

## APPROPRIATIONS

Under article 1, section 9, clause 7, of the Constitution, "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." An appropriation is the legal authority that allows government entities to incur obligations which result in payments from the Treasury for designated purposes. It is the most common form of what the Congressional Budget Act of 1974 defines as budget authority (along with contract and borrowing authority). The United States Code prohibits any officer or employee of the United States Government from making or authorizing any expenditure exceeding an amount in an appropriation.

Appropriations may be provided for one fiscal year, several fiscal years, or may be available without fiscal year limitation ("to remain available until expended"). An appropriation may be for a specific amount of money or for an indefinite amount.

It is the general practice of Congress to create programs and authorize appropriations therefor in authorizing legislation, after which it provides the budget authority to fund those programs in one or more appropriations act. However, there is no general prohibition in the Standing Rules of the Senate or the precedents against making appropriations for a project or program in the absence of an authorization.

The Budget Act does impose restrictions on the time for consideration of measures providing budget authority, as well as the budgetary impact of such measures. Appropriations bills may not be considered until the Concurrent Resolution on the Budget for the relevant fiscal year has been adopted, nor may such bills, resolutions, conference reports, or amendments breach certain levels set out in the Concurrent Resolution on the Budget.

The Standing Rules also impose certain restrictions on amendments which may be offered to general appropriation bills. An amendment offered by a Senator (as opposed to one offered on behalf of the legislative committee having jurisdiction over a subject matter of the amendment, or by or on behalf of the Committee on Appropriations) may not propose a new item of appropriation or increase an appropriation already contained in the bill unless it satisfies one of the following requirements: It is made to carry out a provision of existing law or an act or resolution passed by the Senate during that session; it is made to carry out a treaty stipulation; or it is proposed pursuant to a budget estimate required by law.

All amendments must be germane, and none may propose legislation. Legislative amendments are those which propose to do anything except appropriate funds or limit the purposes for which funds appropriated in the pending appropriations bill could be used. If the Committee on Appropriations reports such a legislative amendment, a point of order may be made either against the amendment or against the bill itself. If the point of order is made against the bill and sustained, the bill is recommitted to the committee. However, a legislative amendment is in

order if it is voted by the Senate to be germane to House legislative language in the bill. The question of germaneness may be raised by any Senator before the Chair rules on a point of order that an amendment to a general appropriations bill constitutes legislation. The question of germaneness will be submitted by the Chair to the Senate for a vote under the rule if the Chair is satisfied that there is language of the House which may be legislation to which the amendment at issue could possibly be germane.

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## Rule XVI

### [Amendments to General Appropriation Bills]

1. On a point of order made by any Senator, no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session; or unless the same be moved by direction of the Committee on Appropriations or of a committee of the Senate having legislative jurisdiction of the subject matter, or proposed in pursuance of an estimate submitted in accordance with law.

2. The Committee on Appropriations shall not report an appropriation bill containing amendments to such bill proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments to such bill proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

3. All amendments to general appropriation bills moved by direction of a committee having legislative jurisdiction of the subject matter proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received on a point of order made by any Senator.

4. On a point of order made by any Senator, no amendment offered by any other Senator which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decid-

ed without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill.

5. On a point of order made by any Senator, no amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

6. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order.

7. Every report on general appropriation bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

8. On a point of order made by any Senator, no general appropriation bill or amendment thereto shall be received or considered if it contains a provision reappropriating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

## **Rule XXV**

### **[Committee on Appropriations—Hearings and Meetings]**

*See* "Committees," pp. 382-429.

## **Appropriations Generally**

### **Amendments Adopted Not Open to Amendment:**

*See* "Line Item Amended, Not Open to Further Amendment," p. 210.

### **Amendments to:**

*See* "Amendments," pp. 24-125; "Amendments to General Appropriation Bills—When in Order," pp. 178-190; "Amendments to General Appropriation Bills—When Not in Order," pp. 190-213; "En Bloc Consideration and Adoption," pp. 59-61.

### Application of Rule XVI:

Rule XVI applies only to general appropriation bills and amendments thereto.<sup>1</sup>

### Appropriations Committee, Jurisdiction of:

See "Committee on Appropriations, Jurisdiction of," pp. 156-157.

### Authorizations Not Binding:

Either or both Houses may refuse to appropriate for any object, either in whole or in part, even though that object may be authorized by law.<sup>2</sup>

### Bills Originate in House:

The House of Representatives claims the exclusive right to originate all general appropriations bills.<sup>3</sup> Through the years, however, bills for specific appropriations such as for disaster relief have frequently originated in the Senate.<sup>4</sup>

In 1935, the Chair ruled that there is no Constitutional limitation upon the Senate to initiate an appropriation bill.<sup>5</sup>

The Committee on the Judiciary of the House of Representatives in 1881 made a report to that body holding that the Senate had the Constitutional power to originate a certain appropriation bill,<sup>6</sup> and that the power to origi-

<sup>1</sup> Jan. 25, 1932, 72-1, *Journal*, pp. 180-181.

<sup>2</sup> Feb. 28, 1939, 76-1, *Record*, pp. 2022-23.

<sup>3</sup> June 16, 24, 30, and July 1, 1937, 75-1, *Journal*, pp. 347, 365, *Record*, pp. 5806, 6304-06, 6601, 6602, 6651-54; see also Apr. 23, 1929, 71-1, *Record*, pp. 334-35.

<sup>4</sup> See the following examples: Pub. Res. No. 29; 15 Stat. 28; Pub. Res. No. 11; 16 Stat. 596; Pub. Res. No. 10; 18 Stat. 303; Pub. Res. No. 15; 21 Stat. 303; Pub. Res. No. 5; 22 Stat. 378; Pub. Res. No. 7; 22 Stat. 378; Pub. Res. No. 8; 22 Stat. 378; Pub. Res. No. 10; 22 Stat. 379; Pub. Res. No. 39; 26 Stat. 679; Pub. Res. No. 14; 29 Stat. 701-702; Pub. Res. No. 3; 30 Stat. 219; Pub. Res. No. 11; 30 Stat. 220; Pub. Res. No. 12; 30 Stat. 220; Pub. Res. No. 14; 30 Stat. 221; Pub. Res. No. 103; 30 Stat. 419; Pub. Res. No. 112; 32 Stat. 198; Pub. Res. No. 16; 34 Stat. 827; Pub. Res. No. 17; 34 Stat. 827; Pub. Res. No. 28; 39 Stat. 434; Pub. No. 129; 42 Stat. 357; Pub. No. 447; 43 Stat. 963; Private No. 396; 44 Stat. 1792; Pub. No. 7; 45 Stat. 53; Pub. Res. No. 92; 45 Stat. 1306; Pub. Res. No. 33; 46 Stat. 57; Pub. Res. No. 47; 46 Stat. 78; Pub. No. 71; 46 Stat. 84; Pub. No. 67; 46 Stat. 254; Pub. No. 267; 46 Stat. 386; Pub. No. 292; 46 Stat. 489; Pub. Res. No. 112; 46 Stat. 1032; Pub. Res. No. 2; 48 Stat. 20; Pub. No. 224; 49 Stat. 505; Pub. No. 5; 50 Stat. 19; Pub. No. 110; 50 Stat. 204; Pub. No. 438; 52 Stat. 84; Pub. No. 673; 52 Stat. 777; Pub. No. 2; 53 Stat. 510; Pub. Law No. 108; 55 Stat. 248; Pub. Law No. 132; 61 Stat. 204; Pub. Law No. 548; 62 Stat. 264; Pub. Law No. 624; 62 Stat. 356; Pub. Law No. 825; 62 Stat. 1101; Pub. Law No. 134; 67 Stat. 180; Pub. Law No. 480; 68 Stat. 454.

<sup>5</sup> May 3, 1935, 74-1, *Journal*, p. 317, *Record*, p. 6860.

<sup>6</sup> Mar. 11, 1880, 46-2, *Record*, p. 1483; Feb. 2, 1881, 46-3, *Record*, p. 1146.



nate an appropriation bill was not exclusively in the House of Representatives.<sup>7</sup>

Quoting in part from the report, the committee held: "From this brief summary it will be seen that the proposition was more than once presented to the convention to vest in the House of Representatives the exclusive privilege of originating 'all money bills' *eo nomine*, which was as often rejected. It would seem obvious, therefore, that the framers of the Constitution did not intend that the expression 'bills for raising revenue,' as employed by them, should be taken as the equivalent of that term as it was understood in English parliamentary practice; for, if they had so intended, they would surely have used that term itself, which had already received a fixed and definite signification from long and familiar usage, instead of the one they chose to employ."<sup>8</sup>

### Blanket Extensions of Appropriations:

It is a common practice of the Congress, when approaching or upon the arrival of a new fiscal year, to pass a joint resolution to make available the necessary appropriations for a specified period, pursuant to existing law for the continued operations of any departments or agencies of the Government not already provided for by one of the general supply bills. This is done pending the passage of any remaining or unfinished regular appropriation bills for the ensuing fiscal year. If the first extension of appropriations is for insufficient time, additional extension of that time will be provided to bridge the gap until all supply bills are finally enacted.<sup>9</sup>

<sup>7</sup> See Apr. 7, 1884, 48-1, *Journal*, p. 513, *Record*, p. 2724; Feb. 13, 1885, 48-2, *Record*, p. 1615; Jan. 23, 1885, 48-2, *Record*, pp. 948-962.

<sup>8</sup> House Report No. 147, 46-3, p. 9.

<sup>9</sup> June 28, 1888, 50-1, *Record*, p. 5672; June 29, 1888, 50-1, *Record*, p. 5718; June 29, 1953, 83-1, *Record*, pp. 7535-36; Sept. 27, 1951, 82-1, *Record*, P. 12225; Aug. 21, 1951, 82-1, *Record*, pp. 10462-64; June 30, 1951, H.J. Res. 277 passed both Houses-Pub. L. 70, 82-1; July 30, 1950, for proceedings on H.J. Res. 277; July 1, 1960, 86-2, *Record*, pp. 15454-55, 15372-73; June 30, 1959, see Pub. L. 86-77; Pub. L. 86-118, Pub. L. 86-224; July 29, 1958, 85-2, *Journal*, pp. 538, 542, 561; July 1, 1957, 85-1, *Record*, pp. 10691-92; July 2, 1956, 84-2, *Record*, pp. 11552, 11585-86; June 30, 1937, 75-1, *Record*, p. 6611; July 21, 25, and 31, 1919, 66-1, *Journal*, pp. 143, 160, *Record*, pp. 2947, 3129; Sept. 30, Oct. 14, 1918, 65-2, *Journal*, pp. 356, 364, *Record*, pp. 10905, 10953; Aug. 31, 1918, 65-2, *Record*, pp. 9784, 9799; July 2 and 6, 1918, 65-2, *Journal*, pp. 291, 312, *Record*, pp. 8626, 8758; July 27 and 28, 1916, 64-1, *Record*, pp. 11690, 11768; June 28, 1916, 64-1, *Journal*, p. 470, *Record*, pp. 10155, 10151-53; Mar. 4, 1915, 63-3, *Record*, pp. 5515, 5407, 5524; Mar. 4, 1915, 63-3, *Record*, pp. 5515-16, 5407, 5524; June 29, 1914, 63-2, *Journal*, pp. 363-364, *Record*, pp. 11310, 11313, 11324-25; Aug. 15, 1912, 62-2, *Journal*, pp. 546, 547, 558, *Record*, pp. 10992, 11169; Aug. 1, 1912, 62-2, *Record*, pp. 9993-97, 10031; July 1, 1912, 62-

**Budget:**

See "Congressional Budget," pp. 502-642.

**Budget Estimates—Definition of:**

Under the law (31 U.S.C. 1105(a) and 1107):

"On or after the first Monday in January but not later than the first Monday in February of each year, the President shall submit a budget of the United States Government for the following fiscal year. . . ." <sup>10</sup>

"The President may submit to Congress proposed deficiency and supplemental appropriations the President decides are necessary because of laws enacted after the submission of the budget or that are in the public interest. The President shall include the reasons for the submission of the proposed appropriations and the reasons the proposed appropriations were not included in the budget. . . ." <sup>11</sup>

An estimate of a department as contemplated by the rules of the Senate governing general appropriation bills is one which comes to the Congress officially from the President, prepared by the Office of Management and Budget. <sup>12</sup>

The following have been held not to be estimates submitted to Congress within the meaning of the rule so as to make admissible an estimate of appropriation: (1) A communication of a subordinate official, in response to a request of a department for a report on a bill pending in the Senate; <sup>13</sup> (2) a letter from an official of the War Department addressed to a member of a committee; <sup>14</sup> (3) an amendment granting one month's extra pay to an individual for discontinuance of service as certified in a House document; <sup>15</sup> (4) a letter from the Director of the Mint

2, *Record*, pp. 8510, 8532-33; June 29, 1894, 53-2, *Record*, p. 6980; June 30, 1892, 52-1, *Record*, pp. 5659, 5674; July 29, 1890, 51-1, *Record*, p. 7558; June 30, 1890, 51-1, *Record*, p. 6754; Sept. 24, 1888, 50-1, *Record*, p. 8898; Sept. 13, 1888, 50-1, *Record*, p. 8574; Aug. 29, 1888, 50-1, *Record*, p. 8075; July 26, 1888, 50-1, *Record*, p. 6875; June 30, 1886, 49-1, *Record*, p. 6316.

<sup>10</sup> 31 U.S.C. 1105(a).

<sup>11</sup> 31 U.S.C. 1107.

<sup>12</sup> See Annual Budget Messages and Messages from the President submitting supplemental or deficiency estimates, 31 U.S. Code. Secs. 1105-1107. The name was changed from that of the Bureau of the Budget, effective July 1, 1970. Previous to the Budget and Accounting Act, Budget Estimates came officially through the Secretary of the Treasury; see May 26, 1920, 66-2, *Record*, pp. 7636, 7654.

<sup>13</sup> Mar. 3, 1885, 48-2, *Record*, p. 2452.

<sup>14</sup> June 27, 1916, 64-1, *Record*, pp. 10065-66.

<sup>15</sup> July 18, 1892, 52-1, *Record*, p. 6325.

recommending an increase in pay for the Chief Clerk at the mint in Philadelphia; <sup>16</sup> (5) and an estimate of cost of a project submitted by the head of a department in response to a Senate resolution.<sup>17</sup>

### **Budget Hearings:**

The standing rules of procedure for the Committee on Appropriations are the same as those for all other standing committees. These guidelines are to be found in rule XXVI, particularly paragraphs 5(b) and 5(c). The meetings of the Committee or subcommittees thereof "shall be open to the public" with certain exceptions set forth in the rules. For further details see the chapter on committees pp. 382-429.

### **Clerk of the House Authorized To Make Changes in General Appropriation Bills:**

The Clerk of the House of Representatives, by concurrent resolution, may be authorized to make various corrections in bills in their enrollment as was done on July 5, 1952, by adoption of H. Con. Res. 239, to authorize the Clerk of the House of Representatives to correct chapter, title, and section numbers in the enrollment of general appropriation bills during the remainder of the second session of the 82d Congress.<sup>18</sup>

### **Committee Amendments:**

*See also* "Committee Amendments," pp. 35-39, 50-51.

A committee amendment striking the amount to be authorized and inserting a new figure is not open to further amendment after it is agreed to.<sup>19</sup>

### **Committee on Appropriations, Jurisdiction of:**

*See also* "Standing and Special Committees and Their Jurisdictions," pp. 413-428.

All appropriations "of the revenue for the support of the Government" rescission of appropriations, amount of new spending authority, and all other new spending au-

<sup>16</sup> June 19, 1890, 51-1, *Record*, p. 6245.

<sup>17</sup> Jan. 18, 1915, 63-3, *Record*, pp. 1748-49.

<sup>18</sup> July 5, 1952, 82-2, *Record*, p. 9499.

<sup>19</sup> May 15, 1967, 90-1, *Record*, p. 12584.

thority described in the Congressional Budget Act of 1974, are referred to the Committee on Appropriations.<sup>20</sup>

During the consideration of a flood relief joint resolution, in 1951, which had not been formally referred to the Committee on Appropriations, the joint resolution, by unanimous consent, was deemed to have been referred to such committee and reported therefrom with an amendment.<sup>21</sup>

It was decided on one occasion that because Rule XV provides that it shall not be in order to consider any committee amendment not within the jurisdiction of the committee proposing such an amendment, a legislative amendment proposed by the Committee on Appropriations was in violation of Rule XV.<sup>22</sup>

This precedent was followed several years later when the Chair ruled that a committee amendment to a general appropriations bill which prohibited smoking on scheduled flights was out of order as containing significant matter not within the jurisdiction of the Appropriations Committee, after the Chair ruled that a proffered germaneness defense was not applicable under Rule XV. The amendment and the point of order were later withdrawn.<sup>23</sup> However, when this issue arose again in the following Congress, the Chair was overturned after it had sustained a point of order under Rule XV against a committee amendment to a general appropriations bill that related to smoking on domestic airline flights.<sup>24</sup>

### Consideration of Appropriation Bills:

*See also* "Consideration, Question of," pp. 655-682; "Points of Order," pp. 987-996; "Points of Order, When in Order. . .," pp. 993-995; "Reports Lie Over Two Days Before Consideration," pp. 677-678.

A motion to proceed to the consideration of a general appropriation bill is not privileged, either during the morning hour,<sup>25</sup> or after the morning hour,<sup>26</sup> and there-

<sup>20</sup> Rules XXV and XVI; Jan. 18, 1922, 67-2, *Record*, pp. 1319, 1325; Mar. 6, 1922, 67-2, *Journal*, p. 126, *Record*, p. 3430; *see also* Mar. 4, 1935, 74-1, *Record*, p. 2823; Dec. 10, 1941, 77-1, *Journal*, p. 476, *Record*, p. 9607.

<sup>21</sup> *See* July 17, 1951, 82-1, *Record*, p. 8244.

<sup>22</sup> Dec. 17, 1982, 97-2, *Record*, pp. 31389-90.

<sup>23</sup> Oct. 28, 1987, 100-1, *Record*, pp. S 15328-29; Oct. 29, 1987, 100-1, *Record*, pp. S 15393-94.

<sup>24</sup> Sept. 14, 1989, 101-1, *Record*, pp. S 11068-69.

<sup>25</sup> Jan. 4, 1915, 63-3, *Record*, p. 904.

<sup>26</sup> Feb. 3, 1927, 69-2, *Record*, pp. 2867-68; Mar. 2, 1899, 55-3, *Journal*, p. 191, *Record*, pp. 2716-18.

fore would have no precedence over a pending motion to proceed to the consideration of a nonappropriation bill.<sup>27</sup> A motion, while a bill is pending before the Senate, to proceed to the consideration of a general appropriation bill is not a privileged or preferential motion, but it is in order.<sup>28</sup> Furthermore, while a motion to take up one matter is pending, a motion to proceed to the consideration of another matter is not in order,<sup>29</sup> and the Chair has so held without a point of order being made from the floor.<sup>30</sup>

A motion to proceed to the consideration of one bill is not subject to amendment by the substitution of another bill therefor,<sup>31</sup> or by any substitute for the motion.<sup>32</sup>

While unfinished business is pending, a motion to proceed to the consideration of a general appropriation bill is not a privileged or preferential motion.<sup>33</sup>

General appropriation bills have no precedence over a motion to reconsider.<sup>34</sup>

While one bill or resolution is pending before the Senate, a motion to proceed to the consideration of another on the Calendar is in order.<sup>35</sup>

In one instance, a Senator during his address, by unanimous consent, yielded for the consideration of an appropriation bill until the hour of 2 o'clock of that day.<sup>36</sup>

In the consideration of appropriation bills, committee amendments, and amendments offered thereto, are disposed of before amendments from the floor are in order. See "Amendments," "Call Up for Senate Consideration," pp. 33-49.

<sup>27</sup> Feb. 3, 1927, 69-2, *Journal*, p. 138.

<sup>28</sup> Feb. 4, 1938, 75-3, *Record*, p. 1498.

<sup>29</sup> Jan. 5, 1927, 69-2, *Journal*, p. 63; Mar. 19, 1928, 70-1, *Journal*, p. 278; Dec. 15, 1950, 81-2, *Record*, p. 16634; Aug. 23, 1950, 81-2, *Record*, p. 13213; June 16, 1938, 75-3, *Record*, pp. 9586-87; Aug. 19, 1935, 74-1, *Journal*, p. 657; see also Feb. 28, 1949, 81-1, *Record*, p. 1585; July 25, 1947, 80-1, *Record*, p. 10128; July 19, 1947, 80-1, *Record*, pp. 9350-51.

<sup>30</sup> June 10, 1938, 75-3, *Record*, p. 8739; July 24, 1947, 80-1, *Record*, p. 9982; see also Feb. 28, 1949, 81-1, *Record*, p. 1585.

<sup>31</sup> Mar. 21, 1914, 63-2, *Record*, p. 5219; Dec. 15, 1950, 81-2, *Record*, p. 16634; Aug. 23, 1950, 81-2, *Record*, p. 13213; see also Feb. 27, 1952, 82-2, *Record*, p. 1538; Apr. 23, 1951, 82-1, *Record*, p. 4175.

<sup>32</sup> See Feb. 14, 1931, 71-3, *Record*, p. 4906.

<sup>33</sup> Feb. 4, 1938, 75-3, *Record*, p. 1498.

<sup>34</sup> See Feb. 14, 1931, 71-3, *Record*, p. 4906.

<sup>35</sup> Feb. 25, 1927, 69-2, *Journal*, p. 234, *Record*, pp. 4820-21.

<sup>36</sup> May 24, 1951, 82-1, *Record*, pp. 5783, 5787.

### Continuing Appropriations:

See "Definition of General Appropriations Bills," pp. 159-160, continuing appropriations bills for the purpose of Rule XVI, are considered as general appropriations bills.<sup>37</sup>

### Debate of:

See "Consideration of Bills or Resolutions, Debate of," p. 733; "Germaneness of Amendments to General Appropriation Bills," pp. 161-171.

### Definition of General Appropriations Bills:

"There is a distinction between what is commonly called a general appropriation bill and a bill providing for a special appropriation." The "rule itself was intended to include only the general appropriation bills, which are well defined, carrying general appropriations for the various departments."<sup>38</sup>

All bills appropriating money for more than a single purpose or agency are considered general appropriations bills, a term which includes supplemental and continuing appropriations bills.<sup>39</sup>

In specific cases, the following have been held to be general appropriation bills within the meaning of Rule XVI: Urgent deficiency appropriation bills,<sup>40</sup> deficiency appropriation bills,<sup>41</sup> river and harbor appropriation bills,<sup>42</sup> all chapters of an omnibus or consolidated general appropriation bill, as the one of 1950.<sup>43</sup>

In the second session of the 95th Congress the following bills (in addition to one continuing and seven supplemental appropriations joint resolutions, some of which were special) were considered to be general appropriations bills:

Military Construction, 1979  
Public Works, 1979  
Labor, HEW, 1979  
Treasury, Postal, 1979

<sup>37</sup> Sept. 27, 1979, 96-1, *Record*, pp. 26461-65.

<sup>38</sup> Mar. 5, 1924, 68-1, *Record*, p. 3607.

<sup>39</sup> See June 8, 1983, 98-1, *Record*, p. 15068.

<sup>40</sup> Jan. 10, 11, and 16, 1895, 53-3, *Journal*, p. 1054, *Record*, pp. 820, 857, 1025.

<sup>41</sup> May 26, 1880, 46-2, *Journal*, p. 618; see also Feb. 17, 1942, 77-2, *Record*, pp. 1330-31.

<sup>42</sup> Aug. 15, 1890, 51-1, *Record*, p. 8594; Aug. 16, 1890, 51-1, *Journal*, p. 269, *Record*, pp. 8680-84; Feb. 24, 1913, 62-3, *Record*, p. 3789; Feb. 27, 1909, 60-2, *Record*, p. 3359.

<sup>43</sup> H.R. 7786, 81-2.

Foreign Assistance, 1979  
 Interior, 1979  
 Transportation, 1979  
 State, Justice, 1979  
 Legislative Branch, 1979  
 HUD, 1979  
 Agriculture, 1979  
 Supplemental, second, 1978  
 District of Columbia, 1979  
 Defense, 1979

### Definition of Special Appropriation Bills:

All bills appropriating money which are not general in nature are considered as special appropriation bills and therefore not subject to the restrictions found in Rule XVI.<sup>44</sup> Examples of bills held by the Senate to be special appropriation bills follow:

Relief appropriation bills of 1939 and 1940,<sup>45</sup> Work Relief Bill for 1943 (in the House),<sup>46</sup> a joint resolution making appropriations for relief purposes;<sup>47</sup> a joint resolution making appropriations for emergency relief purposes;<sup>48</sup> a joint resolution providing additional appropriations for the Civilian Conservation Corps;<sup>49</sup> a bill making appropriations to enable the Secretary of Agriculture to carry out the purposes of "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products;"<sup>50</sup> a bill making an appropriation for farm relief in drought and storm stricken areas;<sup>51</sup> and a bill making an appropriation to enable the United States to make payments upon subscriptions to the capital stock of the Reconstruction Finance Corporation.<sup>52</sup>

### En Bloc Consideration:

See "Amendments," "En Bloc Consideration and Adoption," pp. 59-61.

<sup>44</sup> Mar. 5, 1924, 68-1, *Record*, p. 3607.

<sup>45</sup> June 27, 1939, 76-1, *Record*, p. 7960.

<sup>46</sup> See June 11, 1942, 77-2, *Record*, p. 5148.

<sup>47</sup> Mar. 19, 1935, 74-1, *Journal*, p. 207.

<sup>48</sup> May 21, 1937, 75-1, *Record*, p. 4936.

<sup>49</sup> See Apr. 19, 1938, 75-3, *Record*, p. 5510.

<sup>50</sup> July 10, 1918, 65-2, *Journal*, p. 309, *Record*, pp. 8941-58.

<sup>51</sup> Jan. 5, 1931, 71-3, *Journal*, p. 74, *Record*, pp. 1366-69.

<sup>52</sup> Jan. 25, 1932, 72-1, *Journal*, p. 180, *Record*, pp. 2632-34.



### Funds for Each House:

A general policy has been established by the two Houses not to interfere with each other's appropriations,<sup>53</sup> but minor conflicts have occurred over salary increases, as was the case in 1934.<sup>54</sup>

### General Appropriation Bills, Application of Rule XVI:

See "Application of Rule XVI," p. 153.

### General Appropriation Bills, Definition of:

See "Definition of General Appropriation Bills," pp. 159-160.

### Germaneness of Amendments to General Appropriation Bills:

See also "Germaneness," pp. 62-63; "Not Germane," p. 211; "Suspension of Rules," pp. 177, 1266-1272.

Rule XVI of the Standing Rules of the Senate provides a point of order against amendments which propose legislation on general appropriation bills. The rule also requires that all amendments to general appropriation bills be germane or relevant, and provides that all questions of relevancy of amendments under the rule be submitted to the Senate and decided without debate.<sup>55</sup> The rule applies to general appropriation bills,<sup>56</sup> which include continuing appropriations bills,<sup>57</sup> but not special appropriation bills.<sup>58</sup> It applies to amendments offered from the floor,<sup>59</sup> as well as amendments reported by the Committee on Appropriations.<sup>60</sup>

The issue of germaneness may be raised either as the grounds for a point of order,<sup>61</sup> or as an affirmative de-

<sup>53</sup> June 14, 1946, 79-2, *Record*, p. 6947; see Mar. 30, 1961, 87-1, *Record*, pp. 5335, 5336; Mar. 18, 1914, 63-2, *Record*, p. 5042-43; May 25, 1896, 54-1, *Record*, p. 5661.

<sup>54</sup> See proceedings on H.R. 8617, 73-2, *Record*, pp. 9155, 9156-57, 9861; see Jan. 16, Feb. 8, and Mar. 3, 1917, 64-2, *Record*, pp. 1451-61, 2880; Jan. 15 and 18, 1909, 60-2, *Record*, pp. 932, 938-950, 1022-39.

<sup>55</sup> Rule XVI, paragraph 4, Standing Rules of the United States Senate.

<sup>56</sup> Aug. 3, 1950, 81-2, *Record*, p. 11721.

<sup>57</sup> Oct. 2, 1984, 99-2, *Record*, pp. 28294-96.

<sup>58</sup> Mar. 19, 1935, 74-1, *Journal*, p. 207, *Record*, p. 3974; July 26, 1937, 75-1, *Journal*, pp. 439-40, *Record*, pp. 7581-82.

<sup>59</sup> Rule XVI, paragraph 4.

<sup>60</sup> Rule XVI, paragraph 2.

<sup>61</sup> June 29, 1977, 95-1, *Record*, pp. 21496-50; Feb. 25 and 26, 1924, 68-1, *Journal*, pp. 169, 172, *Record*, pp. 3094-96, 3152-56; Mar. 1, 1915, 63-3, *Journal*, pp. 163-164, *Record*,

fense if a point of order is made under Rule XVI against an amendment as being legislation on a general appropriations bill.<sup>62</sup> When used as a defense against a point of order that an amendment to a general appropriation bill is legislation, before the Chair rules on the point of order, any Senator may raise the question (defense) of germaneness.<sup>63</sup> The question of germaneness takes precedence over a point of order that an amendment is legislation (as decided by the Senate in overturning a ruling by the Vice President (17 yeas, 46 nays)).<sup>64</sup> Since that time, it has been the practice of the Senate that if the question of germaneness is raised, it takes precedence over the point of order, and is submitted to the Senate for its determination, thereby preempting the initial point of order.<sup>65</sup> The Chair does not then rule on the point of order or on the question of germaneness, but instead, submits the question of germaneness to the Senate for decision,<sup>66</sup> to be determined without debate,<sup>67</sup> unless a unanimous consent agreement permits debate on the question of germaneness.<sup>68</sup> The defense of germaneness is available whether the point of order is made against a floor amend-

pp. 4918-22; Feb. 28, 1905, 58-3, *Journal*, p. 291, *Record*, pp. 3621-23; Jan. 25, 1889, 50-2, *Record*, p. 1173; June 28, 1888, 50-1, *Record*, p. 5675.

<sup>62</sup> Aug. 21, 1967, 90-1, *Record*, pp. 23430-31; Dec. 14, 1970, 91-2, *Record*, p. 41340; July 17, 1950, 81-2, *Record*, p. 10395; July 10, 1951, 82-1, *Record*, pp. 7859-62; Mar. 24, 1944, 78-2, *Record*, pp. 3037-49; June 9, 1943, 78-1, *Journal*, pp. 280-281, *Record*, pp. 5542-58; June 27, 1952, 82-2, *Record*, p. 8283; Oct. 1, 1962, 87-2, *Record*, p. 21454; June 27, 1978, 95-2, *Record*, p. 19101.

<sup>63</sup> June 27, 1978, 95-2, *Record*, p. 19101; Dec. 14, 1970, 91-2, *Record*, p. 41340; Aug. 21, 1967, 90-1, *Record*, pp. 23430-31; Oct. 1, 1962, 87-2, *Record*, p. 21454; June 27, 1952, 82-2, *Record*, p. 8283; July 10, 1951, 82-1, *Record*, pp. 7859-62; July 17, 1950, 81-2, *Record*, p. 10395; Mar. 24, 1944, 78-2, *Record*, pp. 3037-49; June 9, 1943, 78-1, *Journal*, pp. 280-281, *Record*, pp. 5542-58.

<sup>64</sup> Mar. 24, 1944, 78-2, *Record*, pp. 3037-49.

<sup>65</sup> June 27, 1978, 95-2, *Record*, p. 19101; Dec. 14, 1970, 91-2, *Record*, p. 41340; Aug. 21, 1967, 90-1, *Record*, pp. 23430-31; Sept. 24, 1963, 88-1, *Record*, pp. 17870, 17871; Oct. 1, 1962, 87-2, *Record*, p. 21454; July 17, 1950, 81-2, *Record*, p. 10395.

<sup>66</sup> Dec. 14, 1970, 91-2, *Record*, p. 41340; Aug. 21, 1967, 90-1, *Record*, pp. 23430-31; Aug. 2, 1961, 87-2, *Record*, pp. 14416-25; June 27, 1952, 82-2, *Record*, pp. 8279-84; June 3, 1952, 82-2, *Record*, pp. 6475-76; May 29, 1936, 74-2, *Journal*, pp. 332-33, *Record*, pp. 8304-11; Mar. 17, 1932, 72-1, *Journal*, p. 337, *Record*, pp. 6308-11, 6316-22; Feb. 26, 1931, 71-3, *Journal*, p. 283, *Record*, pp. 6091-92; Feb. 16, 1927, 69-2, *Journal*, p. 184, *Record*, pp. 3964-65.

<sup>67</sup> Rule XVI, paragraph 4; Oct. 2, 1984, 99-2, *Record*, pp. 28294-96; Mar. 31, 1982, 97-2, *Record*, pp. 6167-70; Dec. 10, 1975, 94-1, *Record*, pp. 39658-60; June 24, 1976, 94-2, *Record*, pp. 20180-82; June 27, 1952, 82-2, *Record*, p. 8283; June 6, 1952, 82-2, *Record*, pp. 6718, 6719-20; Apr. 17, 1952, 82-2, *Record*, p. 4081; July 27, 1949, 81-1, *Record*, pp. 10263-65; Apr. 1, 1941, 77-1, *Record*, pp. 2788-91; May 29, 1936, 74-2, *Journal*, p. 333; Feb. 3, 1933, 72-2, *Journal*, p. 160, *Record*, pp. 3284-85; Mar. 11, 1932, 72-1, *Journal*, p. 320; Mar. 11, 1932, 72-1, *Journal*, p. 319, *Record*, pp. 5752-54; Feb. 24, 1913, 63-1, *Journal*, pp. 214-215, *Record*, pp. 3772-76; see also Aug. 4, 1939, 76-1, *Record*, pp. 11017-18, 11020-22.

<sup>68</sup> June 10, 1974, 93-2, *Record*, pp. 18383-85; May 20, 1973, 93-1, *Record*, pp. 17124-40.

ment<sup>69</sup> or an amendment offered by the Committee on Appropriations.<sup>70</sup>

The question of germaneness must be raised before the Chair rules on the point of order.<sup>71</sup> The question of germaneness when submitted to the Senate is subject to a motion to table,<sup>72</sup> and if the motion to table is successful, the question recurs on the point of order, and the Chair is then authorized to rule.<sup>73</sup> The question of germaneness may be decided by voice vote.<sup>74</sup>

If the Senate votes in the affirmative holding the amendment germane, the point of order falls and the amendment is before the Senate for action,<sup>75</sup> or if the amendment had been agreed to by unanimous consent with a proviso that points of order were preserved, it remains in the bill.<sup>76</sup> If the Senate holds that the amendment is not germane the amendment falls.<sup>77</sup>

The requirement that amendments to general appropriation bills be germane and that such questions when raised be submitted to the Senate and decided without debate, as well as the prohibition against the receipt of amendments proposing general legislation on such bills, were first included in the rules on January 17, 1877, as

<sup>69</sup> June 27, 1978, 95-2, *Record*, p. 19101; July 13, 1977, 95-1, *Record*, pp. 22994-95; Aug. 21, 1967, 90-1, *Record*, pp. 23430-31.

<sup>70</sup> July 19, 1977, 95-1, *Record*, pp. 23832-33; Dec. 14, 1970, 91-2, *Record*, p. 41340; Oct. 1, 1962, 87-2, *Record*, p. 21454; July 20, 1951, 82-1, *Record*, pp. 7859-62; July 17, 1950, 81-2, *Record*, p. 10395; July 27, 1949, 81-1, *Record*, pp. 10262-78; Mar. 24, 1944, 78-2, *Record*, pp. 3037-49; June 9, 1943, 78-1, *Journal*, pp. 280-81, *Record*, pp. 5524-58.

<sup>71</sup> June 6, 1986, 99-2, *Record*, p. 12894.

<sup>72</sup> Aug. 9, 1978, 95-2, *Record*, p. 25087; Aug. 2, 1961, 87-2, *Record*, pp. 14416-25.

<sup>73</sup> Aug. 2, 1961, 87-2, *Record*, pp. 14416-25.

<sup>74</sup> June 5, 1986, 99-2, *Record*, pp. 12703-04; See July 10, 1951, 82-1, *Record*, p. 7861.

<sup>75</sup> Sept. 26, 1980, 96-2, *Record*, pp. 27546-47; June 27, 1980, 96-2, *Record*, pp. 17481-87; July 20, 1979, 96-1, *Record*, pp. 19786-94; June 26, 1979, 96-1, *Record*, pp. 16522-24; Sept. 27, 1978, 95-2, *Record*, pp. 31860-61; Aug. 9, 1978, 95-2, *Record*, p. 25087; Aug. 8, 1978, 95-2, *Record*, pp. 24853-54; July 13, 1977, 95-1, *Record*, pp. 22994-95; Apr. 1, 1977, 95-1, *Record*, p. 10084; Dec. 10, 1975, 94-1, *Record*, pp. 39658-60; June 24, 1976, 94-2, *Record*, pp. 20180-82; June 10, 1974, 93-2, *Record*, pp. 18383-85; May 29, 1973, 93-1, *Record*, pp. 17124-40; Dec. 14, 1970, 91-2, *Record*, p. 41340; Aug. 21, 1967, 90-1, *Record*, pp. 23430-31; July 17, 1950, 81-2, *Record*, p. 10395; Feb. 25 and 26, 1924, 68-1, *Journal*, pp. 169, 172, *Record*, pp. 3094-96, 3152-56; Mar. 1, 1915, 63-3, *Journal*, pp. 163-164, *Record*, pp. 4918-22; June 19, 1914, 63-2, *Record*, pp. 10712, 10717; Oct. 3, 1913, 63-1, *Journal*, p. 205, *Record*, p. 5419; Feb. 28, 1905, 58-3, *Journal*, p. 291, *Record*, pp. 3621-23; Jan. 25, 1889, 50-2, *Record*, p. 1173; June 28, 1888, 50-1, *Record*, p. 5675; May 15, 1888, 50-1, *Journal*, p. 826, *Record*, pp. 4151-59; July 6, 1886, 49-1, *Journal*, p. 1055, *Record*, pp. 6555-57.

<sup>76</sup> Dec. 18, 1969, 91-1, *Record*, p. 39968.

<sup>77</sup> Oct. 16, 1979, 96-1, *Record*, p. 28400; Sept. 27, 1979, 96-1, *Record*, pp. 26461-65; June 27, 1978, 95-2, *Record*, p. 19101; July 29, 1964, 88-2, *Record*, pp. 17404, 17405; Oct. 7, 1966, 89-2, *Record*, pp. 25780-83; Mar. 11, 1932, 72-1, *Journal*, pp. 319, 320, *Record*, pp. 5752-54; June 30, 1949, 81-1, *Record*, p. 8721; Aug. 3, 1954, 83-2, *Record*, pp. 13087-88.

Rule 29 of the recodified Standing Rules of the Senate.<sup>78</sup> On January 11, 1884, rules 27 through 30 affecting the consideration of appropriation bills were consolidated in Rule XVI as the Senate once again recodified its standing rules, effective January 21, 1884.<sup>79</sup>

The relationship between legislation on appropriation bills and germaneness of amendments to such bills evolved toward the end of the nineteenth century and the beginning of the twentieth century. On February 9, 1885, a point of order was made and sustained against a legislative amendment to a legislative provision included by the House in a general appropriations bill, and an appeal was taken from that ruling. Debate on the appeal produced a lengthy discussion about the practice whereby the House of Representatives included legislative provisions in general appropriations bills, and the options of the Senate in response thereto. Those Senators who thought that the Senate should have the right to amend the legislation included by the House urged their colleagues to overturn the ruling of the Chair. However, the Senate voted to sustain the decision of the Chair, (35 yeas, 23 nays) thereby denying itself the right to amend House legislative provisions in general appropriations bills.<sup>80</sup>

On July 6, 1886, a point of order was made against an amendment to a general appropriations bill on the grounds that it constituted legislation, but the Chair declined to sustain the point of order, stating instead that the amendment was in order (under paragraph 1 of rule XVI as it existed then) as being reported by the committee of jurisdiction. A second point of order was made under what was then paragraph 3 of Rule XVI (which prohibited general legislation on an appropriations bill, and stated "nor shall any amendment not germane or relevant to the subject matter contained in the bill be received") and the Chair submitted this question to the Senate. The Senate voted the amendment relevant to the bill, (31 yeas, 9 nays).<sup>81</sup>

On May 15, 1888, a point of order was made against an amendment to a general appropriations bill on the

<sup>78</sup> Jan. 17, 1877, 44-2, *Journal*, p. 121. See also *History of the Committee on Rules and Administration, United States Senate*, 96-1, Sen. Doc. No. 96-27, p. 33.

<sup>79</sup> Jan. 11, 1884, 48-1, *Journal*, pp. 150-51. See also *History of The Committee on Rules and Administration, United States Senate*, 96-1, Sen. Doc. No. 96-27, pp. 45-46.

<sup>80</sup> Feb. 9, 1885, 48-2, *Journal*, p. 256, *Record*, p. 1464.

<sup>81</sup> July 6, 1886, 49-2, *Record*, pp. 6555-57.

grounds that it was legislation, and the Chair submitted to the Senate the question "Is the amendment in order under the third clause of Rule XVI?" During the debate on the point of order, many of the arguments made on February 9, 1885, were made again, as the Senate considered its options in the face of legislation included by the House of Representatives on a general appropriations bill. The Senate voted the amendment in order, (22 yeas, 18 nays) thus endorsing (implicitly) for the first time the right of the Senate to amend House legislative language.<sup>82</sup>

On July 31, 1912, a point of order was made against an amendment to a general appropriations bill which repealed a provision of existing law, and a Senator contended that the amendment was germane to a provision in the House bill. The President *pro tempore* submitted to the Senate the question "Is the amendment in order?" and the Senate voted yes by voice vote.<sup>83</sup>

The practice of permitting legislative amendments to be considered on appropriation bills in the Senate is based on the theory enunciated by Vice President Marshall in 1916, after a point of order was made against an amendment on the ground that it was legislation on an appropriation bill. He stated in response to the point of order, "Notwithstanding the rule of the Senate to the effect that general legislation may not be attached to an appropriation bill, still when the House of Representatives opens the door and proceeds to enter upon a field of general legislation which has to do with a subject of this character, the Chair is going to rule, but of course the Senate can reverse the ruling of the Chair, that the House having opened the door the Senate of the United States can walk through the door and pursue the field." The Vice President thereupon overruled the point of order. An appeal was taken from the ruling of the Chair, and the appeal was tabled (37 yeas, 15 nays).<sup>84</sup> This rationale has been repeated often by Presiding Officers in acknowledging that the Senate has an "inherent right"<sup>85</sup> to amend

<sup>82</sup> May 15, 1888, 50-1, *Journal*, p. 826, *Record*, pp. 4151-59.

<sup>83</sup> July 31, 1912, 62-2, *Record*, p. 9950.

<sup>84</sup> July 15, 1916, 64-1, *Journal*, pp. 501-502, *Record*, pp. 11087-94.

<sup>85</sup> Mar. 6, 1922, 67-2, *Journal*, p. 128, *Record*, pp. 3436-39.

House legislative language included in a general appropriation bill.<sup>86</sup>

There have been variations from the general practice whereby one Senator makes the point of order asserting that an amendment is legislation on an appropriation bill, another Senator raises the defense of germaneness, and the Chair then submits the question to the Senate without debate. Although the Chair usually waits for a Senator to raise the question of germaneness after this point of order has been made, on occasion the Chair has raised the issue itself,<sup>87</sup> and at times the Chair has overruled the point of order finding the amendment germane without submitting the question to the Senate.<sup>88</sup>

On one occasion, the Chair declined to submit the question of germaneness when the issue was raised after a point of order was made against a committee amendment to a general appropriations bill on the grounds that it constituted legislation. The Chair declined to submit the question of germaneness after a lengthy discussion had occurred on the right of the Senate to propose legislative amendments to general appropriations bills when the House had opened the door by including a legislative provision. The Chair stated that the question of relevancy (germaneness) had been raised too late, and submitted the original point of order to the Senate. The Senate then voted that the point of order was not well taken.<sup>89</sup>

On another occasion the Vice President overruled a second point of order that an amendment to a general appropriations bill was legislation on appropriations, on the ground that the Senate had just voted the amendment germane in response to a first point of order that the

<sup>86</sup> Aug. 8, 1978, 95-2, *Record*, pp. 24853-54; May 28, 1945, 79-1, *Record*, pp. 5190-5200; May 29, 1936, 74-2, *Journal*, pp. 332-33, *Record*, pp. 8304-11; Feb. 28, 1929, 70-2, *Journal*, p. 237, *Record*, pp. 4685-86; Mar. 6, 1922, 67-2, *Journal*, p. 128, *Record*, pp. 3436-39; Mar. 7, 1922, 67-2, *Record*, pp. 3494-95.

<sup>87</sup> June 23, 1959, 86-1, *Record*, p. 11558; June 19, 1951, 82-1, *Journal*, p. 341, *Record*, pp. 6724-25; May 28, 1945, 79-1, *Record*, pp. 5190-5200; May 29, 1936, 74-2, *Journal*, pp. 332-33, *Record*, pp. 8304-09; Apr. 4, 1928, 70-1, *Journal*, p. 317, *Record*, p. 5841; Apr. 28, 1924, 68-1, *Record*, pp. 7365-66; July 15, 1916, 64-1, *Journal*, pp. 501-502, *Record*, pp. 11087-94.

<sup>88</sup> June 23, 1959, 86-1, *Record*, p. 11558; June 19, 1951, 82-1, *Journal*, p. 341, *Record*, pp. 6724-25; May 29, 1936, 74-2, *Journal*, pp. 332-33, *Record*, pp. 8304-09; Apr. 28, 1924, 68-1, *Record*, pp. 7365-66; Mar. 6, 1922, 67-2, *Journal*, p. 128, *Record*, pp. 3436-39 and Mar. 7, 1922, 67-2, *Record*, pp. 3494-95; July 28, 1916, 64-1, *Journal*, pp. 533-534, *Record*, pp. 11719, 11738-39; July 18, 1916, 64-1, *Journal*, p. 511, *Record*, pp. 11211-16; June 19, 1914, 63-2, *Record*, pp. 10712, 10717; Oct. 3, 1913, 63-1, *Journal*, pp. 204-05, *Record*, p. 5419; June 17, 1913, 63-1, *Record*, pp. 2045-46; Aug. 2, 1916, 64-1, *Journal*, p. 546, *Record*, pp. 11946-50.

<sup>89</sup> June 9, 1943, 78-1, *Record*, pp. 5542-58.



amendment was legislation. An appeal was taken and the ruling of the Chair was not sustained, whereupon the Chair sustained the second point of order.<sup>90</sup>

On occasion, the defense of germaneness was asserted when the legislative language proffered in defense was either a Senate amendment previously agreed to,<sup>91</sup> or a Senate amendment which the Chair declared germane,<sup>92</sup> or where the language of the House was a limitation on an appropriation and the Senate amendment thereto was an additional limitation and a repeal of existing law.<sup>93</sup> At times the defense was used when there was no House language relating to the subject of the contested amendment.<sup>94</sup>

As a result of the growing practice of asserting germaneness where there was no House legislative language to which the amendment at issue could be germane, the practice whereby the Chair submitted without critical scrutiny all questions of germaneness under the rule was significantly altered. On November 9, 1979, the question of germaneness was raised as a defense to a point of order that an amendment to a general appropriations bill was legislation. However, before the Chair submitted the question to the Senate for a decision, the Majority Leader made a second point of order that there was no House language in the bill to which the question of germaneness could be raised. The Chair sustained that second point of order and an appeal of that decision was tabled, sustaining the ruling of the Chair. Thus a restriction was placed on the right of a Senator to use the defense of germaneness. The Chair then sustained the first point of order that the amendment was legislation on a general appropriations bill,<sup>95</sup> as if no defense of germaneness had been asserted.<sup>96</sup> As a result of this precedent, the Chair now must make the following threshold determination when germaneness is asserted as an affirmative defense against a point of order that an amendment is legislation on an appropriations bill: Is there any House language which is arguable legislative to which the amendment at issue conceivably could be germane?

<sup>90</sup> July 27, 1949, 81-1, *Record*, pp. 10262-78.

<sup>91</sup> June 14, 1912, 62-2, *Journal*, p. 417, *Record*, pp. 8120-22.

<sup>92</sup> May 29, 1936, 74-2, *Journal*, pp. 332-33, *Record*, pp. 8304-11.

<sup>93</sup> July 31, 1912, 62-2, *Record*, p. 9950.

<sup>94</sup> Apr. 1, 1977, 95-1, *Record*, p. 10084; Aug. 8, 1978, 95-2, *Record*, pp. 24853-54.

<sup>95</sup> Nov. 9, 1979, 96-1, *Record*, pp. 31892-94.

<sup>96</sup> *Ibid.*; Aug. 9, 1978, 95-2, *Record*, p. 25087; Aug. 8, 1978, 85-2, *Record*, pp. 24853-54.



Subsequent to the precedent of November 9, 1979, the following precedents occurred where the Chair either implicitly or explicitly made the required threshold determination:

If the House of Representatives opens the door by incorporating legislation in a general appropriations bill, the Senate has an inherent right to amend such proposed legislation, notwithstanding its rules.<sup>97</sup> If a point of order is made against an amendment to an appropriations bill on the grounds that the amendment is legislation in violation of Rule XVI, and the issue of germaneness is raised before the Chair has ruled on the point of order, the Chair is obligated (if there is any House legislative language to which the amendment could be germane) to submit to the Senate without debate the question, "Is the amendment germane?" If the Senate votes in the affirmative holding the amendment germane, the point of order falls.<sup>98</sup> If a point of order is made against an amendment to a general appropriations bill on the grounds that it contains legislation, before the Chair rules any Senator may raise the defense that the amendment is germane to House legislative language, and if there is House legislative language to which the amendment might be considered germane, the Senate must proceed to an immediate vote on that question. If that question is decided in the negative, the amendment falls on the grounds that it is not germane and the original point of order is rendered moot.<sup>99</sup>

In 1984, the Chair ruled that it would not examine the sufficiency of the defense of germaneness when asserted in response to a point of order that an amendment to a continuing resolution proposed legislation.<sup>100</sup> If a point of order is made against an amendment to a continuing resolution (which has incorporated by reference any House measure) on the grounds that it constitutes legislation on an appropriations bill, before the Chair rules on the point of order any Senator may raise the defense that the amendment is germane to House legislative language, and the Chair will submit the question to the Senate for its decision without debate.<sup>101</sup>

<sup>97</sup> Nov. 3, 1981, 97-1, *Record*, p. 26316.

<sup>98</sup> June 5, 1986, 99-2, *Record*, p. 12691; June 5, 1986, 99-2, *Record*, pp. 12703-04; Sept. 26, 1980, 96-2, *Record*, p. 27547; Mar. 11, 1983, 98-1, *Record*, p. 4944.

<sup>99</sup> Dec. 2, 1981, 97-1, *Record*, p. 29355.

<sup>100</sup> Oct. 2, 1984, 98-2, *Record*, pp. 28326-27.

<sup>101</sup> Dec. 10, 1985, 99-1, *Record*, pp. 35459-62, 35478-81, 35489-91.

The Chair does not rule on questions of germaneness of amendments to general appropriations bills and must submit such questions to the Senate, but the Chair does determine if there is any House legislative language in a bill to which an amendment could be germane when such issue is raised. In such case if the Chair determines there is House language to which the amendment could be germane, it submits the question to the Senate. If the Senate votes the amendment non-germane, it falls for that reason.<sup>102</sup>

If the defense of germaneness is raised and the Chair is satisfied that there is House legislative language to which a challenged amendment could be germane, it must submit that question even where germaneness is conceded by the Senator making the point of order.<sup>103</sup>

In response to a point of order made against an amendment to a general appropriations bill on the grounds that the amendment was legislation in violation of Rule XVI, the Chair informed the Senate that there was no House legislative language to which the amendment could be germane (thereby preempting a defense of germaneness) and ruled that the amendment was legislation on an appropriations bill.<sup>104</sup>

The Chair was overturned when it denied the defense of germaneness for an amendment which provided that "None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term," where the House language on which the defense was based read, "All funds collected in fiscal year 1990 in accordance with section 353 of the Public Health Service Act shall be credited to this account, to remain available until expended, for necessary expenses associated with the survey and certification of clinical laboratories." The Senate then voted the amendment germane, and the original point of order fell.<sup>105</sup>

When a point of order is made against an amendment to a general appropriations bill on the ground that the amendment is legislation in violation of Rule XVI and the defense of germaneness is raised in a timely manner, there must be House language, arguably legislative in

<sup>102</sup> June 6, 1986, 99-2, *Record*, p. 12897.

<sup>103</sup> June 5, 1986, 99-2, *Record*, pp. 12703-04.

<sup>104</sup> June 5, 1986, 99-2, *Record*, pp. 12725-27.

<sup>105</sup> Apr. 27, 1990, 101-2, *Record*, pp. S 5171-73, 5183-84.

nature, remaining in the bill to which the amendment could conceivably be germane before the Chair is obligated to submit the question to the Senate for its decision.<sup>106</sup>

Other questions regarding germaneness of amendments to general appropriation bills have been resolved as follows:

The Senate has held amendments in order as being germane to amendments which it previously adopted.<sup>107</sup> Likewise, a substitute amendment for House-approved language, though legislative in nature, is in order if germane.<sup>108</sup>

An amendment to a motion to recommit a general appropriation bill with instructions, upon which the question of germaneness is raised, must also, under Rule XVI, paragraph 4, be submitted to the Senate for decision.<sup>109</sup>

Where a provision of a legislative nature, contained in a general appropriation bill as passed by the House of Representatives through inadvertence was omitted from the engrossed bill sent to the Senate, an amendment restoring such language is not in order, it being in contravention of the rule against general legislation; the Presiding Officer will not go behind the text of the bill as transmitted to the Senate by the House.<sup>110</sup>

It is not necessary in submitting a proposed unanimous consent agreement providing for a limitation of debate on a general appropriation bill to include therein a provision that amendments shall be germane, in view of the fact that the rule itself requires all amendments to general appropriation bills to be germane.<sup>111</sup>

A committee amendment to a general appropriations bill which prohibited smoking on scheduled flights was ruled out of order as containing significant matter not within the jurisdiction of the Appropriations Committee, after the Chair ruled that a proffered germaneness defense was not applicable under Rule XV. The amendment and the point of order were later withdrawn.<sup>112</sup> However,

<sup>106</sup> July 7, 1988, 100-2, *Record*, pp. S 9054-55.

<sup>107</sup> June 14, 1912, 62-2, *Journal*, p. 417, *Record*, pp. 8120-22.

<sup>108</sup> June 18, 1913, 63-1, *Journal*, pp. 96, 97, *Record*, p. 2093; June 17, 1913, 63-1, *Record*, pp. 2045-46; Feb. 13 and 14, 1917, 64-2, *Journal*, pp. 148, 153, *Record*, pp. 3255-59, 3206-10.

<sup>109</sup> Mar. 17, 1932, 72-1, *Journal*, p. 337, *Record*, pp. 6308-11, 6316-22.

<sup>110</sup> May 5, 1908, 60-1, *Journal*, p. 422, *Record*, pp. 5714-15.

<sup>111</sup> June 6, 1952, 82-2, *Record*, p. 6695; July 20, 1951, 82-1, *Record*, p. 8534.

<sup>112</sup> Oct. 28, 1987, 100-1, *Record*, pp. S 15328-29; Oct. 29, 1987, 100-1, *Record*, pp. S 15393-94.

when this issue arose again in the following Congress, the Chair was overturned after it had sustained a point of order under Rule XV against a committee amendment to a general appropriations bill that related to smoking on domestic airline flights.<sup>113</sup>

### **House Language Not Subject to Point of Order:**

*See also* "House Language," pp. 174, 610-611.

A provision in the House-passed text of an appropriation bill is not subject to a point of order in the Senate as being legislation.<sup>114</sup>

### **House Language Open to Germane Amendments:**

*See* "Germaneness," pp. 62-63; "Germaneness of Amendments to General Appropriation Bills," pp. 161-171.

### **House Language—Strike Out:**

A motion to strike out the House text in a general appropriation bill is in order.<sup>115</sup>

### **Incumbents' Names in Appropriation Bills:**

The Senate has established the practice of not inserting the names of incumbents of certain positions in general appropriation bills.<sup>116</sup>

### **Jurisdiction, Committee to Which Referred:**

*See* "Committee on Appropriations, Jurisdiction of," pp. 156-157.

### **Legislation on an Appropriation Bill Out of Order:**

*See* "Legislation on a General Appropriation Bill Not in Order," pp. 197-209.

### **Lie Over for Consideration:**

*See* "Consideration," "Calendar Bills and Resolutions Eligible for Consideration on Motion," pp. 662-663; "Reports Lie Over Two Days Before Consideration," pp. 677-678.

<sup>113</sup> Sept. 14, 1989, 101-1, *Record*, pp. S 11068-69.

<sup>114</sup> Mar. 16, 1926, 69-1, *Record*, p. 5707.

<sup>115</sup> June 2, 1914, 63-2, *Record*, p. 9648.

<sup>116</sup> Feb. 11, 1921, 66-3, *Record*, p. 2963.

### Points of Order:

*See also* "Consideration of Appropriation Bills," pp. 157-158; "Application of Rule XVI," p. 153.

### Amendments, Points of Order Against:

*See also* "When in Order and When Not in Order," pp. 993-995.

A point of order may be made against an amendment on the ground that it constitutes legislation on a general appropriation bill, at any time or at any stage during its consideration,<sup>117</sup> even after it has been debated on its merits.<sup>118</sup>

If such a point of order is sustained it eliminates the amendment but does not affect the status of the bill itself.<sup>119</sup>

The adoption of a unanimous consent agreement providing for a vote on a bill and amendments does not prevent a point of order being made against an amendment as violative of Rule XVI.<sup>120</sup>

If the Senate, by unanimous consent, agrees to the committee amendments to a general appropriation bill en bloc, with the reservation that any Senator may propose amendments thereto without a reconsideration, a point of order may be made against any committee amendment so agreed to.<sup>121</sup>

Under an agreement to adopt all committee amendments en bloc and that the bill as amended be treated as original text for the purpose of further amendments without waiving any points of order, if a point of order is made against a committee amendment as not being in order—as a contingency, or as proposing legislation to an appropriation bill—the chairman (even if it is conceded that the language is subject to a point of order) would have a right to modify the amendment on behalf of the committee to bring it within the requirements of Rule XVI, before the Chair rules on the point of order.<sup>122</sup>

<sup>117</sup> Feb. 25, 1885, 48-2, *Record*, p. 2138; Feb. 26, 1891, 51-2, *Record*, p. 3336; June 2, 1914, 63-2, *Record*, p. 9649.

<sup>118</sup> Feb. 24, 1914, 63-2, *Record*, pp. 3833-36.

<sup>119</sup> Sept. 23, 1961, 87-1, *Record*, p. 21013.

<sup>120</sup> Feb. 26, 1909, 60-2, *Journal*, p. 230, *Record*, pp. 3250-52.

<sup>121</sup> June 28 and 30, 1952, 82-2, *Record*, p. 8583; see June 19, 1951, 82-1, *Record*, pp. 6722-23.

<sup>122</sup> Aug. 7, 1963, 88-1, *Record*, p. 14491.

**Amendments Stricken Out or Eliminated if Sustained:**

If a point of order is made against a section of a committee amendment as containing legislative provisions, and it is sustained, the entire section is eliminated.<sup>123</sup>

In 1938, the Chair ruled that where a point of order was made against a legislative amendment to a general appropriation bill, and not against the bill itself, the bill would not be thereby recommitted to the Committee on Appropriations, under the rule, if the point of order were sustained.<sup>124</sup>

**Bill Recommitted if Point of Order Sustained That Committee Reported With Legislation:**

If a point of order is sustained against a general appropriation bill because an amendment thereto, reported by the committee, constituted new or general legislation, the bill, under the rule, will be recommitted to the Committee on Appropriations.<sup>125</sup>

A point of order against a committee amendment as proposing legislation to a bill does not make the bill subject to recommittal;<sup>126</sup> in such a case only the amendment would fall.

A point of order against an amendment proposing legislation to a general appropriation bill, if sustained, does not recommit the bill under Rule XVI, paragraph 2, as it is not a point of order against the bill itself, as provided by the rule.<sup>127</sup>

If a general appropriations bill embodies legislation and a point of order has been made against the bill as embodying legislation, if the manager of the bill is authorized by the committee, he may withdraw the amendment before the Chair rules on the point of order.

After such an amendment has been so withdrawn, a Senator on his own may offer that amendment to the bill which removes the possibility of a point of order against

<sup>123</sup> Aug. 26, 1949, 81-1, *Record*, pp. 12319-20.

<sup>124</sup> May 3, 1938, 75-3, *Journal*, p. 347, *Record*, pp. 6145, 6157.

<sup>125</sup> July 22, 1968, 90-2, *Record*, pp. 22576-79; Feb. 20 and 21, 1924, 68-1, *Journal*, p. 162, *Record*, pp. 2831-40, 2869-79; July 25, 1949, 81-1, *Record*, pp. 10078-80; July 25, 1949, 81-1, *Record*, pp. 10084-85; July 27, 1949, 81-1, *Record*, pp. 10279-80; see also Feb. 6, 1940, 76-3, *Record*, p. 1047; Sept. 23, 1961, 87-1, *Record*, p. 21013; Oct. 15, 1979, 96-1, *Record*, pp. 28285-95.

<sup>126</sup> July 25, 1949, 81-1, *Record*, pp. 10078-80, 10084-85; July 29, 1949, 81-1, *Record*, pp. 10408-09; see also Feb. 6, 1940, 76-3, *Record*, p. 1047.

<sup>127</sup> May 3, 1938, 75-3, *Record*, pp. 6145, 6157; July 25, 1949, 81-1, *Record*, pp. 10078-80, 10084-85; July 29, 1949, 81-1, *Record*, pp. 10408-09; see also Feb. 6, 1940, 76-3, *Record*, p. 1047; Sept. 23, 1961, 87-1, *Record*, p. 21013.



the bill but the amendment itself would then be subject to a point of order and if a point of order is raised against the amendment, the question of germaneness may be raised and if approved by the Senate the point of order falls.<sup>128</sup>

#### **Comes Too Late or Will Not Lie Against:**

A point of order comes too late against an amendment to a general appropriation bill after it has been agreed to by the Senate,<sup>129</sup> or during a yeas and nays vote thereon.<sup>130</sup>

An amendment to a committee amendment increasing the limit of cost of all hospitals having been agreed to, a point of order against the amendment as amended, as being general legislation, was held to have been raised too late;<sup>131</sup> it was also held on one occasion that after the yeas and nays had been ordered upon a committee amendment and an amendment proposed thereto had been rejected, it was too late to raise a question of order.<sup>132</sup>

An amendment of the House to a Senate amendment to a general appropriation bill is not subject to a point of order.<sup>133</sup>

An amendment to a general appropriation bill may be withdrawn by the mover after a point of order is made against it, if done prior to a ruling by the Chair thereon.<sup>134</sup>

#### **House Language—Germaneness to:**

*See also* "Germaneness of Amendments to General Appropriation Bills," pp. 161-171.

A point of order will not lie against House language contained in a general appropriation bill.<sup>135</sup> A motion to strike out the language would be in order.<sup>136</sup>

#### **Private Appropriation Bills:**

*See* "Private Claims Not in Order," pp. 211-212; *also* "Private Claims," pp. 187-188; "Private Bills," pp. 1033-1034.

<sup>128</sup> Oct. 15, 1979, 96-1, *Record*, pp. 28285-95.

<sup>129</sup> Mar. 24, 1904, 58-2, *Record*, pp. 3621-22.

<sup>130</sup> May 20, 1896, 54-1, *Record*, p. 5456.

<sup>131</sup> July 19, 1890, 51-1, *Record*, pp. 7470, 7475.

<sup>132</sup> Jan. 31, 1887, 49-2, *Record*, p. 1197.

<sup>133</sup> *See* Aug. 15, 1949, 81-1, *Record*, pp. 11448-49.

<sup>134</sup> June 19, 1951, 82-1, *Record*, p. 6738.

<sup>135</sup> *See* June 3, 1952, 82-2, *Record*, p. 6449; Oct. 31, 1977, 95-1, *Record*, pp. 36088-89; Sept. 25, 1980, 96-2, *Record*, p. 27198.

<sup>136</sup> *Ibid.*



### Reappropriations—Out of Order:

“On a point of order made by any Senator, no general appropriation bill or amendment thereto shall be received or considered if it contains a provision reappropriating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.”<sup>137</sup>

### Recommit:

See also “Bill Recommitted if Sustained . . .,” pp. 173-174; “Recommit,” pp. 1106-1123.

To recommit with instructions providing that future amendments from the floor to a general appropriation bill increasing the total above a certain amount should be subject to a point of order, would in effect be a change of Senate rules without the customary procedure, and therefore would be subject to a point of order.<sup>138</sup>

Where a general appropriation bill, which proposed appropriations for four departments, was recommitted to the Committee on Appropriations with instructions to make a 10-percent reduction in the aggregate of the appropriations contained therein, it was held that the committee was not required to make a 10-percent reduction in the appropriation for each department, but that the reduction should be in the aggregate amount.<sup>139</sup>

A unanimous consent agreement dispensing with the formal reading of a general appropriation bill and giving priority of consideration to committee amendments does not preclude a motion to recommit with instructions.<sup>140</sup>

An amendment to a motion to recommit a general appropriation bill with instructions, upon which the question of germaneness is raised, must, under Rule XVI, paragraph 4, be submitted to the Senate for decision.<sup>141</sup>

<sup>137</sup> Rule XVI, paragraph 8.

<sup>138</sup> Mar. 22, 1932, 72-1, *Journal*, p. 345.

<sup>139</sup> See Mar. 22, 1932, 72-1, *Record*, p. 6648.

<sup>140</sup> Mar. 21, 1932, 72-1, *Journal*, p. 343, *Record*, p. 6563.

<sup>141</sup> Mar. 17, 1932, 72-1, *Journal*, pp. 337-338.

**Reference of:**

*See* "Committee on Appropriations, Jurisdiction of," pp. 156-157; "References to Committees," pp. 1150-1169; "Standing and Special Committees and Their Jurisdictions," pp. 413-428.

**Reports, Filed During Recess or Adjournment:**

*See* "Recess, Reports Filed During," p. 1193.

**Reports Lie Over Two Calendar Days:**

*See* "Consideration," "Calendar Bills and Resolutions Eligible for Consideration on Motion," pp. 662-663; "Reports Lie Over Two Days Before Consideration," pp. 677-678.

**Reported Bill With Legislation:**

Under Rule XVI, general appropriation bills reported to the Senate may not contain amendments proposing new or general legislation, and if a point of order is made against the bill on that ground and sustained, the bill will be recommitted to the Committee on Appropriations.<sup>142</sup>

**Rescission of Budget Authority:**

An amendment proposing a rescission of budget authority offered by an individual Senator is subject to a point of order as legislation on an appropriations bill,<sup>143</sup> but such an amendment may be reported by the Appropriations Committee and not be subject to the same point of order.<sup>144</sup>

**Sense of Senate Language:**

*See also* "Matters Held Not to be General Legislation," pp. 184-185.

A sense of the Senate resolution in the form of an amendment to a general appropriations bill is not subject to a point of order that it constitutes legislation, since such "sense of the Senate" language is not binding.<sup>145</sup>

<sup>142</sup> July 22, 1968, 90-2, *Record*, pp. 22576-79.

<sup>143</sup> *See* Dec. 4, 1985, 99-1, *Record*, p. 34119.

<sup>144</sup> June 26, 1976, 94-2, *Record*, pp. 20815, 20824-25.

<sup>145</sup> Dec. 15, 1980, 96-2, *Record* p. 34273.

**Special Appropriation Bill, Definition:**

See "Definition of Special Appropriation Bills," p. 160.

**Suspend Rules:**

See also "Suspension of Rules," pp. 177, 1266-1272; "Procedure on Suspension To Add Legislation to Appropriations," pp. 1270-1271.

Usually the rules of the Senate are suspended only for the purpose of adding legislation to general appropriation bills, and in accordance with Rule V, a Senator may at any time give notice in writing of his intention to move to suspend any provision of Rule XVI for the purpose of subsequently proposing to a general appropriation bill under consideration an amendment which otherwise would be subject to a point of order.

**Suspension of Rules:**

If an amendment is ruled out of order as being legislation on an appropriation bill, and if a Senator has filed a notice to suspend the rules to offer such an amendment, he may call up his motion to suspend pursuant to the notice, which motion requires a two-thirds vote to adopt.<sup>146</sup>

After rules are suspended to offer a legislative amendment to a general appropriation bill, any amendment to that amendment must be germane. For details see "Appropriation Bills, Amendments to, Suspension of the Rules For," pp. 1266-1268.

**Vote by Committee:**

Rule XXVI, paragraph 7(a) establishes certain voting procedures to be followed by all standing committees including the Committee on Appropriations:

7. (a) (1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

<sup>146</sup> See "Suspension of Rules," pp. 1266-1272.

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Action by any committee in reporting any measure or matter in accordance with the requirements of this subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.

### **Withdrawal of Amendments to General Appropriation Bills:**

See "Withdrawal of Amendments," pp. 119-123.

### **Amendments to General Appropriation Bills— When in Order**

#### **Authorization by Law or Treaty:**

See also "Legislation to a General Appropriation Bill Not in Order," pp. 197-209; "Not Authorized by Law," p. 210.

An amendment to make an appropriation to carry out an existing law is in order,<sup>147</sup> as well as to carry out provisions or stipulations of treaties,<sup>148</sup> or pursuant to provisions of the Charter of the Louisiana Purchase Exposition Company for the exposition at the city of St. Louis in which the Government was participating by law.<sup>149</sup>

<sup>147</sup> Feb. 13, 1933, 72-2, *Journal*, p. 200, *Record*, p. 3959; Mar. 6, 1935, 74-1, *Journal*, p. 169, *Record*, pp. 3027-29; June 26, 1930, 71-2, *Journal*, p. 508, *Record*, p. 11808; June 26, 1930, 71-2, *Journal*, p. 509, *Record*, p. 11811; Mar. 25, 1930, 71-2, *Journal*, p. 239, *Record*, p. 6079; Jan. 20, 1923, 67-4, *Journal*, p. 101, *Record*, pp. 2064-69; July 8, 1914, 63-2, *Record*, p. 11789-92; June 18, 1914, 63-2, *Record*, pp. 10671-73; May 31, 1900, 56-1, *Record*, p. 6279; Apr. 27, 1896, 54-1, *Record*, p. 4460; Feb. 17, 1893, 52-2, *Record*, p. 1724; see also Feb. 6, 1940, 76-3, *Journal*, p. 104, *Record*, pp. 1046-47.

<sup>148</sup> Mar. 22, 1904, 58-2, *Record*, p. 3502; Feb. 27, 1929, 70-2, *Journal*, p. 235, *Record*, p. 4562; Dec. 13, 1927, 70-1, *Journal*, p. 61, *Record*, p. 547; June 18, 1913, 63-1, *Record*, p. 2096.

<sup>149</sup> Feb. 3, 1904, 58-2, *Journal*, p. 144, *Record*, pp. 1553-69.

For example, the following were held to be in order as carrying out provisions for existing law: An amendment offered in 1933 to the Independent Offices Appropriation Bill, making an appropriation for the enforcement of the so-called Black-Bass law;<sup>150</sup> an amendment increasing an appropriation for developing and procuring certain aids and appliances in carrying out a section of the National Defense Act.<sup>151</sup>

An amendment to increase the amount of an appropriation to carry out an existing law would be in order where no specific amount is authorized,<sup>152</sup> or if it were within the amount authorized to carry out the purpose of the law.<sup>153</sup>

#### **Authorization—Interpretation of Law Decided by Senate:**

If a point of order is made that appropriations for a certain purpose are not authorized in the language of a specific law cited, that would involve an interpretation of the law and the Chair has no right to interpret the law; in this case, the Chair would submit the question to the Senate for a decision,<sup>154</sup> under Rule XX.

#### **Budget Estimates Pursuant to Law:**

*See also* pp. 195–196 for sections on not estimated for.

An amendment to make an appropriation is in order, if it is authorized by law or submitted pursuant to a budget estimate (or previous to General Accounting Act by the head of a department), to carry out the provisions of an existing law, and it does not have to be printed and referred to the Committee on Appropriations 1 day before its presentation.<sup>155</sup> Likewise, an amendment making an increase or adding a new item of appropriation for a particular purpose is in order if it is within the limit estimat-

<sup>150</sup> May 31, 1933, 73-1, *Journal*, p. 215, *Record*, p. 4646.

<sup>151</sup> Mar. 6, 1935, 74-1, *Journal*, p. 169, *Record*, pp. 3027-29.

<sup>152</sup> Mar. 6, 1935, 74-1, *Journal*, p. 169, *Record*, pp. 3028-30.

<sup>153</sup> Mar. 18, 1926, 69-1, *Journal*, p. 241, *Record*, p. 5846; Feb. 25, 1938, 75-3, *Journal*, p. 185, *Record*, p. 2437.

<sup>154</sup> Nov. 23, 1971, 92-1, *Record*, pp. 42879-91.

<sup>155</sup> May 29, 1900, 56-1, *Journal*, pp. 407-408, *Record*, pp. 6202-07; Dec. 13, 1927, 70-1, *Record*, p. 556; June 28, 1919, 66-1, *Record*, pp. 2008-10; June 13, 1912, 62-2, *Record*, pp. 8055-56; Feb. 21, 1901, 56-2, *Journal*, p. 197, *Record*, pp. 2734-44; Feb. 20 and 21, 1901, 56-2, *Journal*, pp. 193, 197; Jan. 28, 1899, 55-3, *Record*, p. 1210; Feb. 26, 1891, 51-2, *Record*, p. 3321; Mar. 3, 1885, 48-2, *Record*, p. 2452; Mar. 2, 1885, 48-2, *Record*, p. 2372; July 2, 1884, 48-1, *Record*, p. 5912; May 9, 1884, 48-1, *Record*, p. 4017.

ed for as carrying the provisions of an existing law,<sup>156</sup> or reported in lieu of an estimate duly submitted and as carrying out existing law.<sup>157</sup> For example: A committee amendment increasing the salary for a fiscal year only, of the civilian commissioners of the District of Columbia, proposed to the District of Columbia appropriation bill for 1913, was held not to be general legislation changing the existing law fixing such salaries, but in order as having been estimated for by the head of a department according to law;<sup>158</sup> or, an amendment increasing to \$200,000 an item of appropriation of \$100,000 reported by the Committee on Appropriations for continuing work on a public building at Detroit, Mich., was held in order as being within the limit of the amount authorized to be appropriated for that purpose by an existing law, and as being recommended by the head of a department.<sup>159</sup>

Under Rule XVI, an amendment from the floor proposing the appropriation of funds in excess of a specified authorization, even though there is a budget estimate for that amount, particularly when the budget acknowledges the need for additional legislative authorization in the amount to equal the sum of the budget estimate, but not pursuant to law, is not in order as voted by the Senate sustaining the Chair on an appeal by a vote of 51 to 38. In this instance the Chair stated:

The point of order is well taken and that the amendment is out of order.

Under the rule, the estimate is in excess of the amount authorized by law, the amount authorized by law being \$3.4 million.

The Chair feels that the language cited by the Senator from Michigan as the exception in Rule XVI "or proposed in pursuance of an estimate submitted in accordance with law," would be language that would come into play if the authorization was, perhaps, for the Department of Defense in giving it duties and saying it should have those funds as shall be necessary and required to carry out its duties. In that instance, estimates would be submitted in accordance with law. But in the act in force here, we have a specific appropriation with specific language. The authorization was for \$3.4 million. That is further referred to, as stated by the Senator from West Virginia, in

<sup>156</sup> Mar. 2, 1885, 48-2, *Record*, p. 2372; June 13, 1912, 62-3, *Record*, pp. 8055-56; Feb. 25 and 26, 1924, 68-1, *Journal*, pp. 169, 172, *Record*, pp. 3094-96, 3152-56; May 29, 1900, 56-1, *Journal*, pp. 407-408, *Record*, pp. 6202-07; Feb. 27, 1891, 51-2, *Record*, p. 3423; Feb. 26, 1891, 51-2, *Record*, p. 3321; July 19, 1890, 51-1, *Record*, pp. 7470, 7475; July 3, 1886, 49-1, *Record*, p. 6501; Mar. 3, 1885, 48-2, *Record*, p. 2452; May 9, 1884, 48-1, *Record*, p. 4017; see Aug. 24, 1970, 91-2, *Record*, p. 29887; June 25, 1970, 91-2, *Record*, p. 21476.

<sup>157</sup> Feb. 28, 1897, 54-2, *Record*, pp. 2496, 2512.

<sup>158</sup> Mar. 19, 1912, 62-2, *Journal*, p. 218, *Record*, pp. 3600-03.

<sup>159</sup> Mar. 2, 1885, 48-2, *Record*, p. 2334.

the budget estimate itself, when it says, "Additional authorizing appropriations will be proposed in the amount of \$400,000." That is the language before the Congress, and there would be no need for the additional authorizing legislation at all if the amendment would be in order.

For that reason the Chair would have to rule that the amendment is out of order.<sup>160</sup>

### **Change of Language Only:**

A substitute amendment for a provision of the House text creating a commission to investigate the feasibility of procuring impounded waters of the Yakima River for the Yakima Indian Reservation, proposed to the Indian appropriation bill for 1914, was held to be merely a change of language, and therefore was in order under the rule.<sup>161</sup>

### **Conference, Amendment in, May Be Offered to a Pending Bill:**

See "Conference, Amendments in, May Be Offered to a Pending Bill," p. 51.

### **Estimated for and Carry Out Provision of Bill Passed That Session:**

See also "New Item of Appropriation, Not Estimated for, Not Reported by Committee Nor Passed by Senate That Session," p. 210.

An amendment making funds available for enforcement of a child-labor tax provision in a revenue bill, proposed to a general appropriation bill, was held in order by the Senate as having been estimated for and designed to carry out the provisions of an act passed by the Senate at that session.<sup>162</sup>

### **Estimated for and Reported by Committee:**

See also pp. 194-210.

An amendment making an increase in an appropriation or adding a new item of appropriation for a particular purpose is in order if it has been reported from a standing committee of the Senate or estimated for by the

<sup>160</sup> July 19, 1971, 92-1, *Record*, pp. 25913, 25919-20.

<sup>161</sup> June 18, 1913, 63-1, *Journal*, pp. 96-97, *Record*, p. 2093.

<sup>162</sup> Feb. 20, 1919, 65-3, *Record*, pp. 3849-51.



Bureau of the Budget pursuant to law (or head of a department prior to the General Accounting Act of 1922).<sup>163</sup>

### General Legislation:

See "Legislation on a General Appropriation Bill Not in Order," pp. 197-209.

### Germane:

See "Germaneness of Amendments to General Appropriation Bills," pp. 161-171; "Not Germane," p. 211.

### Increase an Item:

An amendment proposing to increase an item which is in accordance with law<sup>164</sup> or which is within the budget estimate<sup>165</sup> made pursuant to law to general appropriation bills is in order.

An amendment increasing an appropriation in a committee amendment, legislative in character, in 1962, was held to be in order.<sup>166</sup>

### Judgments:

Under the law, judgments against the United States have to be certified to the Congress before an appropriation can be made for their payment.<sup>167</sup>

### Limitation and Not Legislation:

An amendment providing for a limitation or restriction, on the spending or use of an appropriation and not substantive or new legislation, will be in order,<sup>168</sup> and a

<sup>163</sup> July 6, 1886, 49-1, *Journal*, p. 1055, *Record*, pp. 6555-57; Feb. 21, 1893, 62-2, *Record*, p. 1917; Mar. 20, 1926, 69-1, *Journal*, p. 246, *Record*, p. 5973; Feb. 17, 1913, 62-3, *Record*, p. 3244; July 22, 1912, 62-2, *Record*, pp. 9401-02; July 5, 1912, 62-2, *Record*, pp. 8641-42; Feb. 15, 1905, 58-3, *Record*, p. 2606; May 31, 1900, 56-1, *Record*, p. 6278; Feb. 28, 1897, 54-2, *Record*, pp. 2496, 2512; Feb. 21, 1893, 62-2, *Record*, p. 1917.

<sup>164</sup> Feb. 26, 1938, 75-3, *Journal*, p. 185, *Record*, p. 2437.

<sup>165</sup> Feb. 25, 1938, 75-3, *Journal*, p. 185, *Record*, p. 2435.

<sup>166</sup> June 12, 1962, 87-2, *Record*, p. 10250.

<sup>167</sup> June 20, 1935, 74-1, *Record*, p. 9811.

<sup>168</sup> June 22, 1970, 91-2, *Record*, pp. 20813-15; Apr. 21, 1952, 82-2; *Record*, pp. 4160-62; Aug. 4, 1950, 81-2, *Record*, pp. 11806-10; June 14, 1954, 83-2, *Record*, pp. 8149, 8151; July 31, 1950, 81-2, *Record*, p. 11351; May 11, 1949, 81-1, *Record*, pp. 6027, 6037-38; July 24, 1947, 80-1, *Record*, p. 9948; Feb. 15, 1940, 76-3, *Record*, p. 1491; Mar. 22, 1937, 75-1, *Journal*, p. 172; Feb. 4, 1933, 72-2, *Journal*, p. 164, *Record*, p. 3378; Feb. 1 and 2, 1933, 72-2, *Journal*, pp. 152, 154, *Record*, pp. 3087-89, 3144, 3152; Mar. 14, 1932, 72-1, *Journal*, p. 328, *Record*, p. 5988; Jan. 27, 1931, 71-3, *Journal*, p. 133, *Record*, p. 3298; June 20, 1930, 71-2, *Record*, p. 11357; Mar. 12, 1930, 71-2, *Journal*, p. 197, *Record*, pp. 5048, 5051;

point of order that it is legislation on a general appropriations bill will not be sustained.<sup>169</sup>

An amendment that limits the use of funds contained in an appropriations act notwithstanding any other provisions of law, is in order as a limitation on an appropriations bill, so long as it does not limit funds in another act.<sup>170</sup>

The Chair has declined to sustain a point of order against an amendment to a supplemental appropriations bill which prohibited an agency of the government from using any of the funds provided in that bill for the purpose of processing, promulgating or implementing a specific final rule.<sup>171</sup>

An amendment limiting appropriations in a general appropriation bill to a specified amount is not general legislation;<sup>172</sup> nor is an amendment prohibiting availability of funds to a country that does not guarantee religious freedom;<sup>173</sup> and therefore they would be in order. While legislation is not in order, a limitation is in order which might have the effect of prohibiting the operation of existing law.<sup>174</sup>

An amendment prohibiting the use of funds for compulsory military training in land-grant colleges was held to be a limitation and in order;<sup>175</sup> the same was true in the case of an amendment prohibiting the use of an appropriation in a bill for the expenses of sending naval missions or instructors to foreign countries;<sup>176</sup> as well as one prohibiting the use of funds for payment of certain subsidies.<sup>177</sup>

Feb. 23, 1929, 70-2, *Journal*, p. 202, *Record*, p. 4114; Dec. 13, 1928, 70-2, *Journal*, p. 35, *Record*, p. 514; Feb. 1, 1928, 70-1, *Journal*, p. 145, *Record*, p. 2318; Feb. 15, 1926, 69-1, *Journal*, p. 160, *Record*, pp. 3988, 3990; May 17, 1924, 68-1, *Journal*, p. 360, *Record*, pp. 8784-85; Mar. 1, 1923, 67-4, *Journal*, p. 216, *Record*, p. 4999; June 19, 1922, 67-2, *Record*, p. 8940; Mar. 7, 1922, 67-2, *Journal*, p. 131, *Record*, p. 3487; Feb. 14, 1921, 66-3, *Record*, pp. 3126-29; July 19, 1916, 64-1, *Record*, pp. 11313-14; Feb. 26, 1915, 63-3, *Record*, p. 4710; June 23, 1914, 63-2, *Record*, pp. 10936-45; Feb. 28, 1914, 63-2, *Record*, pp. 4081-91; Feb. 26, 1913, 62-3, *Record*, pp. 4010-12; Feb. 14, 1913, 62-3, *Journal*, p. 176, *Record*, pp. 3142-43; May 12, 1908, 60-1, *Record*, pp. 6129-31; May 31, 1900, 56-1, *Record*, p. 6288; July 24, 1886, 49-1, *Record*, p. 7457.

<sup>169</sup> June 22, 1970, 91-2, *Record*, pp. 20813-15; July 24, 1947, 80-1, *Record*, p. 9948; June 13, 1951, 82-1, *Record*, pp. 6491, 6496-97; Aug. 2, 1949, 81-1, *Record*, p. 10565; Mar. 1, 1946, 79-2, *Record*, pp. 1799-1800; July 15, 1942, 77-2, *Record*, pp. 6173-74; see Apr. 6, 1942, 77-2, *Record*, p. 3355.

<sup>170</sup> May 25, 1982, 97-2, *Record*, p. 11643.

<sup>171</sup> June 6, 1986, 99-2, *Record*, p. 12884.

<sup>172</sup> See July 22, 1953, 83-1, *Record*, p. 9559.

<sup>173</sup> See July 22, 1953, 83-1, *Record*, p. 9563.

<sup>174</sup> June 25, 1970, 91-2, *Record*, p. 21476.

<sup>175</sup> Mar. 7, 1935, 74-1, *Journal*, p. 172, *Record*, pp. 3109-11.

<sup>176</sup> May 23, 1935, 74-1, *Journal*, p. 380, *Record*, p. 8085.

<sup>177</sup> June 27, 1961, 87-1, *Record*, p. 11427-28.

An amendment prohibiting the use of money to pay the expenses or compensation of persons attending ceremonies in connection with the progress or dedication of buildings or other public works constructed from Federal funds was held to be a limitation and not legislation.<sup>178</sup>

A limitation on the use of funds in a general appropriation bill is effective only for the year for which the appropriations are made.<sup>179</sup>

An amendment providing that a part of an appropriation should be earmarked for a particular purpose, which would be a division of the total sum proposed to be appropriated, would be in order, as not being an increase of the appropriation involved.<sup>180</sup>

### Matters Held Not To Be General Legislation:

*See also* "Legislation to a General Appropriation Bill Not in Order," pp. 197-209; *See* "Sense of Senate," p. 176; "Limitation and Not Legislation," pp. 182-184.

"On a point of order made by any Senator, no amendment offered by any other Senator which proposes general legislation shall be received to any general appropriation bill,"<sup>181</sup> but the Chair has ruled numerous amendments in order, against which points of order had been raised as being general legislation on a general appropriation bill,<sup>182</sup> including decisions that the amendments

<sup>178</sup> June 28, 1937, 75-1, *Journal*, p. 379, *Record*, pp. 6407-08.

<sup>179</sup> *See* July 13, 1945, 79-1, *Record*, pp. 7511-12.

<sup>180</sup> May 7, 1913, 63-1, *Journal*, pp. 54-55, *Record*, p. 1295.

<sup>181</sup> Rule XVI, clause 4.

<sup>182</sup> Feb. 21, 1889, 50-2, *Record*, p. 2161; Apr. 30, 1886, 49-1, *Journal*, p. 663, *Record*, p. 4020; June 15, 1934, 73-2, *Journal*, p. 578, *Record*, pp. 11644-45; Feb. 14, 1931, 71-3, *Journal*, p. 210, *Record*, p. 4929; Feb. 21, 1929, 70-2, *Journal*, p. 194, *Record*, p. 3938; Dec. 13, 1927, 70-1, *Journal*, p. 62, *Record*, p. 554; Dec. 13, 1927, 70-1, *Journal*, p. 61, *Record*, p. 547; Mar. 20, 1926, 69-1, *Journal*, p. 246, *Record*, p. 5973; Jan. 13, 1925, 68-2, *Journal*, p. 83, *Record*, p. 1749; Mar. 1, 1923, 67-4, *Record*, p. 4995; Jan. 23, 1923, 67-4, *Journal*, p. 108, *Record*, pp. 2235-36; Dec. 12, 1922, 67-4, *Journal*, p. 42, *Record*, pp. 332-336; Apr. 19, 1922, 67-2, *Journal*, p. 192, *Record*, pp. 5714-16; Mar. 20, 1922, 67-2, *Journal*, p. 150, *Record*, p. 4141; May 12, 1921, 67-1, *Journal*, p. 91, *Record*, p. 1360; Mar. 27, 1920, 66-2, *Journal*, p. 192, *Record*, p. 4918; Jan. 31, 1919, 65-3, *Record*, pp. 2429-33; May 15, 1918, 65-2, *Journal*, p. 210, *Record*, pp. 6532-34; Feb. 13 and 14, 1917, 64-2, *Journal*, pp. 148, 153, *Record*, pp. 3206-10, 3255-59; Feb. 25, 1915, 63-3, *Journal*, p. 148, *Record*, pp. 4568-69; Feb. 24, 1915, 63-3, *Journal*, p. 137, *Record*, pp. 4511-13; July 18, 1914, 63-2, *Record*, pp. 12325-26; June 16 and 17, 1914, 63-2, *Record*, pp. 10537, 10587; June 2, 1914, 63-2, *Record*, pp. 9643-47; June 2, 1914, 63-2, *Record*, pp. 9634-35; May 2, 1914, 63-2, *Record*, pp. 7607-08; Feb. 14, 1913, 62-3, *Journal*, p. 176, *Record*, p. 3140; Mar. 3, 1911, 61-3, *Record*, pp. 4104, 4092-94; Mar. 1, 1905, 58-3, *Record*, p. 3737; Feb. 28, 1905, 58-3, *Journal*, p. 291, *Record*, pp. 3621-23; Mar. 1, 1901, 56-2, *Journal*, p. 250, *Record*, pp. 3290-94; Feb. 20, 1901, 56-2, *Journal*, p. 193, *Record*, pp. 2685-94; Apr. 19, 1897, 55-1, *Record*, p. 755; Feb. 25, 1897, 54-2, *Record*, p. 2245; May 20, 1896, 54-1, *Record*, p. 5449; Apr. 8, 1896, 54-1, *Record*, p. 3715; Feb. 28, 1895, 53-3, *Record*, pp. 2930, 2882; Feb. 27, 1895, 53-3, *Record*, p. 2844; Feb. 2, 1893, 52-2, *Record*, p. 1098.

were a construction of legislation already enacted,<sup>183</sup> a direction as to the manner of the expenditure of an appropriation,<sup>184</sup> or not legislation but merely an expression of "pious hope" of intent.<sup>185</sup>

An amendment proposed by the Committee on Appropriations which defines a new item of appropriation is not subject to a point of order as constituting legislation on an appropriations bill.<sup>186</sup>

An amendment which limits the effect of any provision in a general appropriations bill is in order, and may limit the extent to which provisions of another measure are incorporated by reference in that instant bill.<sup>187</sup>

Language expressing the sense of the Congress<sup>188</sup> or an amendment stating a declaration of policy, offered to a general appropriation bill, is not a matter of legislation and is not subject to a point of order; these impose no legislative duties nor embody affirmative legislation.<sup>189</sup>

The Senate also, when the question was submitted to it for decision, has voted in order, some on appeals, various amendments against which points of order were raised as being general legislation to a general appropriation bill,<sup>190</sup> or as not authorized by law and not in order under the rule.<sup>191</sup>

<sup>183</sup> Feb. 14, 1905, 58-3, *Record*, pp. 2513-21.

<sup>184</sup> May 11, 1908, 60-1, *Record*, pp. 6083-86.

<sup>185</sup> Mar. 5, 1947, 80-1, *Record*, pp. 1684-85.

<sup>186</sup> May 25, 1982, 97-2, *Record*, p. 11640.

<sup>187</sup> Sept. 27, 1984, 98-2, *Record*, pp. 27458-59.

<sup>188</sup> Sept. 12, 1959, 86-1, *Record*, p. 19341; Nov. 4, 1969, 91-1, *Record*, p. 32866.

<sup>189</sup> See Aug. 14, 1958, 85-2, *Record*, p. 17613.

<sup>190</sup> Feb. 25, 1909, 60-2, *Journal*, p. 221, *Record*, pp. 3075-78; May 12, 1908, 60-1, *Record*, pp. 6129-31; June 8, 1921, 67-1, *Journal*, p. 133, *Record*, pp. 2232-37; Apr. 17 and 26, 1920, 66-2, *Journal*, pp. 225, 235, *Record*, pp. 5784, 6133-34; Mar. 27, 1920, 66-2, *Journal*, p. 192, *Record*, p. 4918; Feb. 7, 1919, 65-3, *Journal*, pp. 119-120, *Record*, pp. 2893-95; Feb. 13 and 14, 1917, 64-2, *Journal*, pp. 148, 153, *Record*, pp. 3206-10, 3215-59; Jan. 16 and 17, 1917, 64-2, *Journal*, pp. 78, 81, *Record*, pp. 1468, 1524-38; July 18, 1916, 64-1, *Journal*, p. 511, *Record*, pp. 11211-16; June 21, 1916, 64-1, *Record*, pp. 9652-86; July 18, 1914, 63-2, *Record*, pp. 12317-19; May 15, 1914, 63-2, *Record*, p. 8655; May 3 and 15, 1914, 63-2, *Record*, pp. 8173-74, 8656; Feb. 27, 1913, 62-3, *Journal*, p. 240, *Record*, pp. 4148, 4149; Feb. 20, 1913, 62-3, *Record*, pp. 3491-92; Aug. 23, 1912, 62-2, *Journal*, p. 621, *Record*, pp. 11656-60; July 31, 1912, 62-2, *Record*, p. 3950; June 12, 1912, 62-2, *Journal*,

Continued

### Modification To Come Within Requirements of Rule:

*See also* Modification of," pp. 64-70.

A Senator may modify his amendment, after a point of order has been made against it as being legislation to a general appropriation bill, before the Chair rules, so that the language is brought within the requirements of Rule XVI.<sup>192</sup>

When the Senate is considering a general appropriation bill under an agreement (the committee amendments having been agreed to en bloc, with the bill, as amended to be treated as original text for the purpose of further amendments, but that no points of order against legislation in the bill be waived), if a point of order is made against certain committee language thus agreed to—as being a contingency, or as proposing legislation to an appropriation bill—the Chairman (even if it is conceded that the language is subject to a point of order) would have a right to modify the amendment on behalf of the commit-

p. 411, *Record*, pp. 7992-98; Jan. 26, 1911, 61-3, *Journal*, p. 102, *Record*, p. 1479; Mar. 24, 1910, 61-2, *Record*, p. 3685; Mar. 10, 1910, 61-2, *Record*, p. 3003; Feb. 2, 1910, 61-2, *Record*, pp. 1369-70; Jan. 15 and 18, 1909, 60-2, *Record*, pp. 932-938, 950, 1022-39; Feb. 3, 1904, 58-2, *Journal*, p. 144, *Record*, pp. 1553-69; Feb. 25, 1901, 56-2, *Journal*, p. 213, *Record*, p. 2955; Feb. 14, 1901, 56-2, *Record*, p. 2408; Feb. 24, 1899, 55-3, *Journal*, p. 149, *Record*, p. 2286; May 6, 1897, 55-1, *Journal*, p. 71, *Record*, pp. 919, 924; Feb. 26, 1897, 54-2, *Record*, pp. 2304, 2308, 2340; Feb. 22, 1897, 54-2, *Journal*, p. 142, *Record*, p. 2090; Mar. 1, 1895, 53-3, *Journal*, p. 169, *Record*, p. 2983; Feb. 28, 1895, 53-3, *Journal*, pp. 160-161, *Record*, pp. 2883-84; Feb. 26, 1895, 53-3, *Journal*, pp. 149-150, *Record*, pp. 2758-64; Feb. 26, 1895, 53-3, *Record*, p. 2760; Feb. 23, 1895, 53-3, *Journal*, p. 143, *Record*, p. 2617; Feb. 9, 1895, 53-3, *Journal*, p. 103, *Record*, p. 1978; July 17, 1894, 53-2, *Record*, p. 7573; Feb. 17, 1893, 52-2, *Record*, p. 1724; July 8, 1892, 52-1, *Journal*, pp. 346-347, *Record*, pp. 5842-43, 5881-85; Mar. 3, 1891, 51-2, *Journal*, pp. 216-217, *Record*, pp. 3839-41; Mar. 2, 1891, 51-2, *Journal*, p. 206, *Record*, p. 3646; Feb. 27, 1891, 51-2, *Record*, p. 3414; July 18, 1890, 51-1, *Journal*, p. 433, *Record*, p. 7406; May 15, 1888, 50-1, *Journal*, p. 826, *Record*, pp. 4151-59; July 1, 1886, 49-1, *Journal*, pp. 1034-35, *Record*, pp. 6380-84; June 29, 1886, 49-1, *Record*, p. 6267; Feb. 23, 1885, 48-2, *Journal*, p. 352, *Record*, pp. 2016-23, 2025.  
<sup>191</sup> June 15, 1934, 73-2, *Journal*, p. 573, *Record*, pp. 11613-16.

<sup>192</sup> Aug. 4, 1950, 81-2, *Record*, pp. 11806-10.

tee to bring it within the requirements of Rule XVI, before the Chair rules on the point of order.<sup>193</sup>

### Passed Senate During That Session:

*See also* "Estimated for and Carry Out Provision of Bill Passed That Session," p. 181.

Under paragraph 1 of Rule XVI, amendments proposing an increase in an appropriation or adding a new item of appropriation may be held in order as carrying out the provisions of an act or resolution (construed to mean bills or joint resolutions) passed by the Senate during that session;<sup>194</sup> but to be in order it must have been passed during the same session,<sup>195</sup> and not a preceding session.<sup>196</sup>

### Passed Senate That Session and Estimated for:

*See* "Estimated for and Carry Out Provision of Bill Passed That Session," p. 181.

### Point of Order Comes Too Late:

*See* "Comes Too Late or Will Not Lie Against," p. 174.

### Private Claims:

"On a point of order made by any Senator, no amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or treaty stipulation, which shall be cited on the face of the amendment,<sup>197</sup> but a claim by an attorney for an Indian nation for legal services to be paid out of Indian funds,

<sup>193</sup> Aug. 7, 1963, 88-1, *Record*, p. 13696.

<sup>194</sup> Mar. 1, 1909, 60-2, *Journal*, p. 242, *Record*, p. 3494; Feb. 27, 1929, 70-2, *Journal*, p. 235, *Record*, p. 4562; May 20, 1957, 85-1, *Record*, pp. 7223-24; July 29, 1955, 84-1, *Record*, pp. 11966-67; July 26, 1955, 84-1, *Record*, p. 11496; June 26, 1930, 71-2, *Journal*, p. 509, *Record*, p. 11811; Mar. 1, 1913, 62-3, *Record*, p. 4420; Mar. 1, 1901, 56-2, *Journal*, p. 250, *Record*, pp. 3290-94; Mar. 2, 1893, 52-2, *Journal*, p. 151, *Record*, pp. 2410-12.

<sup>195</sup> Mar. 2, 1893, 52-2, *Journal*, p. 151, *Record*, pp. 2410-12; Feb. 5, 1932, 72-2, *Journal*, p. 184.

<sup>196</sup> Mar. 1, 1901, 56-2, *Record*, p. 3295; Feb. 27, 1913, 62-3, *Journal*, p. 343, *Record*, pp. 4201-02; Jan. 27, 1931, 71-3, *Journal*, p. 133, *Record*, pp. 3290-96.

<sup>197</sup> Rule XVI, clause 5; July 24, 1886, 49-1, *Record*, p. 7460; July 3, 1912, 62-2, *Record*, p. 8606; Feb. 27 and 28, 1905, 58-3, *Record*, pp. 3512, 3627; Apr. 23, 1904, 58-2, *Record*, p. 5431; June 8, 1896, 54-1, *Record*, p. 6244; May 25, 1896, 54-1, *Journal*, p. 348, *Record*, pp. 5672-74; Apr. 21, 1896, 54-1, *Record*, p. 4207; Mar. 1, 1895, 53-3, *Journal*, p. 165, *Record*, p. 2967; Mar. 3, 1891, 51-2, *Record*, p. 3832; July 31, 1888, 50-1, *Record*, p. 7072; Mar. 3, 1887, 49-2, *Record*, pp. 2640, 2649.



and not out of the Federal Treasury, is not a private claim within the meaning of Rule XVI, paragraph 5; <sup>198</sup> likewise, an amendment to pay to certain employees of the Government under a law which the Treasury Department held was not applicable to their case, but whom the Supreme Court later decided were embraced in the law and entitled to such extra compensation, does not fall within the provision of the rule relative to private claims.<sup>199</sup>

### **Reported by Appropriations Committee, an Increase or New Item:**

*See also* pp. 187-189.

The Committee on Appropriations with respect to general appropriation bills, under the practices of the Senate, has authority to report original amendments adding new items of appropriations or increasing or reducing amounts contained in such bills.<sup>200</sup>

The Committee on Appropriations, under Rule XVI, may propose to increase appropriations or propose a new item of appropriation in excess of authorizations or even in the absence of any legislative authority as long as the proposed amendment does not contain legislation.<sup>201</sup>

The Appropriations Committee, under paragraph 1 of Rule XVI, has authority to report an appropriation to carry out the provisions of a specific act limiting an annual appropriation therefor to 30 percent of the customs receipts, but a Senator may not offer such an amendment from the floor or an amendment to increase that amount reported by the committee. The rule provides "On a point of order made by any Senator, no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation \* \* \*" unless there be authority in the law for such appropriation, which in this case none exists, but the rule further provides, "unless the same be moved by direction of the Committee on Appropriations or of a com-

<sup>198</sup> Mar. 22 and 23, 1904, 58-2, *Journal*, p. 294, *Record*, pp. 3494, 3548; Feb. 25, 1913, 62-3, *Record*, pp. 3878-79.

<sup>199</sup> July 2, 1884, 48-1, *Record*, p. 5896.

<sup>200</sup> Jan. 15 and 16, 1913, 62-3, *Journal*, pp. 68, 70, *Record*, pp. 1565-68, 1607-10; Mar. 7, 1924, 68-1, *Journal*, p. 193, *Record*, pp. 3745-46; Mar. 12 and 14, 1904, 58-2, *Record*, pp. 3173, 3218-22; Jan. 31, 1887, 49-2, *Record*, p. 1197.

<sup>201</sup> Dec. 17, 1969, 91-1, *Record*, p. 39583; *see also* May 9, 1967, 90-1, *Record*, pp. 12161-62; Oct. 31, 1977, 95-1, *Record*, pp. 36088-89.

mittee of the Senate having legislative jurisdiction of the subject matter.”<sup>202</sup>

### Reported by Committee, an Increase or New Item:

*See also* pp. 187-189.

An amendment to a general appropriation bill to increase or provide a new item of appropriation is in order if it has been reported by a standing committee;<sup>203</sup> or two standing committees.<sup>204</sup>

The Presiding Officer will not go behind the statement of the chairman of a committee that an amendment proposed by him from the floor, increasing an appropriation in the bill, is offered as a committee amendment.<sup>205</sup>

### Reported From a Committee and Referred to Committee on Appropriations One Day Before Considered:

*See also* pp. 195-197.

“All amendments to general appropriation bills moved by direction of a committee having legislative jurisdiction of the subject matter proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, \* \* \*”<sup>206</sup> unless it complies with one of the other provisions of Rule XVI making it eligible.<sup>207</sup>

### Sense of Senate Language:

*See also* “Sense of Senate Language,” p. 176.

<sup>202</sup> Mar. 20 and 21, 1940, 76-3, *Journal*, pp. 189, 191, *Record*, pp. 3152-55, 3178-97.  
<sup>203</sup> Dec. 12, 1928, 70-2, *Journal*, p. 33, *Record*, pp. 451-452; June 19, 1890, 51-1, *Journal*, p. 382, *Record*, p. 6250; Feb. 20, 1915, 63-3, *Record*, p. 4191; July 7, 1914, 63-2, *Record*, pp. 11709-10; June 20 and 21, 1906, 59-1, *Journal*, pp. 636, 640, *Record*, pp. 8793, 8847; Feb. 27, 1895, 53-3, *Record*, p. 2844; Feb. 28, 1891, 51-2, *Journal*, p. 190, *Record*, pp. 3528, 3539; July 19, 1890, 51-1, *Record*, p. 7480; June 5, 1888, 50-1, *Journal*, pp. 926-932, *Record*, pp. 4898-4910; July 13, 1886, 49-1, *Record*, p. 6857; July 2, 1884, 48-1, *Record*, p. 5912; Feb. 23, 1907, 59-2, *Journal*, p. 343, *Record*, pp. 3717-18; Mar. 2, 1893, 62-2, *Record*, p. 2392.

<sup>204</sup> Apr. 4, 1904, 58-2, *Record*, p. 4218.

<sup>205</sup> Feb. 23, 1907, 59-2, *Journal*, p. 343, *Record*, pp. 3717-37.

<sup>206</sup> Rule XVI, clause 3; May 19, 1896, 54-1, *Record*, p. 5411; Mar. 1, 1889, 50-2, *Record*, p. 2530; June 28, 1919, 66-1, *Journal*, p. 101, *Record*, pp. 1996-98; Feb. 19, 1917, 64-2, *Journal*, p. 140; May 27, 1902, 57-1, *Journal*, p. 437; Jan. 22, 1901, 56-2, *Record*, p. 1292; June 2, 1900, 56-1, *Record*, p. 6445; Feb. 28, 1895, 53-3, *Record*, p. 2882; Mar. 1, 1889, 50-2, *Record*, p. 2531; Feb. 22, 1889, 50-2, *Record*, p. 2190; July 2, 1884, 48-1, *Record*, p. 5913.

<sup>207</sup> May 13, 1937, 75-1, *Journal*, p. 280.

A sense of the Senate resolution in the form of an amendment to a general appropriation bill is not subject to a point of order that it constitutes legislation, since such "sense of the Senate" language is not binding.<sup>208</sup>

### **Strike Out Amendments:**

Motions to strike out any provision in an appropriation bill, as distinguished from amendments agreed to by the Senate, notwithstanding provisions of Rule XVI, are in order and cannot be held to be general legislation.<sup>209</sup>

### **Amendments to General Appropriation Bills— When Not in Order**

#### **Amendment to Amendment—May Not Be Legislation:**

An amendment to a legislative amendment pending to a general appropriation bill would itself be subject to a point of order if it embodies legislation.<sup>210</sup>

#### **Amendments Between Houses:**

An amendment of the Senate to a House amendment to a Senate amendment to a general appropriation bill originating in the House, if legislative in nature, is not in order.<sup>211</sup>

#### **Amends Existing Law:**

An amendment to a general appropriation bill which proposes language "notwithstanding" the provisions of some existing law constitutes legislation on an appropriation bill.<sup>212</sup>

An amendment which proposes to amend existing law is legislation on an appropriations bill, and subject to a point of order.<sup>213</sup>

<sup>208</sup> Dec. 15, 1980, 96-2, *Record* p. 34273.

<sup>209</sup> June 26, 1922, 67-2, *Record*, p. 9400; Jan. 23, 1923, 67-4, *Journal*, p. 108, *Record*, pp. 2235-36; Feb. 10, 1885, 48-2, *Record*, p. 1480.

<sup>210</sup> Sept. 27, 1984, 98-2, *Record*, p. 27459.

<sup>211</sup> June 29, 1914, 63-2, *Journal*, p. 363, *Record*, pp. 11283, 11293; June 30, 1914, 63-2, *Journal*, p. 370, *Record*, p. 11378; July 13, 1914, 63-2, *Journal*, p. 394, *Record*, p. 12009.

<sup>212</sup> See Nov. 25, 1980, 96-2, *Record*, p. 31065.

<sup>213</sup> Dec. 9, 1985, 99-1, *Record*, p. 35327.

An amendment which proposes language notwithstanding a specific section of existing law is an exception to existing law, and is legislation on an appropriations bill.<sup>214</sup>

An amendment to a continuing appropriations bill which gives the President discretion or imposes new duties on him, or which makes a proposal effective notwithstanding the provisions of existing law, is out of order as legislation on an appropriations bill.<sup>215</sup>

An amendment proposed to a general appropriation bill which affects funds in other appropriation bills is legislation on an appropriations bill, and therefore is not in order.<sup>216</sup>

An amendment to a supplemental appropriations bill to amend existing law to improve the interest rate reduction program for guaranteed FMHA loans was ruled out of order by the Chair in response to a point of order, and the Senate sustained this ruling by tabling an appeal.<sup>217</sup>

An amendment to a general appropriations bill which would provide that funds appropriated in prior year appropriations acts for a certain purpose may be dispersed under certain conditions, would be an amendment to existing law and would constitute legislation on an appropriations bill.<sup>218</sup>

An amendment which proposed (notwithstanding any other provision of law) to limit the annual rate of pay of Members of Congress to that which existed on a certain date, which would require that such rate remain in effect until superseded by a subsequent enactment, and which amended a section of existing law, was held out of order, as legislation on an appropriations bill.<sup>219</sup>

### **Budget Estimates:**

See "Budget Estimates Pursuant to Law," pp. 179-181.

### **Budget Estimate and Not Authorized:**

An amendment offered from the floor to a general appropriation bill is not in order if it is in excess of the

<sup>214</sup> Dec. 9, 1985, 99-1, *Record*, p. 35329.

<sup>215</sup> Oct. 3, 1984, 98-2, *Record*, p. 28888.

<sup>216</sup> Sept. 26, 1980, 96-2, *Record*, p. 27571.

<sup>217</sup> June 6, 1986, 99-2, *Record*, p. 12894.

<sup>218</sup> Oct. 2, 1986, 99-2, *Record*, p. 27809.

<sup>219</sup> Dec. 16, 1982, 97-2, *Record*, pp. 31497-31503.

budget estimates and is not authorized by law under Rule XVI, paragraph 1.<sup>220</sup>

### **Committee Jurisdiction:**

On one occasion, a Senator submitted for the *Record* a letter from the Senate Parliamentarian to the following effect: Rule XVI precludes legislation on an appropriations bill but in addition to Rule XVI, Rule XV provides that it should not be in order to consider any committee amendment not within the jurisdiction of the committee proposing such an amendment, and therefore a legislative amendment proposed by the Committee on Appropriations is in violation of Rule XV.<sup>221</sup>

On another occasion, the Chair ruled that a committee amendment to a general appropriations bill which prohibited smoking on scheduled flights was out of order as containing significant matter not within the jurisdiction of the Appropriations Committee, after the Chair ruled that a proffered germaneness defense was not applicable under Rule XV. The amendment and the point of order were later withdrawn.<sup>222</sup>

### **Contingency, Happening or Not Happening of:**

Any amendment offered from the floor involving a contingency is subject to a point of order under Rule XVI.<sup>223</sup>

An amendment proposed to a general appropriation bill, increasing an appropriation, to be effective only upon the enactment into law of a specific bill, was held to be dependent upon the happening of a contingency, and therefore was in contravention of paragraph 4 of Rule XVI, and not in order.<sup>224</sup>

An amendment to a general appropriations bill that either imposes a limitation on the appropriation of funds subject to a contingency (the execution of an agreement between a government agency and private parties) or contains directive language (telling a government agency

<sup>220</sup> June 15, 1972, 92-2, *Record*, pp. 21074-78.

<sup>221</sup> Dec. 17, 1982, 97-2, *Record*, pp. 31389-90.

<sup>222</sup> Oct. 28, 1987, 100-1, *Record*, pp. S 15328-29; Oct. 29, 1987, 100-1, *Record*, pp. S 15393-94. Note however, that the Senate reversed the position it took in this case when by rollcall vote it overruled a decision of the Chair which had sustained a point of order based on the above decision. Sept. 14, 1989, 101-1, *Record*, pp. S 11068-69.

<sup>223</sup> Dec. 3, 1971, 92-1, *Record*, pp. 44566, 44573-74.

<sup>224</sup> Nov. 20, 1963, 88-1, *Record*, pp. 22462-63.

how to determine compliance with a general agreement) is a legislative proposal and subject to a point of order.<sup>225</sup>

An amendment to a continuing resolution restricting use of funds for the impending fiscal year or any fiscal year thereafter for a particular purpose, which provided that such restriction be void after the Federal budget was balanced and the national debt reduced below a certain figure, was ruled out of order as legislation on an appropriations bill, (as this is a limitation which would cease to be effective subject to the happening of a contingency).<sup>226</sup>

Committee amendments making certain funds available only upon the enactment into law of a specific Senate bill or similar legislation, reported to the Labor, Health, Education and Welfare Appropriation Bill, were held to be not in order as involving a contingency.<sup>227</sup>

A committee amendment reported to a general appropriation bill, increasing an appropriation contained therein, and providing that a paragraph thereof should be effective only upon the enactment of specific legislation, was stricken from the bill on a point of order that a contingency was presented. An amendment then proposed on behalf of the Committee on Appropriations merely increasing the appropriation was held to be in order.<sup>228</sup>

An amendment to a general appropriation bill denying funds to any country which thereafter nationalized any industry is out of order as being dependent upon the happening or not happening of a contingency.<sup>229</sup>

### **Contract Authority:**

An amendment to a general appropriation bill which proposes the enactment of new contract authority constitutes legislation on a general appropriation bill and is therefore out of order.<sup>230</sup>

### **Germaneness, Nongermane Legislative Amendments Out of Order:**

See "Not Germane," p. 211.

<sup>225</sup> See June 20, 1985, 99-1, *Record*, p. 16673-74.

<sup>226</sup> Dec. 18, 1982, 97-2, *Record*, pp. 32279, 32291.

<sup>227</sup> Aug. 7, 1963, 88-1, *Record*, pp. 14487, 14489.

<sup>228</sup> Aug. 7, 1963, 88-1, *Record*, p. 14491.

<sup>229</sup> Aug. 5 and 8, 1949, 81-1, *Record*, pp. 10838, 10983-84.

<sup>230</sup> Aug. 10, 1982, 97-2, *Record*, p. 20048-49.



### Increase or Add New Item Not Authorized—From Floor:

Under Rule XVI an amendment to add a new item of appropriation to a general appropriations bill by a floor amendment by a Senator is not in order unless it comes under one of the exceptions provided in Rule XVI. Those exceptions include items which have been previously authorized, items which have been estimated for in the President's budget, or in one of the supplemental estimates to the President's budget, items reported by the Committee on Appropriations or by a Standing Committee having legislative jurisdiction thereof, items pursuant to a treaty obligation, or items pursuant to a bill or resolution passed by the Senate during that session.<sup>231</sup>

Under Rule XVI, an amendment to add a new item of appropriation to a general appropriation bill by a Senator from the floor is not in order unless it is authorized by law, and then must not be in excess of the amount authorized;<sup>232</sup> or unless it comes within the requirements of paragraph 1 of Rule XVI;<sup>233</sup> nor is an amendment from the floor to increase funds for a particular purpose in order.<sup>234</sup>

An amendment from the floor proposing an amendment in excess of budget estimates is not in order unless it complies with some exception in Rule XVI.<sup>235</sup>

An amendment offered by a Senator on his own behalf, which proposes to increase an item of appropriation contained in a bill, is subject to a point of order under Rule XVI, paragraph 1, unless it satisfies one of the exceptions contained in the rule.<sup>236</sup> A proposed increase by an individual Senator, while within the overall lump-sum budget estimate but not authorized by law for the specific purpose, would not be in order.<sup>237</sup>

<sup>231</sup> Sept. 28, 1982, 97-2, *Record*, pp. 25310, 25320.

<sup>232</sup> Mar. 25, 1976, 94-2, *Record*, pp. 8136-43; May 1, 1972, 92-2, *Record*, p. 15148; see also pp. 15146-54; July 7, 1970, 91-2, *Record*, pp. 22949-52.

<sup>233</sup> July 7, 1970, 91-2, *Record*, pp. 22949-52; Mar. 29, 1938, 75-3, *Journal*, p. 257.

<sup>234</sup> Aug. 24, 1970, 91-2, *Record*, pp. 29883-84.

<sup>235</sup> July 13, 1965, 89-1, *Record*, pp. 16605, 16615; Mar. 20, 1940, 76-3, *Record*, p. 3152-60, 3178-97.

<sup>236</sup> Oct. 4, 1983, 98-1, *Record*, pp. 26984, 26996-97.

<sup>237</sup> July 7, 1970, 91-2, *Record*, pp. 22949-52.

### **Increase or Add New Item of Appropriation and Not Estimated:**

*See also* "Budget Estimates Pursuant to Law," pp. 179-181.

An amendment offered on the floor by a Senator in his individual capacity to a general appropriation bill proposing to increase an item of appropriation is out of order if a proper estimate therefor has not been submitted to Congress; or, one of the other exceptions in Rule XVI, paragraph 1, has not been met,<sup>238</sup> including increases above estimates, which are out of order,<sup>239</sup> or if the estimate had been submitted in a previous Congress.<sup>240</sup>

An amendment making an appropriation for the control of the Mormon cricket, proposed to a deficiency and supplemental appropriation bill, was held not to be in order, no estimate therefor having been made by the Bureau of the Budget (now the Office of Management and Budget);<sup>241</sup> the same was true in the case of an amendment making an appropriation to combat the mildew to hops and injuries to hops fields.<sup>242</sup>

### **Increase or Add New Item of—Not Estimated for or Reported by Standing Committee:**

An amendment from the floor to a general appropriation bill proposing to increase an item of appropriation may be ruled out of order on the grounds of not having been reported by a standing committee or estimated for or

<sup>238</sup> June 27, 1930, 71-2; *Journal*, pp. 514, 515, *Record*, p. 11898; Mar. 3, 1887, 49-2, *Record*, p. 2599; Aug. 14, 1951, 82-1, *Record*, pp. 9942-43; May 28, 1945, 79-1, *Record*, p. 5214; June 16, 1932, 72-1, *Journal*, p. 601, *Record*, p. 13171; Jan. 27, 1931, 71-3, *Journal*, p. 133, *Record*, p. 3290; Jan. 21, 1931, 71-3, *Journal*, p. 113, *Record*, p. 2785; Jan. 17, 1931, 71-3, *Journal*, p. 103, *Record*, pp. 2346-47; Feb. 4, 1928, 70-1, *Journal*, p. 151, *Record*, pp. 2492-93; Dec. 13, 1928, 70-2, *Journal*, p. 35, *Record*, p. 514; Feb. 19, 1927, 69-2, *Journal*, p. 193, *Record*, pp. 4213-14; Jan. 6, 1925, 68-2, *Journal*, p. 63, *Record*, p. 1318; May 6, 1924, 68-1, *Record*, p. 1946; Jan. 5, 1923, 67-4, *Record*, pp. 1291, 1298; Oct. 24, 1918, 65-2, *Record*, p. 11439; Feb. 20, 1915, 63-3, *Record*, pp. 4197-98, 4202-03; Feb. 20, 1915, 63-3, *Record*, pp. 4168, 4183; Jan. 18, 1915, 63-3, *Record*, pp. 1748-49; Mar. 13, 1914, 63-2, *Record*, pp. 4812-13; Oct. 3, 1913, 63-1, *Record*, p. 5425; Oct. 3, 1913, 63-1, *Record*, p. 5423; Feb. 27, 1913, 62-3, *Record*, p. 4200; July 24, 1912, 62-2, *Journal*, p. 478, *Record*, p. 9532; July 3, 1912, 62-2, *Record*, p. 8621; June 21, 1903, 61-2, *Record*, p. 8616; Feb. 20, 1907, 59-2, *Journal*, p. 318, *Record*, p. 3449; Apr. 11, 1904, 58-2, *Journal*, p. 366, *Record*, pp. 4613-31; Feb. 14, 1895, 53-3, *Record*, pp. 2170, 2173; Feb. 23, 1893, 52-2, *Record*, p. 2274; July 19, 1890, 51-1, *Record*, p. 7479; May 26, 1890, 51-1, *Record*, p. 5298; May 8, 1890, 51-1, *Record*, p. 4305; Mar. 1, 1889, 50-2, *Record*, p. 2532; July 15, 1886, 49-1, *Record*, p. 6962; Mar. 3, 1885, 48-2, *Record*, p. 2444; Mar. 2, 1885, 48-2, *Record*, p. 2339; see June 12, 1941, 77-1, *Record*, p. 5089.

<sup>239</sup> Feb. 20, 1915, 63-3, *Record*, pp. 4202-03.

<sup>240</sup> Mar. 3, 1885, 48-2, *Record*, p. 2454.

<sup>241</sup> June 15, 1934, 73-2, *Journal*, p. 580, *Record*, p. 11672.

<sup>242</sup> *Ibid.*

in excess of estimate <sup>243</sup> if one of the other exceptions in Rule XVI, paragraph 1, has not been met.

### Increase or New Items in Appropriation, and Not Reported by a Committee:

An amendment offered on the floor by a Senator in his individual capacity to a general appropriation bill proposing a new item of appropriation (if one of the other exceptions in Rule XVI, paragraph 1, has not been met), may be ruled out of order as not having been reported by a standing or select committee; <sup>244</sup> the same prerequisite is applicable to an amendment to an amendment which was ruled in order. <sup>245</sup>

<sup>243</sup> June 5, 1888, 50-1, *Journal*, pp. 926-32, *Record*, pp. 4898-4910; Jan. 15 and 16, 1913, 62-3, *Journal*, pp. 68, 70, *Record*, pp. 1565-68, 1607-10; June 11, 1932, 72-1, *Journal*, pp. 584-585, *Record*, p. 12680; Mar. 14, 17, 1932, 72-1, *Journal*, pp. 328, 337, *Record*, pp. 5991, 6307; Mar. 8, 1932, 72-1, *Journal*, p. 307, *Record*, pp. 5448-50; Jan. 27, 1931, 71-3, *Record*, pp. 3296-98; Jan. 16, 1931, 71-3, *Journal*, p. 100, *Record*, p. 2314; Jan. 10, 1931, 71-3, *Record*, p. 1916; June 26, 1930, 71-2, *Journal*, p. 509, *Record*, p. 11810; May 12, 1930, 71-2, *Journal*, p. 344, *Record*, p. 8739; Apr. 10, 1930, 71-2, *Journal*, p. 270, *Record*, p. 6834; Feb. 7, 1929, 70-2, *Journal*, p. 147, *Record*, p. 3064; Jan. 3, 1929, 70-2, *Journal*, p. 63, *Record*, pp. 1049-50; Feb. 21, 1928, 70-1, *Journal*, p. 199, *Record*, pp. 3348-49; Jan. 4, 1927, 69-2, *Journal*, p. 61, *Record*, pp. 1058-60; July 1, 1926, 69-1, *Journal*, p. 550, *Record*, pp. 12493-94; Feb. 27, 1926, 69-1, *Record*, p. 4687; Feb. 28, 1925, 68-2, *Journal*, p. 261, *Record*, pp. 4968-69; Jan. 12, 1923, 67-4, *Record*, p. 1639; Jan. 11 and 12, 1923, 67-4, *Journal*, pp. 84-85, *Record*, pp. 1591, 1627; Jan. 19, 1921, 66-3, *Journal*, p. 61, *Record*, p. 1670; July 3, 1916, 64-1, *Record*, pp. 10398-401; July 18, 1914, 63-2, *Record*, p. 12321; Feb. 28, 1914, 63-2, *Record*, pp. 4077-78; Oct. 3, 1913, 63-1, *Record*, p. 5422; Feb. 26, 1913, 62-3, *Record*, pp. 4018-19; Feb. 25, 1913, 62-3, *Record*, pp. 3907; Feb. 21, 1913, 62-3, *Record*, pp. 3570-71; Jan. 15, 1913, 62-3, *Record*, pp. 1543, 1564; Aug. 14, 1912, 62-2, *Record*, pp. 10930, 11655, 11656; June 13, 1912, 62-2, *Record*, pp. 8049, 8054; June 10, 1910, 61-2, *Record*, p. 7796; Apr. 8, 1908, 60-1, *Journal*, p. 362, *Record*, pp. 4476-78; Feb. 21, 1908, 60-1, *Record*, pp. 3699-3709; Feb. 25, 1904, 58-2, *Record*, p. 2368; Feb. 23, 1903, 57-2, *Record*, pp. 2508-10; May 21, 1900, 56-1, *Record*, p. 5795; Mar. 3, 1899, 55-3, *Record*, pp. 2794, 2812; Feb. 10 and 11, 1899, 55-3, *Record*, pp. 1682, 1746; Apr. 6, 1898, 55-2, *Record*, p. 3615; Feb. 25, 1897, 54-2, *Record*, p. 2252; May 20 and 25, 1886, 54-1, *Record*, pp. 5459, 5682; May 2, 1896, 54-1, *Journal*, p. 272, *Record*, pp. 4593-97, 4715; Feb. 23, 1895, 53-3, *Record*, p. 2629; Feb. 5, 1895, 53-3, *Record*, p. 1781; Aug. 3, 1894, 53-2, *Record*, p. 8164; Feb. 1, 1893, 52-2, *Record*, p. 1045; July 18, 1892, 52-1, *Record*, p. 6323; July 13, 1892, 52-1, *Record*, p. 6108; Apr. 8, 1892, 52-1, *Record*, p. 3461; Feb. 26, 1891, 51-2, *Record*, p. 3305; Feb. 17, 1891, 51-2, *Journal*, p. 149, *Record*, p. 2777; July 26, 1888, 50-1, *Record*, p. 6835; July 26, 1886, 49-1, *Record*, p. 7531; July 24, 1886, 49-1, *Record*, p. 7459; see June 30, 1941, 77-1, *Record*, p. 5720.

<sup>244</sup> Mar. 1, 1889, 50-2, *Record*, p. 2533; Mar. 2, 1885, 48-2, *Record*, p. 2376; May 28, 1945, 79-1, *Record*, p. 5214; Mar. 11, 1922, 67-2, *Journal*, p. 139, *Record*, p. 3730; June 10, 1910, 61-2, *Record*, pp. 7785-88, 7796; Mar. 3, 1899, 55-3, *Record*, p. 2812; Feb. 18, 1895, 53-3, *Journal*, p. 125, *Record*, pp. 2338-43; July 10, 1894, 53-2, *Record*, p. 7249; Feb. 1, 1893, 52-2, *Record*, p. 1050; Feb. 1, 1893, 52-2, *Record*, p. 1046; May 18, 1892, 52-1, *Record*, p. 4368; Mar. 2, 1891, 51-2, *Record*, p. 3675; July 24, 1890, 51-1, *Record*, pp. 7671, 7673; Mar. 1, 1889, 50-2, *Record*, p. 2533; Mar. 1, 1889, 50-2, *Record*, p. 2532; Feb. 22, 1889, 50-2, *Record*, p. 2194; Jan. 29, 1889, 50-2, *Record*, p. 1282; Jan. 25, 1889, 50-2, *Record*, p. 1173; Apr. 12, 1886, 49-1, *Record*, p. 3388; Mar. 2, 1885, 48-2, *Record*, p. 2379.

<sup>245</sup> June 1, 1900, 56-1, *Record*, p. 6379; Mar. 20, 1940, 76-3, *Journal*, pp. 189, 191, *Record*, pp. 3152-55.

### **Increase or New Items Not Reported by Committee or Referred to Committee on Appropriations:**

An amendment offered from the floor by a Senator in his individual capacity to a general appropriation bill proposing to increase an amount or insert a new item, not authorized by law, or complying with other exceptions in Rule XVI, paragraph 1, is subject to a point of order as not having been reported from a standing committee and referred to the Committee on Appropriations for 1 day.<sup>246</sup>

### **Increase or New Items—Passed Senate in Another Session:**

Under Rule XVI, paragraph 1, permitting receipt of an amendment to a general appropriation bill which provides for an increase or new item of appropriations on grounds of carrying out the provisions of an act passed by the Senate during that same session does not authorize the receiving of an amendment passed by the Senate at a different session.<sup>247</sup> Such amendment has been held not in order on the grounds that it did not carry out the provisions of any bill passed during that session.<sup>248</sup>

### **Jurisdiction, Committee:**

See "Committee Jurisdiction," p. 192.

### **Legislation on a General Appropriation Bill Not in Order:**

See also "Procedure on Suspension to Add Legislation to Appropriations," pp. 1270-1271; "Application of Rule XVI," p. 153; "Contract Authority," p. 193; and "Amends Existing Law," pp. 190-191.

Any legislative amendment to a general appropriation bill, under Rule XVI, paragraph 4, is not in order, and therefore is subject to a point of order, which, if sustained, rules the amendment out of order.<sup>249</sup> No Senate commit-

<sup>246</sup> Mar. 2, 1885, 48-2, *Record*, p. 2375; Mar. 1, 1913, 62-3, *Record*, pp. 4418-19; Feb. 25, 1885, 48-2, *Record*, p. 2138.

<sup>247</sup> Jan. 27, 1931, 71-3, *Journal*, p. 133; Feb. 5, 1932, 72-2, *Journal*, p. 184; Mar. 2, 1885, 48-2, *Record*, p. 2375.

<sup>248</sup> June 27, 1930, 71-2, *Journal*, p. 514, *Record*, p. 11898.

<sup>249</sup> Nov. 9, 1979, 96-1, *Record*, pp. 31891-992; July 27, 1979, 96-1, *Record*, p. 21072; June 28, 1977, 95-1, *Record*, pp. 21215-18; June 26, 1976, 94-2, *Record*, pp. 20815-25; June 28, 1976, 94-2, *Record*, pp. 20881-94; June 23, 1976, 94-2, *Record*, pp. 19871-72;

tee has authority to report, to a general appropriation bill, an amendment proposing general legislation, even though a bill in identical language has been favorably reported from a standing committee,<sup>250</sup> nor is any committee empowered to report an amendment legislative in character to a general appropriation bill.<sup>251</sup>

No amendment which proposes general legislation shall be received to any general appropriation bill<sup>252</sup> — even if covered by a budget estimate,<sup>253</sup> or reported from a committee and referred to the Committee on Appropriations,<sup>254</sup> or reported by the Committee on Appropriations,<sup>255</sup> or offered from the floor,<sup>256</sup> as ruled by the Chair,<sup>257</sup> as voted by the Senate,<sup>258</sup> and as determined by the Senate on an appeal from a decision of the Chair<sup>259</sup> in numerous instances.

June 23, 1976, 94-2, *Record*, pp. 19861-66; Sept. 18, 1975, 94-1, *Record*, pp. 29257-58; May 20, 1975, 94-1, *Record*, p. 15245; Mar. 19, 1975, 94-1, *Record*, pp. 7465-68; July 19, 1971, 92-1, *Record*, pp. 25902-11; May 7, 1974, 93-2; *Record*, pp. 13515, 13520; May 7, 1974, 93-2, *Record*, p. 13528; May 1, 1972, 92-2, *Record*, pp. 15155-57; June 22, 1970, 91-2, *Record*, pp. 20800, 20818; Dec. 14, 1970, 91-2, *Record*, p. 41340; Feb. 21, 1939, 76-1, *Journal*, p. 122; Aug. 21, 1967, 90-1, *Record*, pp. 23430-31; July 10, 1967, 90-1, *Record*, p. 18176; July 31, 1971, 92-1, *Record*, p. 28478; Nov. 23, 1971, 92-1, *Record*, pp. 42950-51; July 8, 1970, 91-2, *Record*, pp. 23316, 23319-20; June 22, 1970, 91-2, *Record*, pp. 20800, 20813-15, 20818, 20824-25, 20828; Sept. 19, 1967, 90-1, *Record*, pp. 25966-67; Nov. 14, 1967, 90-1, *Record*, pp. 32488-89; May 29, 1968, 90-2, *Record*, p. 15545; July 23, 1968, 90-2, *Record*, pp. 22876, 22888; Dec. 15, 1969, 91-1, *Record*, pp. 39202, 39145-72; Sept. 6, 1968, 90-2, *Record*, pp. 25667, 25910, 25918-19; June 30, 1969, 91-1, *Record*, pp. 17751-52; July 7, 1969, 91-1, *Record*, pp. 18477-81; Nov. 4, 1969, 91-1, *Record*, p. 32866; Dec. 18, 1969, 91-1, *Record*, pp. 39903, 39923-24; July 25, 1949, 81-1, *Record*, pp. 10077-78; July 2, 1884, 48-1, *Record*, p. 5912; June 30, 1884, 48-1, *Record*, pp. 5791-92; June 28, 1884, 48-1, *Record*, pp. 5728-29; see also Aug. 9, 1978, 95-2, *Record*, p. 25087; June 24, 1977, 95-1, *Record*, pp. 20857-61; June 27, 1980, 96-2, *Record*, pp. 17423-32; June 28, 1980, 96-2, *Record*, pp. 17638-40.

<sup>250</sup> July 6, 1916, 64-1, *Record*, pp. 10490-96.

<sup>251</sup> May 8, 1930, 71-2, *Journal*, p. 338, *Record*, pp. 8600-07; Feb. 26, 1891, 51-2, *Record*, p. 3336; June 12, 1962, 87-2, *Record*, pp. 10250-52.

<sup>252</sup> Rule XVI, par. 4; June 11, 1932, 72-1, *Journal*, pp. 584-85, *Record*, p. 12680; June 8, 1937, 75-1, *Journal*, p. 332, *Record*, p. 5426; June 23, 1919, 66-1, *Record*, pp. 1557-76; see also Apr. 15, 1937, 75-1, *Journal*, p. 224, *Record*, pp. 3508-09; Feb. 2, 1937, 75-1, *Journal*, p. 80, *Record*, p. 706; Mar. 18, 1936, 74-2, *Journal*, p. 161, *Record*, pp. 3914-19; Mar. 16, 1936, 74-2, *Journal*, p. 153, *Record*, p. 3760; Mar. 2, 1885, 48-2, *Record*, p. 2375; June 25, 1970, 91-2, *Record*, pp. 21229, 21476.

<sup>253</sup> Aug. 4, 1939, 76-1, *Record*, pp. 11034-35.

<sup>254</sup> May 31, 1900, 56-1, *Record*, p. 6281.

<sup>255</sup> May 29, 1884, 48-1, *Record*, pp. 4671, 4675; Jan. 31, 1887, 49-2, *Record*, p. 1199; June 25 and 26, 1884, 48-1, *Record*, pp. 5580-81, 5617, 5630-31; June 20, 1960, 86-2, *Record*, pp. 12474-76; June 22, 1960, 86-2, *Record*, p. 12730.

<sup>256</sup> Feb. 16, 1885, 48-2, *Record*, p. 1749; June 22, 1960, 86-2, *Record*, pp. 12738-39; Feb. 3, 1965, 89-1, *Record*, p. 1968.

<sup>257</sup> Mar. 2, 1903, 57-2, *Record*, pp. 2871, 2877; May 27, 1914, 63-2, *Record*, p. 8299; Mar. 27, 1961, 87-1, *Record*, p. 4892; Sept. 12, 1959, 86-1, *Record*, pp. 19326-28, 19340-41; June 24, 1959, 86-1, *Record*, p. 11767; July 14, 1959, 86-1, *Record*, pp. 13318, 13320-21; June 3, 1959, 86-1, *Record*, pp. 9662-67; Aug. 23, 1958, 85-2, *Record*, pp. 19435-43; Mar. 11, 1958, 85-2, *Record*, pp. 3953-59; May 20, 1957, 85-1, *Record*, p. 7214; Feb. 10, 1956, 84-2, *Record*, p. 2504; July 29, 1955, 84-1, *Record*, p. 11972; Aug. 3, 1954, 83-2, *Record*, pp. 13092-93; June 17, 1954, 83-2, *Record*, pp. 8425, 8431; Mar. 15, 1954, 83-2, *Record*, pp. 3232-33; July 30, 1953, 83-1, *Record*, pp. 10451-53; July 24, 1953, 83-1, *Record*, pp. 9766-68; July 24, 1953, 83-1, *Record*, p. 9764; June 26, 1953, 83-1, *Record*,

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On various occasions, when the Chair has submitted to the Senate the question of whether an amendment was legislative in nature, the Senate has voted such amendments out of order as adding legislation to an appropriation bill.<sup>260</sup> On the other hand, the Senate, on different occasions, has overruled the decision of the Chair holding an amendment to an appropriation bill to be legislation.<sup>261</sup>

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<sup>260</sup> Mar. 11, 1958, 85-2, *Record*, pp. 3944-53; Feb. 26, 1931, 71-3, *Journal*, p. 283, *Record*, p. 6092; Mar. 1, 1923, 67-4, *Journal*, p. 217, *Record*, pp. 5003-04; Aug. 22, 1921, 67-1, *Journal*, p. 245, *Record*, pp. 5441-44; May 19, 1914, 63-2, *Record*, pp. 8825-29; Feb. 24, 1914, 63-2, *Journal*, p. 146, *Record*, pp. 3833-43, 4009-11; Feb. 25, 1913, 62-3, *Journal*, p. 220, *Record*, pp. 3880-82; Feb. 26, 1909, 60-2, *Journal*, p. 230, *Record*, pp. 3250-52; Feb. 6, 1907, 59-2, *Journal*, p. 226, *Record*, pp. 2340, 2356; Feb. 22, 1895, 53-3, *Journal*, p. 140, *Record*, p. 2560.

<sup>261</sup> Feb. 14 and 15, 1917, 64-2, *Journal*, pp. 154-155, *Record*, pp. 3286-88, 3323; Jan. 24 and 25, 1923, 67-4, *Journal*, pp. 111, 113, *Record*, pp. 2323, 2358-63.

The Chair has ruled various amendments of such nature out of order on the grounds of repealing or changing the law,<sup>262</sup> proposing to extend the provisions of an act,<sup>263</sup> or suspending provisions of existing law.<sup>264</sup> The Senate has also voted amendments out of order on the grounds of changing<sup>265</sup> existing law or repealing existing law.<sup>266</sup>

Such an amendment authorizing construction of a drydock and making initial appropriation therefor was ruled out of order by the Chair.<sup>267</sup> Likewise, an amendment increasing a salary which had not been estimated for and the law for the position had been repealed was held not to be in order by the Chair.<sup>268</sup>

In order to give some idea of the nature, scope, and extent of the definition of what is legislation on an appropriation bill, numerous examples of amendments of varying nature offered to various general appropriation bills, which have been ruled out of order, have been selected and are set forth below in brief. These include proposals to: (1) transfer the Botanic Gardens, together with the records and personnel, to the Department of Agriculture;<sup>269</sup> (2) allocate for a specific purpose a portion of a proposed appropriation to carry on certain scientific and research activities;<sup>270</sup> (3) increase the limit of cost for the construction of an annex to the Library of Congress;<sup>271</sup> (4) provide that certain military personnel should be credited with certain service in computing their activity or retirement pay;<sup>272</sup> (5) provide an equitable wage scale in

<sup>262</sup> Aug. 20, 1937, 75-1, *Journal*, p. 552, *Record*, p. 9442; Mar. 10, 1958, 85-2, *Record*, pp. 3742-45; Aug. 4, 1939, 76-1, *Record*, pp. 11040-41; June 14, 1938, 75-3, *Journal*, p. 572, *Record*, pp. 9200-01; May 3, 1938, 75-3, *Journal*, pp. 346-47, *Record*, pp. 6138-48; Dec. 13, 1927, 70-1, *Journal*, p. 62, *Record*, p. 565; Jan. 21, 1925, 68-2, *Journal*, pp. 263-64, *Record*, pp. 4974-76; Mar. 21, 1908, 60-1, *Record*, p. 3709; Feb. 9, 1905, 58-3, *Record*, p. 2165; Feb. 13, 1903, 57-2, *Journal*, p. 170, *Record*, pp. 2099, 2107; Feb. 27, 1897, 54-2, *Journal*, p. 160, *Record*, pp. 2407-13; Feb. 5, 1895, 53-3, *Record*, p. 1782; Aug. 2, 1894, 53-2, *Record*, p. 8125; July 14, 1894, 53-2, *Journal*, p. 293, *Record*, pp. 7492, 7516-18; Feb. 28, 1893, 52-2, *Record*, p. 2286; Feb. 24, 1891, 51-2, *Record*, p. 3204; Feb. 17, 1891, 51-2, *Journal*, p. 149, *Record*, pp. 2773-76; Feb. 26, 1891, 51-2, *Record*, pp. 3303, 3323; July 24, 1886, 49-1, *Record*, p. 7460.

<sup>263</sup> Aug. 2, 1961, 87-1, *Record*, p. 14416; Aug. 3, 1961, 87-1, *Record*, p. 14532; Aug. 4, 1961, 87-1, *Record*, p. 14666.

<sup>264</sup> May 28, 1930, 71-2, *Journal*, p. 396, *Record*, pp. 9708-09.

<sup>265</sup> Feb. 21, 1893, 52-2, *Record*, pp. 1901, 1908; May 3, 1938, 75-3, *Record*, pp. 6138-48, 6156-58.

<sup>266</sup> Feb. 18 and 20, 1901, 56-2, *Journal*, pp. 184, 193, *Record*, pp. 2569, 2684-85.

<sup>267</sup> June 2, 1914, 63-2, *Record*, p. 9638.

<sup>268</sup> Feb. 28, 1895, 53-3, *Record*, p. 2929.

<sup>269</sup> May 31, 1933, 73-1, *Journal*, p. 215, *Record*, p. 4644.

<sup>270</sup> June 13, 1933, 73-1, *Journal*, p. 292, *Record*, p. 5878.

<sup>271</sup> June 15, 1934, 73-2, *Journal*, p. 579, *Record*, p. 11671.

<sup>272</sup> Mar. 6, 1935, 74-1, *Journal*, p. 168, *Record*, p. 3025.

government arsenals and adjusting pay of employees therein; <sup>273</sup> (6) prohibit payments on foreign mail contracts found to be invalid or illegal; <sup>274</sup> (7) prohibit the use of appropriations made by an act under consideration or by later acts for payment to certain contractors of the Navy Department; <sup>275</sup> (8) provide for building a certain percentage of naval airplanes in Government-owned factories or facilities; <sup>276</sup> (9) construe the provisions of a law providing for development of navy yards and other facilities; <sup>277</sup> (10) prohibit, under certain conditions, the use of funds for expenses of naval maneuvers outside the United States; <sup>278</sup> (11) prohibit, under certain conditions, the use of funds for payment of salaries of any naval officer or employee of the Navy Department who makes a public statement concerning the foreign policy of the United States; <sup>279</sup> (12) provide for loans to farmers on cotton stored in warehouses; <sup>280</sup> (13) provide for the auditing of claims of certain States; <sup>281</sup> (14) prohibit the use of funds in a pending bill or any other act for the payment of certain enlisted men notwithstanding provisions of existing law; <sup>282</sup> (15) authorize a certain sum appropriated to be available for paying 10 percent of the approved schedules of prices for salvaged timber products purchased or to be purchased from the owners thereof by the Federal Surplus Commodities Corporation, including additional definitive language; <sup>283</sup> (16) fix rates of pay for persons on projects financed by the Federal Government or to fix compensation for the position of the Administrator of the Bonneville Power Administration; <sup>284</sup> (17) increase authorizations of appropriations and to extend the time during which the public building program would be in order; <sup>285</sup> (18) appropriate for expenses of participation by the United States in an Inter-American conference, and to waive certain statutes in connection therewith; <sup>286</sup> (19)

<sup>273</sup> Mar. 8, 1935, 74-1, *Journal*, p. 175, *Record*, p. 3205.

<sup>274</sup> Mar. 26, 1935, 74-1, *Journal*, p. 223, *Record*, p. 4440.

<sup>275</sup> May 23, 1935, 74-1, *Journal*, p. 379, *Record*, p. 8081.

<sup>276</sup> May 23, 1935, 74-1, *Journal*, p. 380, *Record*, p. 8085.

<sup>277</sup> May 23, 1935, 74-1, *Journal*, p. 380, *Record*, p. 8087.

<sup>278</sup> May 23, 1935, 74-1, *Journal*, p. 381, *Record*, p. 8088.

<sup>279</sup> May 23, 1935, 74-1, *Journal*, p. 381, *Record*, pp. 8088-89.

<sup>280</sup> Aug. 24, 1935, 74-4, *Journal*, p. 696, *Record*, p. 14451.

<sup>281</sup> June 18, 1902, 57-1, *Record*, pp. 7028-30, 7035-37.

<sup>282</sup> Feb. 21, 1939, 76-1, *Journal*, p. 122, *Record*, pp. 1687-88.

<sup>283</sup> May 12, 1939, 76-1, *Journal*, p. 302, *Record*, pp. 5489-90.

<sup>284</sup> Aug. 4, 1939, 76-1, *Journal*, p. 601, *Record*, pp. 11008-11; Sept. 23, 1961, 87-1, *Record*, p. 21013.

<sup>285</sup> Aug. 4, 1939, 76-1, *Record*, pp. 11034-35.

<sup>286</sup> Mar. 11, 1940, 76-3, *Journal*, p. 163, *Record*, p. 2646.

make certain appropriations available for refunds of processing taxes, under certain regulations, in cases of hogs raised or produced and marketed for slaughter; <sup>287</sup> (20) provide for the use of part of an appropriation for expansion of flying facilities of the Navy for certain specified purposes, there being no authorization therefor; <sup>288</sup> (21) change the existing law by increasing the limit of costs of a public building at Minneapolis, Minnesota; <sup>289</sup> (22) provide that no charge should be made for transportation to coinage mints against a person depositing bullion therein for coinage—changing existing law; <sup>290</sup> (23) authorize the Secretary of War to institute condemnation proceedings for the acquirement of land or material needed in connection with river or harbor improvements reported by the Committee on Commerce; <sup>291</sup> (24) authorize the extension of certain contracts contained in an amendment reported by the Committee on Appropriations; <sup>292</sup> (25) pay interest to certain individuals for whom appropriations were made therein and appropriating sums in payment of such interest; <sup>293</sup> (26) effect a raise in the rank of Minister Resident in Portugal to that of an envoy extraordinary; <sup>294</sup> (27) provide that sums for the Fish Commission should be expended under the supervision of the Department of Agriculture; <sup>295</sup> (28) insert, in lieu of an item for salaries of certain judges, a provision fixing their annual salaries thereafter; <sup>296</sup> (29) authorize a change in the method of expenditure of funds for the improvement of the harbor at Oswego, N.Y.; <sup>297</sup> (30) change the designation of the Chief of the Bureau of Immigration; <sup>298</sup> (31) increase the limit of cost of a public building in New York City, and authorizing contracts for the construction of such building; <sup>299</sup> (32) fix a minimum sum for pensionable disability; <sup>300</sup> (33) authorize the continuation of work on

<sup>287</sup> *Ibid.*

<sup>288</sup> Apr. 18, 1940, 76-3, *Journal*, p. 260, *Record*, p. 4705.

<sup>289</sup> July 24, 1886, 49-1, *Record*, p. 7460.

<sup>290</sup> *Ibid.*

<sup>291</sup> Feb. 18 and 19, 1887, 49-2, *Record*, pp. 1909, 1952.

<sup>292</sup> Mar. 3, 1887, 49-2, *Record*, p. 2632.

<sup>293</sup> Jan. 25, 1888, 50-1, *Record*, p. 708.

<sup>294</sup> Feb. 17, 1891, 51-2, *Journal*, p. 149, *Record*, pp. 2773-76.

<sup>295</sup> Feb. 26, 1891, 51-2, *Record*, p. 3323.

<sup>296</sup> Feb. 26, 1891, 51-2, *Record*, p. 3336.

<sup>297</sup> Feb. 21, 1893, 52-2, *Record*, pp. 1901, 1909.

<sup>298</sup> Aug. 2, 1894, 53-2, *Record*, p. 8125.

<sup>299</sup> Jan. 10, 1895, 53-3, *Record*, pp. 817-20.

<sup>300</sup> Jan. 17, 1895, 53-3, *Record*, pp. 1064-65.



the sewer and flood control systems in the District of Columbia; <sup>301</sup> (34) provide that an appropriation shall be expended under the direction and in the discretion of the Postmaster General; <sup>302</sup> (35) define the term "Indian"; <sup>303</sup> (36) pay cash instead of furnishing clothing to certain Indians; <sup>304</sup> (37) authorize the payment of subsidy to sheep owners; <sup>305</sup> (38) authorize the President to appoint, by and with the advice and consent of the Senate, an officer at the Military Academy at West Point, at a certain salary; <sup>306</sup> (39) increase the scope of the authority of the commissioners of the five civilized tribes, investing them, among other things, with judicial powers; <sup>307</sup> (40) prohibit the payment of pensions to certain persons having a certain separate income; <sup>308</sup> (41) provide for the restoration of forfeited annuities to certain Indian tribes; <sup>309</sup> (42) prohibit the payment of pensions to certain widows and minor children; <sup>310</sup> (43) give to the Adjutant General the rank, pay, and allowances of a major general; <sup>311</sup> (44) make an additional appropriation for additional pay for regular Government employees for extra services performed by them; <sup>312</sup> (45) confer jurisdiction upon the Court of Claims to adjudicate the claim of John W. West against the Cherokee Indians; <sup>313</sup> (46) make an appropriation for the resumption of work on reclamation projects, and to give certain employment preference; <sup>314</sup> (47) provide for a reduction in certain appropriations as adding new duties to the head of an executive agency (after modification in form of a limitation it was held in order) <sup>315</sup> (48) propose to increase the salary of the chief forester of the Department of Agriculture; <sup>316</sup> (49) set up the F.E.P.C. with enumeration of scope of activity, stipulation of certain salaries, etc.; <sup>317</sup> (50) provide funds for so-

<sup>301</sup> Feb. 5, 1895, 53-3, *Journal*, p. 94, *Record*, pp. 1773-77.

<sup>302</sup> Feb. 11 and 14, 1895, 53-3, *Journal*, pp. 107, 116, *Record*, pp. 2016, 2163.

<sup>303</sup> Feb. 23, 1895, 53-3, *Record*, pp. 2610, 2630.

<sup>304</sup> Feb. 23, 1895, 53-3, *Record*, p. 2633-34.

<sup>305</sup> Feb. 26, 1895, 53-3, *Record*, p. 2770-71.

<sup>306</sup> Feb. 18, 1896, 54-4, *Record*, p. 1882.

<sup>307</sup> Apr. 22 and 23, 1896, 54-1, *Journal*, p. 260, *Record*, pp. 4263, 4312.

<sup>308</sup> Jan. 26, 1899, 55-3, *Record*, p. 1073.

<sup>309</sup> Feb. 8, 1899, 55-3, *Journal*, p. 107, *Record*, pp. 1600-06.

<sup>310</sup> Jan. 26, 1899, 55-3, *Record*, pp. 1073-74.

<sup>311</sup> Mar. 3, 1899, 55-3, *Journal*, p. 199, *Record*, pp. 2803-07.

<sup>312</sup> June 28, 1906, 59-1, *Record*, pp. 9510-11.

<sup>313</sup> June 18, 1914, 63-2, *Record*, pp. 10667-68.

<sup>314</sup> June 28, 1919, 66-1, *Journal*, pp. 101-02, *Record*, pp. 2000-06.

<sup>315</sup> Feb. 1 and 2, 1933, 72-2, *Journal*, pp. 152, 154, *Record*, pp. 3087-89, 3144, 3152.

<sup>316</sup> June 11, 1943, 78-1, *Record*, pp. 5701-02.

<sup>317</sup> June 30, 1945, 79-1, *Record*, pp. 7051-55.



called Watch Dog Committee under E.C.A. Act of 1948, which provides for payment of per diem and subsistence expenses without regard to the Travel Expense Act of 1949; <sup>318</sup> (51) set the amount of annual leave for Government employees; <sup>319</sup> (52) establish a so-called Watch Dog Committee in connection with the operation of the National Defense Program; <sup>320</sup> (53) limit appropriations for certain purposes to budget estimates and provide for apportionment of certain reductions by the Director of the Bureau of the Budget; <sup>321</sup> (54) provide that payments received from Federal funds for certain fellowships shall not constitute duplication of benefits under the Veterans' Readjustment Assistance Act in certain cases; <sup>322</sup> (55) provide that none of the funds in a pending bill or any other act should be used for certain purposes; <sup>323</sup> (56) reduce permanent indefinite appropriations by an amount collected by the Treasury for interest on Federal deposits in commercial banks; <sup>324</sup> (57) authorize and direct the Secretary of Defense to reduce the appropriations in the Defense Appropriation Bill for 1958; <sup>325</sup> (58) prohibit further construction work at the Capitol unless certain conditions were complied with; <sup>326</sup> (59) fix price supports for dairy products; <sup>327</sup> (60) provide that unobligated balance of funds with respect to strategic funds should remain available until December 31, 1958; <sup>328</sup> (61) extend the life of the Civil Rights Commission for a period of 2 years; <sup>329</sup> (62) authorize the Postmaster General to take an action "in his discretion"; <sup>330</sup> (63) prohibit the use of funds contained in a pending bill or appropriated by any other act for the enforcement of the steel plants seizure order, proposed to the Third Supplemental Appropriation Act for 1952 as well as a provision to prohibit use of funds for a certain purpose in a pending appropriation bill or any other act; <sup>331</sup> (64) provide that none of the

<sup>318</sup> July 25, 1949, 81-1, *Record*, pp. 10077-78.

<sup>319</sup> Mar. 9, 1950, 81-2, *Record*, pp. 3108-09.

<sup>320</sup> Sept. 12, 1951, 82-1, *Record*, pp. 11181-87.

<sup>321</sup> Sept. 13, 1951, 82-1, *Record*, p. 11229.

<sup>322</sup> June 6, 1956, 84-2, *Record*, pp. 9633-34.

<sup>323</sup> July 24, 1956, 84-2, *Record*, p. 14172-90; Sept. 26, 1980, 96-2, *Record*, p. 27570.

<sup>324</sup> May 13, 1958, 85-2, *Record*, pp. 6803, 6808-09.

<sup>325</sup> July 2, 1957, 85-1, *Record*, p. 10820.

<sup>326</sup> Mar. 11, 1958, 85-2, *Record*, p. 3901.

<sup>327</sup> Mar. 11, 1958, 85-2, *Record*, pp. 3925, 3943-44.

<sup>328</sup> See Apr. 30, 1958, 85-2, *Record*, p. 7709.

<sup>329</sup> Sept. 12, 1959, 86-1, *Record*, p. 19347.

<sup>330</sup> Feb. 25, 1903, 57-2, *Record*, p. 2609.

<sup>331</sup> Apr. 22, 1952, 82-2, *Record*, pp. 4196, 4198; Mar. 28, 1962, 87-2, *Record*, pp. 5459-68.

funds in a pending bill or any other act should be used for certain purposes, proposed to the Mutual Security Appropriation Act for 1957 (this last amendment was then modified to include only the funds covered in the bill under consideration so as to be in order, and was then adopted) <sup>332</sup> (65) amend the law with reference to annual leave payments; <sup>333</sup> (66) prohibit use of "funds heretofore appropriated"; <sup>334</sup> (67) extend the temporary provisions of two Public Laws of the 81st Congress providing financial assistance to impacted school areas; <sup>335</sup> (68) provide funds for assistance to the State of South Dakota for enforcement of State civil or criminal laws in certain sections of the State; <sup>336</sup> (69) provide funds for the education of certain Indian children in the States of New Mexico and North Dakota, since there was no authority for such appropriations, it having been offered from the floor; <sup>337</sup> (70) emergency school assistance to remain available until spent under conditions; <sup>338</sup> (71) place restrictions and prohibit expenditures for price support for cigarettes; <sup>339</sup> and (72) "Except such abortions as are necessary to save the life of the mother;" <sup>340</sup>

Note also that the following proposals have been ruled out of order: (73) an amendment providing that no funds may be made available for implementing requirements imposed under a provision of the Social Security Act; <sup>341</sup> (74) an amendment offered by an individual Senator to a general appropriation bill (such as a continuing resolution) which proposed a rescission of budget authority; <sup>342</sup> (75) an amendment which incorporates by reference the provisions of another measure; <sup>343</sup> (76) an amendment which authorized the Secretary of the Interior to charge entrance fees at national parks; <sup>344</sup> (77) an amendment proposing to countermand a directive to an officer of the Legislative Branch; <sup>345</sup> and (78) an amendment which di-

<sup>332</sup> July 24, 1956, 84-2, *Record*, pp. 14172, 14190.

<sup>333</sup> May 6, 1953, 83-1, *Record*, pp. 4605-06.

<sup>334</sup> Feb. 3, 1965, 89-1, *Record*, p. 1968.

<sup>335</sup> Aug. 3, 1961, 87-1, *Record*, p. 14532; Aug. 4, 1961, 87-1, *Record*, p. 14666.

<sup>336</sup> May 28, 1963, 88-1, *Record*, pp. 9752-53.

<sup>337</sup> May 28, 1963, 88-1, *Record*, pp. 9756-57.

<sup>338</sup> June 22, 1970, 91-2, *Record*, pp. 20800, 20818, 20824-25.

<sup>339</sup> June 23, 1976, 94-2, *Record*, pp. 19861-66.

<sup>340</sup> June 28, 1976, 94-2, *Record*, pp. 20881-94.

<sup>341</sup> Sept. 26, 1980, 96-2, *Record*, p. 27571.

<sup>342</sup> See Dec. 4, 1985, 99-1, *Record*, p. 34119.

<sup>343</sup> See Sept. 27, 1984, 98-2, *Record*, p. 27459.

<sup>344</sup> June 6, 1986, 99-2, *Record*, pp. 12877-84.

<sup>345</sup> Aug. 10, 1982, 97-2, *Record*, pp. 20057-61.

rects the Government of the District of Columbia to erect certain road signs.<sup>346</sup>

The Chair also held an amendment to a general appropriations bill which proposed to amend existing law to change the honoraria limit from 40 percent to 30 percent was, in response to a point of order, legislation which the Chair ruled out of order—the Chair's ruling was sustained when an appeal thereof was tabled.<sup>347</sup>

An amendment to a general appropriation bill which proposes the enactment of new contract authority constitutes legislation on a general appropriation bill and is therefore out of order.<sup>348</sup>

An amendment proposed to a general appropriations bill which prohibits the application of a Federal statute until the Senate passes a joint resolution requiring a roll-call vote on a separate matter is legislation on an appropriations bill and therefore is not in order.<sup>349</sup>

An amendment to a general appropriations bill that would provide funds for drug treatment if it was determined that the drugs would prolong life, would constitute legislation on an appropriations bill and be subject to a point of order.<sup>350</sup>

In 1956, the Senate also held out of order as legislation on an appropriation bill an amendment requiring persons expending funds appropriated in the said bill, to furnish to certain committees of Congress any information which they might request.<sup>351</sup>

A sense of the Senate resolution in the form of an amendment to a general appropriations bill is not subject to a point of order that it constitutes legislation, since such "sense of the Senate" language is not binding.<sup>352</sup>

#### **Chair Overturned on Question of Legislation on Appropriations:**

On November 25, 1980, the Senate overruled the Chair in its decision that an amendment to an appropriations bill which amended existing law by transferring funds

<sup>346</sup> Nov. 7, 1985, 99-1, *Record*, pp. 31110-12.

<sup>347</sup> June 5, 1986, 99-2, *Record*, pp. 12725-27.

<sup>348</sup> Aug. 10, 1982, 97-2, *Record*, pp. 20048-49.

<sup>349</sup> June 22, 1988, 100-2, *Record*, pp. S 8417-18.

<sup>350</sup> May 21, 1987, 100-1, *Record*, pp. S 6975-76.

<sup>351</sup> July 24, 1956, 84-2, *Record*, pp. 14190-93.

<sup>352</sup> Dec. 15, 1980, 96-2, *Record*, p. 34273.

made available in another appropriations act was legislation on an appropriations bill and not in order.<sup>353</sup>

In another instance the Senate overturned the ruling of the Chair that a committee amendment was legislation when the amendment prohibited the use of funds in the instant bill and any appropriations bill to implement certain water allocations, and prohibited the Secretary of Interior from entering into any contracts relating to water allocations.<sup>354</sup> Again on September 24, 1981, the Chair was overturned when it first held that an amendment to the Internal Revenue Code offered as an amendment to a continuing resolution was legislation on an appropriations bill, and then disallowed the defense of germaneness. However, several months later the Senate reversed itself when the issue was once again raised.<sup>355</sup>

On another occasion the Chair was overturned when it sustained a point of order against an amendment to a general appropriations bill that authorized the Secretary of Housing and Urban Development to make reductions in certain mortgage interest payments, and making such authority contingent on certain future factors, on the ground that it constituted legislation on appropriations.<sup>356</sup>

On August 3, 1983, the Chair was overturned when it ruled that a committee amendment to an appropriation bill, which authorized the administrator of a self-financed Federal power marketing agency to enter into contractual agreements to pay or secure payment of certain costs associated with resources acquired by net billings, was out of order as legislation on an appropriations bill.<sup>357</sup>

On another occasion the Chair was overturned when it sustained a point of order against a committee amendment to a general appropriations bill which prohibited the use of funds appropriated in that bill until the appropriations committees of the two Houses received a certain notification.<sup>358</sup>

<sup>353</sup> Nov. 25, 1980, 96-2, *Record*, pp. 31062-63.

<sup>354</sup> Dec. 11, 1980, 96-2, *Record*, pp. 33557-58.

<sup>355</sup> Sept. 24, 1981, 97-1, *Record*, p. 21912. On March 31, 1982, as stated above, the Senate reversed its position on this issue. (97-2, *Record*, pp. 6167-70.)

<sup>356</sup> June 23, 1982, 97-2, *Record*, p. 14834.

<sup>357</sup> Aug. 3, 1983, 98-1, *Record*, p. 22426.

<sup>358</sup> June 28, 1984, 98-1, *Record*, pp. 19527-28.

### **Line Item Amended, Not Open to Further Amendment:**

A line item in an appropriation bill that has been amended is not open to further amendment except on reconsideration of the vote or by unanimous consent;<sup>359</sup> it is not in order to amend a figure in an appropriation bill already approved by the Senate.<sup>360</sup>

### **New Item of Appropriation, Not Estimated for, Not Reported by Committee Nor Passed by Senate That Session:**

An amendment offered from the floor by a Senator in his individual capacity to a general appropriation bill proposing a new item of appropriation may be ruled out of order on the grounds that the item had not been estimated for, that it had not been recommended by a standing committee, and that it did not propose to carry out the provisions of any bill passed by the Senate during that session of Congress,<sup>361</sup> in the absence of complying with any of the other exceptions of Rule XVI, paragraph 1.

### **Not Authorized by Law:**

A point of order will lie against an amendment offered from the floor by a Senator in his individual capacity to a general appropriation bill on the ground that it had not been authorized by existing law, unless one of the other conditions under Rule XVI is met.<sup>362</sup>

### **Not Authorized by Law But Budget Estimates Therefor:**

Under Rule XVI, an amendment from the floor proposing the appropriation of funds in excess of a specified authorization, even though there is a budget estimate for

<sup>359</sup> July 30, 1971, 92-1, *Record*, p. 28232; July 31, 1971, 92-1, *Record*, pp. 28490-491.

<sup>360</sup> Dec. 17, 1969, 91-1, *Record*, p. 39564; June 27, 1972, 92-2, *Record*, p. 22740; July 20, 1979, 96-1, *Record*, pp. 19814-15; Aug. 10, 1978, 95-2, *Record*, pp. 25329-31, 25351, 25361.

<sup>361</sup> June 27, 1930, 71-2, *Journal*, p. 514, *Record*, p. 11898.

<sup>362</sup> Sept. 24, 1888, 50-1, *Record*, p. 8890; May 28, 1945, 79-1, *Record*, p. 5214; June 14, 1946, 79-2, *Record*, p. 6948; June 1, 1946, 79-2, *Record*, pp. 6106-07; June 18, 1943, 78-1, *Record*, pp. 6090-91; June 15, 1934, 73-2, *Journal*, p. 576, *Record*, p. 11621; Apr. 6, 1934, 73-2, *Journal*, p. 271, *Record*, p. 6193; Mar 3, 1887, 49-2, *Record*, pp. 2647-48; July 15, 1886, 49-1, *Record*, p. 6963; Dec. 3, 1971, 92-1, *Record*, pp. 44566, 44573-74; May 1, 1972, 92-2, *Record*, pp. 15146-54.

that amount, particularly when the budget message acknowledges the need for additional legislative authority in the amount to equal the sum of the budget estimate, but not pursuant to law, is not in order as voted by the Senate sustaining the Chair on an appeal.<sup>363</sup>

### Not Authorized by Law or Reported by Committee:

An amendment from the floor making an appropriation to assist in meeting the expenses of the American group of the Interparliamentary Union, proposed to a deficiency appropriation bill for 1936,<sup>364</sup> as well as an amendment increasing the number of additional clerks to Senators,<sup>365</sup> was held not to be in order, on the ground that it was not authorized by law or reported by a committee.

### Not Germane:

No amendment legislative in nature shall be received which is not germane or relevant to the subject matter contained in the bill,<sup>366</sup> and amendments legislative in nature must be germane if a point of order is made.

### Private Claims Not in Order:

Amendments to general appropriation bills proposing funds for private claims are subject to a point of order unless they be "to carry out the provisions of an existing law or treaty stipulation, which shall be cited on the face of the amendment."<sup>367</sup>

<sup>363</sup> July 19, 1971, 92-1, *Record*, pp. 25913, 25919-20.

<sup>364</sup> Mar. 19, 1935, 74-1, *Record*, p. 3932.

<sup>365</sup> Apr. 6, 1934, 73-2, *Journal*, pp. 270-71, *Record*, p. 6191.

<sup>366</sup> June 28, 1977, 95-1, *Record*, pp. 21225-26; Feb. 13, 1925, 68-2, *Record*, pp. 3607-14; Apr. 26, 1904, 58-2, *Journal*, p. 446, *Record*, pp. 5602-16; Jan. 29, 1889, 50-2, *Record*, p. 1282; Sept. 25, 1975, 94-1, *Record*, pp. 30356-57.

<sup>367</sup> Feb. 28, 1925, 68-2, *Journal*, p. 264, *Record*, p. 4981; Mar. 3, 1885, 48-2, *Record*, pp. 2440, 2449; Feb. 4, 1933, 72-2, *Journal*, p. 163, *Record*, p. 3369; Feb. 28, 1929, 70-2, *Journal*, p. 238, *Record*, p. 4693; Dec. 13, 1927, 70-1, *Journal*, p. 62, *Record*, pp. 549, 567; Jan. 5, 1923, 67-4, *Record*, pp. 1292-93; Dec. 12, 1921, 67-2, *Record*, p. 249; June 3, 1920, 66-2, *Record*, pp. 8372-74; May 26, 1920, 66-2, *Journal*, p. 288, *Record*, pp. 7645-48; Mar. 2, 1915, 63-3, *Record*, pp. 5095-96; June 24, 1914, 63-2, *Record*, pp. 11036-37; June 23, 1914, 63-2, *Record*, pp. 10934-35; June 18, 1914, 63-2, *Record*, pp. 10654-57; Mar. 1, 1913, 62-3, *Record*, p. 4420; Mar. 1, 1913, 62-3, *Record*, p. 4415; July 3, 1912, 62-2, *Journal*, p. 444, *Record*, pp. 8607, 8611-19; July 3, 1912, 62-2, *Record*, p. 8606; Mar. 2, 1909, 60-2, *Record*, pp. 3642-44; Feb. 7, 1907, 59-2, *Record*, p. 2415; Feb. 27, 1905, 58-3, *Record*, p. 3507; Apr. 23, 1904, 58-2, *Record*, p. 5431; Mar. 22, 1904, 58-2, *Record*, p. 3496; Mar. 7, 1904, 58-2, *Record*, p. 2925; Apr. 5, 1902, 57-1, *Record*, p. 3712; Mar. 2, 1901, 56-2, *Record*, p. 3398; Apr. 9, 1900, 56-1, *Record*, p. 3921; Mar. 3, 1899, 55-3, *Record*, p. 2798; July 8 and 12, 1897, 55-1, *Journal*, p. 153, *Record*, pp. 2474, 2532; Feb. 26, 1897, 54-2, *Record*, p. 2357; June 8, 1896, 54-1, *Record*, p. 6244; May 25, 1896, 54-1, *Record*, pp. 5667,

Continued



An amendment to reimburse the State of California for certain expenditures made during the Civil War, proposed to a deficiency appropriation bill for 1935, was held not to be a private claim and therefore in order.<sup>368</sup>

### **Remain Available:**

An amendment by the Appropriations Committee to a general appropriations bill which provides that funds carried in the bill should remain available until expended is subject to a point of order against the use of the language to remain available until expended,<sup>369</sup> unless it is specifically authorized by law.

### **Resolutions to, Not in Order:**

An amendment, in the form of a Senate resolution, requesting the President to furnish certain information to the Senate, is not in order on a general appropriation bill.<sup>370</sup>

### **Rule XVI, Paragraph 1:**

The Chair has ruled various amendments out of order simply as in violation of Rule XVI, paragraph 1.<sup>371</sup>

### **Suspension of Rule XVI, to Offer Legislation:**

See "Procedure on Suspension To Add Legislation to Appropriations," pp. 1270-1271.

5681; May 2, 1896, 54-1, *Record*, p. 4721; Apr. 25, 1896, 54-1, *Journal*, p. 265, *Record*, p. 4415; Mar. 1, 1895, 53-3, *Record*, p. 2982; Feb. 28, 1895, 53-3, *Record*, p. 2894; Aug. 3, 1894, 53-2, *Record*, pp. 8156, 8158, 8169, 8172; Mar. 1, 1893, 52-2, *Journal*, p. 151, *Record*, pp. 2420-22; Mar. 2, 1891, 51-2, *Record*, p. 3673; Mar. 2, 1891, 51-2, *Record*, pp. 3675, 3838; Aug. 18, 1890, 51-1, *Record*, p. 8748; Sept. 24, 1888, 50-1, *Record*, p. 8824; Aug. 1, 1888, 50-1, *Journal*, p. 1227, *Record*, pp. 7119-22; Mar. 3, 1887, 49-2, *Record*, p. 2647; Mar. 3, 1887, 49-2, *Record*, pp. 2645-46; July 24, 1886, 49-1, *Record*, p. 7471; May 13, 1884, 48-1, *Record*, p. 4114.

<sup>368</sup> July 24, 1935, 74-1, *Journal*, p. 542, *Record*, p. 11761.

<sup>369</sup> Sept. 29, 1962, 87-2, *Record*, p. 21306; see also Oct. 1, 1962, 87-2, *Record*, p. 21470.

<sup>370</sup> Mar. 20, 1922, 67-2, *Record*, p. 4146.

<sup>371</sup> Jan. 3, 1929, 70-2, *Journal*, p. 63, *Record*, p. 1049; Feb. 19, 1920, 66-2, *Journal*, p. 149, *Record*, pp. 3134-35; Oct. 17, 1951, 82-1, *Record*, pp. 13339-40; May 28, 1945, 79-1, *Record*, p. 5214; Mar. 18, 1914, 63-2, *Record*, p. 5047; Feb. 27, 1914, 63-2, *Record*, pp. 4024-26; May 4, 1886, 49-1, *Record*, pp. 4135-36; Apr. 12, 1886, 49-1, *Record*, p. 3388.

**Unexpended Balances:**

An amendment providing for the reappropriation of an unexpended balance of an appropriation bill is subject to a point of order.<sup>372</sup>

**Amendments to Special Appropriation Bills**

*See also* "Definition of Special Appropriation Bills," p. 160.

Rule XVI applies to general appropriation bills only and not to special appropriation bills, and amendments legislative in nature are in order to any special appropriation bill.<sup>373</sup>

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**Legislative Measures May Carry  
Appropriations**

An amendment making an appropriation for the purchase of a site and the erection of a building thereon, proposed to an omnibus public buildings bill, is in order, inasmuch as the bill is not an appropriation bill.<sup>374</sup>

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<sup>372</sup> Aug. 3, 1954, 83-2, *Record*, p. 13083.

<sup>373</sup> June 27, 1939, 76-1, *Record*, p. 7960; May 21, 1937, 75-1, *Record*, p. 4936; Mar. 19, 1935, 74-1, *Journal*, p. 207, *Record*, p. 3974; Jan. 25, 1932, 72-1, *Journal*, pp. 180-81, *Record*, pp. 2632-34; Jan. 5, 1931, 71-3, *Journal*, p. 74, *Record*, pp. 1366, 1369; July 10, 1918, 65-2, *Journal*, p. 309, *Record*, pp. 8941-58; *see also* Apr. 19, 1938, 75-3, *Record*, p. 5510; July 26, 1937, 75-1, *Journal*, pp. 439-40, *Record*, pp. 7581-82.

<sup>374</sup> May 20, 1908, 60-1, *Record*, pp. 6586-87.