

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,<sup>(11)</sup> 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

the debate on the merits of a proposition or ask a preliminary question, and later determine whether to press or withdraw his point of order.<sup>(12)</sup> Such a reservation is in the discretion of the Chair<sup>(13)</sup> who must entertain and rule on the point of order immediately, if a demand for regular order is made.<sup>(14)</sup> Where all debate time has expired, the reservation of a point of order is not possible. Where there is no time for debate, a point of order must be immediately stated and ruled upon.<sup>(15)</sup> The reservation of a point of order by one Member against an amendment at the proper time reserves all points of order against the provision<sup>(16)</sup> and inures to all Members,<sup>(17)</sup> but the reservation of a point of order by one Member does not preclude another from insisting upon a point of order immediately.<sup>(18)</sup>

The practice of "reserving a point of order" applies to amend-

12. See §3.1, *infra*. Of course, if the Member pressed his point of order at that time, instead of reserving it, debate on the point of order, if permitted at all by the Chair, would be confined to the point of order only. See §3.2, *infra*.
13. See §§3.17, 3.18, *infra*.
14. See §3.15, *infra*.
15. See §3.30, *infra*.
16. See §3.11, *infra*.
17. See §3.10 *et seq.*, *infra*.
18. See §3.9, *infra*.

ments and not to a paragraph in the bill text.<sup>(19)</sup>

### *In General*

#### **§ 3.1 A Member may reserve a point of order against a measure and then, after debate on the measure, either insist upon or withdraw the point of order.**

On Oct. 28, 1969,<sup>(20)</sup> Mr. George H. Mahon, of Texas, and Mr. Frank T. Bow, of Ohio, reserved points of order against an amendment offered by Mr. Jeffery Cohelan, of California, but after some discussion on the amendment, Mr. Mahon decided not to press his point of order, while Mr. Bow determined to proceed and the Chair then requested that he state it:

MR. COHELAN: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cohelan: Page 4, line 22, after "lower:"; insert the following:

*Provided*, That in the case of activities for which appropriations would be available to the Office of Education under the Act making appropriations for the Departments of Labor, and Health, Education, and Welfare for the fiscal year 1970, as passed by the House, the amount available for each such activity shall

19. See §3.5, *infra*; but see also §3.6, *infra*.
20. 115 CONG. REC. 31886, 31888, 91st Cong. 1st Sess. Under consideration were continuing appropriations for fiscal 1970.

be the amount provided therefor by the House action.”

MR. MAHON: Mr. Chairman, I reserve a point of order on the amendment.

THE CHAIRMAN:<sup>(1)</sup> The gentleman from Texas reserves a point of order.

MR. BOW: Mr. Chairman, I reserve a point of order also.

THE CHAIRMAN: The gentleman from Ohio reserves a point of order. . . .

The Chair notes that a point of order is pending.

MR. MAHON: Mr. Chairman, I have now had an opportunity to read the gentleman's amendment, and I withdraw my point of order.

MR. BOW: Mr. Chairman, I renew the point of order.

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

MR. BOW: The amendment provides for activities for which appropriations would be available for the Office of Education under the act making appropriations for the Departments of Labor, and Health, Education, and Welfare for fiscal 1970, as passed by the House. Now, there is no act making appropriations for the Departments of Labor, and Health, Education, and Welfare. Since there is no act, this becomes an action of this House in making an appropriation to the Department when no act has been passed by the Congress.

THE CHAIRMAN: Does the gentleman from California desire to be heard on the point of order?

MR. COHELAN: Mr. Chairman, I submit that the amendment was carefully drafted, and to the very best of my

knowledge, it is a proper amendment. I urge that it be so recognized.

THE CHAIRMAN: The Chair is ready to rule. The gentleman from California offered an amendment to page 4, line 22, of the bill, to which the gentleman from Ohio made a point of order. The gentleman from Ohio in making his point of order has not pointed out to the Chair any rule of the House that the amendment violates. The point raised by the gentleman from Ohio is not one for the Chair to pass on, but presumably is one for the committee itself to pass on. The Chair does not sustain the point of order.

### *Effect of Reservation*

**§ 3.2 Where points of order are reserved, debate may be had on the merits of the proposition under consideration, but where points of order are made, discussion is confined to the question of order presented.**

On Apr. 2, 1937,<sup>(2)</sup> Chairman Jere Cooper, of Tennessee, explained the effect of reserving a point of order to Mr. Jack Nichols, of Oklahoma.

MR. NICHOLS: Will the Chair explain the effect of reserving a point of order instead of making it? . . .

THE CHAIRMAN: It is within the right of the gentleman from Oklahoma ei-

1. Wilbur D. Mills (Ark.).

2. 81 CONG. REC. 3096-98, 75th Cong. 1st Sess. Under consideration was an appropriation bill for the District of Columbia.

ther to make his point of order or to reserve his point of order. If the gentleman makes the point of order, discussion would be confined to the point of order. If he reserves the point of order it would permit debate on the provision of the bill against which the point of order is reserved.

MR. NICHOLS: Then, Mr. Chairman, I decline to reserve the point of order, but make it.

***Yielding for Amendment While Reservation of Point of Order Is Pending***

**§ 3.3 A Member who has offered an amendment against which a point of order has been reserved may not during his time for debate yield to another Member to offer an amendment to the amendment.**

During consideration of a bill under the five-minute rule, in Committee of the Whole, on Mar. 21, 1979,<sup>(3)</sup> an amendment was offered by Mr. Theodore S. Weiss, of New York, against which a point of order was reserved. The proceedings are carried below.

Amendment offered by Mr. Weiss: Page 3, insert after line 5 the following:

SEC. 5. (a) Section 3(b) of the Council on Wage and Price Stability Act is amended by striking out "Nothing in this Act" and inserting in lieu thereof "Except as provided in section 8, nothing in this Act".

3. 125 CONG. REC. 5779-81, 96th Cong. 1st Sess.

(b) Such Act is amended by adding after section 7 the following new section:

"PRESIDENTIAL AUTHORITY

"SEC. 8. (a) The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on January 1, 1979, and to stabilize interest rates and corporate dividends and similar transfers at levels consistent with orderly economic growth. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities. . . .

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN:<sup>(4)</sup> The gentleman from Pennsylvania (Mr. Moorhead) will be protected on his reservation of the point of order.

MR. WEISS: Mr. Chairman, I rise to speak on the amendment. . . .

MR. [MARC L.] MARKS [of Pennsylvania]: Mr. Chairman, will the gentleman yield?

MR. WEISS: I am pleased to yield to the gentleman from Pennsylvania.

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

Mr. Chairman, I have an amendment to the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The Chair will remind the gentleman from Pennsylvania (Mr. Marks) that his amendment is not in order at this point.

4. Butler Derrick (S.C.).

MR. MARKS: May I ask the Chair a question?

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Moorhead) has reserved a point of order against the pending amendment.

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I would now like to insist on my point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The Chair will point out that the time is under the control of the gentleman from New York (Mr. Weiss).

MR. WEISS: Mr. Chairman, the gentleman from Pennsylvania (Mr. Marks) had asked if I would yield to him, and I am pleased to yield to him at this point.

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

Mr. Chairman, it was my purpose to offer an amendment to the suggestion or the amendment offered by the gentleman from New York (Mr. Weiss), seeking to give the President the authority to impose mandatory wage and price controls, whereby we would give the Congress the authority to nullify the controls imposed by the President by the passage of a concurrent resolution.

It is my purpose, if it is in order, to ask the gentleman from New York (Mr. Weiss) if he would accept such an amendment.

MR. WEISS: Mr. Chairman, I would be pleased to accept that language and make it part of my amendment, if that is satisfactory to the Chair.

MR. MARKS: I would ask the opportunity in that case, Mr. Chairman, on my own time, if I may, to speak to the amendment.

THE CHAIRMAN: The Chair will state that a point of order has been reserved, and the time of the gentleman from New York (Mr. Weiss) has not expired. It would be improper for the gentleman from Pennsylvania (Mr. Marks) to offer his amendment to the amendment at this time.

MR. WEISS: Mr. Chairman, if the Chair would allow me to proceed, I understood that what we had was a reservation of the point of order, and pending that, it is my understanding that the debate could proceed as if in fact there had been no intervention. I would ask if that is accurate.

THE CHAIRMAN: But the amendment offered by the gentleman from New York (Mr. Weiss) is the amendment that is pending before the Committee, and that is the subject at this moment.

MR. WEISS: That is right, Mr. Chairman.

THE CHAIRMAN: When the Chair disposes of the point of order, then the gentleman from Pennsylvania (Mr. Marks) may offer his amendment to the amendment, if it remains pending. . . .

After further argument, the Chair sustained the point of order.

### ***A Member Reserving a Point of Order Does Not Thereby Get Five Minutes of Debate Time***

**§ 3.4 A Member who reserves a point of order against an amendment is not entitled to debate time at that point, for the proponent has the right to explain his amendment**

**under the five-minute rule when the point of order is reserved.**

On Oct. 7, 1985,<sup>(5)</sup> Mr. John D. Dingell, Jr., of Michigan, reserved a point of order and attempted to control the debate on an amendment offered as a substitute to an amendment to H.R. 2100, the Food Security Act of 1985. Of course, if the point of order is made against the amendment, rather than reserved, the Member making the point of order is immediately recognized for argument thereon, prior to debate on the merits of the amendment. The proceedings were as follows:

The Clerk read as follows:

Amendment offered by Mr. Tauke as a substitute for the amendment offered by Mr. Jones of Oklahoma: Page 509, after line 13, insert:

## LEAD ADDITIVES IN FARM FUEL

SEC. 1896. (a) Except as provided in subsection (f), any regulation issued under any provision of law before or after the date of enactment of this section regarding the control or prohibition of lead additives in gasoline shall be amended to provide that the average lead content per gallon of gasoline distributed and sold for use on a farm for farming purposes shall not be less than 0.5 grams per gallon. The purpose of such amendment shall be to ensure that adequate supplies of gasoline containing sufficient lead additives to protect and maintain farm ma-

chinery will be available in all States for use on farms for farming purposes. Nothing in this section shall affect the control of lead or lead additives in gasoline distributed and sold for other uses. For purposes of this section, the term "gasoline used on a farm for farming purposes" has the same meaning as when used in section 6420 of the Internal Revenue Code of 1954. . . .

MR. [THOMAS J.] TAUKE [of Iowa] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:<sup>(6)</sup> Is there objection to the request of the gentleman from Iowa?

There was no objection.

MR. DINGELL: Mr. Chairman, I reserve a point of order.

THE CHAIRMAN: The gentleman from Michigan reserves a point of order on the amendment.

MR. DINGELL: Mr. Chairman, I do not have any reason to believe it will be necessary for me to insist on the point of order. I make the reservation of objection for purposes of a colloquy with my three distinguished friends, the gentleman from Illinois [Mr. Madigan], the gentleman from Iowa [Mr. Tauke], and of course my dear friend from Texas, the chairman of the Committee on Agriculture, Mr. de la Garza.

I understand when this matter reaches the conference stage that you have agreed to keep the Committee on Energy and Commerce—

THE CHAIRMAN: The gentleman, Mr. Dingell, will suspend for 1 second, please.

The Chair would respectfully advise the gentleman that he cannot proceed

5. 131 CONG. REC. 26444, 99th Cong. 1st Sess.

6. David E. Bonior (Mich.).

with the debate on a reservation of a point of order. If the gentleman from Iowa wishes to yield to the gentleman for that purpose, he has the time.

The gentleman from Iowa [Mr. Tauke] is recognized for 5 minutes.

**§ 3.5 It is not the practice to permit the reservation of a point of order against part of a bill and then consider amendments.**

On Apr. 13, 1949,<sup>(7)</sup> following the reading of an amendment by the Clerk, Mr. Frederic R. Coudert, Jr., of New York, threatened to press his reserved point of order if the amounts authorized in the military appropriation bill under consideration were increased by the amendment. Chairman Eugene J. Keogh, of New York, prevented the Member from reserving the point of order, however, by requiring it be disposed of before any amendments be considered.

The Clerk read as follows:

MR. COUDERT: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. COUDERT: Mr. Chairman, I reserve a point of order with respect to the last three lines of that paragraph . . . as legislation on an appropriation

bill. If the total amount specified in the bill is not increased, I shall not insist upon the point of order. If it is increased by amendment, I shall be compelled to insist upon the point of order.

THE CHAIRMAN: The Chair is of the opinion that the point of order should be disposed of before any amendment is considered.

MR. COUDERT: In that event, Mr. Chairman, I make the point of order against that language.

Mr. Chairman, may I state a parliamentary inquiry?

THE CHAIRMAN: The gentleman will state it.

MR. COUDERT: Mr. Chairman, is it the final decision of the Chairman that I may not reserve the point of order until the amendment is disposed of?

THE CHAIRMAN: The Chair is informed that it has not been the practice to reserve points of order and then consider amendments. The Chair will entertain the gentleman's point of order if the gentleman presses it. . . .

MR. COUDERT: Therefore, Mr. Chairman, I must insist upon the point of order to the entire paragraph, including the amount.

*Parliamentarian's Note:* The rationale behind disposing of points of order against paragraphs in a general appropriation bill, before entertaining amendments thereto, is that points of order, if sustained, might result in the striking of the paragraph, in which event amendments to such paragraph would be precluded.

7. 95 CONG. REC. 4521, 81st Cong. 1st Sess. Under consideration was H.R. 1146, the national military establishment appropriation bill of 1950.

***Instance Where a Reservation of Point of Order Against Paragraph in Bill Was Permitted***

**§ 3.6 Although it is contrary to established practice, in one instance the Chairman of the Committee of the Whole permitted a Member to reserve a point of order against a paragraph in a general appropriation bill, allowed limited debate thereon, and then recognized the Member who had made the reservation.**

On Sept. 19, 1983,<sup>(8)</sup> during the reading of H.R. 3222, the Commerce, State, Justice, and the Judiciary and related agencies appropriations, fiscal 1984, one Member sought recognition to debate the pending paragraph by a *pro forma* amendment while another reserved a point of order pending that debate. Chairman George E. Brown, Jr., of California, permitted this to happen to avoid a point of order being immediately pressed against the paragraph.

The Clerk read as follows:

INTERNATIONAL TRADE  
ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the De-

**8.** 129 CONG. REC. 24638, 98th Cong. 1st Sess.

partment of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2673 when such claims arise in foreign countries; not to exceed \$165,200 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use abroad and motor vehicles for law enforcement use; \$183,831,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities. During fiscal year 1984 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$15,000,000. During fiscal year 1984, total commitments to guarantee loans shall not exceed \$30,000,000 of contingent liability for loan principal.

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, I move to strike the last word.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, will the gentleman yield?

MR. FRENZEL: I yield to the gentleman from Pennsylvania.

MR. WALKER: Mr. Chairman, I reserve a point of order against this section of the bill.

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Walker) reserves a point of order against this section of the bill.

MR. FRENZEL: Mr. Chairman, I take this time simply to indicate that this is an unauthorized section, as was noted in the general debate. But, after discussing this matter with the distinguished chairman and the distinguished ranking member, I think that it will not be necessary to make a point of order.

The House authorization bill, which was only passed last week, contained about \$27½ million for this total range of programs. This authorization bill contains \$40 million plus \$30 million in loan guarantee authority. The chairman and ranking member have indicated that they would like to follow the House authorization as closely as possible when the bill moves into conference.

This is a section of the law which has not been terribly effective, but on the other hand, in light of our present difficulties in this trade area, it is considered important to many Members. I would hope that the Committee of the Whole would stand easy on this one and trust the Appropriations Committee to carry it through in conference.

THE CHAIRMAN: Does the gentleman from Pennsylvania insist upon his point of order?

MR. WALKER: Mr. Chairman, in light of the remarks of the distinguished ranking member of the committee that handles this legislation, I withdraw my reservation of a point of order.

THE CHAIRMAN: The gentleman withdraws his reservation of a point of order.

### ***Reservation of Points of Order***

**§ 3.7 A point of order may not be reserved against a paragraph in a general appropriation bill but must be made immediately after the portion of the bill is read or considered as read, before amendments are offered.**

During the reading of a general appropriation bill in Committee of the Whole, a point of order against an amendment may be “reserved” so that the text of the amendment may be examined before a point of order has to be stated. However, this rationale for permitting a reservation of a point of order does not exist with respect to the bill text, since Rule XXI clause 7, requires the report to be available for three days before the bill is called up and the reported text has been before the Members during the general debate on the bill.

Often the manager of the bill will ask unanimous consent that a portion of the bill encompassing many paragraphs be “considered as read.” When this happens, points of order against the bill text must be made immediately after the request is agreed to and

come too late after amendments have been offered to the pending text. The proceedings of Sept. 16, 1980,<sup>(9)</sup> are illustrative:

THE CHAIRMAN:<sup>(10)</sup> The Clerk will read.

The Clerk read as follows:

SEC. 736. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

MR. [JOSEPH P.] ADDABBO [of New York] (during the reading): Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

THE CHAIRMAN: Is there objection to the request of the gentleman from New York?

MR. [THEODORE S.] WEISS [of New York]: Mr. Chairman, reserving the right to object, I ask simply to propound a parliamentary inquiry. I will have a point of order to raise against one of the sections in this title. Under the unanimous-consent request that has been asked for, would that point of order be in order at any time during consideration of title VII?

THE CHAIRMAN: Immediately after the unanimous-consent request is agreed to.

9. 126 CONG. REC. 25604, 96th Cong. 2d Sess.

10. Dan Rostenkowski (Ill.).

MR. WEISS: I thank the Chair, and I withdraw my reservation of objection.

THE CHAIRMAN: Is there objection to the request of the gentleman from New York?

There was no objection.

THE CHAIRMAN: Are there any points of order against title VII?

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I reserve a point of order on section 761.

THE CHAIRMAN: Is the gentleman making the point of order now?

MR. ADDABBO: Mr. Chairman, it will be my intention, after unanimous consent has been agreed to, to move to strike section 761.

MR. LEVITAS: I thank the gentleman.

THE CHAIRMAN: Are there any points of order at this time?

#### POINT OF ORDER

MR. WEISS: Mr. Chairman, I have a point of order.

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

MR. WEISS: Mr. Chairman, I object to section 736 and rise to make a point of order against section 736.

This provision violates rule XXI, clause 2, of the rules of the House of Representatives, which forbids legislation in an appropriations bill.

By permitting the Department of Defense to impose funding sanctions against its employees who are convicted of "inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons," section 736 is legislation as to the qualifications of the recipients of these appropriations. This cannot be done under the House rules—see Deschler's chapter 26, sections 11.36 and 11.26.

In addition, the section requires a State-by-State analysis of differing criminal statutes, and a review of personnel activities at all levels of the military. This creation of a new affirmative duty on the part of a Federal official is legislation and thus impermissible in an appropriations bill—see Deschler's chapter 26, sections 10.7, 11.38, and 8.9.

The precedents of the House clearly state that legislative changes may not be made on an appropriations bill. I urge the Chairman to uphold the rules of this body and rule this provision out of order.

THE CHAIRMAN: Does the gentleman from New York (Mr. Addabbo) desire to be heard on the point of order?

MR. ADDABBO: I do, Mr. Chairman. I rise in opposition to the point of order.

Mr. Chairman, this is strictly a limitation on the funds in this bill. They pertain only to the Federal employees as the language is contained in the bill, and, therefore, it is strictly a limitation and not legislation.

THE CHAIRMAN: The Chair is prepared to rule, based on the precedents suggesting that when a Federal official is called upon to subjectively evaluate the propriety of individual conduct; such language constitutes legislation.

For example:

An amendment providing that no part of the funds carried in a general appropriations bill may be used for financial assistance for students who have engaged in conduct of a serious nature contributing to a substantial campus disruption and who have used force or the threat thereof to prevent the pursuit of academic aims was held to be imposing new duties and exercise of judgment on the part of Federal officials and was ruled out

as legislation—Deschler's; chapter 26, section 16, 12.

Based on this precedent and because the section would require the determinations of material damage and the purpose of local governments in enacting laws, the Chair sustains the point of order, and section 736 is stricken from the bill.

**§ 3.8 The reservation of a point of order against an amendment at the proper time reserves all points of order against the amendment.**

On July 19, 1973,<sup>(11)</sup> Chairman William H. Natcher, of Kentucky, upheld the right of Mr. Thomas S. Foley, of Washington, to make a point of order that he had reserved earlier, although at the time of his reservation, he had indicated another basis for a point of order.

MR. [WILLIAM L.] ARMSTRONG [of Colorado]: Mr. Chairman, I offer an amendment.

The Clerk read as follows: . . .

MR. FOLEY: Mr. Chairman, I suggest a point of order would lie against this amendment. I believe we have gone past this section of the bill, and I reserve a point of order. . . .

THE CHAIRMAN: The time of the gentleman from Colorado has expired.

The Chair would ask the gentleman from Washington (Mr. Foley) whether

11. 119 CONG. REC. 24950, 24951, 93d Cong. 1st Sess. Under consideration was H.R. 8860, to amend and extend the Agricultural Act of 1970.

the gentleman insists upon his point of order?

MR. FOLEY: Mr. Chairman, I do.

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

MR. FOLEY: Mr. Chairman, I must insist upon my point of order, because the amendment offered by the gentleman from Colorado is not germane to the bill.

H.R. 8860 is an agriculture and farm program and deals only with a program specified under the jurisdiction of the Department of Agriculture. This amendment offered by the gentleman from Colorado, which amends the Economic Stabilization Act, was not before the Committee on Agriculture for its consideration and jurisdiction. Accordingly I suggest the amendment is not germane to the bill.

THE CHAIRMAN: Does the gentleman from Colorado desire to be heard on the point of order?

MR. ARMSTRONG: Mr. Chairman, I do. I would respectfully point out that this is not the point of order which the gentleman from Washington earlier reserved, and I would, therefore, inquire of the Chair at this point if such a point of order is timely.

THE CHAIRMAN: The Chair would like to advise the gentleman from Colorado that the gentleman from Washington was heard [to reserve] a point of order, and at that time he did not have to state the basis for his reservation. His point of order is now in order.

**§ 3.9 The reservation of a point of order by one Member does not preclude another from pressing the same point of order.**

On July 19, 1967,<sup>(12)</sup> Mr. H. R. Gross, of Iowa, insisted on making his point of order immediately, although Mr. Edwin E. Willis, of Louisiana, had expressed his desire to reserve the same point of order.

MR. WILLIS: Mr. Chairman, I reserve a point of order against the amendment.

MR. GROSS: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN:<sup>(13)</sup> The gentleman will state it.

MR. GROSS: Mr. Chairman, I make the point of order against the amendment on the grounds that the amendment is not germane to the pending legislation.

MR. WILLIS: That is the reservation that I had in mind.

MR. GROSS: I have no reservation. I am making the point of order.

***Reservation of Point of Order Inures to All Members***

**§ 3.10 A timely reservation of a point of order by one Member inures to all, and Members other than the one lodging the reservation may later press a point of order.**

A point of order may be reserved against a motion to recom-

12. 113 CONG. REC. 19412, 90th Cong. 1st Sess. Under consideration was H.R. 421, prescribing penalties for travel in interstate commerce to incite riots.

13. Joseph L. Evins (Tenn.).

mit with instructions to report back forthwith, with an amendment, since such a motion may be debated for 10 minutes under Rule XVI clause 4.

On July 18, 1990,<sup>(14)</sup> during consideration of the Balanced Budget Act of 1990, a point of order was reserved by Mr. John Conyers, Jr., of Michigan, against an amendment offered by Mr. Willis D. Gradison, Jr., of Ohio. The point of order was first pressed by another Member and then, after argument, renewed by Mr. Conyers.

BALANCED BUDGET ACT OF 1990

MR. [BUTLER] DERRICK [of South Carolina]: Mr. Speaker, I call up the bill (H.R. 5258) to require that the President transmit to Congress, that the congressional Budget Committees report, and that the Congress consider a balanced budget for each fiscal year, and ask for its immediate consideration.

The Clerk read the title of the bill.  
The text of H.R. 5258 is as follows:

H.R. 5258

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—AMENDMENT TO TITLE 31,  
UNITED STATES CODE

SEC. 101. SUBMISSION OF BALANCED  
BUDGET BY THE PRESIDENT.

Section 1105 of title 31, United States Code, is amended by inserting

14. 136 CONG. REC. 17920, 17930, 17931, 101st Cong. 2d Sess.

at the end the following new subsection:

“(g)(1) Except as provided by paragraph (2), any budget submitted to Congress pursuant to subsection (a) for the ensuing fiscal year shall not be in deficit.

“(2) For any fiscal year with respect to which the President determines that it is infeasible to submit a budget in compliance with paragraph (1), the President shall submit on the same day two budgets, one of which shall be in compliance with paragraph (1), together with written reasons in support of that determination.”. . .

MOTION TO RECOMMIT OFFERED BY MR.  
GRADISON

MR. GRADISON: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE:<sup>(15)</sup> Is the gentleman opposed to the bill?

MR. GRADISON: I am, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gradison moves to recommit the bill (H.R. 5258) to the Committee on Rules and the Committee on Government Operations with instructions to report the same to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SEC. 101. AMENDMENTS CHANGING “CONCURRENT” TO “JOINT” RESOLUTIONS.

(a) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking “concurrent” in the items relating to

15. David E. Skaggs (Colo.).

sections 301, 303, and 304 and inserting "joint". . . .

MR. CONYERS: Mr. Speaker, I reserve the right to object on a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state his point of order.

MR. CONYERS: Mr. Speaker, I have not seen the language that has been presented.

THE SPEAKER PRO TEMPORE: The gentleman from Michigan [Mr. Conyers] reserves a point of order.

The gentleman from Ohio [Mr. Gradison] is recognized for 5 minutes. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, is the gentleman from Michigan [Mr. Conyers] reserving the right to object on the question of the reading of the motion, or is he reserving simply a point of order? I understood he was reserving the right to object.

THE SPEAKER PRO TEMPORE: The Chair understood the gentleman from Michigan [Mr. Conyers] to reserve a point of order against the motion.

MR. GRADISON: Mr. Speaker, I yield myself such time as I may consume. . . .

MR. DERRICK: Mr. Speaker, I have a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state his point of order.

MR. DERRICK: Mr. Speaker, the motion of the gentleman from Ohio [Mr. Gradison] is out of order. It goes beyond the scope of the Budget Act. It is entirely out of the scope of what we

are dealing with. It requires a complete revision of the Budget Act in that we ask the President to sign it.

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, the gentleman from Michigan [Mr. Conyers] reserved the point of order. Is it in order for the gentleman from South Carolina [Mr. Derrick] to make the point of order that was reserved by the gentleman from Michigan?

THE SPEAKER PRO TEMPORE: Under the rules of the House, a timely reservation of a point of order by one Member inures to any other Member that wishes to press it, and so the gentleman from South Carolina [Mr. Derrick] is entitled to press that point of order. . . .

MR. CONYERS: Mr. Speaker, if I may be heard on my point of order, I believe that the motion of the gentleman from Ohio [Mr. Gradison] is not germane because it amends the table of contents to make it a joint resolution. This is the only way it can be done, and in effect it affects all budget resolutions, not just the Balanced Budget Act, H.R. 5258.

So, therefore, Mr. Speaker, I urge that the point of order be sustained because it is not germane. . . .

THE SPEAKER PRO TEMPORE: The Chair will apply the fundamental purpose test of germaneness to this motion. The underlying legislation is described primarily in the second paragraph of page 2 of the Rules Committee report filed with the bill. . . .

For that reason it fails the test of germaneness, and the point of order is sustained.

**§ 3.11 Because the reservation of a point of order by one Member inures to all Members, where one Member reserves a point of order against an amendment and the point of order is thereafter overruled or withdrawn, another Member may immediately make another point of order before further debate is had on the amendment.**

On June 22, 1972,<sup>(16)</sup> upon the overruling of a point of order raised by Mr. Thomas J. Steed, of Oklahoma, to an amendment proposed by Mr. Morris K. Udall, of Arizona, Mr. Howard W. Robison, of New York, immediately raised another point of order before any debate could intervene.

MR. UDALL: Mr. Chairman, I offer an amendment.

The Clerk read as follows: . . .

MR. STEED: Mr. Chairman, I reserve a point of order against the amendment.

THE CHAIRMAN:<sup>(17)</sup> The gentleman from Oklahoma reserves a point of order against the amendment.

The gentleman from Arizona (Mr. Udall) is recognized. . . .

16. 118 CONG. REC. 22098, 22099, 92d Cong. 2d Sess. Under consideration was H.R. 15585, dealing with Treasury, Postal Service, and general government appropriations for fiscal 1973.

17. John S. Monagan (Conn.).

MR. STEED: Mr. Chairman, I continue to reserve my point of order against the amendment.

THE CHAIRMAN: The gentleman from Maryland is recognized.

MR. GERALD R. FORD [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GERALD R. FORD: At what point does the reservation expire, and at what point must the Chair decide the point of order?

MR. STEED: Mr. Chairman, I insist upon my point of order.

THE CHAIRMAN: Will the gentleman state his point of order.

MR. STEED: Mr. Chairman, I make a point of order against the amendment on the grounds that it is legislation on a general appropriation bill. . . .

THE CHAIRMAN: The Chair is ready to rule. . . .

. . . [I]t is the opinion of the Chair that these are legitimate limitations. They do not constitute legislation on an appropriation bill, and the point of order is overruled.

MR. ROBISON of New York: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Arizona.

THE CHAIRMAN: The Chair will hear the gentleman. . . .

MR. UDALL: Mr. Chairman, I wish to be heard on a point of order; in the first place, my esteemed friend from New York (Mr. Robison) did not reserve a point of order. He is either making the same one my friend from Oklahoma made, or he is making a different one, and the gentleman from Oklahoma's point of order has been ruled upon.

He has no right to make a point of order, since he did not reserve one, and debate had intervened.

On the second ground, I think the Chairman has already covered in his earlier ruling the precise point the gentleman has raised.

MR. STEED: Mr. Chairman, may I be heard further?

THE CHAIRMAN: Yes, the gentleman is recognized.

Mr. Steed here discussed the point of order.

THE CHAIRMAN: The point made by the gentleman from New York is essentially that already made by the gentleman from Oklahoma. This bill does contain appropriations for the Executive Office of the President and the Chair reads the amendment as being a limitation upon those appropriations. And, as pointed out before, the specific provision is that no part of the appropriations made by this act shall be expended for certain purposes—detailed in the first four paragraphs of the amendment. The Chair is constrained, therefore, to overrule the point of order.

**§ 3.12 The reservation of a point of order by one Member inures to all, and any Member may raise other points of order if the reservation is withdrawn or the point of order is disposed of.**

At the conclusion of the consideration of the Labor, Health and Human Services appropriation bill, fiscal 1994, a motion to rise

and report was defeated, thus permitting an amendment in the nature of a limitation to be offered. On this occasion, the so-called Hyde amendment relating to abortion services was offered. No point of order was actually pressed against this “made-known” amendment, but a point of order was reserved and several inquiries addressed to the Chair. The pertinent proceedings of June 30, 1993,<sup>(18)</sup> are carried herewith:

THE CHAIRMAN:<sup>(19)</sup> All time for debate has expired.

The Clerk will read the remaining sentence of the bill.

The Clerk read as follows:

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994”.

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

THE CHAIRMAN: The question is on the motion to rise and report offered by the gentleman from Kentucky [Mr. Natcher].

The question was taken, and the Chairman announced that the ayes appeared to have it.

18. 139 CONG. REC. 14891–93, 103d Cong. 1st Sess.

19. Philip R. Sharp (Ind.).

## RECORDED VOTE

MR. [HENRY J.] HYDE [of Illinois]: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 190, noes 244, not voting 6, as follows: . . .

So the motion to rise and report was rejected.

The result of the vote was announced as above recorded.

MR. NATCHER: Mr. Chairman, after the amendment of the gentleman from Illinois [Mr. Hyde] is offered, I ask unanimous consent that the time to be consumed on the amendment be limited to 30 minutes, equally divided, with 15 minutes controlled by the gentleman from Illinois [Mr. Porter] and 15 minutes by myself.

THE CHAIRMAN: Is there objection to the request of the gentleman from Kentucky?

MS. [CORRINE] BROWN of Florida: I object, Mr. Chairman. . . .

THE CHAIRMAN: Objection is heard.

## AMENDMENT OFFERED BY MR. HYDE

MR. HYDE: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: Let the Chair remind Members of the status of our procedural situation. The gentleman from Illinois [Mr. Hyde] has offered his amendment. It will be read by the Clerk. At that point we will turn to a vote in the absence of a unanimous-consent request for time to debate. No time is allocated at this point in the proceedings. The Chair has recognized the gentleman from Illinois to offer the amendment and will ask the Clerk to

read. In the absence of a point of order or otherwise, the Chair must have the Clerk read at this point.

MR. [HENRY A.] WAXMAN [of California]: Mr. Chairman, I reserve a point of order on the amendment.

THE CHAIRMAN: The gentleman from California [Mr. Waxman] reserves a point of order on the amendment.

The Clerk will report the amendment.

The Clerk read as follows: Amendment offered by Mr. Hyde of Illinois: On page 62, after line 10, add the following new section:

Sec. 507. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest. . . .

MR. [JOHN] LINDER [of Georgia]: Mr. Chairman, reserving the right to object, is it correct that this is a non-debatable motion unless it is debated in the unanimous-consent request?

THE CHAIRMAN: The gentleman is correct, there will be no debate on this amendment unless this or another unanimous-consent request is agreed to.

MR. LINDER: Mr. Chairman, I object.

THE CHAIRMAN: The gentleman objects to the unanimous-consent request. Objection is heard.

## PARLIAMENTARY INQUIRY

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The Chair will recognize the gentleman from Illinois [Mr.

Yates], a member of the Appropriations Committee for a parliamentary inquiry, but would state first that still pending is the reservation of the gentleman from California [Mr. Waxman], who has reserved a point of order against the amendment.

MR. YATES: Mr. Chairman, that is the basis for my parliamentary inquiry. Is the point of order still pending?

THE CHAIRMAN: The point of order has not been made. The gentleman reserved a point of order, and we will have to proceed to that in the absence of other procedures here.

MR. YATES: I should like to reserve a point of order as well, Mr. Chairman. . . .

THE CHAIRMAN: Regular order. Regular order at this point is the reservation of the point of order. Does the gentleman from California [Mr. Waxman] or the gentleman from Illinois [Mr. Yates] wish to pursue the point of order against the amendment of the gentleman from Illinois [Mr. Hyde]?

MR. WAXMAN: Mr. Chairman, I will not pursue my point of order.

MR. YATES: I will pursue my point of order.

THE CHAIRMAN: The Chair could not hear the gentleman.

MR. YATES: Mr. Chairman, I will pursue my point of order.

THE CHAIRMAN: The gentleman indicates that he will pursue the point of order. The gentleman will state his point of order.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, point of order is not timely.

THE CHAIRMAN: The Chair will indicate that a reservation by one Member

of a point of order [protects] that right for all Members until a point of order is disposed of.

Therefore, as long as Mr. Waxman held a point of order in reservation, any other Member could ride on that reservation. That is what the gentleman from Illinois [Mr. Yates] has done.

Does the gentleman wish to pursue his point of order?

MR. YATES: Mr. Chairman, I withdraw my point of order.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Illinois [Mr. Hyde]. . . .

So the amendment was agreed to.

The result of the vote was announced as above recorded.

MR. NATCHER: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

***Reservation of Point of Order Protects All Members Who Wish To Make a Point of Order***

**§ 3.13 One Member's reservation of a point of order against an amendment protects the rights of all Members to insist on a point of order if the reservation is later withdrawn.**

During the consideration of agricultural appropriations for fiscal

1985,<sup>(20)</sup> Mr. David R. Obey, of Wisconsin, offered a substitute for the pending Walker amendment. Mr. Robert S. Walker, of Pennsylvania, reserved a point of order which he later withdrew. Mr. Jamie L. Whitten, of Mississippi, then pressed a point of order. The proceedings are included herein.

MR. WALKER: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Walker: On page 60, after line 18, insert the following new section:

SEC. 629. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available in this Act is hereby reduced by one percent. . . .

Amendment offered by Mr. Obey as a substitute for the amendment offered by Mr. Walker:

SEC. 629. All amounts appropriated by this Act not required to be appropriated by previously enacted law shall be reduced by 64 percent.

MR. WALKER: Mr. Chairman, I reserve a point of order against the [Obey] amendment. . . .

MR. WHITTEN: Mr. Chairman, I desire to be heard on the point of order.

THE CHAIRMAN:<sup>(1)</sup> Does the gentleman from Pennsylvania wish to be heard?

MR. WALKER: Mr. Chairman, I withdraw my point of order.

POINT OF ORDER

MR. WHITTEN: Mr. Chairman, I make a point of order against the

amendment on the grounds that it would constitute legislation on an appropriations bill.

THE CHAIRMAN: Against the substitute, Mr. Obey's?

MR. WHITTEN: Against the substitute.

MR. OBEY: I do not recall the chairman reserving a point of order at the time, and I would think his point comes too late.

THE CHAIRMAN: If the gentleman from Wisconsin would repeat himself for the Chair, please.

MR. OBEY: Mr. Chairman, it is my impression that the chairman did not reserve a point of order at the time that I offered my amendment, and, under those circumstances, I would think that his objection comes too late.

THE CHAIRMAN: The reservation by any Member protects all Members. So the gentleman from Mississippi's point of order is timely and in order.

MR. OBEY: But my understanding is that Mr. Walker withdrew his point of order.

THE CHAIRMAN: That is correct, but the reservation still prevails.

MR. WHITTEN: Mr. Chairman, the facts are that I was on my feet when Mr. Walker was recognized. He made the point of order; I did not. I relied on the point of order he made. I asked him if he was going to push his point of order; when he said no, I asked to be recognized on a point of order.

THE CHAIRMAN: Does the gentleman from Wisconsin wish to be heard against the point of order?

MR. OBEY: Mr. Chairman, if the Chair is entertaining comments on the point of order being lodged, I would simply submit that all the amendment

20. 130 CONG. REC. 15120-22, 98th Cong. 2d Sess., June 6, 1984.

1. David E. Bonior (Mich.).

does is to reduce by a specified amount every account in the bill which is not required to be appropriated at a specific level by previous law. I would think, under the circumstances, that it would be in order.

THE CHAIRMAN: Does the gentleman from Mississippi wish to be heard?

MR. WHITTEN: I insist, Mr. Chairman.

May I say I still have not seen a copy of the amendment. I listened as best I could when it was read, but my colleague has not given me a copy of the amendment. I was trying to get a copy.

Mr. Chairman, the amendment I have before me, all amounts appropriated by this act shall not be required to be appropriated by previously enacted law shall be reduced by "blank" percent.

THE CHAIRMAN: Sixty-four percent.

MR. WHITTEN: That is the copy that I have; "blank" percent.

THE CHAIRMAN: The copy at the desk says 64 percent.

MR. WHITTEN: Mr. Chairman, we have a little fun here from time to time, but if this were to be adopted, and goodness knows I hope not, it would require how much work on the part of the executive branch? It certainly would require additional duties by the executive branch, the amount of which would be almost limitless.

THE CHAIRMAN: Does the gentleman from Wisconsin wish to be heard further?

MR. OBEY: I would simply say, Mr. Chairman, that this does not impose any duties on the executive branch; it is a direct reduction in the accounts affected.

THE CHAIRMAN: The Chair is prepared to rule that this is not legislation on an appropriation bill. It provides for a specific percentage reduction in discretionary accounts in the base bill accounts identifiable as a matter of law. The point of order is overruled.

### ***Reservation of Point of Order, Renewal Must Be Timely***

**§ 3.14 While the reservation of a point of order by one Member inures to all, the point of order, if withdrawn by the Member who made the reservation, must be renewed by another in a timely fashion and comes too late after debate on the amendment.**

Chairman Don Fuqua, of Florida, presiding during deliberation on the International Security Assistance Act, fiscal 1979, on Aug. 2, 1978,<sup>(2)</sup> declined to recognize a Member to press a point of order after the proponent of the amendment had been recognized for debate.

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harkin: Page 19, immediately after line 14, insert the following new section 21:

Termination of Deliveries of Defense Articles to Chile.

2. 124 CONG. REC. 23921, 23922, 95th Cong. 2d Sess.

SEC. 21. Section 406(a)(2) of the International Security Assistance and Arms Export Control Act of 1976 is amended by adding at the end thereof the following new sentence:

“After the date of enactment of the International Security Assistance Act of 1978, no deliveries of defense articles or services may be made to Chile pursuant to any sale made before the date of enactment of this section, until the Government of Chile has turned over to U.S. custody those Chileans indicted for the murder of Orlando Letelier and Ronni Moffitt.

Redesignate existing section 21 of the bill as section 22 and correct any cross references thereto.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I reserve a point of order against the amendment. . . .

THE CHAIRMAN: Does the gentleman from Wisconsin insist on his point of order?

MR. ZABLOCKI: I do not insist on my point of order, to save time.

Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN: The gentleman from Wisconsin is recognized.

MR. ZABLOCKI: Mr. Chairman, I think the substantive part of this amendment is identical to the amendment introduced earlier by the gentleman from California (Mr. Stark). The Committee has voiced its opinion and I urge and expect the same fate for this amendment. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, will the gentleman yield?

MR. ZABLOCKI: I yield to the gentleman from Maryland.

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

I would like to ask the Chair, since the gentleman from Wisconsin reserved a point of order, and the gentleman from Maryland who was also on his feet did not reserve a point of order because he thought the gentleman from Wisconsin was going to make a point of order, whether or not it would be in order for the gentleman from Maryland to make a point of order?

THE CHAIRMAN: The Chair had recognized the gentleman from Wisconsin (Mr. Zablocki) for 5 minutes, so the point of order could not be made at this time.

MR. BAUMAN: Can the gentleman from Wisconsin still make his point of order at this time?

THE CHAIRMAN: No, he cannot.

MR. BAUMAN: I thank the Chair.

### *Discretion of Chair*

#### **§ 3.15 Reservation of a point of order against an amendment is within the discretion of the Chair; and if the regular order is called for, the Chair hears and rules on the point of order as expeditiously as possible.**

On Apr. 10, 1963,<sup>(3)</sup> following the Clerk's reading in the Committee of the Whole, of an amendment offered by Mr. Edward P. Boland, of Massachusetts, Mr.

3. 109 CONG. REC. 6130-32, 88th Cong. 1st Sess. Under consideration was H.R. 5517, making supplemental appropriations for fiscal 1963.

Melvin R. Laird, of Wisconsin, reserved a point of order.

After debate on the amendment, the following proceedings took place:

THE CHAIRMAN:<sup>(4)</sup> Does the gentleman from Wisconsin [Mr. Laird] desire to withdraw his point of order?

MR. LAIRD: Mr. Chairman, I would like to reserve the point of order until we study [the amendment].

THE CHAIRMAN: The Chair feels that this matter should be disposed of before we proceed further.

MR. LAIRD: Mr. Chairman, if that is the case, the only option I have is to insist upon the point of order at this point. I would like to study the point, but if the Chair insists that I make the point of order now, I will.

THE CHAIRMAN: The Chair thinks that this is the proper parliamentary procedure.

MR. LAIRD: I make the point of order against the amendment on the basis that you are legislating in an appropriation bill. . . .

THE CHAIRMAN: The Chairman has had an opportunity to examine the amendment and feels that the matter discussed is a limitation on the appropriation. Therefore the Chair overrules the point of order.

### ***Chair's Discretion Regarding Reservation of Point of Order***

#### **§ 3.16 The Chair has the discretion whether to permit a point of order to be reserved**

4. Richard Bolling (Mo.).

#### **against an amendment or whether to dispose of the point of order before debate.**

On Oct. 14, 1981,<sup>(5)</sup> the Chairman of the Committee of the Whole allowed a point of order to be reserved against an amendment although the proponent of the amendment argued for immediate disposition of the point of order as the more orderly method of proceeding.

Amendment offered by Mr. Findley: Page 1, Section 101 of Title I as amended is amended by striking the punctuation marks and the word "and" at the end of paragraph (1) and inserting in lieu thereof the following: "; *Provided That*, notwithstanding any other provision of this Act, if the Secretary estimates as of September 29, 1982, or any date thereafter through September 30, 1985, that net government purchases of dairy products, for any such fiscal year, will equal or exceed four billion pounds of milk equivalent, the support price for such fiscal year shall not be in excess of that which was in effect at the end of the previous fiscal year."

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I reserve a point of order against this amendment.

THE CHAIRMAN:<sup>(6)</sup> The gentleman from Iowa reserves a point of order.

MR. [PAUL] FINDLEY [of Illinois]: Does the gentleman make a point of order against the amendment?

MR. HARKIN: The gentleman wants to hear some of the explanation. The

5. 127 CONG. REC. 23882, 23884, 97th Cong. 1st Sess.

6. Matthew F. McHugh (N.Y.).

gentleman is about to raise a point of order.

MR. FINDLEY: Mr. Chairman, I think it would facilitate our proceedings if the gentleman would just make the point of order and get the question settled.

THE CHAIRMAN: The gentleman may reserve his point of order at the Chair's discretion.

MR. HARKIN: Mr. Chairman, I would like to reserve the point of order until I hear the gentleman's explanation. At that point I would like to decide whether or not to raise that point of order.

THE CHAIRMAN: The Chair will exercise discretion. The gentleman reserves a point of order. . . .

THE CHAIRMAN: The Chair will inquire of the gentleman from Iowa whether he continues to insist upon his reservation.

MR. HARKIN: Mr. Chairman, I withdraw my reservation.

### ***Chair's Discretion in Permitting Reservation of Point of Order***

#### **§ 3.17 The Chair has the discretion to permit the reservation of a point of order against an amendment to permit debate on the merits or he may choose to dispose of the points of order to conserve debate time.**

On Mar. 16, 1995,<sup>(7)</sup> the Committee of the Whole was con-

7. 141 CONG. REC. p. \_\_\_\_\_, 104th Cong. 1st Sess.

tinuing the consideration of the emergency supplemental appropriation bill, fiscal 1995. The rule providing for the consideration of the bill required amendments to be pre-printed, so they could not be redrafted to accommodate the changing amendment situation. Mr. Christopher Shays, of Connecticut, offered an amendment which, in part, amended a figure already changed in the amendment process. The proceedings were as follows:

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, with Mr. Bereuter in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN:<sup>(8)</sup> . . . Two hours and 3 minutes remain for consideration of amendments under the 5-minute rule.

Are there further amendments to the bill? . . .

AMENDMENT OFFERED BY MR. SHAYS

MR. SHAYS: Mr. Chairman, I offer an amendment listed in the March 13 Congressional Record as amendment No. 70.

THE CHAIRMAN: The Clerk will designate the amendment.

8. Douglas Bereuter (Nebr.).

The text of the amendment is as follows:

Amendment offered by Mr. Shays: Page 50, beginning on line 6, strike "\$186,000,000 shall be from amounts earmarked for housing opportunities for persons with AIDS;"

Conform the aggregate amount set forth on page 49, line 14, accordingly.

Page 54, line 18, strike "\$38,000,000" and insert "\$224,000,000".

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I reserve a point of order on the amendment.

THE CHAIRMAN: The gentleman from Wisconsin [Mr. Obey] reserves a point of order.

Is the gentleman opposed to the amendment as well?

MR. OBEY: Mr. Chairman, I reserve a point of order on the amendment, Mr. Chairman, and I claim the time in opposition.

THE CHAIRMAN: The gentleman from Connecticut [Mr. Shays] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. Obey] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. Shays].

MR. [TOM] DELAY [of Texas]: Mr. Chairman, I also reserve a point of order on this amendment. . . .

THE CHAIRMAN: Does the gentleman from Wisconsin [Mr. Obey] wish to press or withdraw his reservation of a point of order?

MR. OBEY: Mr. Chairman, I withdraw my reservation. I would also withdraw my request to manage time against the amendment. I thought the gentleman was offering a different amendment, and I do not have an objection to this amendment.

THE CHAIRMAN: Does any other Member insist on a point of order at this time?

MR. [ROBERT] LIVINGSTON [of Louisiana]: Mr. Chairman, I reserve a point of order on the amendment.

THE CHAIRMAN: The gentleman from Louisiana [Mr. Livingston] is recognized on his point of order.

MR. LIVINGSTON: Mr. Chairman, I will not make a point of order, but I would like to address a colloquy to the gentleman from Connecticut.

THE CHAIRMAN: Is the gentleman from Louisiana requesting time in opposition to the amendment?

MR. LIVINGSTON: I am asking for the time, Mr. Chairman. . . .

THE CHAIRMAN: Does any Member insist on a point of order?

MR. DELAY: Mr. Chairman, I would like to reserve my point of order.

THE CHAIRMAN: The Chair would ask the gentlemen to insist upon or withdraw their points of order at this time in order to conserve debate time.

MR. LIVINGSTON: Mr. Chairman, I withdraw my point of order.

THE CHAIRMAN: The gentleman from Louisiana [Mr. Livingston] withdraws his point of order.

MR. SHAYS: Mr. Chairman, I have a question to ask of the Chair, a parliamentary inquiry.

THE CHAIRMAN: The Chair would recognize the gentleman from Connecticut [Mr. Shays]. Does the gentleman ask unanimous consent to withdraw his amendment?

MR. SHAYS: No, I do not ask that. I have a parliamentary inquiry before I make that decision.

PARLIAMENTARY INQUIRY

MR. SHAYS: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. SHAYS: Mr. Chairman, I want to be up front with every Member on both sides, even if I do not happen to agree with them.

I want the opportunity to use my 15 minutes to state the case on this issue. If the gentleman withdraws his point of order, is he allowed to bring it up in the future?

THE CHAIRMAN: The Chair will not insist upon the gentleman from Texas [Mr. DeLay] insisting upon or withdrawing his point of order at this time. He may continue his reservation if he wishes.

With that ruling, the Chair recognizes the gentleman from Connecticut [Mr. Shays] on the remainder of his 15 minutes.

MR. SHAYS: I thank the Chair.

My understanding is that I have 9 minutes remaining. Is that correct? . . .

Mr. Chairman, based on the dialog that has taken place in this instance with the chairman, and based on the courtesy of this House for allowing me to proceed on an amendment that could have been declared out of order, I ask unanimous consent to withdraw this amendment.

THE CHAIRMAN: Is there objection to the request of the gentleman from Connecticut?

MR. [GERRY E.] STUDDS [of Massachusetts]: . . . Mr. Chairman, in Boston this means 244 people sick and homeless. That is unacceptable, and I object.

THE CHAIRMAN: Objection is heard.

POINT OF ORDER

MR. DELAY: Mr. Chairman, I have a point of order.

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

MR. DELAY: Mr. Chairman, the gentleman's amendment seeks to amend a paragraph previously amended, and the procedures in the U.S. House of Representatives, chapter 27, section 27.1, states the following:

It is fundamental that it is not in order to amend an amendment previously agreed to. Thus the text of a bill perfected by amendment cannot thereafter be amended.

Mr. Chairman, this amendment seeks to amend text previously amended, and is, therefore, not in order. I respectfully ask the Chair to sustain my point of order. . . .

MS. [NANCY] PELOSI [of California]: Mr. Chairman, I wish to be heard on the point of order. I wish to state that if the point of order of the gentleman from Texas [Mr. DeLay] is in order, that just points to the ultra-restrictiveness of the rule under which this bill was brought to the floor because we did abide by—

MR. DELAY: Regular order, Mr. Chairman. . . .

MRS. [NITA M.] LOWEY [of New York]: Mr. Chairman, I wish to be heard on the gentleman's point of order.

THE CHAIRMAN: The gentlewoman will state her point. . . .

MR. DELAY: Regular order, Mr. Chairman.

THE CHAIRMAN: The Chair is prepared to rule.

Under the precedents recorded in section 31 in chapter 27 of Deschler's Procedure, the point of order of the gentleman from Texas [Mr. DeLay] is sustained. It is consistent with the

Chair's ruling yesterday on the amendment offered by the gentlewoman from Connecticut [Ms. DeLauro].

**§ 3.18 A point of order may not be reserved against an amendment upon a demand for the regular order by any Member; but the Chair may in his discretion permit the continued reservation of the point of order until the regular order is demanded.**

On Dec. 14, 1973,<sup>(9)</sup> in the Committee of the Whole, Chairman Richard Bolling, of Missouri, explained the nature of the reservation of a point of order to Mr. Craig Hosmer, of California.

THE CHAIRMAN: Does the gentleman from Michigan insist on his point of order?

MR. HOSMER: Mr. Chairman, a parliamentary inquiry.

It is my understanding that when a point of order is made that the rules require that the ruling be made thereon, and that when a Member reserves the point of order it is in the nature only of a unanimous-consent request and, therefore, when that request is objected to, that thereafter he can no longer pursue the point of order which he has reserved.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, the Chair has already ruled on this.

THE CHAIRMAN: The Chair needs no assistance in this matter.

9. 119 CONG. REC. 41738, 93d Cong. 1st Sess. Under consideration was H.R. 11450, the Energy Emergency Act.

The gentleman is in error. It is entirely at the discretion of the Chair as to whether the point of order will be reserved unless another Member demands the regular order. A reservation of a point of order is not in the nature of a unanimous-consent request.

Regular order was not demanded. Therefore it is in order for the gentleman to persist in his point of order.

The Chair recognizes the gentleman from Michigan.

***Right of Members***

**§ 3.19 Reservation of a point of order against an amendment or the continuation of such a reservation may be permitted by leave of the Committee of the Whole, but any Member may demand that the point of order be disposed of.**

On Apr. 4, 1973,<sup>(10)</sup> on demand for regular order by Mr. H. R. Gross, of Iowa, Mr. Gerald R. Ford, of Michigan, was compelled to either make or withdraw his reserved point of order:

MR. [JOHN R.] RARICK [of Louisiana]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Rarick: Page 15, after line 11 insert:

"Sec. 10. No funds provided under the Rural Electrification Act of 1936,

10. 119 CONG. REC. 10935, 10936, 93d Cong. 1st Sess. Under consideration was H.R. 5683, which was to amend the Rural Electrification Act.

as amended, shall be used outside the United States or any of its possessions. (And renumber the remaining paragraphs.)”

THE CHAIRMAN:<sup>(11)</sup> For what purpose does the gentleman from Michigan (Mr. Gerald R. Ford) rise?

MR. GERALD R. FORD: Mr. Chairman, I reserve a point of order on the amendment.

THE CHAIRMAN: The gentleman from Louisiana (Mr. Rarick) is recognized for 5 minutes. . . .

MR. GERALD R. FORD: Mr. Chairman, I would like to ask the gentleman from Texas several questions before I either renew or withdraw my reservation.

MR. GROSS: Mr. Chairman, regular order.

THE CHAIRMAN: The gentleman has permission to reserve his point of order.

MR. GROSS: Mr. Chairman, I make the point of order that he must institute his reservation.

THE CHAIRMAN: Does the gentleman wish to withdraw his point of order and seek recognition?

MR. GERALD R. FORD: No. I want to make the point of order. I do not think the amendment is germane to the general purposes of the bill.

I appreciate the gentleman from Iowa giving me an opportunity to ask the gentleman from Texas a question or two.

THE CHAIRMAN: The Chair is ready to rule on the point of order.

It is the opinion of the Chair that the amendment is a restriction on the use of funds authorized under the REA program and is germane to the bill.

The Chair therefore overrules the point of order.

***Effect of Demanding Regular Order Where a Point of Order Has Been Reserved Against an Amendment***

**§ 3.20 Where the proponent of an amendment against which a point of order has been reserved has been recognized to debate the amendment, he cannot during his five minutes be taken from the floor by a “demand for the regular order.”**

On Aug. 1, 1975,<sup>(12)</sup> the Committee of the Whole had under consideration the Energy Conservation and Oil Policy Act of 1975. During the reading of the bill for amendment under the five-minute rule, an amendment was offered by Mr. Clarence J. Brown, of Ohio, against which two Members reserved points of order. The proponent of the amendment was then recognized for his five minutes, during which time, he was asked to yield for a parliamentary inquiry. The proceedings are carried below:

MR. BROWN of Ohio: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

12. 121 CONG. REC. 26945, 26946, 94th Cong. 1st Sess.

11. Dan Rostenkowski (Ill.).

Amendment offered by Mr. Brown of Ohio: Strike out Title III, as amended, and reinsert all except for Section 301, as amended.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I reserve a point of order against the amendment.

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, I also reserve a point of order.

MR. BROWN of Ohio: Mr. Chairman, the thrust of this amendment is to strike from the bill the provisions of the Staggers pricing amendment, section 301, by revising title III to strike the whole title and to reinsert all in the title, except section 301.

Mr. Chairman, may I speak on the amendment?

THE CHAIRMAN: <sup>(13)</sup> The gentleman has been recognized for 5 minutes, so the gentleman may proceed.

MR. BROWN of Ohio: Mr. Chairman, may I reserve 2 minutes of my time to speak on the points of order?

THE CHAIRMAN: The Chair will recognize the gentleman to speak on the points of order at the appropriate time.

MR. DINGELL: Mr. Chairman, I have not yet made the point of order. I reserved it.

THE CHAIRMAN: The Chair has recognized the gentleman from Ohio to speak on the gentleman's amendment for 5 minutes. Then the gentlemen who reserved the points of order may press them or they may not.

MR. BROWN of Ohio: Mr. Chairman, the purpose of this amendment, as I said, is to strike section 301, the pricing section, from the bill.

The reason for striking the pricing section from the bill is an effort to im-

prove the bill so that we can proceed from the point at which we find ourselves to a bill which could be improved to the extent that perhaps it can be signed into law, which ought to be our objective, I think, as Members of Congress. . . .

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

MR. BROWN of Ohio: I yield to the gentleman from Wisconsin.

MR. STEIGER of Wisconsin: Mr. Chairman, if the regular order were demanded, would the point of order have to be stated?

THE CHAIRMAN: The Chair will state to the gentleman that it is proper for a Member to reserve a point of order.

MR. STEIGER of Wisconsin: I thank the Chairman.

MR. BROWN of Ohio: I thank the gentleman from Wisconsin. . . .

We were very close to agreement a few days ago, and that agreement fell apart. I think there is a chance for us to get an energy bill. But there is no chance with this provision in it. My objective is only to try to get a bill, get this part out of it that will prevent us from getting a bill and will give us an opportunity to proceed in a rational manner.

MR. ECKHARDT: Mr. Chairman, I raise a point of order against the amendment.

THE CHAIRMAN: The gentleman will state it. . . .

Does the gentleman from Ohio (Mr. Brown) desire to be heard on the point of order?

MR. BROWN of Ohio: Perhaps, Mr. Chairman, it would be appropriate to

13. Richard Bolling (Mo.).

hear both points of order. Or does the Chair desire me to respond to each point of order as it is raised?

THE CHAIRMAN: The gentleman may proceed as he wishes in response to the points of order.

MR. BROWN of Ohio: Mr. Chairman, let me say, in response to the first ground for the point of order that the gentleman from Texas (Mr. Eckhardt) raised, stating that this amendment comes too late, it is appropriate to offer the amendment because the title is open now at any point for amendment, and this is an amendment to title III.

### *Effect of Withdrawal of Reservation*

#### **§ 3.21 The reservation of a point of order being withdrawn, another Member may immediately renew it.**

On July 28, 1959,<sup>(14)</sup> Chairman Wilbur D. Mills, of Arkansas, had occasion to address the propriety of a point of order raised after another point had been withdrawn.

MR. [CHARLES E.] BENNETT of Florida: Mr. Chairman, I offer an amendment.

The Clerk read as follows: . . .

MR. [OTTO E.] PASSMAN [of Louisiana]: Mr. Chairman, I make a point of order against the amendment, and will reserve the point of order. . . .

Mr. Chairman, I withdraw my point of order.

14. 105 CONG. REC. 14524, 14525, 86th Cong. 1st Sess. Under consideration was H.R. 8385, making appropriations for certain programs.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order that this is legislation on an appropriation bill. . . .

MR. BENNETT of Florida: Mr. Chairman, does not the point of order come too late? The gentleman from New York did not reserve a point of order.

THE CHAIRMAN: It did not.

#### **§ 3.22 Where a point of order is reserved against an amendment and later withdrawn, another Member may press another point of order.**

On Mar. 27, 1962,<sup>(15)</sup> during debate on an amendment offered by Mr. William Fitts Ryan, of New York, to an appropriations bill, Mr. John E. Fogarty, of Rhode Island, first reserved a point of order, then withdrew it before Mr. James C. Davis, of Georgia, was recognized to make his point of order. The Chairman ruled the point of order by Mr. Davis did not come too late.

MR. FOGARTY: Mr. Chairman, I reserve the point of order. . . .

MR. JAMES C. DAVIS: Mr. Chairman, is it in order for me at this time to make a point of order against the amendment?

THE CHAIRMAN:<sup>(16)</sup> The gentleman from Rhode Island has reserved his

15. 108 CONG. REC. 5164, 87th Cong. 2d Sess. Under consideration was H.R. 10904, involving appropriations for the Department of Health, Education, and Welfare for fiscal 1963.

16. Omar T. Burleson (Tex.).

point of order. Does the gentleman from Rhode Island insist on the point of order?

MR. FOGARTY: Mr. Chairman, I waive the point of order. I have stated my reasons as to why the amendment should be defeated and I ask the committee to vote down the amendment.

MR. JAMES C. DAVIS: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. JAMES C. DAVIS: Mr. Chairman, is it in order for me to make a point of order against the amendment? . . .

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, has not the point of order been waived by the gentleman from Rhode Island speaking to the question?

THE CHAIRMAN: The Chair understood that the gentleman from Rhode Island was speaking to his point of order and insisted then on the defeat of the amendment.

MR. YATES: That is correct, Mr. Chairman, and, therefore, no point of order is proper at this time.

THE CHAIRMAN: The gentleman from Georgia [Mr. James C. Davis] now states he was on his feet attempting to press a point of order against the amendment, but the Chair had understood that the gentleman from Rhode Island did insist on his point of order. However, the Chair was in error as to that and the gentleman from Georgia is now recognized to make his point of order.

MR. YATES: Mr. Chairman, one final parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. YATES: Mr. Chairman, does not the point of order by the gentleman from Georgia come too late?

THE CHAIRMAN: Not under the circumstances. The Chair would assume there is a possibility of more than one point of order being made and for more than one reason.

The Chair recognizes the gentleman from Georgia.

MR. JAMES C. DAVIS: Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation on an appropriation bill.

Similarly, on Feb. 28, 1939,<sup>(17)</sup> Mr. Abe Murdock, of Utah, was allowed to make a point of order after Mr. Louis Ludlow, of Indiana, withdrew a point of order that he had earlier reserved:

MR. LUDLOW: Mr. Chairman, I reserve a point of order against the amendment.

MR. [JOHN] TABER [of New York]: Why not make the point of order?

MR. LUDLOW: My attention was diverted from the reading of the amendment, and I should like to know more about the amendment before making the point of order. . . .

Mr. Chairman, I withdraw my reservation of a point of order.

MR. MURDOCK of Utah: Mr. Chairman, on the question of the point of order—

THE CHAIRMAN:<sup>(18)</sup> For what purpose does the gentleman from Utah rise?

MR. MURDOCK of Utah: On the question of the point of order to the amendment of the gentleman from New York, and may I propound this parliamentary inquiry?

17. 84 CONG. REC. 2021-23, 76th Cong. 1st Sess. Under consideration was H.R. 4492, involving the Treasury and printing office appropriation for fiscal 1940.

18. John W. Boehne, Jr. (Ind.).

THE CHAIRMAN: The gentleman will state it.

MR. MURDOCK of Utah: As I understood the gentleman from Indiana [Mr. Ludlow], he reserved all points of order against the amendment offered by the gentleman from New York.

THE CHAIRMAN: The gentleman is correct.

MR. MURDOCK of Utah: Then, as I understand the rules, the gentleman cannot deprive me, after making that reservation, in the event he does not want to make the point of order, of making a point of order myself against the amendment at this time.

THE CHAIRMAN: The gentleman has the right to make the point of order.

MR. MURDOCK of Utah: Then I make the point of order at this time, Mr. Chairman.

**§ 3.23 Where a Member reserves a point of order against an amendment and then, after debate on the amendment, withdraws the point of order, the point of order may yet be renewed and pressed by another Member.**

On Oct. 28, 1969,<sup>(19)</sup> after the withdrawal of a point of order reserved by Mr. George H. Mahon, of Texas, the point of order was renewed by another Member.

MR. [JEFFREY] COHELAN [of California]: Mr. Chairman, I offer an amendment.

19. 115 CONG. REC. 31886, 31888, 91st Cong. 1st Sess. Under consideration was H.J. Res. 966, dealing with continuing appropriations for fiscal 1970.

The Clerk read as follows: . . .

MR. MAHON: Mr. Chairman, I reserve a point of order on the amendment.

THE CHAIRMAN:<sup>(20)</sup> The gentleman from Texas reserves a point of order.

MR. [FRANK T.] BOW [of Ohio]: Mr. Chairman, I reserve a point of order also.

THE CHAIRMAN: The gentleman from Ohio reserves a point of order. . . .

The Chair notes that a point of order is pending.

MR. MAHON: Mr. Chairman, I have now had an opportunity to read the gentleman's amendment, and I withdraw my point of order.

MR. BOW: Mr. Chairman, I renew the point of order.

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

***Withdrawal of Reserved Point of Order***

**§ 3.24 While the reservation of a point of order by one Member inures to all, withdrawal of a reservation by the Member requires other Members to either make or continue to reserve the point of order at that point, and a further reservation comes too late after there has been debate.**

On Dec. 15, 1982,<sup>(1)</sup> a point of order had been reserved against an amendment offered in the

20. Wilbur D. Mills (Ark.).

1. 128 CONG. REC. 30938, 30939, 97th Cong. 2d Sess.

Committee of the Whole. When the reservation was withdrawn, the amendment was debated and then another Member attempted to reserve a point of order. The proceedings are carried below.

MR. [CLARENCE J.] BROWN of Ohio (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:<sup>(2)</sup> Is there objection to the request of the gentleman from Ohio?

There was no objection.

(Mr. Brown of Ohio asked and was given permission to revise and extend his remarks.)

THE CHAIRMAN: The gentleman from Ohio (Mr. Brown) will be recognized for 5 minutes in support of his amendment.

The Chair will inquire, does the gentleman from New York (Mr. Ottinger) continue to reserve his point of order on the amendment?

MR. [RICHARD L.] OTTINGER [of New York]: No, Mr. Chairman, I will drop my reservation of a point of order.

MR. [THOMAS P.] O'NEILL [of Massachusetts]: Mr. Chairman, will the gentleman yield?

MR. BROWN of Ohio: I yield to the distinguished Speaker.

MR. O'NEILL: Mr. Chairman, I thank the gentleman for yielding, and I would just like to make the following statement: . . .

MR. BROWN of Ohio: Mr. Chairman, I thank the distinguished Speaker.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I reserve a point of order on the amendment.

THE CHAIRMAN: The Chair understands that the gentleman from Michigan (Mr. Dingell) reserves a point of order?

MR. DINGELL: Yes, Mr. Chairman.

MR. BROWN of Ohio: Mr. Chairman, I think the point of order is too late, is it not?

THE CHAIRMAN: It is a reservation of a point of order.

MR. BROWN of Ohio: Mr. Chairman, may I ask, can a reservation of a point of order come at any time? I had yielded to the Speaker, and the debate had begun on the amendment.

THE CHAIRMAN: The gentleman is correct. A point of order was reserved and then withdrawn, and the gentleman from Ohio (Mr. Brown) was recognized for 5 minutes on his amendment and had yielded. The point of order cannot be reserved at this time.

The gentleman from Ohio (Mr. Brown) is recognized for 5 minutes.

### ***Reserving Points of Order Against General Appropriation Bills***

#### **§ 3.25 Points of order against general appropriation bills are now "considered as reserved" when the bill is reported.**

Before clause 8 was added to Rule XXI in the 104th Congress, points of order against general appropriation bills had to be reserved, on the floor of the House, when the bill was reported and referred to the Union Calendar. If this window of opportunity was

2. Leon E. Panetta (Calif.).

missed, points of order could thereafter be reserved only by unanimous consent.

The rationale for reserving points of order had its basis in the requirement that the consideration of an appropriation bill had to occur in the Committee of the Whole House on the State of the Union. It followed that the enforcement of Rule XXI clause 2 prohibiting legislative provisions in a general appropriation bill, either in the measure as reported or introduced by amendment, had to occur in that Committee. While offending provisions could be stricken by amendment, they could be eliminated from the bill as the result of a ruling on a point of order only if the House gave such permission.

An instance where points of order were not reserved when the report was filed, but were subsequently reserved, occurred on Aug. 23, 1976.<sup>(3)</sup>

PERMISSION TO RESERVE ALL POINTS OF ORDER ON H.R. 15194, PUBLIC WORKS EMPLOYMENT APPROPRIATION ACT, 1977

MR. [CLARENCE E.] MILLER of Ohio: Mr. Speaker, I ask unanimous consent that I may reserve all points of order on the bill H.R. 15194 making appropriations for public works employment for the period ending September 30, 1977, and for other purposes, on which

3. 122 CONG. REC. 27141, 94th Cong. 2d Sess.

a report was filed by the Committee on Appropriations on August 12, 1976, pursuant to permission granted on August 10, 1976.

THE SPEAKER:<sup>(4)</sup> Is there objection to the request of the gentleman from Ohio?

There was no objection.

### ***Reservation of Points of Order, General Appropriation Bills***

#### **§ 3.26 Under Rule XXI clause 8, adopted in the 104th Congress, points of order on general appropriation bills are “considered as reserved” when the report is filed.**

The proceedings of Feb. 10, 1995,<sup>(5)</sup> demonstrate that when a general appropriation bill is filed from the floor as privileged, the Speaker indicates that points of order are reserved.

REPORT ON H.R. 889, DEPARTMENT OF DEFENSE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1995

MR. [ROBERT] LIVINGSTON [of Louisiana], from the Committee on Appropriations, submitted a privileged report (Rept. No. 104-29) on the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, which

4. Carl Albert (Okla.).

5. 141 CONG. REC. p. \_\_\_\_\_, 104th Cong. 1st Sess.

was referred to the Union Calendar and ordered to be printed.

THE SPEAKER PRO TEMPORE:<sup>(6)</sup> All points of order are reserved on the bill.

### ***Reserving Points of Order***

#### **§ 3.27 A point of order against a paragraph in a general appropriation bill must be raised (and may not be reserved) immediately after the paragraph is read.**

In the practice of the House, points of order may be reserved against amendments but not against provisions in a bill being read for amendment. Permitting a point of order to be reserved when an amendment is offered does not unduly interfere with the consideration of the matter before the House or Committee of the Whole, so long as the point of order is disposed of, or the reservation withdrawn, before an amendment in the second degree is offered or before the question is put on the amendment. The reservation of a point of order against an amendment is at the Chair's discretion and he, or any Member, may press for the "regular order" which causes the point of order to be withdrawn or stated and decided.

On Apr. 16, 1975,<sup>(7)</sup> the bill making annual appropriations for

6. J. Dennis Hastert (Ill.).

7. 121 CONG. REC. 10375, 94th Cong. 1st Sess.

the Department of Education, for fiscal 1976, was under consideration in Committee of the Whole. One of the "general provisions" of the bill was read by the Clerk and Mr. Fortney H. (Pete) Stark, of California, attempted to reserve a point of order so that debate on the provision could proceed. Chairman James C. Wright, Jr., of Texas, stated that the point of order had to be made, not reserved. Proceedings were as indicated.

THE CHAIRMAN: The Clerk will read. The Clerk read as follows:

Sec. 805. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

MR. STARK: Mr. Chairman, I would like to reserve a point of order against section 305.

THE CHAIRMAN: The Chair advises that this is the time to make a point of order against section 305. The Chair recognizes the gentleman from California for a point of order.

MR. STARK: Mr. Chairman, I rise to make a point of order against section 305 on the grounds that it imposes additional burdens and duties on Government executives and is legislation on an appropriations bill, and is in violation of clause 2 of rule XXI. . . .

So I submit this is legislation on an appropriations act and should be ruled out of order.

THE CHAIRMAN: Does the gentleman from Pennsylvania wish to be heard on the point of order?

MR. [DANIEL J.] FLOOD [of Pennsylvania]: I do, Mr. Chairman.

Mr. Chairman, this language has been in this bill for many, many years, since 1969 anyhow. We have always considered this to be a limitation on an appropriation bill.

Mr. Chairman, I refer the Chair to "Deschler's Procedure," chapter 25, page 280, section 15.4, where I find this language:

An amendment providing that no part of the funds carried in a pending general appropriation bill may be used for financial assistance for students who have engaged in force or have used the threat of force to prevent faculty or students from carrying out their duties or studies, was held in order as a limitation. 115 CONG. REC. 21636, 91st Cong. 1st Sess., July 31, 1969 (H.R. 13111).

That was sustained in the 91st Congress, 1st session. I remember that very well, indeed. . . .

THE CHAIRMAN: The Chair is prepared to rule on the point of order. . . .

In the case cited by the gentleman from Pennsylvania, Chairman Holifield on July 31, 1969, while presiding over the Committee of the Whole House, in

considering an appropriation bill for education, was confronted with the same point of order.

The Chair finds that the provision under contest in the precedent, cited by the gentleman from Pennsylvania, was for all purposes identical to the provision contained in the present bill. It was held on that occasion that it was a legitimate limitation on an appropriation bill. Consistent with that precedent, and because the precedents cited by the gentleman from California are clearly distinguishable, the Chair overrules the point of order.

**§ 3.28 Where a point of order was reserved against a paragraph in a general appropriation bill, the manager of the bill then "modified the paragraph" and the point of order was subsequently not pressed.**

On Mar. 7, 1991,<sup>(8)</sup> during consideration of the dire emergency supplementary bill, a point of order was reserved against a paragraph containing legislative provisions. The following colloquy then took place, the paragraph was modified to satisfy a jurisdictional concern, and the point of order withdrawn.

THE CHAIRMAN:<sup>(9)</sup> . . . The Clerk will report the next paragraph in dispute.

8. 137 CONG. REC. 5497, 5498, 102d Cong. 1st Sess.

9. Dennis E. Eckart (Ohio).

The Clerk read as follows:

Page 28, beginning on line 13,

CHAPTER X

GENERAL SERVICES ADMINISTRATION

None of the funds made available by this or any other Act with respect to any fiscal year may be used by the General Services Administration to obligate or expend any funds for the award of contracts for the construction of the Northern Virginia Naval Systems Command Headquarters project without advance approval in writing of the House Committee on Appropriations.

THE CHAIRMAN: Does the gentleman from New Jersey [Mr. Roe] wish to be heard on his point of order?

MR. [ROBERT A.] ROE [of New Jersey]: Yes, Mr. Chairman, I reserve a point of order against the provision of title II, chapter X, entitled "General Services Administration" beginning on page 28, lines 14 through 21. That provision violates clause 2 of rule XXI because it again is recommending legislation in an appropriations bill.

THE CHAIRMAN: The Chair recognizes the gentleman from Virginia [Mr. Wolf].

MR. [FRANK R.] WOLF [of Virginia]: Mr. Chairman, I ask unanimous consent that the provision entitled "General Services Administration" be modified by inserting in line 21, after the word "the," the words, "House Committee on Public Works and Transportation and the". . . .

THE CHAIRMAN: The gentleman from Virginia [Mr. Wolf] seeks unanimous consent to modify the language subject to the reservation of the point of order of the gentleman from New Jersey [Mr. Roe].

Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of chapter X, as modified, is as follows:

CHAPTER X

GENERAL SERVICES ADMINISTRATION

None of the funds made available by this or any other Act with respect to any fiscal year may be used by the General Services Administration to obligate or expend any funds for the award of contracts for the construction of the Northern Virginia Naval Systems Command Headquarters project without advance approval in writing of the House Committee on Public Works and Transportation and the House Committee on Appropriations.

THE CHAIRMAN: Does the gentleman from New Jersey [Mr. Roe] insist on his point of order?

MR. ROE: No, I do not, Mr. Chairman. I withdraw my point of order.

***Reservation of Point of Order Against Bill Text Not in Order***

**§ 3.29 A point of order may not be reserved against a portion of text of an appropriation bill (as opposed to an amendment) but must be stated and pressed immediately after the paragraph is read and before debate or amendments are offered.**

During the reading of the Treasury-Postal appropriation bill, fiscal 1992, a long paragraph

funding named projects in different states was offered. The paragraph had in it a long and complicated series of provisos. During the reading of the paragraph, Mr. James A. Traficant, Jr., of Ohio, attempted to reserve a point of order. The proceedings of June 18, 1991,<sup>(10)</sup> were as indicated.

The Clerk read as follows:

Georgia:

Atlanta, Center for Disease Control, \$5,000,000

Florida:

Fort Myers, Federal Building and U.S. Courthouse, \$977,000

Tallahassee, U.S. Courthouse Annex, \$3,764,000. . . .

POINT OF ORDER

MR. TRAFICANT: Mr. Chairman, I rise to a point of order.

THE CHAIRMAN:<sup>(11)</sup> The gentleman will state his point of order.

MR. TRAFICANT: Mr. Chairman, I raise now a point of order starting on page 31, line 1, with the word "provided," and continue it down to and including line 15, up to "in other such projects."

THE CHAIRMAN: What is the point of order of the gentleman?

MR. TRAFICANT: Mr. Chairman, I further reserve the right to object to other elements within that section, and wait for a ruling on this section.

THE CHAIRMAN: First let the Clerk read that paragraph.

The Clerk read as follows:

*Provided* That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than \$100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects: *Provided further*, That to the extent that savings can be effected in other Federal Buildings Fund activities, the GSA shall seek reprogramming of up to \$16,200,000 to supplement funds previously authorized and appropriated for the NOAA laboratory, Boulder, Colorado, subject to the approval of the House and Senate Committees on Appropriations according to existing reprogramming procedures: *Provided further*, That such funds will be obligated only upon the advance approval of the House Committee on Public Works and Transportation; (2) not to exceed \$569,251,000 which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows: except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Commit-

10. 137 CONG. REC. 15208, 15209, 102d Cong. 1st Sess.

11. Gerry E. Studds (Mass.).

tees on Appropriations of the House and Senate of a greater amount:

## POINT OF ORDER

THE CHAIRMAN: Does the Chair understand that the point of order of the gentleman from Ohio [Mr. Traficant] is directed solely to page 31, lines 1 through 15?

MR. TRAFICANT: Mr. Chairman, the first part of that is line 1 through line 15, including and up to "in other such projects."

Then I want to reserve a point of order commencing later on on that page. I am prepared to object to those other items now, if it would be the will of the Chair.

THE CHAIRMAN: It would be appropriate for the gentleman to make any and all points of order he may have against that paragraph at this time.

MR. TRAFICANT: Mr. Chairman, in addition to that, commencing on line 22, with the words, "provided further," and continuing on, until page 32, line 8.

THE CHAIRMAN: The Chair understands the point of order of the gentleman from Ohio to go to the entirety of the paragraph beginning on page 31, line 1. Is that correct?

MR. TRAFICANT: Mr. Chairman, all except line 15, "provided further," through line 22, "provided further." That section, with Federal building funds activities, I do not strike.

THE CHAIRMAN: The gentleman will state his point of order, now that he has designated it.

MR. TRAFICANT: Mr. Chairman, under clause 2, rule XXI of House rules, for constituting legislation in an appropriation bill.

THE CHAIRMAN: Does the gentleman from California [Mr. Roybal] wish to be heard on the point of order?

MR. [EDWARD R.] ROYBAL [of California]: Mr. Chairman, the committee concedes the point of order.

THE CHAIRMAN: The committee concedes the point of order, the point of order is sustained, and the language in question is stricken, but the proviso on lines 15 through 22 of page 31 remains in the bill.

*Parliamentarian's Note:* All of the paragraph was stricken by the point of order except for the proviso shown in italics in the excerpt above.

***Reservation of Point of Order Not Possible Where No Debate Time Remains***

**§ 3.30 Where an amendment is not subject to debate, a point of order may not be reserved against it but must be stated and pressed immediately following the reading of the amendment.**

On June 19, 1991,<sup>(12)</sup> during prolonged consideration of the International Cooperation Act under the five-minute rule, an amendment was offered by Mr. Lee H. Hamilton, of Indiana. The amendment was not subject to debate because of the terms of the

**12.** 137 CONG. REC. 15477, 102d Cong. 1st Sess.

special rule which governed the debate on this measure. Proceedings were as follows:

AMENDMENT OFFERED BY MR. HAMILTON TO THE AMENDMENT OFFERED BY MR. VOLKMER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA, AS AMENDED

MR. HAMILTON: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. Hamilton to the amendment offered by Mr. Volkmer as a substitute for the amendment offered by Mr. Burton of Indiana, as amended: Strike out the period at the end of the section proposed to be added by the Volkmer substitute and insert in lieu thereof the following: "unless the President certifies to the appropriate congressional committees that such assistance is in the national interest of the United States."

THE CHAIRMAN PRO TEMPORE:<sup>(13)</sup> The Chair will state that this amendment will have no debate.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I reserve a point of order on the amendment.

PARLIAMENTARY INQUIRY

MR. [DAN] BURTON of Indiana: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. BURTON of Indiana: Mr. Chairman, I may be following the same

train of thought as my colleague, the gentleman from Pennsylvania.

No. 1, I would ask, is this amendment in order? And No. 2, would it not in effect emasculate the Volkmer amendment so that aid could go to Jordan?

THE CHAIRMAN PRO TEMPORE: The Chair will state that the Hamilton amendment is drafted as an amendment to the Volkmer substitute. The Chair cannot characterize the amendment.

MR. BURTON of Indiana: I thank the Chair.

THE CHAIRMAN PRO TEMPORE: Does the gentleman from Pennsylvania [Mr. Walker] insist on his point of order?

MR. WALKER: Mr. Chairman, I reserve a point of order on the amendment.

THE CHAIRMAN PRO TEMPORE: The Chair states that no debate is in order on this amendment, so the point of order should be disposed of now.

POINT OF ORDER

MR. WALKER: Mr. Chairman, I make a point of order on the amendment, that the amendment is being offered in the third degree, and, therefore, it is not eligible for consideration in the House.

THE CHAIRMAN PRO TEMPORE: The Chair will state that the amendment to the substitute is not in the third degree, but is in the second degree.

The question is on the amendment offered by the gentleman from Indiana [Mr. Hamilton] to the amendment offered by the gentleman from Missouri [Mr. Volkmer] as a substitute for the amendment offered by the gentleman from Indiana [Mr. Burton], as amended.

13. Jim McDermott (Wash.).

***Reserving a Point of Order*****§ 3.31 A Member may reserve a point of order against an offered amendment to ascertain from its author the intention or meaning of the language.**

On May 4, 1994,<sup>(14)</sup> the House had under consideration the National Science Foundation authorization bill (H.R. 3254). During consideration of the bill for amendment under the five-minute rule, Mr. Gerald B. H. Solomon, of New York, offered an amendment and the manager of the bill, Mr. Rick Boucher, of Virginia, reserved a point of order. The resulting colloquy is carried here.

AMENDMENT OFFERED BY MR. SOLOMON

MR. SOLOMON: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Solomon:

At the end of Title II, add the following new section:

SEC. 213. DENIAL OF AWARDS OF GRANTS OR CONTRACTS TO EDUCATIONAL INSTITUTIONS WHICH PREVENT MILITARY RECRUITING.

(a) DENIAL OF FUNDS.—The Director may not make a grant or award a contract to any educational institution that has a policy of denying, or which effectively prevents, any of the military services of the United

States from obtaining for military recruiting purposes—

(1) entry to campuses or access to students on campuses; or

(2) access to directory information pertaining to students; consistent with applicable law. . . .

MR. BOUCHER: Mr. Chairman, I reserve a point of order with respect to the amendment offered by the gentleman from New York [Mr. Solomon].

THE CHAIRMAN: The gentleman from Virginia [Mr. Boucher] reserves a point of order against the amendment. The gentleman from New York [Mr. Solomon] is recognized for 5 minutes in support of his amendment.

MR. BOUCHER: Mr. Chairman, will the gentleman yield?

MR. SOLOMON: I yield to the gentleman from Virginia.

MR. BOUCHER: Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise to propound a question with respect to how the gentleman interprets the recent addition that was made to the base text amendment. The addition that is written in on this amendment on line 7, following the phrase that is denumerated paragraph number 2, says, "consistent with applicable law." . . .

MR. SOLOMON: Mr. Chairman, I say to the gentleman from Virginia that he knows that we had a problem in drafting the amendment to make it germane. Even though I believe that it is a limitation amendment, which should be allowed, I have every reason to believe the Parliamentarians would rule against me and in favor of the gentleman raising a point of order against it.

Therefore, we had to modify it by adding the terms "consistent with applicable law."

14. 140 CONG. REC. p. \_\_\_\_\_, 103d Cong. 2d Sess.

It does apply to line 6 as well. In effect, it makes this a sense-of-Congress resolution rather than binding. We would hope to pass it over here in this forum and then have the Senate adopt it in its original form where it will become law.

MR. BOUCHER: Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for his explanation. . . .

I ask the gentleman this additional question: Does the gentleman believe that he is adding any requirements that do not already exist in present law through the general text of his amendment? Will this amendment, if adopted, change the required conduct of universities in terms of the access and information they provide?

MR. SOLOMON: Mr. Chairman, let me say to the gentleman, it is not my intention, by rendering this new modification, to create new law. It is applicable law. That is my intent. . . .

THE CHAIRMAN: The gentleman from Virginia [Mr. Boucher] has reserved a point of order. Does the gentleman wish to press the point of order?

MR. BOUCHER: Mr. Chairman, I withdraw the reservation of the point of order.

## § 4. Timeliness

It is essential that a point of order be raised at the proper time if it is to be entertained by the Chair. Generally, a point of order comes too late after debate on the matter has commenced; but the precedents are sometimes more

explicit in defining when a point of order is timely. For example, a point of order against a privileged resolution is properly raised when it is called up, before debate is had on the resolution.<sup>(15)</sup> Similarly, a point of order against “consideration” is timely when the measure is called up.<sup>(16)</sup> A point of order against a report involving the privileges of the House is properly raised after the report is read,<sup>(17)</sup> whereas points of order against conference reports are made after the reading of the report and before the reading of the statement of the managers in explanation of the report.<sup>(18)</sup>

### *Challenging Privileged Status of a Resolution*

**§ 4.1 A point of order questioning the privilege of a resolution reported by the Committee on Rules has been entertained when the resolution was called up before the reading of the resolution by the Clerk.**

On Aug. 19, 1964,<sup>(19)</sup> before the Clerk read the text of a privileged

15. See § 4.1, *infra*.

16. See § 4.2, *infra*.

17. See § 4.5, *infra*.

18. See § 4.4 and Ch. 33, *infra*.

19. 110 CONG. REC. 20212, 20213, 88th Cong. 2d Sess. Under consideration