</sup> Frederick R. Lehlbach, of New Jersey, Chairman.

<sup>2</sup> First session Sixty-seventh Congress, Record, p. 1134.

Mr. Joseph Walsh, of Massachusetts, made the point of order that the amendment was not germane.

Mr. Horace M. Towner, of Iowa, opposed the point of order and said:

Mr. Chairman, the whole paragraph is subject to a point of order, as the Chair suggests. However, that point of order was not made. Therefore it becomes a part of the bill proper for consideration. Now, the point of order with regard to this particular amendment is that it is not germane. It seems to me that clearly it is germane. The particular sentence in the original bill is as follows:

“The Secretary of War is authorized in his discretion to grant applications for discharge of enlisted men without regard to the provisions of existing law respecting discharges.”

The amendment is as follows, so that that particular paragraph will read:

“And the Secretary of War is directed under such reasonable regulations as he may prescribe to grant applications for discharge,” and so forth. So it will be seen, I think, clearly, by the Chair that there is no question but what the amendment refers to the particular matter directly. In effect it only charges “is authorized in his discretion,” and “directs” him. To say that is not a germane provision it seems to me is going altogether too far. So it appears that as far as the question of germaneness is concerned the amendment of the gentleman from Iowa is clearly within the rule.

The Chairman <sup>1</sup> decided:

This is a general appropriation bill. The paragraph is clearly legislation, and would have been subject to a point of order had anyone raised that point of order. That point of order, however, was not raised. Now comes the gentleman from Iowa and offers an amendment, to which a point of order is made on the ground that it is not germane to the paragraph in the bill.

It is not within the province of the Chair to decide as to the merits of the proposition. Personally, as a Member of the House, the present occupant of the chair would be opposed to the adoption of such an amendment and therefore does not approach the consideration of it with any predilection in favor of holding the amendment to be in order. The question is, is it germane under paragraph 7 of Rule XVI? This paragraph of the rule reads:

“And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.”

This question of germaneness has been considered in a great number of decisions, all turning upon this one point: When is a proposition or subject different from that under consideration? The subject under consideration in this paragraph is, in the first part of it, the discharge of men under 18 years of age. If it stopped there, then this paragraph might be held out of order as introducing a new subject. But it does not stop there. It goes further. The Chair will read the last clause of the paragraph:

“And the Secretary of War is authorized in his discretion to grant applications for discharge of enlisted men without regard to the provisions of existing law respecting discharges.”

What is the subject of consideration in this part of the paragraph? It is the discharge of men from the Army. It provides a method; that is, that the Secretary of War is authorized in his discretion to grant applications for discharge, and so on, without regard to the existing law. The amendment proposes a somewhat different way, and yet in the opinion of the Chair it clearly relates to the same subject, in that the Secretary of War is directed, under such reasonable regulations as he shall prescribe, to grant application for the discharge of enlisted men, without regard to the provisions of existing law respecting discharges, until the number has been reduced to 150,000 enlisted men.

The Chair is unable, after a review of a number of decisions, to discover such difference in subject matter as would warrant the Chair in holding that this amendment is not germane to the paragraph. Therefore the Chair overrules the point of order.

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<sup>1</sup>John Q. Tilson, of Connecticut, Chairman.

**3055. To a proposition designed to achieve a certain objective in one way a proposal to attain the same objective in another and closely related way is germane.**

**To a resolution proposing to amend the rules of the House in a number of particulars in order to establish a Budget system, as amendment changing the rules in other particulars with the same object in view was held to be germane.**

On June 1, 1920,<sup>1</sup> the House took up the consideration of the resolution (H. Res. 324) proposing to amend the rules by transferring from various legislative committees to the Committee on Appropriations jurisdiction to report appropriations, and making certain other changes in the rules in order to provide for the establishment of a Budget system.

After consideration, the question being on agreeing to the resolution, Mr. Sydney Anderson, of Minnesota, moved to recommit the resolution to the Select Committee on the Budget, reporting it, with instructions to report the same back forthwith with an amendment striking out all after the resolving clause and inserting in lieu thereof the following:

There shall be a committee on the budget, to consist of the chairman and ranking member of the majority party and the ranking member of the minority party on the following committees: Appropriations, Ways and Means, Rivers and Harbors, Agriculture, Foreign Affairs, Military Affairs, Naval Affairs, Post Office and Post Roads, Indian Affairs, Public Buildings and Grounds, and the District of Columbia. The chairman of the Committee on Appropriations shall be the chairman of the budget committee.

It shall be the duty of the budget committee to consider the budget transmitted by the President at the beginning of each regular session of Congress, and from time to time to determine the aggregate amount of appropriations which may be reported by any committee having authority to report appropriations under the rules. No committee shall report appropriations in excess of the total amount authorized by the budget committee for such committee for the ensuing fiscal year.

Mr. James W. Good, of Iowa, made the point of order that the proposed amendment was not germane to the pending resolution.

After debate the Speaker<sup>2</sup> held:

The original resolution amends the rules of the House in various ways, all applying to the one general subject. Now the gentleman from Minnesota offers his motion to recommit, and the objection is made that it is not germane. This proposition has been for years one of the alternative programs for establishing the budget system. It has been advocated as accomplishing the same result as the main resolution. It has been associated constantly with the subject and is substantially akin to it and is certainly in order unless it is technically not by precedents germane. The Chair would be disposed consequently to hold it in order unless very clearly it were out of order, inasmuch as it affords the House an opportunity to express its preference as to the different budget methods. The original resolution covers several rules, and the Chair thinks that the fact that this motion to recommit does authorize a new committee does not make it out of order, because the Chair thinks it is germane to the whole resolution. The Chair, therefore, overrules the point of order.

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<sup>1</sup> Second session Sixty-sixth Congress, Record, p. 8120.

<sup>2</sup> Frederick H. Gillett, of Massachusetts, Speaker.

**3056. To a proposition to accomplish a certain purpose by one method a proposition to achieve the same purpose by another closely related method is germane.**

**To a bill proposing the adjudication of claims arising out of informal contracts with the Government, through the agency of the Secretary of War, an amendment proposing to adjudicate such claims through the agency of a commission appointed for that purpose was held to be germane.**

On January 9, 1919,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 13274) for the relief of informal contracts, providing for the settlement of claims arising from informal obligations incurred by the Government during the war, through the mediation of the office of the Secretary of War.

Mr. J. Hampton Moore, of Pennsylvania, offered an amendment proposing to adjudicate such claims through judicial determination of a commission.

Mr. Finis J. Garrett, of Tennessee, raised the question of order that the proposed amendment was not germane.

After debate the Chairman<sup>2</sup> held:

This bill before the House has for its object the validating and settling of damages arising out of informal contracts made by the War Department. The bill before the House provides that the Secretary of the War, or any of his agents or representatives, can adjust and settle these differences. The amendment of the gentleman from Pennsylvania provides a different method or a different agent or a different tribunal to settle these differences. The Chair believes it is germane to the bill before the House. The Chair does not believe the House is confined to the particular method of settlement of these claims that the committee reports. The Chair believes the amendment is germane proposing another vehicle, and it is for the House to determine which shall be adopted. The Chair overrules the point of order.

**3057. To a text authorizing arbitration of claims against the Government an amendment providing an appropriation to pay claims so arbitrated was held not to be germane.**

On February 12, 1917,<sup>3</sup> during consideration of the naval appropriation bill in the Committee of the Whole House on the state of the Union, Mr. Lemuel P. Padgett, of Tennessee, proposed an amendment authorizing the Government under certain contingencies to take over and operate private factories and providing that the owners of such plants should have the right to sue for compensation in the Court of Claims.

To this proposal Mr. Thomas S. Butler, of Pennsylvania, offered an amendment providing for the appointment of commissioners to arbitrate such claims and concluding as follows:

Whenever any department of the Government of the United States shall have exercised any of the powers herein conferred, such department, either before or after the proceedings above mentioned, is hereby authorized from time to time to pay to the injured party or parties, either its discretion, out of any moneys appropriated for that purpose, either the whole or any part of parts of treasonable damages admitted by such department to have been sustained, or which

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<sup>1</sup>Third session Sixty-fifth Congress, Record, p. 1209.

<sup>2</sup>Charles R. Crisp, of Georgia, Chairman.

<sup>3</sup>Second session Sixty-fourth congress, Record, p. 3140.

are likely to be sustained, by reason of the exercise of such power, without prejudice to the rights of either party by reason of such payment of payments and upon final judgment being entered in any such proceeding, the proper department is hereby authorized and directed to draw its warrant on the Treasury for the amount of said judgment and costs, and said amount for the payment thereof is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. Padgett having raised a question of order against the amendment, the Chairman<sup>1</sup> ruled:

In the amendment offered by the gentleman from Tennessee provision is made in the last clause, page 6:

“It shall make just compensation therefor”—that is, the property that has been taken by the Government—“and in default of agreement upon the damages, compensation, price, or rental due by reason of any action hereunder the person to whom the same is due shall be entitled to sue the United States to recover his fair and reasonable damages in the manner provided for by section 2, paragraph 20, section 145 of the Judicial Code.”

Which, as the chair understands it, would allow suit in the Court of Claims for damages. Now, the amendment offered by the gentleman from Pennsylvania that suit may be brought in the proper district court of the United States, or that within the jurisdiction of this court it may be arbitrated in the judgment of the Chair and in the opinion of the Chair that part of the amendment of the gentleman from Pennsylvania is germane to the amendment offered by the gentleman from Tennessee. But in the later clause of the amendment offered by the gentleman from Pennsylvania he creates an indefinite and continuing appropriation, and the question of germaneness, as the Chair has stated, in the first part of the amendment of the gentleman from Pennsylvania, he would hold it was germane, but in the opinion of the Chair the amendment of the gentleman from Pennsylvania creating a continuing and indefinite appropriation destroys the germaneness, and the point of order is sustained.

**3058. To a section authorizing the assignment of clerks an amendment prescribing qualifications to be considered in the appointment of such clerks was held not to be germane.**

On June 9, 1921,<sup>2</sup> while the bill (H. R. 6611) to establish a veterans' bureau was being considered in the Committee of the Whole House on the state of the Union, the Clerk read the following section:

For the purpose of this act, the director is authorized to detail from time to time clerks or persons employed in the bureau, to make examinations into the merits of compensation and insurance claims, whether pending or adjudicated, as he may deem proper, and to aid in the preparation, presentation, or examination of such claims; and any such person so detailed shall have power to administer oaths, take affidavits, and certify to the correctness of the papers and documents pertaining to the administration of this act.

Mr. William R. Stevenson, of South Carolina, proposed this amendment:

*Provided*, That in appointing clerks to be detailed for such service, or for any other service under this bill, former soldiers who are eligible shall be preferred, in accordance with the act of July 11, 1919.

Mr. Everett Sanders, of Indiana, having made the point of order that the amendment was not germane, the Chairman<sup>3</sup> said:

The Chair, in the first place, can not concern himself about the merits of this amendment. The Chair does not think that because this bill is in the interest of ex-service men that any amend-

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<sup>1</sup> Robert N. Page, of North Carolina, Chairman.

<sup>2</sup> First session Sixty-seventh Congress, Record, p. 2346.

<sup>3</sup> Sydney Anderson, of Minnesota, Chairman.

ment which might be proposed in the interest of ex-service men would therefore be in order as an amendment to this bill. The particular section to which this amendment is offered deals solely with the detail of clerks already in the service and its provisions are limited to such details, while the amendment of the gentleman from South Carolina deals with original appointments to the service. The Chair thinks that an amendment dealing with original appointments to the service is not germane to a provision which deals solely with details within the service, and therefore the Chair sustains the point of order.

**3059. To a bill discontinuing certain subtreasuries and repealing the law authorizing them an amendment providing for officers and employees of such subtreasuries was held to be germane.**

On January 17, 1919,<sup>1</sup> during consideration of the legislative, executive, and judicial appropriation bill in the Committee of the Whole House on the state of the Union, the Clerk read:

The Secretary of the Treasury is authorized and directed to discontinue the offices of the assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco from and after July 1, 1919; and section 3595 of the Revised Statutes and all laws or parts of laws so far as they authorize the establishment and maintenance of officers of assistant treasurers in the cities enumerated are repealed from and after the said date.

Mr. John E. Raker, of California, offered an amendment appropriating for the salaries of the officers and employees of the subtreasuries proposed to be discontinued.

Mr. William H. Stafford, of Wisconsin, made the point of order that the amendment was not germane.

After debate the Chairman<sup>2</sup> ruled:

The paragraph in question provides that—

“The Secretary of the Treasury is authorized and directed to discontinue the offices of the assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco from and after July 1, 1919; and section 3595 of the Revised Statutes and all laws or parts of laws, so far as they authorize the establishment and maintenance of offices of assistant treasurers in the cities enumerated, are repealed from and after the said date.”

That provision or paragraph would be subject to a point of order as new legislation if it were not for the Holman rule, which provides that legislation may be incorporated in appropriation bills where it retrenches expenditures or decreases the whole amount covered by the bill. Manifestly, if these Subtreasuries are abolished, it would diminish expenditure. For that reason, under the Holman rule the paragraph is in order.

Now, the gentleman from California offers an amendment, the purport of which is to restore provisions for the subtreasurers and the other officers and employees in Subtreasuries, all now authorized by law.

We have on the one hand the proposition to abolish the Subtreasuries and on the other hand the proposition to make provision by appropriation for the continuance of the various offices named in this paragraph of the bill. It seems to the Chair that the amendment offered by the gentleman from California is germane to the subject matter of the paragraph. On the one hand the proposition is to abolish the Subtreasuries; on the other hand to make appropriations for the subtreasuries now authorized by law. The point of order is overruled.

<sup>1</sup>Third session Sixty-fifth Congress, Record, p. 1613.

<sup>2</sup>Joshua W. Alexander, of Missouri, Chairman.

**3060. To a provision making appropriation for the acquiring and diffusing of information pertaining to agricultural products an amendment making appropriation for an investigation incident thereto was held to be germane.**

On December 21, 1926,<sup>1</sup> during the consideration of the Department of Agriculture appropriation bill in the Committee of the Whole House on the state of the Union, the Clerk read as follows:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, independently and in cooperation with other branches of the department. State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, and for investigation of the economic costs of retail marketing of meat and meat products, \$571,780: *Provided*, That practical forms of the grades recommended or promulgated by the Secretary for wool and mohair may be sold under such rules and regulations as he may prescribe, and the receipts therefrom deposited in the Treasury to the credit of miscellaneous receipts.

Mr. Tom Connally, of Texas, offered the following amendment:

After the word "receipts," insert: "For instituting and conducting scientific and technical research into American-grown cotton and its by-products and their present and potential uses, with a view to discovering new and additional commercial and scientific uses for cotton and its by-products, \$50,000."

Mr. Walter W. Magee, of New York, made the point of order that the amendment was not germane.

After extended debate the Chairman<sup>2</sup> held:

The amendment offered by the gentleman from Texas is to make an appropriation "for instituting and conducting scientific and technical research into American-grown cotton and its by-products and their present and potential uses with a view to discovering new commercial and scientific uses for cotton and its by-products."

The gentleman from New York makes the point of order that the amendment is not germane and is an appropriation unauthorized by law. The gentleman from Texas answers the point of order made by the gentleman from New York by stressing the word "utilization" in the paragraph under consideration. The Chair has followed his argument and has studied the definition of the word "utilization" and does not find that in connection with the paragraph in question it deals directly with production of commodities designated in this bill. The Chair finds "utilize" is to make useful or to turn to profitable account or use, to make use of, as the utilization of the whole power of the machine; to utilize one's opportunities.

Now, the Chair considers that the paragraph in question has to do with information for the production of agricultural commodities, not to do with their marketing, and it was with that thought in view that the chair asked the question as to whether authority in law could be cited, that the term "utilization" should apply to consumption of an article after it has been produced, but the citation requested was not supplied. It therefore seems to the Chair, no citation of that nature having been furnished, that the contention of the gentleman from New York that the amendment is not germane even to the definition of the word "utilization" and that the para-

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<sup>1</sup>Second session Sixty-ninth Congress, Record, p. 887.

<sup>2</sup>Allen T. Treadway, of Massachusetts, Chairman.

graph itself has to do with information concerning production rather than the use of the finished article.

The Chair will rule that the amendment is not germane and sustain the point of order.

Mr. Connally thereupon offered this amendment:

After the word "world," insert: "including scientific and technical research into American-grown cotton and its by-products and their present and potential uses with a view to discovering new and additional commercial and scientific uses for cotton and its by-products."

Mr. Magee having again raised the question of germaneness, the Chairman ruled:

The organic act establishing the Department of Agriculture designates as one of the objects of the establishment of the department the diffusion among the people of the United States of useful information upon the subject of agriculture. The Chair felt, in the first instance, that the gentleman from Texas offered an amendment which was not germane to the subject of the diffusion of knowledge among the people of the country in reference to agriculture, but was setting up new machinery to discover uses for cotton which was not in the nature, as the Chair understood it, of agricultural information. The second amendment offered by the gentleman from Texas directly applies to the part of the paragraph which provides, in accordance with the phraseology of the organic act, for the diffusion of agricultural knowledge among the people of the United States, and not having as its first purpose the making of an investigation and the making of an appropriation therefor. It seems to the Chair that while, very likely, it is the intention of the gentleman from Texas that his new amendment shall cover practically the same thing asked for under his original amendment that nevertheless it comes within the terms of germaneness in its phraseology at the place where he is offering it, namely, to diffuse information among the people of the United States relative to an agricultural product. The Chair, therefore, overrules the point of order.

**3061. To a proposition to construct two ships by contract or in navy yards an amendment proposing to construct one in a navy yard and the other either by contract or in a navy yard was held to be germane.**

On April 15, 1908,<sup>1</sup> the naval appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when the Clerk read:

That, for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract or in navy yards, as hereafter provided, two first-class battleships to cost, exclusive of armor and armament, not exceeding \$6,000,000 each similar in all essential characteristics to the battleship authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

Mr. William M. Calder, of New York, offered the following amendment:

At least one of such battleships shall be built and constructed, under the direction of the Secretary of the Navy, at one of the navy yards; the other of said battleships may also be constructed at one of the navy yards, in the discretion of the Secretary of the Navy, or by contract, as hereinafter provided.

Mr. Martin B. Madden, of Illinois, raised the question of order that the amendment was not germane.

The Chair<sup>2</sup> ruled:

The paragraph now before the committee contains the provisions that the Secretary of the Navy may build the vessels herein authorized by contract or in such navy yards as he may desig-

<sup>1</sup>First session Sixtieth Congress, Record, p. 4807.

<sup>2</sup>James R. Mann, of Illinois, Chairman.

nate. The That provision of itself might be considered legislation, but, if so, any amendment germane to it would be in order. The Chair thinks the amendment offered by the gentleman from New York is germane and the Chair therefore overrules the point of order.

**3062. To a bill authorizing the sale of Government property to one vendee an amendment proposing another vendee was held to be germane.**

On February 17, 1925,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (S. 2287) to permit the Secretary of War to dispose of, and the Port of New York Authority to acquire, the Hoboken Manufacturers' Railroad.

Mr. John J. Eagan, of New Jersey, offered an amendment proposing the sale of the railroad to the city of Hoboken instead of the port of New York.

Mr. Ogden L. Mills, of New York, made the point of order that the amendment was not germane as it provided for the substitution of one individual proposition for another individual proposition of the same class.

The Chairman<sup>2</sup> ruled:

The Chair must admit that the question raised here is not as clear or as free from doubt as he would like to have it. It is the general rule and well established that to one specific proposition another may not be added by way of amendment, because it would not be germane to the original specific proposition. The rule as to germane amendments is that "no proposition on a subject different from that under consideration shall be admitted under color of an amendment." The question always arises as to what is the "subject under consideration," as these terms are used under the rule. The case in hand is not clear, because there are a number of substantive elements entering into it. After such casual examination as the Chair has been able to give to the question it would seem that the subject matter under consideration in the bill is the disposition of certain property and the acceptance therefore of bonds instead of cash. The proposed amendment makes no substantial change in this regard. It therefore seems to the Chair that this is not a new proposition on a different subject, since it only substitutes one proposed recipient of the property for another. In effect, it is the striking out of one person or one entity and inserting in place of it another.

The subject matter of the bill being to dispose of certain property and to authorize the Secretary of War to accept a certain kind of character of security for the property, the amendment would strike out the port of New York as the recipient and insert the city of Hoboken. The subject under consideration remains the same, and even the manner of its disposition remains substantially the same, except as to the one to whom the disposition is made. It seems to the Chair that this alone is not sufficient to bring the amendment under the prohibition of the rule. The Chair, therefore, overrules the point of order.

**3063. To a proposition to authorize the construction of naval vessels an amendment providing that they be constructed in Government plants was held to be germane.—**On March 16, 1928<sup>3</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 11526) to authorize the construction of certain naval vessels, when Mr. Frederick W. Dallinger, of Massachusetts, offered the following proviso:

*And provided,* That the first and each successive alternate cruiser upon which work is undertaken, together with the main engine, armor, and armament for such eight cruisers, the construc—

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<sup>1</sup>Second session Sixty-eighth Congress, Record, p. 3969.

<sup>2</sup>John Q. Tilson, of Connecticut, Chairman.

<sup>3</sup>First session Seventieth Congress, Record, p. 4911.

tion and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States.

Mr. Thomas L. Blanton, of Texas, having raised a question of order as to germaneness, the Chairman<sup>1</sup> said:

The Chair thinks that this amendment is clearly germane. The bill provides for the authorization of certain cruisers and vessels for the Navy, and the Chair thinks it is germane that certain details of their construction shall be provided. The Chair overrules the point of order.

**3064. To a bill creating two boards with separate duties an amendment creating one board authorized to discharge the duties devolving upon both boards was held to be germane.—On May 28, 1930,<sup>2</sup> the Committee of the Whole House on the state of the Union had under consideration the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, providing for the creation of two boards, one charged with the duty of leasing the properties and the other with the duties of supervision and administration of the lease.**

Mr. John J. McSwain, of South Carolina, offered an amendment authorizing the creation of a single board to discharge the functions of both boards.

Mr. William H. Stafford, of Wisconsin, made the point of order that the amendment was not germane.

The Chairman<sup>2</sup> overruled the point of order and said:

The amendment of the gentleman from south Carolina provides for one board which is directed to lease the property, and after it is leased to supervise the work of the lessee. The committee bill creates two boards for this purpose—the leasing board to lease the property, and after it is leased, it provides for the administrative board, consisting of the three Secretaries, to supervise and administer the lease and the work under it. Both bills set forth in detail the general principles which are to guide the different boards in negotiating the leases and in supervising the work afterwards. While the two propositions are not identical, it seems to the Chair that they are closely related and that one is germane to the other. The chair therefore overrules the point of order.

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<sup>1</sup> Robert L. Bacon, of New York, Chairman.

<sup>2</sup> Second session Seventy-first Congress, Record, p. 9743.

<sup>3</sup> Carl E. Mapes, of Michigan, Chairman.