change the entire title, which is intended to be an internees' relief bill. . . .

Mr. Fernandez responded:

Mr. Chairman, the term includes prisoners of war, and if the gentleman's contention is correct, then the so-called Van Zandt amendment was also subject to a point of order. . . .

The following ruling was then made by the Chairman:[3]

Referring to the remarks of the gentleman from New Mexico [Mr. Fernandez] relative to the amendment offered by the gentleman from Pennsylvania [Mr. Van Zandt] the Chair may say that no point of order was lodged against the amendment offered by the gentleman from Pennsylvania.

Referring to the point of order made by the gentleman from California, even if the language which the gentleman from New Mexico seeks to strike out were not in the bill the Chair doubts very much if the gentleman's amendment would be germane because the title of section 3 definitely refers to one class and only one class. This legislation affects the rights of that class known and designated as internees, and then they have strengthened the bill, evidently intending to strength(en) their position, by adopting the language used on page 10, which the gentleman seeks to strike out. Consequently, the Chair is constrained to sustain the point of order.

3. Thomas A. Jenkins (Ohio).

## § 14. Amendments Conferring Powers Not Granted in Bill

The amendments discussed in this section are those which seek to confer authority or powers upon persons, agencies or other entities, of a type or in a manner not addressed or contemplated in the bill.[4]

### *Joint Resolution Discharging Indebtedness of Commodity Credit Corporation—Amendment Authorizing Corporation To Transfer or Sell Surplus Commodities*

**§ 14.1 To a joint resolution directing the Secretary of the Treasury to discharge indebtedness of the Commodity Credit Corporation to the Secretary by cancellation of specified notes, an amendment authorizing the corporation to transfer certain surplus commodities to the Department of National Defense and providing for the sale of surplus commodities**

4. Discussed elsewhere are topics such as amendments which substitute one agency for another to administer provisions of the bill (§ 7, supra), or which limit powers (§ 33, infra).

**for use abroad was held not germane.**

In the 83d Congress, a bill[5] was under consideration to discharge certain indebtedness of the Commodity Credit Corporation. The bill stated:[6]

*Resolved, etc.—*

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

The Secretary of the Treasury is hereby authorized and directed to discharge indebtedness of the Commodity Credit Corporation to the Secretary of the Treasury by canceling notes issued by the Corporation to the Secretary of the Treasury . . . (2) in the amount of $129,553,795 for the net costs during the fiscal year 1953 . . . under the International Wheat Agreement Act of 1949 (7 U.S.C. 1641, 1642); and (3) in the amount of $2,064,060 for the funds transferred and expenses incurred through the fiscal year 1953 . . . under the head "Eradication of foot-and-mouth and other contagious diseases of animals and poultry" pursuant to authority granted in the Department of Agriculture Appropriation Act, 1953.

An amendment was offered as described above. The amendment stated in part:

Sec. 3. In order to make American farm commodities available to users in other countries on the same basis as farm commodities from other nations, all other agricultural commodities of whatever kind or character, title to which is in the Commodity Credit Corporation, unless already committed for sale, shall be offered for sale for use outside the continental United States, its Territories, and possessions, at prevailing or competitive world prices; *Provided, however,* That the President . . . may restrict . . . sales of such commodities for use in Communist-dominated countries. . . .

A point of order was raised against the amendment, as follows:

MR. [WALTER F.] HORAN [of Washington]: . . . The amendment seeks to introduce proposals which not only are not included in the joint resolution but are foreign to the basic act establishing the Commodity Credit Corporation. In effect it is an amendment of the law establishing the Corporation and therefore is in no sense germane to the proposition included in the joint resolution.

The Chairman, Leo E. Allen, of Illinois, sustained the point of order.[7] Subsequently, another amendment was offered which related to sale of commodities for use abroad, and which stated:

Amendment offered by Mr. [Jamie L.] Whitten [of Mississippi]: Before the semicolon, line 5, add the following: "*Provided,* commodities of at least an equal value are offered for sale by the Commodity Credit Corporation from its stocks at prevailing or competitive

**5.** H.J. Res. 358 (Committee on Appropriations).

**6.** See 100 CONG. REC. 897, 83d Cong. 2d Sess., Jan. 27, 1954.

**7.** *Id.* at p. 898.

world prices, for use outside the continental United States, its possessions or Territories."

Mr. Horan again raised the point of order that the amendment was not germane to the bill.

In defense of the amendment, the proponent stated as follows:

MR. WHITTEN: . . . This resolution before us today authorizes the Secretary of the Treasury to cancel certain notes of the Commodity Credit Corporation in the amount of $741 million.

The amendment which I have offered would authorize that action only under certain conditions. Those conditions are that commodities of an equal value be offered in world markets at prevailing prices, by the Commodity Credit Corporation.

The Chairman, however, again sustained the point of order.

### *Bill Concerning Federal Farm Appraisers—Amendment Making Officers of Farm Loan Associations Eligible for Appointment as Federal Appraisers; Requiring Approval of Certain Appraisals*

**§ 14.2 To that section of a bill authorizing federal farm appraisers to make appraisals for the public, an amendment was held to be not germane which related to the eligibility of officers of national farm loan associations for appointment as appraisers and which in certain instances required approval, by a second federal farm appraiser, of appraisals made by such officers.**

In the 79th Congress, a bill[8] was under consideration which stated:[9]

APPRAISAL SYSTEM

Sec. 6. Land bank appraisers appointed pursuant to the provisions of section 3 to the Federal Farm Loan Act, as amended, shall hereafter be known as Federal farm appraisers and, in addition to their duties under laws heretofore enacted, they may, under rules prescribed by the Board, make appraisals for the public as provided in this section. Reports of Federal farm appraisers for the public shall be confined to the appraisal of property. . . .

The following amendment was offered:

Amendment offered by Mr. [William R.] Poage [of Texas] On page 9, line 18, strike out all of line 18 and the remainder of page 9 and on page 10 down to and including line 9, and insert the following: "Secretary-treasurers of national farm loan associations . . . shall be eligible for appointment as Federal farm appraisers; but when any mortgage loan is made by the Federal land bank upon the basis of an appraisal by a Federal farm appraiser who is the secretary-treasurer

8. H.R. 4873 (Committee on Agriculture).

9. 92 CONG. REC. 2446, 79th Cong. 2d Sess., Mar. 19, 1946.

of a national farm loan association, the mortgage may be pledged with a farm loan registrar as collateral for Federal farm loan bonds unless and until another appraisal of the property has been made by a Federal farm appraiser who is not secretary-treasurer of any national farm loan association and he approves the report of the first appraisal or submits a report of his own which is favorable."

Mr. John W. Flannagan, Jr., of Virginia, raised the point of order that the amendment was not germane to the bill. In support of the point of order, Mr. Clifford R. Hope, of Kansas, made the following remarks:

> . . . The purport of section 6 is to set up a system of public appraisal. . . . The gentleman from Texas offers an amendment which would strike out section 6 and would simply provide for a new method of selecting appraisers, or rather, for using a certain other official as an appraiser, making him eligible to be an appraiser. But it does not in any sense go to the question involved in section 6. . . .

The Chairman, Jerome B. Clark, of North Carolina, in ruling on the point of order, stated:[10]

> The Chair is of the opinion that the amendment offered by the gentleman from Texas sets up an entirely different method and runs in a different direction. The Chair holds that the amendment is not germane and therefore, sustains the point of order.

**10.** *Id.* at p. 2447.

### *Bill Authorizing Rivers and Harbors Projects—Amendment Authorizing Secretary of Interior To Dispose of Electrical Energy Generated*

**§ 14.3 To a bill authorizing construction of public works on rivers and harbors, an amendment providing for disposition, by the Secretary of the Interior, of electrical energy generated at these projects was held germane.**

In the 78th Congress, during consideration of the river and harbor construction bill,[11] an amendment was offered which stated in part:[12]

> Amendment offered by Mr. [Joseph J.] Mansfield of Texas: Page 29, between lines 12 and 13, insert the following paragraph:
>
> Electric power . . . generated at projects authorized by this act . . . shall be delivered to the Secretary of the Interior, who shall . . . dispose of such power . . . in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles. . . .

A point of order was raised against the amendment, as follows:

**11.** H.R. 3961 (Committee on Rivers and Harbors).

**12.** 90 CONG. REC. 2846, 78th Cong. 2d Sess., Mar. 21, 1944.

MR. [WILLIAM J.] MILLER of Connecticut: Mr. Chairman, I make the point of order that the amendment is not germane to the bill. This bill deals with rivers and harbors projects and with the powers of the Secretary of War. This amendment attempts to legislate and define the powers of the Secretary of the Interior.

The Chairman, John M. Costello, of California, in ruling on the point of order, stated:[13]

[T]he bill deals entirely with the matter of the construction of dams and the distribution of water, and actually the generation and disposition of power on various rivers and various projects. It appears to the Chair it would be futile to create these dams and not also allow for the distribution of the power that is being generated at these dams, and that, therefore, the amendment is germane to the legislation before the Committee.

### *Bill Authorizing President To Order Military Reservists to Active Duty With Civilian Conservation Corps—Amendment Authorizing President To Make Permanent Assignment to Corps*

**§ 14.4 To that section of a bill authorizing the President to order reserve military officers to active duty with the Civilian Conservation Corps, an amendment authorizing the President to assign certain reserve officers to a permanent section of the corps was held to be germane.**

In the 75th Congress, a bill[14] was under consideration to establish the Civilian Conservation Corps. The following amendment was offered:[15]

Amendment offered by Mr. [Bertrand W.] Gearhart [of California]: Page 5, after "respectively", strike out the period, insert a colon and the following: "Provided, That qualified Reserve officers of the Army and qualified officers of the Naval and Marine Reserves on duty with the Civilian Conservation Corps as of June 30, 1937, and for at least 6 months prior thereto, and qualified Reserve officers of these services who have completed at least 2 years of active duty with the Civilian Conservation Corps and are not now on such duty, be assigned to a permanent section of the corps to be organized under the direction of the President, and such officers will be assigned to this section for a period without limitation. Reserve officers of the Army and officers of the Naval and Marine Reserves who are not now on Civilian Conservation Corps duty and who qualify may be taken into the permanent section of the corps as vacancies occur."

A point of order was raised against the amendment, as follows:

MR. [LISTER] HILL of Alabama: Mr. Chairman, I make the point of order

13. *Id.* at p. 2847.

14. H.R. 6551 (Committee on Labor).

15. 81 CONG. REC. 4394, 75th Cong. 1st Sess., May 11, 1937.

that the amendment is not germane to the section and is not germane to the bill.

This section of the bill simply authorizes the President to call Reserve officers to duty and then prescribes what their relative rank shall be when they are called to duty following the provisions of the National Defense Act. The amendment, as I understood from hearing it read, would set up a special organization of Reserve officers in the Civilian Conservation Corps. The amendment would change the organization of the Reserve officers so far as those now on duty or who have been on duty with the C.C.C. are concerned. . . .

In defending the amendment, the proponent, Mr. Gearhart, stated:

Mr. Chairman, the second section of the bill confers upon the President the power to assign Reserve officers to C.C.C. duty. The amendment which I offer merely grants additional authority to the President, after he has exercised the original authority conferred upon him by the first portion of the bill. It simply provides further authority in the President over the C.C.C. officers after these officers have been assigned to their duties.

The Chairman,[16] in ruling on the point of order, stated:

The Chair is convinced that the amendment is germane to the section in question. It simply modifies in a certain degree the discretion vested in the President in section 6 of the bill. Therefore, the point of order is overruled.

16. Edward E. Cox (Ga.).

### *Provisions To Regulate Financial Disclosure and Ethical Conduct of Executive Branch Employees—Amendment Providing for Special Prosecutor To Investigate Violations by Such Employees and by Others*

**§ 14.5 To a title of a bill confined to regulating the financial disclosure, ethical conduct and conflicts of interest by executive branch employees, an amendment changing existing law to provide a permanent procedure for appointment of a special prosecutor to investigate and prosecute violations, committed not only by executive branch employees, but by persons formerly employed or never employed in the executive branch, was held not germane.**

During consideration of the Ethics in Government Act of 1977[17] in the Committee of the Whole on Sept. 27, 1978,[18] the Chair sustained a point of order against the following amendment:

17. H.R. 1.

18. 124 CONG. REC. 31974–77, 95th Cong. 2d Sess.

MR. [HENRY J.] HYDE [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hyde: On page 44 of the substitute, insert the following after line 9:

PART C—SPECIAL PROSECUTOR

SPECIAL PROSECUTOR

Sec. 226. (a) Title 28 of the United States Code is amended by inserting immediately after chapter 37 the following new chapter:

"Chapter 39—Special Prosecutor . . .

"§ 591. Appointment

"(a) Upon receiving any specific information that any of the persons described in subsection (c) of this section has—

"(1) knowingly authorized or engaged in any Federal criminal act or omission involving the abuse of Federal office; . . . or

"(3) violated any Federal criminal law relating to the obstruction of justice or perjury or conspired to violate any such Federal criminal law or to defraud the United States:

the Attorney General shall conduct, for a period not to exceed sixty days, such preliminary investigation as the Attorney General deems appropriate to ascertain whether the matter under investigation is so unsubstantiated that no further investigation or prosecution is warranted.

"(b) Upon receiving any specific information that any of the persons described in subsection (c) of this section has committed a violation of the Ethics in Government Act of 1977, as set forth in section 204 of such Act, the Attorney General shall apply to the special panel of the court for the appointment of a special prosecutor.

"(c) The persons referred to in subsections (a) and (b) of this section are as follows:

"(1) The President or Vice President.

"(2) Any individual serving in a position compensated at level I of the Executive Schedule under section 5312 of title 5 of the United States Code. . . .

"(5) Any individual who held any office or position described in any of paragraphs (1) through (4) of this subsection during the incumbency of the President or during the period the last preceding President held office, if such preceding President was of the same political party as the incumbent President.

"(6) A national campaign manager or chairman of any national campaign committee seeking the election or reelection of the President. . . .

"§ 592. Prosecutorial jurisdiction; authority

"(a) Notwithstanding any other provision of law, a special prosecutor appointed under this chapter shall have, with respect to all matters in such special prosecutor's prosecutorial jurisdiction established under this chapter, all the investigative and prosecutorial functions and powers of the Department of Justice, the Attorney General, and any other officer or employee of the Department of Justice.

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I make the point of order that the gentleman's amendment is not germane.

Mr. Chairman, the gentleman's amendment seeks to add new language to title II of the bill. The new language amends title 28 of the United States Code to provide a mechanism for the appointment of a Special Prosecutor. It appears to be identical, save for one important change, to H.R. 9705, a bill

reported favorably by the Committee on the Judiciary last June 19. The reach of the gentleman's amendment goes far beyond the subject matter and scope of title II of the bill.

Title II is entitled "Executive Personnel Financial Disclosure Requirements." It is limited exclusively to people in the executive branch of Government. The provisions of the gentleman's amendment are not limited to people in the executive branch. His amendment covers people who are not even in the government—national campaign managers—as well as people in another branch—Members of Congress.

Title II of the bill is concerned with the disclosure of personal finances and provides for a civil penalty for failure to file or falsifying a disclosure report. The gentleman's amendment deals with criminal conduct that is not related to the financial disclosures required by title II. The criminal conduct covered includes obstruction of justice and criminal violations of the Federal election laws.

Mr. Chairman, the gentleman's amendment goes far beyond the scope and subject matter of title II and, I submit, is therefore not germane. . . .

MR. HYDE: . . . Mr. Chairman, the proposed amendment, I feel, is clearly germane. The basic test of germaneness is that the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill (VIII Cannon's Precedents of the House 2911; Deschler's Procedure, 28.5). The title of the bill gives some indication of its purpose and its text further underscores that purpose, that is, to effect ethics in government.

My amendment creates a mechanism to effect ethics in government as well as to enforce the provisions of section 204 of H.R. 1. Consequently, the fundamental purpose of the amendment is closely aligned with that of the bill itself.

Another test of germaneness is whether the subject matter of the amendment relates to the subject matter under consideration. (Deschler's Procedure, 28.3). Here, too, the relation of the amendment to the bill is clear. The subject matter of the bill is in broad terms the ethics of Government officials, which the subject matter of the amendment is the enforcement of these same ethical standards.

Another test of germaneness is whether the subject matter of the amendment lies within the jurisdiction of a committee other than that reporting the bill. This test is more clearly met than any other since the Judiciary Committee has reported in separate legislation a variant of the amendment I am offering.

Furthermore, it should be noted that the rule under which H.R. 1 is being considered specifically waives any points of order on grounds of germaneness against the substitute embodied in H.R. 13850. I submit that the language of this waiver is broad enough in both its letter and its spirit to also permit consideration of this amendment.

It is also noteworthy that the Senate passed bill (S. 555), of which H.R. 1 was one title, contained another title on appointment of Special Prosecutors. If H.R. 1, or the substitute, is passed by the House, there necessarily will be a conference pitting the Senate's comprehensive approach to ethics against a House-passed bill that covers only a fraction of the ground.

THE CHAIRMAN:[19] The gentleman from California (Mr. Danielson) makes a point of order against the amendment offered by the gentleman from Illinois (Mr. Hyde) on the grounds it is not germane to title II of the bill to which it is offered.

The gentleman from Illinois (Mr. Hyde) has made some very persuasive arguments with respect to the germaneness of the amendment to the entire bill, but the amendment offered by the gentleman from Illinois goes to title II of the bill, and for the reasons stated by the distinguished gentleman from California (Mr. Danielson), the Chair sustains the point of order.

### *Bill Creating Executive Agency To Protect Consumer Interests—Amendment To Confer Authority Upon Congressional Committees To Direct Agency To Intervene in Legal Proceedings*

**§ 14.6 To a bill creating an independent agency in the executive branch to protect consumer interests, an amendment in the form of a new section conferring upon Congressional committees with oversight responsibility for consumer interests the authority to direct that agency to intervene in administrative or judicial proceedings was held not merely to reserve to Congress a disapproval authority over the agency but to confer new power on Congressional committees, and was ruled out as beyond the jurisdiction of the Committee on Government Operations and beyond the scope of the bill.**

During consideration of the Consumer Protection Act of 1975[20] in the Committee of the Whole on Nov. 6, 1975,[1] the Chair sustained a point of order against the following amendment:

MR. [ELLIOTT] LEVITAS [of Georgia]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Levitas: On page 25, following Section 13 of H.R. 7575 as reported, add the following new section:

Sec. 14(a) Whenever a committee of the Congress having specific oversight responsibility with respect to the operations of a Federal agency determines that the result of a proceeding or activity of such agency may substantially affect an interest of consumers, such committee may by resolution order the Administrator to intervene as a party or otherwise participate for the purpose of representing the interests of consumers, as provided in Section 6(a)(1) and (2).

(b) Whenever a Committee of the Congress having specific oversight responsibility with respect to the operations of a Federal agency determines that an intervention by the Administrator pursuant to Section

19. Edward P. Boland (Mass.).

20. H.R. 7575.

1. 121 CONG. REC. 35373, 35374, 94th Cong. 1st Sess.

6(a) is not properly representative of an interest of consumers, or that such intervention is one that does not substantially affect an interest of consumers, such committee may by resolution order the Administrator to withdraw such intervention as a party or to conduct such intervention in a manner consistent with such determination as the committee shall make by such resolution.

(c) The Administrator shall, at the direction by resolution of a committee of the Congress having specific oversight responsibility of the affected Federal agency, institute, or intervene as a party, in a proceeding in a court of the United States involving judicial review of any Federal agency action pursuant to the provisions of Section 6(d). . . .

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I make the point of order that this amendment is not germane. What it attempts to do is superimpose upon this executive agency a committee of the Congress having oversight. This committee, that is the Government Operations Committee, does not have jurisdiction over that particular aspect of the matter.

I also think this would be in contravention to the rules of the House and be changing the rules of the House, it seems to me.

On those bases I feel the amendment is not germane and make the point of order. . . .

MR. LEVITAS: Mr. Chairman, yesterday when the Chair ruled as out of order an amendment in the form of a substitute which I offered, it was on the basis that it would have removed a proposed agency from the executive branch into the congressional branch of Government. This amendment does not do that. It simply gives additional powers that can be exercised at the direction of the oversight committees and it does not attempt to shift the Agency's location from one branch of the Government to the other.

Since it has as its purpose the further protection of consumers by requiring the Administrator or the Agency to take action or modify proposed action in order to better protect the consumer interest, it is akin, it seems to me, to the fundamental purpose of the bill and therefore I submit is germane to the purposes of the bill. . . .

MR. [JACK] BROOKS [of Texas]: . . . I would like to point out in addition that this will give additional committees within the Congress the right to change the effectiveness of an executive agency. If we create this Agency and it works within the department, this amendment would give one committee, not the Congress of the United States but one committee, the right and the authority to interfere with the functioning of that Agency. I think it would be unconstitutional and certainly not in keeping with the prerogatives that we give to the Executive when we give him authority. Until we change the law an individual committee of the Congress does not have the right to tell the executive branch what to do and how to function under the law passed by the Congress. . . .

MR. [JOHN N.] ERLENBORN [of Illinois]: . . . Mr. Chairman, I believe the point of order should be overruled. The bill creates an agency and grants certain powers to the agency. This amendment proposes to reserve certain of those powers that are granted.

The gentleman from Texas said it would be improper and not germane to

reserve those powers. I would say there is precedent for this type of amendment. In the Education Act Amendments of 1974, I believe it was, the Office of Education in HEW was given authority to adopt rules and regulations to implement the action. That legislation specifically reserved to the Congress and to the committees of the Congress the authority to review those rules and regulations before they took effect and to veto in effect any of the rules and regulations that the Congress felt were not in conformity with the intent of the Congress in passing the act.

So in making a grant of authority to an agency I believe we also have authority to reserve a certain overview and veto power or direction of the authority we are giving to the agency. I submit with those precedents this amendment should be in order. . . .

MR. LEVITAS: Mr. Chairman, I would like to point out one additional precedent that occurs to me and that is the Budget Control Impoundment Act that was adopted by the last Congress, which not only provides for congressional review of executive actions, but also authorizes an arm of the Congress to enforce those congressional decisions by taking legal actions in court.

I think that is certainly far less of an action than is contemplated by this amendment and which is for the protection of the consumer, which is the underlying purpose of this bill.

THE CHAIRMAN: [2] The Chair is ready to rule. In the opinion which the Chair gave yesterday on the point of order made to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. Levitas), the Chair did not base that opinion strictly on the arguments reiterated by the gentleman from Georgia today. While the Chair cannot decide the constitutional questions raised, in the opinion of the Chair, the emphasis contained in the amendment on congressional oversight responsibilities and the authority conferred upon committees to order certain actions to be undertaken by the Consumer Office in furtherance of those committees' oversight function, is an issue which is not related to the scope of the pending bill. The effect of the amendment extends the oversight responsibilities and authority of House committees, a matter not within the jurisdiction of the Committee on Government Operations, and goes beyond the issue of merely reserving to Congress a disapproval authority over promulgated agency regulations.

Consequently, the Chair is constrained to support the point of order.

### *Bill Reforming Economic Regulation of Railroads—Amendment Relating to Diverse Issues Including Authority of Interstate Commerce Commission and Secretary of Transportation*

**§ 14.7 Where a bill reforming the economic regulation of railroads was being read for amendment by titles, and the title under consideration, entitled "railroad inter-carrier practices" dealt with diverse subjects, including bank-**

2. Edward P. Boland (Mass.).

**ruptcy and employee protection issues, an amendment to such title which (1) addressed those issues as well as railroad rates and rate-making, (2) included provisions requesting a study of the impact of possible tax law changes on railroads, and (3) conferred certain powers on the Interstate Commerce Commission, the Secretary of Transportation and other officials, was held germane even though portions of the amendment indirectly affected a previous title of the bill already perfected by amendment.**

The proceedings of Sept. 5, 1980, relating to H.R. 7235, the Rail Act of 1980, are discussed in § 3.24, supra.

## § 15. Amendments to Appropriation Bills; Rescission Bills

An amendment offered to a general appropriation bill must be germane to that part which is under consideration.[3] And where an amendment to a general appropriation bill relates to the appropriation of specific funds, it must be offered to the specific item of appropriation to which it applies. If offered to the general introductory statement preceding the specific appropriation, it may be ruled out as not germane.[4]

From the point of view of germaneness, an amendment limiting the use of funds by a particular agency funded in a general appropriation bill may be offered while the paragraph carrying the funds is pending, subject to clause 2 of Rule XXI, added in 1983, requiring the reading of the bill to have been completed, or to any general provisions portion of the bill affecting that agency or all agencies funded by the bill.[5] However, to

**3.** See the remarks of Chairman Franklin W. Hancock, Jr. (N.C.) at 81 CONG. REC. 3763, 75th Cong. 1st Sess., Apr. 22, 1937, made in the course of ruling on a point of order raised by Mr. Tarver to an amendment offered by Mr. Ellenbogen. Under consideration was H.R. 6523 (Committee on Appropriations), Agriculture Appropriations for 1938.

On one occasion, the Chairman remarked, in the course of ruling on the propriety of an amendment to a supplemental appropriation bill that, "If the amendment is germane to any part of the bill, it is germane at the point at which it has been offered." See § 15.3, infra. The Chairman probably intended his remarks to have reference only to the particular context in which he made his ruling.

**4.** See § 15.2, infra.

**5.** See § 15.1, infra.