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Members' Day Hearing on Proposed Rules Changes for the 114th Congress

Rep. H. Morgan Griffith (VA-09)

Page 1 -- Griffith Amendment to the House Rules – Amending Appropriations bills

Page 2 -- Griffith Amendment to the House Rules – Making Rules Changes Privileged Resolutions

Page 3-4 -- Background Material – House Rules from 97th and 98th Congress concerning Amending Appropriations bills.

At the end of section 2, insert
the following:

- 1 MAKE IT EASIER TO AMEND APPROPRIATION
- 2 · BILLS.—The first sentence of clause 2(c) of rule XXI of
- 3 the Rules of the House of Representatives is amended by
- 4 inserting “, except to the extent that it is a line item ap-
- 5 propriation of the bill under consideration” after “chang-
- 6 ing existing law”.



At the end of section 2, insert
the following:

1 () RESOLUTIONS AMENDING ONLY THE STANDING
2 RULES OF THE HOUSE TO BE TREATED AS PRIVI-
3 LEGED.—Rule IX of the Rules of the House of Represent-
4 atives is amended—

5 (1) in clause 1, by inserting “; and third, any
6 resolution amending only the standing Rules of the
7 House of Representatives” before the period at the
8 end; and

9 (2) in the first sentence of clause 2(a)(1), by in-
10 sserting “or any resolution offered from the floor by
11 any Member as a question of the privileges of the
12 House amending only the standing Rules of the
13 House of Representatives” before the period.



A bill in the House (as distinguished from the Committee of the Whole) is amended pending the engrossment and third reading (V, 5781; VI, 1051, 1052). The question on engrossment and third reading being decided in the negative the bill is rejected (IV, 3420, 3421). A bill must be considered and voted on by itself (IV, 3408). Where the two Houses pass similar but distinct bills on the same subject it is necessary that one or the other House act again on the subject (IV, 3386). The requirement of a two-thirds vote for proposed constitutional amendments has been construed in the later practice to apply only to the vote on the final passage (V, 7029, 7030; VIII, 3504). A bill having been rejected by the House, a similar but not identical bill on the same subject was afterwards held to be in order (IV, 3384).

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continu-

ation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill; Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane

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to the subject matter of the bill shall retrench expenditures.

This part of the rule was first adopted in 1837, to prevent delay of appropriation bills because of contention over propositions of legislation. It has been amended at various times, especially the second sentence in the rule, permitting legislation tending to reduce expenditures, known as the "Holman Rule." Substantially the present form of the retrenchment rule was adopted in 1876, and employed from 1876 to 1885. The present form was adopted in the Fifty-second Congress and continued throughout the Fifty-third Congress. The "Holman Rule" was dropped during the Fifty-fourth to Sixty-first Congresses (1895-1911) and readopted in the Sixty-second and subsequent Congresses (IV, 3578; VII, 1125).

As all bills making or authorizing appropriations require consideration in Committee of the Whole, it follows that the enforcement of the rule must ordinarily occur during consideration in Committee of the Whole, where the Chair, on the raising of a point of order, may rule out any portion of the bill in conflict with the rule (IV, 3811; Sept. 8, 1965, pp. 23140; 23182). No report of parts of the bill thus ruled out is made to the House. It is the practice, therefore, for some Member to reserve points of order when a general appropriation bill is referred to Committee of the Whole, in order that portions in violation of the rule may be eliminated in the committee (V, 6921-6925; VIII, 3450; Chairman Chindblom, Feb. 6, 1926, p. 3456). On an instance where points of order were not reserved against an appropriation bill when it was reported to the House and referred to the Committee of the Whole, points of order in the Committee of the Whole against a proposition in violation of this clause were overruled, on the ground that the Chairman of the Committee of the Whole lacked authority to pass upon the question (Apr. 8, 1943, pp. 3150-51, 53). The enforcement of the rule also occurs in the House, since a motion to recommit a general appropriation bill may not propose an amendment containing legislation (Sept. 1, 1976, pp. 28833-4). Points of order against unauthorized appropriations or legislation on general appropriation bills may be made as to the whole or a portion only of a paragraph (IV, 3652; V, 6881), and the fact that a point is made against a portion of a paragraph does not prevent another point against the whole paragraph (V, 6882). And if a portion of a proposed amendment be out of order, it is sufficient for the rejection of the whole amendment (V, 6878-6880); and where a point is made against the whole of a paragraph the whole must go out, but it is otherwise when the point is made only against a portion (V, 6884, 6885), and it is too late to rule out the entire paragraph after points of order against specific portions have been sustained and an amendment to the paragraph has been offered (June 27, 1974, pp. 21670-2). In the administration of the rule it is the practice that those upholding an item of appropriation, should have the burden of

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2. (a) No appropriation shall be reported in any general appropriation bill, or shall be in order as an amendment thereto, for any expenditure not previously authorized by law, except to continue appropriations for public works and objects which are already in progress.

(b) No provision changing existing law shall be reported in any general appropriation bill except germane provisions which retrench expenditures by the reduction of amounts of money covered by the bill, which may include those recommended to the Committee on Appropriations by direction of any legislative committee having jurisdiction over the subject matter thereof.

(c) No amendment to a general appropriation bill shall be in order if changing existing law. Except as provided in paragraph (d), no amendment shall be in order during consideration of a general appropriation bill proposing a limitation not specifically contained or authorized in existing law for the period of the limitation.

(d) After a general appropriation bill has been read for amendment and amendments not precluded by paragraphs (a) or (c) of this clause have been considered, motions that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall have precedence over motions to further amend the bill. If any such motion is rejected, amendments proposing limitations not specifically contained or authorized in existing

law for the period of the limitation or proposing germane amendments which retrench expenditures by reduction of amounts of money covered by the bill may be considered; but after the vote on any such amendment, the privileged motion made in order under this paragraph may be renewed.

The 25th Congress in 1837 was the first to adopt a rule prohibiting appropriations in a general appropriation bill or amendment thereto not previously authorized by law, in order to prevent delay of appropriation bills because of contention over propositions of legislation. In 1838 that Congress added the exception to permit unauthorized appropriations for continuation of works in progress and for contingencies for carrying on departments of the Government. The rule remained in that form until the 44th Congress in 1876, when William S. Holman of Indiana persuaded the House to amend the rule to permit germane legislative retrenchments. In 1880, the 46th Congress dropped the exception which permitted unauthorized appropriations for contingencies of Government departments, and modified the "Holman Rule" to define retrenchments as the reduction of the number and salary of officers of the United States, the reduction of compensation of any person paid out of the Treasury of the United States, or the reduction of the amounts of money covered by the bill. That form of the retrenchment exception remained in place until the 49th Congress in 1885, when it was dropped until the 52nd Congress in 1891, and then re-inserted through the 53rd Congress until 1894. It was again dropped in the 54th Congress from 1895 until re-inserted in the 62nd Congress in 1911 (IV, 3578; VII, 1125). The clause remained unamended until January 3, 1981, when the 93th Congress restuctured and amended the clause as follows: (paragraph a)—retained the prohibition against unauthorized appropriations in general appropriation bills and amendments thereto except in continuation of works in progress; (paragraph b)—narrowed the "Holman Rule" exception from the prohibition against legislation to cover only retrenchments reducing amounts of money included in the bill as reported, and permitted legislative committees with proper jurisdiction to recommend such retrenchments to the Appropriations Committee for discretionary inclusion in the reported bill; (paragraph c)—retained the prohibition against amendments changing existing law but permitted limitation amendments during the reading of the bill by paragraph only if specifically authorized by existing law for the period of the limitation; and (paragraph d)—provided a new procedure for consideration of retrenchment and other limitation amendments only when reading of a general appropriation bill has been completed and only if the Committee of the Whole does not adopt a motion