

tion 425(a) or 426 must specify the precise language on which it is premised.” . . .

MR. MOAKLEY: Mr. Chairman, the Dreier amendment is a major improvement over the text of the bill. I would, however, make one suggestion. . . .

My amendment makes the Member who is raising the point of order show exactly where the unfunded mandate exists and explain how that language constitutes a violation. . . .

MR. DREIER: Mr. Chairman, I thank the gentleman for yielding. . . .

It seems to me that on this issue the burden of proof should in fact lie with the Member raising the point of order. This is a very effective way to address that concern. I strongly support the amendment offered by the gentleman from Massachusetts [Mr. Moakley] to the amendment I have offered. The gentleman from Pennsylvania [Mr. Clinger] will be let off the hook with this amendment. . . .

MR. [WILLIAM F.] CLINGER [Jr., of Pennsylvania]: Mr. Chairman, that is precisely what I wanted to say. In the legislation presently drafted, the task of determining what was or was not an unfunded mandate would have fallen on the shoulders of the chairman of the Committee on Government Reform and Oversight, and/or perhaps the ranking member of that committee, so I certainly appreciate the fact that this is now going to ensure that this matter will be decided by the House itself. That is the appropriate place for this decision to be made. I am pleased to support the amendment.

THE CHAIRMAN:⁽⁵⁾ The question is on the amendment offered by the gen-

tleman from Massachusetts [Mr. Moakley] to the amendment offered by the gentleman from California [Mr. Dreier].

The amendment to the amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from California [Mr. Dreier] as amended.

The amendment, as amended, was agreed to.

§2. Manner of Making Point of Order

The formalities followed in making a point of order are relatively simple. Members making points of order must address the Chair and be recognized before proceeding,⁽⁶⁾ the Member should be specific as to the language to which he objects,⁽⁷⁾ and the Member should make clear that he is making a point of order.⁽⁸⁾ The Chair controls debate on a point of order, and a Member recognized on a point of order may not yield to another Member for debate thereon.

Addressing the Chair

§2.1 Members making points of order must address the Speaker and be recognized before proceeding.

6. See §2.1, *infra*.

7. See §2.2, *infra*.

8. See §2.3, *infra*.

5. Bill Emerson (Mo.).

On Oct. 24, 1945,⁽⁹⁾ Speaker Sam Rayburn, of Texas, asserted himself when the discussion on the floor grew particularly acrimonious.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, we have just witnessed one of the most ridiculous performances that has taken place in this House since I have been in Congress. These unjustified attacks on the Committee on Un-American Activities, these smear attacks on the Daughters of the American Revolution by the Jewish gentleman from New York [Mr. Celler], have been shocking indeed, to say the least of it.

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, I make the point of order that the gentleman is out of order when he refers to me as "the Jewish gentleman from New York." I ask that the words be taken down.

THE SPEAKER: If the gentleman will allow the Chair, there is one way to refer to a Member of the House of Representatives and that is, "the gentleman from" the State from which he comes. Any other appellation is a violation of the rules.

MR. RANKIN: Mr. Speaker, if he objects to being called a "Jewish gentleman" I withdraw it.

MR. CELLER: Mr. Speaker, I ask that the words be taken down.

MR. [VITO] MARCANTONIO [of New York]: I ask that those words be taken down.

9. 91 CONG. REC. 10033, 79th Cong. 1st Sess. Under consideration was H.R. 1834, proscribing procedures of investigative committees.

MR. RANKIN: I am withdrawing the words. I have not the time to argue such matters.

MR. MARCANTONIO: I object to his withdrawing the words. I request that the words be taken down.

THE SPEAKER: The Chair has already stated the rule with reference to the language of the gentleman from Mississippi.

MR. MARCANTONIO: But he repeated it, sir.

MR. RANKIN: But I withdrew it. I have something else to talk about.

MR. MARCANTONIO: But I object to his withdrawing it.

THE SPEAKER: The Chair has already ruled on the matter and that is the end of it.

The gentleman from Mississippi [Mr. Rankin] will proceed in order.

MR. MARCANTONIO: He repeated it despite the Speaker's ruling.

MR. RANKIN: Mr. Speaker, it is exceedingly strange that a man presuming to arrogate to himself the prerogative of speaking for a minority group will rise on this floor and denounce the Daughters of the American Revolution, in the manner the Member from New York [Mr. Celler] did and then raise a protest when he is even referred to as a gentleman of his race.

MR. CELLER: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. CELLER: The gentleman by inference and innuendo has simply repeated what he said at the inception of his remarks when he attempted to state that I was a Jewish gentleman. That is the second time he did it by indirection. I think the gentleman should

be called to order and cautioned not to repeat that kind of language.

THE SPEAKER: The gentleman refers to the gentleman, if he referred to him at all, as the member of a minority race. The Chair does not think that is a violation of the rule.

MR. RANKIN: Mr. Speaker, a parliamentary inquiry. I wish to proceed in order. Does the Member from New York [Mr. Celler] object to being called a Jew or does he object to being called a gentleman? What is he kicking about?

MR. MARCANTONIO: Mr. Speaker, a point of order.

THE SPEAKER: The Chair desires to make a little statement.

The Chair trusts that points of order may be properly points of order hereafter, and that a Member before he makes a point of order secures the recognition of the Chair.

The gentleman from Mississippi will proceed in order, and the Chair trusts that the gentleman from Mississippi understands what the Chair means.

§ 2.2 In making a point of order, a Member should be specific as to the objectionable language.

On Feb. 7, 1940,⁽¹⁰⁾ Chairman Harry P. Beam, of Illinois, instructed that a point of order should be specific.

MR. [MILLARD F.] CALDWELL [of Florida]: Mr. Chairman, I send to the desk

10. 86 CONG. REC. 1194, 76th Cong. 3d Sess. Under consideration was H.R. 8319, a State, Justice, Commerce, and Judiciary appropriations bill for fiscal 1941.

a further amendment. This takes the place of the language stricken on the point of order made by the gentleman from New York [Mr. Taber].

The Clerk read as follows:

Amendment offered by Mr. Caldwell: On page 18, line 2, after the figures and the semicolon insert the following: "Bureau of Interparliamentary Union for Promotion of International Arbitration, \$20,000, including not to exceed \$10,000 for the expenses of the American group of the Interparliamentary Union, including personal services in the District of Columbia and elsewhere, traveling expenses, purchase of necessary books, documents, newspapers, periodicals, maps, stationery, official cards, printing and binding, entertainment, and other necessary expenses to be disbursed on vouchers approved by the president and executive secretary of the American group."

MR. [JOHN] TABER: Mr. Chairman, I make the point of order that the language is still beyond the authorization of the law.

THE CHAIRMAN: Will the gentleman be specific and point out the language he objects to in the amendment offered by the gentleman from Florida?

MR. TABER: The words "and other necessary expenses to be disbursed on vouchers approved by the president and executive secretary of the American group."

MR. CALDWELL: Mr. Chairman, I believe it proper, in view of the scope of the act which authorizes our participation in the Interparliamentary Union, that it be held that all of the purposes now included in the amendment are authorized. Even the word "entertainment," which was complained of in the point of order previously considered, must of necessity be included here.

THE CHAIRMAN: The Chair is prepared to rule.

The act of June 28, 1935, among other things, in the second paragraph has the following language:

Such appropriation to be disbursed on vouchers to be approved by the president and the executive secretary of the American group.

Considering this language in connection with the amendment offered by the gentleman from Florida, the Chair is constrained to overrule the point of order.

§ 2.3 A point of order should be stated explicitly, so that it is clearly understood to be a point of order and not a parliamentary inquiry.

On June 28, 1967,⁽¹¹⁾ after a teller vote had commenced, Chairman John J. Flynt, Jr., of Georgia, ignored “points of order” which were stated as questions.

MR. [DONALD] RUMSFELD [of Illinois]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state his point of order.

MR. RUMSFELD: Is it not correct that there should be a teller in favor of the amendment and a teller in opposition?

11. 113 CONG. REC. 17748, 90th Cong. 1st Sess. Under consideration was H.R. 10340, authorizing appropriations for the National Aeronautics and Space Administration. See also 118 CONG. REC. 13114, 13115, 92d Cong. 2d Sess., Apr. 18, 1972. Under consideration was H.R. 45, establishing an institute for continuing studies of juvenile justice.

THE CHAIRMAN: The gentleman from Illinois has asked a question rather than making a point of order.

MR. [JAMES G.] FULTON of Pennsylvania: I am here. I am against the amendment.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state his point of order.

MR. WAGGONNER: Is it not necessary, under the rules of the House, in the instance of a teller vote, that the Chair name one Member as a teller who supports the amendment?

THE CHAIRMAN: The Chair will state that the gentleman from Louisiana has not made a point of order, but rather has asked a question. The Chair designated as tellers the gentleman from Indiana [Mr. Roudebush], the author of the amendment, and the gentleman from California [Mr. Miller]. No point was raised until the vote had begun to be taken.

The vote will proceed.

Parliamentarian's Note: Pursuant to Rule I clause 5, the Chair is required to name tellers “on each side of the question,” and a timely point of order, before the vote had commenced, would have been entertained.

§ 3. Reserving Points of Order

By reserving a point of order against an amendment, instead of making it, a Member may hear