



BASIC » TRAINING

PARLIAMENTARY PROCESS,
FACTS, AND STRATEGIES

The Germaneness Rule

Clause 7 of rule XVI, called the “germaneness rule,” stands for the simple proposition that an amendment must address the same subject as the matter being amended. The germaneness rule was adopted by the House in 1789 and has remained the same since it was last changed in 1822. The purpose of the rule is to provide for the orderly consideration of amendments to bills and resolutions by requiring a relationship between the amendment and the matter being amended. The existence of this rule is one of the key procedural differences between the House and Senate.

APPLICATION

The germaneness rule applies both to amendments and other motions that have the same effect (e.g., a motion to recommit). If the amendment and the underlying provision are not related within the meaning of the rule, the amendment is subject to a point of order and cannot be offered.

In evaluating whether an amendment is germane to a bill or other amendment, it is important to keep the following in mind:

1. Germaneness is a **technical body of parliamentary law**, and is different than the idea of “relevancy”; an amendment may be politically or conceptually related to a provision in a bill, but may not be germane.
2. The test of germaneness is **measured against both the bill as a whole and the individual section** or paragraph being amended.
3. Adoption of an amendment to a bill (or inclusion of an unrelated item in an introduced bill) can **expand the range of amendments that are germane** to the bill.
4. Germaneness is based on the **portion of the bill which has been read for amendment** to that point when considering a bill under the 5-minute rule. An amendment might be

Germaneness

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

§ 928. Germane amendments.

Figure 1. The text of the germaneness rule is contained in the single sentence of clause 7 of rule XVI. This sentence is followed by more than 30 pages of notes explaining the application of the rule.

germane at the end of the bill where it might not earlier in the reading.

These factors, along with the specific tests described below, are all evaluated by the presiding officer when deciding on a point of order alleging a violation of the germaneness rule.

MAJOR TESTS OF GERMANENESS

The precedents of the House contain hundreds of pages of decisions that have come to define the germaneness rule. There are six basic tests used by the Chair to evaluate the germaneness of an amendment to the underlying proposition. While no single test is always conclusive, a general rule of thumb is that if the amendment fails any single test, it is not germane.

Subject Matter. An amendment must address the same subject matter as the underlying bill. If the amendment introduces a new subject, it is not germane.

Fundamental Purpose. The amendment and underlying bill must share the same fundamental purpose. If the purpose of an amendment is unrelated to the bill, it can be held non-germane. In evaluating this test, the Chair can examine the broad scope

MAKING THE POINT OF ORDER

A point of order charging that an amendment violates the germaneness rule must be made in a timely fashion, meaning that it must be made prior to the beginning of debate on the amendment. A common practice is to **reserve a point of order** at the outset if further review of the amendment is necessary to determine if it violates the germaneness rule.

If a Member wants to make the point of order (either immediately or after a reservation), that Member explains why the provision violates the germaneness rule, and the Chair may then entertain further argument for and against the point of order.

At the conclusion of argument, the Chair will rule on the point of order. If the point of order is upheld, further consideration of the amendment ends; if the point of order is overruled then debate on the amendment continues. The ruling of the Chair is subject to appeal.

FORMS OF GERMANENESS POINTS OF ORDER

Making a germaneness point of order:

"M. [Speaker/Chair], I make a point of order that the [amendment/motion] violates clause 7 of rule 16 of the Rules of the House because it seeks to amend the [bill/amendment] with matter not germane thereto. The text is not germane because..."

Ruling on a germaneness point of order:

"The Chair has examined the amendment and listened to the argument and is prepared to rule. The amendment... [summarize the amendment's relationship to the text]. The precedents require the Chair to find that the amendment [does/does not] constitute a 'different subject' within the meaning of clause 7 of rule 16, and accordingly the Chair finds that the amendment [is/is not] germane and the point of order is [upheld/overruled]."

The Germaneness Rule *continued*

of the bill, and need not be bound by secondary purposes suggested by the amendment.

Committee Jurisdiction. The amendment must be within the jurisdiction of the committees to whom the bill was referred.

During consideration by the House (or in the Committee of the Whole), amendments falling outside the jurisdictions of the committees are generally not germane, although any amendments adopted can change the test.

When a bill is being considered by a House committee, the germaneness rule generally serves as a bar against amendments that fall within the jurisdiction of a different committee.

Accomplishing the Result by a Different Method. Even if an amendment would achieve the same result of the underlying bill, the amendment must use a similar method to achieve that end. If the method being used to achieve the goal is not contemplated by the underlying text, it is generally not germane.

Individual Propositions. An individual proposition may not be amended by another individual proposition, even if they are closely related. If a bill, however, includes multiple individual propositions that fall within a broader class (e.g. limes, lemons, and oranges are all citrus fruit) other amendments falling within the same class are germane, but amendments outside that class are not.

Specific Subjects to General Propositions. You cannot amend a specific provision (e.g. apples) with a general proposition (e.g. fruit). However, it is possible to amend a general provision (fruit) with a more specific proposition (apples).

Permanent Amendment to a Temporary Provision. It is not germane to amend a provision that is temporary, such as an appropriations provision, with something permanent, such as a permanent change in law. ▲

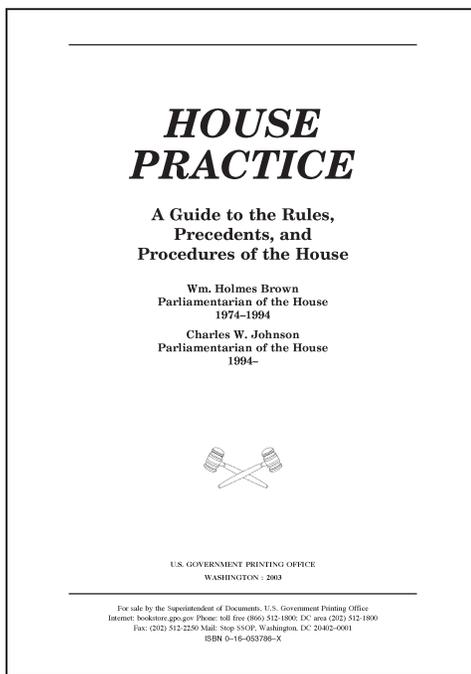


Figure 2. Chapter 26 of House Practice (last published in 2003) has more than 60 pages of explanatory material and examples regarding the application of the germaneness rule.