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THE SPEAKER PRO TEMPORE: The Chair will state that the point of order raised by the gentleman from Maryland (Mr. Bauman) comes at a time when the amendment is not being considered, and cannot be directed against consideration of the bill itself. In view of the fact that the gentleman from Maryland did not raise his point of order at the time of the consideration of the amendment the Chair holds that the point of order is out of order.

MR. BAUMAN: But, Mr. Speaker, the rules of the House directly provide for this.

THE SPEAKER PRO TEMPORE: The Chair again will state that the point of order is not well taken.

The Chair has already ruled.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: A parliamentary inquiry, Mr. Speaker.

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

MR. WAGGONNER: My parliamentary inquiry is this: Does the Chair rule this way in view of the decision of the Chair last week when the gentleman from New York (Mr. Pike) was the Chairman of the Committee of the Whole, and who ruled that a point of order could be made at any time?

THE SPEAKER PRO TEMPORE: The Chair will state it can be made at any time that the House is in the Committee of the Whole, and the amendment is pending. The House is not in the Committee of the Whole at this time, and the amendment has been agreed to.

MR. WAGGONNER: The words "at any time," then, may be interpreted in a different way today than they were last week?

THE SPEAKER PRO TEMPORE: No; the rulings are consistent.

MR. WAGGONNER: I thank the Speaker.

THE SPEAKER PRO TEMPORE: The question is on the engrossment and third reading of the bill.

§ 6. Timeliness as Against Amendments

Generally, a point of order against an amendment is properly made immediately after the reading thereof by the Clerk.[6] At the Chair's discretion, the point of order may be raised even before the Clerk has finished the reading, when enough of the text has been read to show that it is out of order.[7] While there is a requirement that copies of an amendment be made available to Members, no point of order lies against the failure of the Clerk to comply with this instruction.[8] A point of order against an amendment is not entertained where some business has intervened between the reading of the amendment and the making of the point of order. Such disqualifying business may consist of the granting of a unanimous-consent request,[9] a res-

6. See §§ 6.1, 6.2, infra.
7. See § 6.10, infra.
8. See § 6.12, infra.
9. See § 6.17, infra.

ervation of objection against a unanimous-consent request,[10] except one to dispense with reading of the amendment,[11] the intervention of a parliamentary inquiry after a Member has been recognized for debate,[12] but not the intervention of another point of order if no debate has intervened.[13]

The making of a point of order against an amendment after the "mere recognition" for debate of the Member who has proposed the amendment has been permitted,[14] although there are rulings to the effect that points of order may be held too late if the Chair has already recognized the Member who offered the amendment to make his remarks on the amendment and some intervening business, such as a unanimous-consent request to revise and extend or to proceed for more time, has been conducted.[15] Where a Member begins speaking on his amendment, before being recognized, a point of order may still be timely.[16]

Where a Member has exhibited due diligence and has been overlooked by the Chair while he was on his feet seeking recognition at the appropriate time, then a point of order may be permitted notwithstanding its lateness.[17]

A Member seeking to raise a point of order must actively seek recognition, by standing and addressing the Chair.[18]

In General

§ 6.1 A point of order against an amendment is properly made immediately after the reading thereof.

On Mar. 29, 1966,[19] Chairman James G. O'Hara, of Michigan, ruled that it was not too late for Mr. Joseph L. Evins, of Tennessee, to make a point of order immediately following the Clerk's reading of an amendment, al-

10. See § 6.19, infra.

11. See §§ 6.5, 6.6, 6.18, infra.

12. See §§ 6.20, 6.21, infra.

13. See § 6.22, infra.

14. See §§ 6.23, 6.24, infra.

15. See §§ 6.27–6.29, infra.

16. See § 6.30, infra.

17. See §§ 6.38–6.42, infra.

18. See § 6.8, infra.

19. 112 CONG. REC. 7118, 89th Cong. 2d Sess. Under consideration was H.R. 14012, the second supplemental appropriations bill of fiscal 1966. A unanimous-consent request had been agreed to that debate on the pending paragraph and all amendments thereto be concluded in 15 minutes.

See also 86 CONG. REC. 2904, 2905, 76th Cong. 3d Sess., Mar. 14, 1940. Under consideration was H.R. 7079, dealing with the appointment of additional federal judges.

though the Chairman had been about to put the question.

MR. [ELFORD A.] CEDERBERG [of Michigan]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cederberg: On page 4, line 22, after "program" and before the period add, "*Provided further*, That no part of these funds shall be obligated until funds made available for the construction of family housing for the Army, Navy, Marine Corps, Air Force, and Defense agencies in Public Law 89–202, have been obligated."

MR. EVINS of Tennessee: Mr. Chairman, I make a point of order.

MR. [MELVIN R.] LAIRD [of Wisconsin]: Mr. Chairman, the point of order comes too late. The Chair was about to state the question.

THE CHAIRMAN: The question had not yet been put. The Chair was about to state the question, but the question had not yet been put. The gentleman will state his point of order.

MR. EVINS of Tennessee: Mr. Chairman, I make a point of order against the amendment on the ground that it relates to funds previously appropriated and which are not carried in this bill and interferes with executive discretion given to the President under existing law to do what he wishes with the funds. . . .

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

The amendment offered by the gentleman from Michigan places an unrelated contingency upon the use of funds provided in this paragraph, and as such is legislation in an appropriation bill, and not germane to the paragraph.

The point of order is sustained.

§ 6.2 A point of order may be made or reserved against an amendment only when the amendment has been offered and read by the Clerk.

On Mar. 10, 1971,[20] Chairman George W. Andrews, of Alabama, indicated that a Member could not logically reserve a point of order against an amendment which had not yet been offered.

THE CHAIRMAN: The Chair will state that the Clerk has not read the amendment as yet.

MR. [WRIGHT] PATMAN [of Texas]: Then I will reserve a point of order, Mr. Chairman.

MR. [H.R.] GROSS [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GROSS: My parliamentary inquiry is this, Mr. Chairman. How can a point of order be reserved to an amendment that has not been read?

THE CHAIRMAN: The Chair will state to the gentleman from Iowa that the gentleman is correct. The Chair has already stated that the Clerk has not read the amendment as yet.

However, the Chair will state to the gentleman from Texas that if the gentleman has a point of order to raise

20. 117 CONG. REC. 5857, 92d Cong. 1st Sess. Under consideration was H.R. 4246, extending laws relating to interest rates, mortgage credit controls, and cost-of-living stabilization.

concerning the amendment, the gentleman can raise his point of order at the proper time after the Clerk has read the amendment.

Chair's Observations on Germaneness of Amendment

§ 6.3 Although the Chair may indicate in response to a parliamentary inquiry that a pending amendment might not be germane to the proposition to which offered, he will not declare the amendment out of order unless a proper point of order is made.

On Apr. 4, 1979,[1] an amendment in the second degree was offered during consideration of the International Development Cooperation Act. Before the amendment was offered, its proponent asked if his contemplated amendment would be in order. Chairman Elliott H. Levitas, of Georgia, responded to parliamentary inquiries immediately before and then after the amendment was read.

MR. [WILLIAM H.] HARSHA [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harsha: Page 18, after line 25, insert the following:

ASSISTANCE FOR NIGERIA

SEC. 127. None of the funds authorized to be appropriated by the amendments made by this title may be made available for assistance for Nigeria unless the President determines, and reports to the Congress, that assistance for Nigeria is in the national interest of the United States.

(Mr. Harsha asked and was given permission to revise and extend his remarks.) . . .

MR. [JOHN] BUCHANAN [of Alabama]: If the gentleman added the other countries, that would improve the amendment; but in my judgment, it would still constitute a mistake and it is unlikely that I would support it.

MR. [JOSEPH G.] MINISH [of New Jersey]: Mr. Chairman, will the gentleman yield?

MR. BUCHANAN: Certainly, I would be glad to.

MR. MINISH: Mr. Chairman, I will satisfy the gentleman's wishes, because I have an amendment that deals with all the OPEC countries.

PARLIAMENTARY INQUIRY

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

THE CHAIRMAN: The gentleman will state it.

MR. MINISH: Mr. Chairman, would my amendment be in order as a substitute for the Harsha amendment?

THE CHAIRMAN: If the gentleman desires to offer his amendment, the Chair will be better able to respond to the gentleman's inquiry when the amendment is offered.

AMENDMENT OFFERED BY MR. MINISH AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HARSHA

MR. MINISH: Mr. Chairman, I offer an amendment as a substitute for the amendment.

1. 125 CONG. REC. 7242, 7245, 96th Cong. 1st Sess.

The Clerk read as follows:

Amendment offered by Mr. Minish as a substitute for the amendment offered by Mr. Harsha: Page 18, immediately after line 25, insert the following new section:

PROHIBITION ON ASSISTANCE TO MEMBERS OF THE ORGANIZATION OF PETROLEUM EXPORTING COUNTRIES

SEC. 127. Funds authorized to be appropriated by this title may not be used to provide assistance to any country which is a member of the Organization of Petroleum Exporting Countries.

THE CHAIRMAN: The Chair will respond to the gentleman's parliamentary inquiry.

The subject matter of the gentleman's amendment is broader than the specific subject matter of the amendment of the gentleman from Ohio and, therefore, technically might not be germane. However, unless a point of order is made against it, the Chair will not rule on that question.

MR. HARSHA: Mr. Chairman, reserving a point of order, and I shall not insist upon my point of order, does the gentleman's amendment strike out the amendment that I offered?

THE CHAIRMAN: The amendment of the gentleman from New Jersey is a substitute for the amendment of the gentleman from Ohio and applies to any country which is a member of the Organization of Petroleum Exporting Countries.

MR. HARSHA: In the event the gentleman's amendment were adopted it would take the place of my amendment and Nigeria would not be in it, if Nigeria is not an OPEC country. Is that not correct?

THE CHAIRMAN: The Chair is not in a position to interpret the effect of the amendment.

§ 6.4 While the Chair will ordinarily not render anticipatory rulings on whether an amendment might be in order, he has responded to a parliamentary inquiry about the germaneness of an amendment printed in the Record and whether it could be in order as a substitute for a pending amendment.

Where a perfecting amendment relating to the budget for one fiscal year was pending to a concurrent resolution on the budget, the Chair indicated that a noticed amendment in the nature of a substitute, encompassing other fiscal years, would not be germane at that point in the proceedings. The pertinent excerpts from the Record of May 9, 1979,[2] are carried below.

MRS. [MARJORIE S.] HOLT [of Maryland]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mrs. Holt: Strike out sections 1 through 5 and insert in lieu thereof the following:

That the Congress hereby determines and declares, pursuant to sec-

2. 125 CONG. REC. 10485, 10486, 96th Cong. 1st Sess.

tion 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979— . . .

MR. [PARREN J.] MITCHELL of Maryland: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[3] The gentleman from Maryland (Mr. Mitchell) will state his parliamentary inquiry.

MR. MITCHELL of Maryland: Mr. Chairman, this gentleman had planned to offer his amendment as a substitute for the Holt-Regula amendment.

It is my understanding that when the gentlewoman spoke to her amendment, the gentlewoman called it a perfecting amendment. I do not know whether that embraces fiscal year 1979 and 1980. My amendment does.

This inquiry is whether mine can be offered as a substitute to the Holt-Regula amendment.

THE CHAIRMAN: The Chair will advise the gentleman from Maryland (Mr. Mitchell) that since the gentleman's amendment which is at the desk would go to the fiscal years 1979 and 1980 and is in the nature of a substitute for the entire resolution, it would not be germane or otherwise in order, since the amendment offered by the gentlewoman from Maryland (Mrs. Holt) is perfecting in nature and only goes to the fiscal year 1980.

Timing of Point of Order Against Offered Amendment

§ 6.5 A point of order against an amendment must be made or reserved immediately after the amendment is read, and where unanimous consent is granted that the amendment be considered as read, the point of order must be raised following the disposition of that request.

On Mar. 29, 1972,[4] Chairman Neal Smith, of Iowa, informed Mr. H. John Heinz, III, of Pennsylvania, that a point of order could be reserved after the disposition of a unanimous-consent request following the reading of the amendment by the Clerk:

MR. HEINZ (during the reading): Mr. Chairman, I ask unanimous consent to dispense with the reading of the amendment and ask that it be printed at this point in the Record.

MR. [WILLIAM H.] HARSHA [of Ohio]: Mr. Chairman, reserving the right to object, I want to make a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HARSHA: Mr. Chairman, I intend to make a point of order against this amendment and, if the unanimous-consent request is granted, do I then waive my right to make that point of order at the appropriate time?

THE CHAIRMAN: The gentleman will not waive his right if he makes it immediately after the unanimous consent is granted.

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3. William H. Natcher (Ky.).

4. 118 CONG. REC. 10749, 92d Cong. 2d Sess. Under consideration was H.R. 11896, to amend the Federal Water Pollution Control Act.

MR. HARSHA: I reserve a point of order against the amendment, and if the waiver of the reading of the amendment will not waive my right to a point of order——

THE CHAIRMAN: The gentleman can make his point of order immediately following the granting of the unanimous-consent request.

§ 6.6 A point of order may be made or reserved against an amendment after it is "considered as read" but before the proponent of the amendment has been recognized to debate it.

On Mar. 9, 1978,[5] during the reading of an amendment which he had offered, Mr. James M. Jeffords, of Vermont, asked unanimous consent that it be considered as read. The following inquiry follows:

AMENDMENTS OFFERED BY MR. JEFFORDS AS A SUBSTITUTE FOR THE AMENDMENTS OFFERED BY MR. SARASIN

MR. JEFFORDS: Mr. Chairman, I offer amendments as a substitute for the amendments offered by the gentleman from Connecticut (Mr. Sarasin).

The Clerk read as follows:

Amendments offered by Mr. Jeffords as a substitute for the amendments offered by Mr. Sarasin: Page 64, line 16, strike out "and productivity" and insert in lieu thereof "productivity, and reasonable price stability".

Page 64, line 22, before "and" insert "reasonable price stability, which shall be set at a rate which would, within five years, bring the annual rate of inflation, as measured by the Consumer Price Index as determined by the Bureau of Labor Statistics in the Department of Labor, to not more than 3 percent".

Page 69, after the period in line 6 add the following new sentence: "Beginning with the third Economic Report submitted after the date of the enactment of the Full Employment and Balanced Growth Act of 1978, the President shall set forth in each Economic Report the programs and policies being used to reduce inflation and the degree of progress made.".

Strike out line 13 on page 73 and all that follows down through line 5 on page 75, and insert in lieu thereof the following:

"SEC. 9. (a) The Congress determines that reasonable stability as described in section 3(a)(3) and sections 4(a) and 4(b)(2) will be achieved under the procedures and requirements of section 5(b). . . .

MR. JEFFORDS (during the reading): Mr. Chairman, I ask unanimous consent that the amendments offered as a substitute be considered as read and printed in the Record.

THE CHAIRMAN:[6] Is there objection to the request of the gentleman from Vermont?

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I reserve a point of order on the amendments.

THE CHAIRMAN: The gentleman from California reserves a point of order on the amendments.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, a parliamentary inquiry.

5. 124 CONG. REC. 6285, 6286, 95th Cong. 2d Sess.

6. William H. Natcher (Ky.).

THE CHAIRMAN: The gentleman will state it.

MR. BAUMAN: Mr. Chairman, as the gentleman from Vermont has already made the request that the amendment be considered as read and that request was granted, therefore I think the point of order comes too late.

THE CHAIRMAN: The Chair would advise the gentleman from Maryland that the point of order can still be made or reserved before the gentleman proceeds with his remarks. Therefore, the reservation is in order.

§ 6.7 A point of order may be made against an amendment before debate on the amendment begins.

On Mar. 31, 1937, after the Clerk's reading of an amendment, but prior to debate on it, a Member sought to make a point of order, which was challenged as coming too late.[7]

The Clerk read as follows:

Amendment by Mr. [Ross] Collins [of Mississippi]: Page 19, after line 19, insert a new paragraph, as follows:

"For additional services in the office of each Member and Delegate and the Resident Commissioner from Puerto Rico, in the discharge of his official and representative duties, at a rate not to exceed $1,800 per annum, as to each such office, $783,000."

MR. COLLINS: Mr. Chairman, I ask recognition.

THE CHAIRMAN:[8] The gentleman from Mississippi.

MR. [LINDSAY C.] WARREN [of North Carolina]: Mr. Chairman——

THE CHAIRMAN: For what purpose does the gentleman from North Carolina rise?

MR. WARREN: I rise to make the point of order that [the appropriation] is not authorized by law.

MR. FRED M. VINSON [of Kentucky]: The point of order comes too late, Mr. Chairman. . . .

THE CHAIRMAN: The gentleman had not begun his remarks. . . .

The Chair does not believe that the point of order comes too late. The gentleman from North Carolina was on his feet seeking recognition at the time the gentleman rose.

A Point of Order Against an Amendment Must Be Timely

§ 6.8 A point of order against an amendment comes too late after the proponent has made his introductory comments in explanation of the amendment.

A point of order against an amendment must be made or reserved as soon as the amendment is read or its reading is dispensed with. When the Chamber is crowded and noisy, due diligence requires the Member wishing to make the point of order to address the Chair, and merely being on

7. 81 CONG. REC. 2980, 2981, 75th Cong. 1st Sess. Under consideration was H.R. 5966, the legislative appropriation bill for 1938.

8. Scott W. Lucas (Ill.).

his feet does not protect his right. The events of Oct. 1, 1985,[9] during the reading of the Food Security Act of 1985, show how a Member may lose his opportunity to raise a point of order.

MR. [BARNEY] FRANK [of Massachusetts]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Frank as a substitute for the amendment offered by Mr. Dorgan of North Dakota: Page 70, strike out line 19 and all that follows thereafter through page 71, line 19, and insert in lieu thereof the following:

"(C) The established price for wheat shall be $4.38 per bushel for the 1986 crop; $4.16 per bushel for the 1987 crop; $3.96 per bushel for the 1988 crop; $3.76 per bushel for the 1989 crop; and $3.57 per bushel for the 1990 crop, respectively.

MR. FRANK (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:[10] Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MR. FRANK: Mr. Chairman, I realize that this bill, in its short stay on the floor, has apparently already outlasted the membership's attention span, but this is a very important amendment which I choose to offer anyway.

This is an amendment which embodies the position of the Reagan administration on this particular bill.

MR. ROBERT F. SMITH [of Oregon]: Mr. Chairman, I reserve a point of order on this amendment.

THE CHAIRMAN: The Chair would point out to the gentleman from Oregon that it is too late to reserve a point of order. The point of order has to be reserved before the gentleman from Massachusetts begins his remarks.

MR. ROBERT F. SMITH: If I may, Mr. Chairman, it was very difficult to hear. I did not even hear the amendment proposed and I was timely in my reservation of my point of order, Mr. Chairman. I was attempting to get order, as the Chair was. I suggest that I did not even hear the amendment offered.

THE CHAIRMAN: The Chair asked if there was objection to the waiving of the reading of the amendment and the Chair did not hear an objection.

MR. ROBERT F. SMITH: Mr. Chairman, with due respect, I did not even hear the amendment offered, and it has never been read. I was standing here before you, sir.

THE CHAIRMAN: The Chair would note that there were literally dozens of people standing. The Chair was not addressed by the gentleman from Oregon and there was a waiving of the reading of the amendment.

Chair's Responsibility Where Amendment Improperly Read

§ 6.9 The Chairman of the Committee of the Whole may direct the re-reporting of an amendment where it was not read in its entirety when offered.

9. 131 CONG. REC. 25439, 25440, 99th Cong. 1st Sess.

10. David E. Bonior (Mich.).

When an improper reporting of an amendment by the Clerk is called to the Chair's attention, he may direct it to be reported again so that Members have a proper reference for deciding whether to raise a point of order. An amendment must be read in full unless the further reading is dispensed with by special rule or unanimous consent. When part of the amendment was omitted by the Clerk, the Chair correctly directed that it be read again, in full. The proceedings of June 16, 1983,[11] are illustrative.

MR. [DAN] BURTON [of Indiana]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Burton: On page 12, between lines 17 and 18, insert the following new paragraph:
>
> (14) Commodities provided under this Act shall be distributed by means of a system developed by the Secretary of Agriculture and State agencies.

MR. BURTON: Mr. Chairman, I think we all want to help the truly needy, but we also want to make sure we do not at the same time hurt the private sector. . . .

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

Mr. Chairman, the amendment as read by the Clerk does not conform with the amendment that was delivered to me. I wonder if the Clerk might read the amendment again so that we know what we are talking about.

THE CHAIRMAN:[12] Without objection, the Clerk will re-report the amendment.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. Burton: On page 12, between lines 17 and 18, insert the following new paragraph.
>
> (14) Commodities provided under this Act shall be distributed by means of a system developed by the Secretary of Agriculture and State agencies.
>
> Eligible organizations must acknowledge receipt of such commodities. Eligible individual recipients shall be provided such commodities by means of commodity coupons distributed under the food stamp program pursuant to rules and regulations issued by the Secretary of Agriculture as authorized by the Food Stamp Act of 1977, as amended.

MR. EMERSON: I thank the Chair.

MR. [E (KIKA)] DE LA GARZA [of Texas]: Mr. Chairman, will the gentleman yield to me?

MR. EMERSON: I yield to the chairman of the committee.

MR. DE LA GARZA: Mr. Chairman, I appreciate the fact the amendment has been read, but there is some confusion here. Is this a re-reporting of the amendment or just a re-reading of the amendment?

THE CHAIRMAN: The Chair will state that it is a re-reporting. The Clerk did not report the entire amendment.

MR. DE LA GARZA: Mr. Chairman, I make that inquiry because, as the gen-

11. 129 CONG. REC. 16031, 16032, 98th Cong. 1st Sess.

12. Charles E. Bennett (Fla.).

tleman from Texas recollects, there was no unanimous consent to dispense with further reading. Therefore, the amendment was not read in its entirety, and I would have raised a point of order at that time had the amendment been correctly read.

Mr. Chairman, I will inquire, is it proper at this point, if the amendment has been re-reported, to raise a point of order?

Mr. Chairman, since there was some confusion, I felt obligated to bring the matter before the House, but I will state now that I would not raise a point of order at this time, and we may proceed on the amendment.

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

Discretion of Chair

§ 6.10 While a point of order may be pressed in the Chair's discretion against an amendment when enough of the text has been read to show that it is out of order, the Chairman may decline to rule on the point of order until the entire amendment has been read.

On Dec. 14, 1973,[13] a Member sought to press his point of order during the reading of an amendment with the following result:

The Clerk continued to read the amendment.

MR. [BOB] ECKHARDT [of Texas] (during the reading): Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[14] The gentleman will state his parliamentary inquiry.

MR. ECKHARDT: Mr. Chairman, would it be in order for me to press my point of order at this time?

THE CHAIRMAN: Did the Chair understand the gentleman to say, to press his point of order?

MR. ECKHARDT: Yes, Mr. Chairman.

Would it be in order for me to urge my point of order at this time?

THE CHAIRMAN: The Chair feels that the reading of the amendment should be concluded.

The Chair, on His Own Initiative, May Rule Out an Amendment Which Is Not in Proper Form

§ 6.11 The Chair may examine an offered amendment to determine its propriety and may rule it out of order even where no point of order is raised.

On May 8, 1980,[15] when the Committee of the Whole resumed consideration of the Food Stamp Amendments of 1980, the Chair announced that amendments to section 1 were in order. Mr. Robert S. Walker, of Pennsylvania, offered what he termed "an amend-

13. 119 CONG. REC. 41717, 93d Cong. 1st Sess. Under consideration was H.R. 11450, the Energy Emergency Act.

14. Richard Bolling (Mo.).

15. 126 CONG. REC. 10421, 96th Cong. 2d Sess.

ment in the nature of a substitute." Mr. Walker asked that reading be dispensed with and was recognized to begin his explanation. The Chair interrupted his presentation to inform him that the amendment offered was not "a proper amendment in the nature of a substitute."

THE CHAIRMAN:[16] When the Committee of the Whole rose on Wednesday, May 7, section 1 had been considered as having been read and open to amendment at any point. It shall be in order to consider an amendment to title I of said substitute printed in the *Congressional Record* on April 30, 1980, and said amendment shall not be subject to amendment except for the offering of pro forma amendments for the purpose of debate. No further amendments are in order which further change or affect the Internal Revenue Code.

Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WALKER

MR. WALKER: Mr. Chairman, I offer an amendment in the nature of a substitute. . . .

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Walker: Page 39, after line 22 insert the following new title:

MR. WALKER (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

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

There was no objection. . . .

THE CHAIRMAN: The gentleman will suspend for just a moment. The Chair is advised by the Parliamentarian that the gentleman has not offered a proper amendment in the nature of a substitute here. An amendment in the nature of a substitute would strike everything after the enacting clause. This is an amendment adding a new title III.

MR. WALKER: Mr. Chairman, it was my understanding that the amendment was prepared in the form of a substitute.

THE CHAIRMAN: The amendment at the desk is not prepared in that form, the Chair is advised. When the committee reaches title II, the first part of the gentleman's amendment would be in order. The Chair will rule that the amendment is not pending at this time.

MR. WALKER: I thank the Chairman, and I am sorry for that confusion.

THE CHAIRMAN: Are there any amendments to section 1?

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The gentleman from Idaho has an amendment to section 1. This is the short title of the bill.

MR. SYMMS: It is on page 24, Mr. Chairman.

THE CHAIRMAN: The Chair doubts that that is an amendment to section 1. The amendment of the gentleman from Idaho (Mr. Symms) is not to section 1, but to title I.

The Clerk will read title I.

The Clerk read as follows:

16. Paul Simon (Ill.).

TITLE I—REDUCTION IN FOOD STAMP ERROR AND FRAUD AND REVISION OF DEDUCTIONS

Points of Order Against Amendments Because Copies Unavailable

§ 6.12 While the rules impose a duty on the Clerk to transmit copies of an amendment to the majority and minority, a point of order does not lie based on the Clerk's inability to comply with this requirement.

Rule XXIII clause 5(a), specifies that "Upon the offering of any amendment by a Member, when the House is meeting in the Committee of the Whole, the Clerk shall promptly transmit to the majority committee table five copies of the amendment and five copies to the minority committee table. Further, the Clerk shall deliver at least one copy of the amendment to the majority cloak room and at least one copy to the minority cloak room."[17] This rule was added as part of the Legislative Reorganization Act of 1970,[18] but from its inception it has been interpreted as an assignment of responsibility to the Clerk but not as a provision which inhibits the consideration of an amendment. The proceedings of Mar. 25, 1976,[19] are illustrative.

> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Bauman: On page 6, line 3 insert the following new section, and renumber the succeeding sections:
>
> "SEC. 9. Notwithstanding any other provision of law the Director of the National Science Foundation shall keep all Members of Congress including the members of the Committee on Science and Technology of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all the activities of the National Science Foundation. Upon the receipt of a written request from any Member of Congress for information regarding the activities, programs, grants, or contracts of the National Science Foundation, the Director shall furnish such information within 15 days. . . .
>
> MR. [JAMES W.] SYMINGTON [of Missouri]: Mr. Chairman, a point of order. We do not have five copies of the amendment as far as I can tell.
>
> THE CHAIRMAN:[20] That is not a point of order, although the Chair hopes the copies will be provided.

17. Rule XXIII clause 5(a), *House Rules and Manual* § 870 (1997).

18. The concept was included in Sec. 124, 84 Stat. 1140 and was included in Rule XXIII in the 92d Cong., H. Res. 5, Jan. 22, 1971, p. 144.

19. 122 CONG. REC. 7997, 94th Cong. 2d Sess.

20. George E. Danielson (Calif.).

No Point of Order Where Copies of Offered Amendment Are Not Available

§ 6.13 No point of order lies against an amendment on the ground that copies thereof have not been made available to Members by the Clerk.

Rule XXIII clause 5, places upon the Clerk the responsibility of making copies of an offered amendment available to the majority and minority tables and to the cloakrooms. This portion of clause 5 was adopted as part of the Legislative Reorganization Act of 1970, and from its inception, it has been held that noncompliance does not inhibit the consideration of an amendment. The Chair has consistently held that failure or inability of the Clerk to comply does not state a point of order. For an example of such a ruling, see the proceedings of Sept. 15, 1977, during consideration of the Fair Labor Standards Act of 1977 (H.R. 3744) carried in § 1.35, supra.

Timeliness of Ruling on Pending Points of Order

§ 6.14 A pending point of order against certain language must be decided prior to recognition of another Member to offer an amendment to the challenged language.

On May 18, 1966,[1] Chairman Eugene J. Keogh, of New York, informed Mr. Wright Patman, of Texas, that his substitute amendment was premature until the pending point of order against a pending committee amendment was disposed of.

> MR. [CHARLES R.] JONAS [of North Carolina]: Mr. Chairman, a point of order.
>
> THE CHAIRMAN: The gentleman from North Carolina will state the point of order.
>
> MR. JONAS: Mr. Chairman, I make a point of order. . . .
>
> THE CHAIRMAN: Does the gentleman from Texas desire to be heard on the point of order?
>
> MR. PATMAN: Yes. I have a substitute amendment, and I hope it will be acceptable.
>
> THE CHAIRMAN: The Chair will state to the gentleman from Texas that we are under the obligation of disposing of the point of order.

§ 6.15 Points of order raised against a proposition must be disposed of before amendments to the challenged language are in order.

On May 14, 1937,[2] a Member unsuccessfully attempted to re-

1. 112 CONG. REC. 10894, 89th Cong. 2d Sess. Under consideration was H.R. 14544, the Participation Sales Act of 1966.
2. 81 CONG. REC. 4596, 4597, 75th Cong. 1st Sess. Under consideration

serve a point of order and offer a substitute amendment at the same time.

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Chairman, I reserve the point of order against the proviso and move to strike out the last word, to ask the gentleman from Oklahoma the reason for the language in lines 17 and 18. . . .

I do not withdraw my reservation of the point of order, Mr. Chairman, but I have an amendment that I desire to offer.

THE CHAIRMAN:[3] The point of order will have to be disposed of before an amendment is in order.

Timing of Point of Order Against Amendment

§ 6.16 A point of order against an amendment must be raised immediately after the reading of the amendment and before there is any debate on the amendment.

Where a substitute amendment was offered in Committee of the Whole to a bill under consideration, a point of order was raised after the proponent of the amendment had begun the explanation of this amendment. The proceedings of Mar. 17, 1975,[4] were as indicated:

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from North Dakota (Mr. Andrews).

The Clerk read as follows:

Amendment offered by Mr. Seiberling as a substitute for the amendment offered by Mr. Andrews of North Dakota: page 194, line 9, adopt the sentence starting on line 9, but change "35" to "50".

MR. SEIBERLING: Mr. Chairman, the effect of my substitute is simply to adopt the language presently appearing on line 9 in the sentence beginning in that line on page 194 with the change offered by the gentleman from North Dakota but with an additional change.

I would simply change the rate that appears on line 11 from 35 cents per ton to 50 cents per ton.

POINT OF ORDER

MR. [SAM] STEIGER of Arizona: Mr. Chairman, I raise a point of order.

THE CHAIRMAN:[5] The gentleman will state it.

MR. STEIGER of Arizona: Mr. Chairman, I am afraid that the gentleman from Ohio has made a parliamentary error. His intention is not compatible with the substitution of his amendment for that of the gentleman from North Dakota.

THE CHAIRMAN: The gentleman's point of order comes too late.

MR. [MARK] ANDREWS of North Dakota: A parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

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was H.R. 6958, the Interior Department appropriation for 1938.

3. Jere Cooper (Tenn.).

4. 121 CONG. REC. 6798, 6799, 94th Cong. 1st Sess.

5. Neal Smith (Iowa).

MR. ANDREWS of North Dakota: My amendment is on page 194, line 15.

I would point out that the amendment of the gentleman from Ohio would probably be better standing on its own, since it affects strip mining all over the country and my amendment affects strip mining only in two or three States.

THE CHAIRMAN: The Chair will state that the amendment of the gentleman from North Dakota beginning on page 194, line 15, while it might have been subject to a point of order earlier, it is not subject to a point of order at the present time.

Intervention of Unanimous-consent Request

§ 6.17 A point of order against an amendment is not entertained where business (the granting of a unanimous-consent request) has intervened between the reading of the amendment and the making of the point of order; but if, by unanimous consent, the intervening business is vacated, the Chairman may then entertain the point of order.

On June 24, 1969,[6] Chairman John S. Monagan, of Connecticut, suggested to Mr. William F. Ryan, of New York, that his point of order, which was untimely because of intervening business between the point of order and reading of the amendment, could be perfected by seeking unanimous consent to have the intervening business vacated.

[Mr. William Steiger, of Wisconsin, after his amendment was read, asked and was given permission to revise and extend his remarks.]

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

THE CHAIRMAN: The Chair will state that the gentleman's point of order comes a little late.

MR. RYAN: Mr. Chairman, I was on my feet.

THE CHAIRMAN: The Chair will state that the gentleman from Wisconsin (Mr. Steiger) had obtained a unanimous-consent request prior to the gentleman from New York being observed by the Chair.

The Chair will ask the gentleman if the gentleman was on his feet prior to the unanimous-consent request made by the gentleman from Wisconsin?

MR. RYAN: The gentleman was on his feet at the point the amendment was read.

THE CHAIRMAN: The gentleman from New York was on his feet during the reading of the amendment?

MR. RYAN: That is correct.

THE CHAIRMAN: The Chair will state that the gentleman was simply not observed by the Chair prior to the granting of the unanimous-consent request of the gentleman from Wisconsin. Unless the gentleman from Wisconsin de-

6. 115 CONG. REC. 17081, 91st Cong. 1st Sess. Under consideration was H.R. 12307, the independent offices and housing and urban development appropriation bill for fiscal 1970.

sires to make a unanimous-consent request that his previous unanimous-consent request be vacated, the Chair will state that there is no way the gentleman from New York can be heard on his point of order.

MR. STEIGER of Wisconsin: Mr. Chairman, I do not wish to make such a request.

Timeliness of Point of Order; a Mere Request for Permission To Revise and Extend Not "Intervening Business"

§ 6.18 The mere making of a unanimous-consent request to dispense with further reading of an amendment and that the proponent be permitted to revise and extend is not "intervening business" or "debate" which would render a point of order against the amendment as untimely.

During the reading of an amendment to the American Technology Preeminence Act of 1991, Mr. Robert S. Walker, of Pennsylvania, offered an amendment and during the reading by the Clerk made a request. The proceedings of July 16, 1991,[7] are shown herein.

TITLE IV—NATIONAL COMMISSION ON REDUCING CAPITAL COSTS FOR EMERGING TECHNOLOGY

SEC. 401. NATIONAL COMMISSION ON REDUCING CAPITAL COSTS FOR EMERGING TECHNOLOGY.

(a) ESTABLISHMENT AND PURPOSE.—There is established a National Commission on Reducing Capital Costs for Emerging Technology (hereafter in this section referred to as the "Commission"), for the purpose of developing recommendations to increase the competitiveness of United States industry by encouraging investments in research, the development of new process and product technologies, and the production of those technologies. . . .

AMENDMENT OFFERED BY MR. WALKER

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

The Clerk read as follows:

Amendment offered by Mr. Walker: Page 40, after line 7, insert the following new title:

TITLE V—COMPREHENSIVE NATIONAL POLICY FOR COMMERCIALIZATION OF EMERGING TECHNOLOGIES

SEC. 501. COMPREHENSIVE NATIONAL POLICY FOR COMMERCIALIZATION OF EMERGING TECHNOLOGIES.

It is the sense of the Congress that in order to improve the competitiveness of United States industry—

(1) the research and experimentation tax credit should be raised to 25 percent and made permanent;

(2) the capital gains tax should be reduced to levels comparable to that of our major trading partners; and

(3) the National Cooperative Research Act of 1984 should be extended to include joint production ventures.

Redesignate existing titles V and VI as titles VI and VII, and redesig-

7. 137 CONG. REC. 18391, 18392, 102d Cong. 1st Sess.

nate the sections in such titles accordingly.

MR. WALKER (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record, and I ask unanimous consent to revise and extend my remarks.

THE CHAIRMAN:[8] Is there objection to the request of the gentleman from Pennsylvania?

POINT OF ORDER

MR. [DAN] ROSTENKOWSKI [of Illinois]: Mr. Chairman, I raise the point of order against the amendment.

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

MR. ROSTENKOWSKI: Mr. Chairman, I raise the point of order that the amendment is not germane to the bill under consideration.

PARLIAMENTARY INQUIRY

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

THE CHAIRMAN: The gentleman will state it.

MR. WALKER: The point of order comes too late.

THE CHAIRMAN: Does the gentleman reserve his point of order? Does the gentleman wish to make the point of order?

MR. ROSTENKOWSKI: Mr. Chairman, I intended to make a point of order against the gentleman's amendment.

MR. WALKER: Mr. Chairman, the point of order comes too late. Business has taken place in the House that would preclude the point of order from being made.

MR. ROSTENKOWSKI: Mr. Chairman, I was seeking recognition. I was on my feet. I reserved the point of order.

THE CHAIRMAN: The Chair will state to the gentleman from Pennsylvania the point of order is timely. Debate has not yet begun on the amendment.

MR. WALKER: Mr. Chairman, I asked unanimous consent to revise and extend my remarks, which means that debate had in fact begun and the unanimous consent was agreed to, which means that the point of order does not come timely.

THE CHAIRMAN: No order of the Committee has been entered on that manner. The point of order has been reserved.

The Chair recognizes the gentleman from Illinois [Mr. Rostenkowski] on the point of order.

§ 6.19 After an amendment has been read by the Clerk and a reservation of objection has been made against a unanimous-consent request for an additional five minutes' debate, it is too late to raise a point of order against the amendment.

On Feb. 1, 1938,[9] a point of order against an amendment was ruled untimely by Chairman William J. Driver, of Arkansas.

MR. [EVERETT M.] DIRKSEN [of Illinois]: Mr. Chairman, I offer an amendment.

8. Pat Williams (Mont.).

9. 83 CONG. REC. 1364, 75th Cong. 3d Sess. Under consideration was H.R. 9181, the District of Columbia appropriation for 1939.

The Clerk read as follows:

Amendment offered by Mr. Dirksen: On page 57, in line 19, strike out "$900,000" and insert in lieu thereof "$1,900,000."

MR. DIRKSEN: Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

MR. [ROSS A.] COLLINS [of Mississippi]: Mr. Chairman, reserving the right to object——

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order against the amendment that this increase is not authorized by law.

THE CHAIRMAN: The point of order of the gentleman from New York comes too late. A request has already been presented, and there has been a reservation of objection to it.

Intervention of Parliamentary Inquiry

§ 6.20 A point of order against an amendment is properly raised immediately after the reading thereof and comes too late after the Chairman has entertained and responded to a parliamentary inquiry from another Member.

On Nov. 5, 1969,[10] immediately after the reading of a substitute amendment, Chairman Chet Holifield, of California, responded to a parliamentary inquiry.

The Clerk read as follows:

Amendment offered by Mr. Bennett as a substitute for the amendment offered by Mr. Bevill: strike lines 12 through 23 and insert:

"d. The Bank Holding Company Act of 1956 is amended by adding at the end of section 2 the following new subsection:

"'Sec. 4. The provisions of this law shall not apply to one-bank holding companies with bank-assets of less than $30,000,000 and non-bank assets of less than $10,000,000.'"

PARLIAMENTARY INQUIRY

MR. [BENJAMIN B.] BLACKBURN [of Georgia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. BLACKBURN: Mr. Chairman, do I understand we are preparing to vote, and if so, what will we be voting upon? I understand there is another amendment now. . . .

MR. [GARY E.] BROWN of Michigan: Mr. Chairman, I raise a point of order on the amendment offered by the gentleman from Florida (Mr. Bennett) in that it is not germane to the bill.

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

MR. BROWN of Michigan: Yes, Mr. Chairman; I would like to be heard on my point of order.]

MR. [CHARLES E.] BENNETT: Mr. Chairman, I make a point of order that I think the point of order . . . is too late, but I think the amendment is germane, anyway.

THE CHAIRMAN: The Chair will state that the point of order raised by the gentleman from Michigan is too late. The gentleman from Georgia had arisen for a parliamentary inquiry.

MR. BROWN of Michigan: Mr. Chairman, if I could be heard on that, as I

10. 115 CONG. REC. 33133, 91st Cong. 1st Sess. Under consideration was H.R. 6778, amending the One Bank Holding Company Act of 1956.

recall the activity of the House at that time the amendment was offered, it was read, the parliamentary inquiry was made as to what was before the Committee, the Chair explained what was before the Committee at that time, and at that time I made my point of order.

THE CHAIRMAN: The Chair will state that the gentleman's point of order comes too late because we have had a parliamentary inquiry in the meantime, and the Chair has responded.

§ 6.21 A point of order must be made immediately after the reading of an amendment and comes too late if a parliamentary inquiry intervenes.

On Dec. 11, 1947,[11] Chairman Earl C. Michener, of Michigan, answered an inquiry suggesting the importance of making a point of order immediately after the reading of an amendment.

MR. [JAMES G.] FULTON [of Pennsylvania]: Mr. Chairman, may I have a specific ruling as to whether a parliamentary inquiry made before a point of order makes a point of order out of order?

THE CHAIRMAN: A point of order must be made immediately after the reading of the amendment. No business must intervene between the reading of an amendment and the raising of the point of order. A point of order comes too late if a parliamentary inquiry intervenes.

Intervention of Another Point of Order

§ 6.22 After a point of order against an amendment has been overruled, the Chairman may entertain a further point of order if the Member offering the amendment has not yet begun debate thereon.

On Nov. 17, 1971,[12] Chairman Daniel D. Rostenkowski, of Illinois, entertained a further point of order after overruling the first, as nothing else had intervened.

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, am I recognized?

THE CHAIRMAN: The gentleman from Illinois is recognized for 5 minutes.

MR. [JOHN J.] RHODES [of Arizona]: Mr. Chairman, a further point of order.

MR. YATES: Mr. Chairman, I understand the point of order has been overruled.

THE CHAIRMAN: The Chair has overruled the point of order of the gentleman from Texas, but the gentleman from Illinois has not yet begun his remarks.

MR. RHODES: Mr. Chairman, a parliamentary inquiry, is not a further point of order in order?

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11. 93 CONG. REC. 11279, 80th Cong. 1st Sess. Under consideration was H.R. 4604, a foreign aid bill.

12. 117 CONG. REC. 41801, 41802, 92d Cong. 1st Sess. Under consideration was H.R. 11731, the Department of Defense appropriations for 1972.

THE CHAIRMAN: The Chair will hear the gentleman from Arizona on the parliamentary inquiry.

MR. YATES: Mr. Chairman, I thought I had been recognized.

MR. RHODES: Mr. Chairman, a parliamentary inquiry is whether or not a further point of order can be made at this time?

THE CHAIRMAN: The Chair will hear the point of order.

Effect of Recognition for Debate

§ 6.23 Mere recognition for debate does not preclude a point of order against an amendment if no debate has intervened.

On July 30, 1969,[13] following the reading of the amendment by the Clerk, Chairman Chet Holifield, of California, recognized the proponent, Mr. Torbert H. Macdonald, of Massachusetts, to speak on it, but, before Mr. Macdonald could begin his remarks, Mr. Daniel J. Flood, of Pennsylvania, raised a point of order, which led to the following exchange:

THE CHAIRMAN: The Chair recognizes the gentleman from Massachusetts (Mr. Macdonald) for 5 minutes in support of his amendment.

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

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, the point comes too late.

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

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

MR. MACDONALD of Massachusetts: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MACDONALD of Massachusetts: Could I be enlightened as to when a Member who has been recognized and starts to talk has given up his right of recognition?

THE CHAIRMAN: A point of order can intervene before debate is conducted on an amendment, particularly when the chairman of the subcommittee is on his feet seeking recognition. There had been no debate on the merits of the amendment.

§ 6.24 Mere recognition by the Chairman of a Member proposing an amendment does not preclude a point of order being raised by a Member who has shown due diligence.

On Mar. 31, 1937,[14] Mr. Ross A. Collins, of Mississippi, had

13. 115 CONG. REC. 21458, 21459, 91st Cong. 1st Sess. Under consideration was H.R. 1311, the Departments of Labor and Health, Education, and Welfare appropriations for fiscal 1970. But see 99 CONG. REC. 2106, 83d Cong. 1st Sess., Mar. 18, 1953.

14. 81 CONG. REC. 2980, 2981, 75th Cong. 1st Sess. Under consideration was H.R. 5966, an appropriations bill fixing compensation of employees

been recognized to speak on his amendment when Chairman Scott W. Lucas, of Illinois, permitted another Member, Lindsay C. Warren, of North Carolina, to raise a point of order that the amendment was an unauthorized appropriation on a general appropriation bill. The Chairman allowed the point of order to be made because Mr. Warren had been on his feet seeking recognition at the time Mr. Collins rose.

MR. COLLINS: Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows: . . .

THE CHAIRMAN: The gentleman from Mississippi.

MR. WARREN: Mr. Chairman——

THE CHAIRMAN: For what purpose does the gentleman from North Carolina rise?

MR. WARREN: I rise to make the point of order that it is not authorized by law.

MR. FRED M. VINSON [of Kentucky]: The point of order comes too late, Mr. Chairman.

THE CHAIRMAN: Does the gentleman make the point of order?

MR. WARREN: I make the point of order, Mr. Chairman.

MR. COLLINS: And I make the further point of order that I had secured recognition from the Chair before the point of order was made, and therefore the point of order comes too late.

THE CHAIRMAN: The gentleman had not begun his remarks. The Chair will hear the gentleman from Mississippi on the point of order.

MR. COLLINS: Mr. Chairman, I make the point of order that the point of order comes too late. I was on my feet and had been recognized by the Chair, as will be shown by the stenographic notes.

THE CHAIRMAN: The Chair does not believe that the point of order comes too late. The gentleman from North Carolina was on his feet seeking recognition at the time the gentleman rose.

MR. COLLINS: On the contrary, I had secured recognition from the Chair and was approaching the Well of the House for the purpose of speaking to my amendment before the gentleman addressed the Chair, all of which will be shown by the stenographic notes.

THE CHAIRMAN: The gentleman from Mississippi had not begun debate on the amendment, and even though the Chair had recognized the gentleman from Mississippi, the gentleman from North Carolina was on his feet at practically the same time, and the Chair does not believe that the point of order has been raised too late.

§ 6.25 Points of order against proposed amendments come too late after a Member has been recognized to debate his amendment and a unanimous-consent request has

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of the legislative branch for fiscal 1938.

See also 101 CONG. REC. 12408, 84th Cong. 1st Sess., July 30, 1955. Under consideration was H.R. 6857, authorizing the General Services Administration to convey realty to the city of Milwaukee, Wisconsin.

been granted on that Member's time.

On Mar. 18, 1953,[15] Chairman Kenneth B. Keating, of New York, recognized the proponent of an amendment, William L. Dawson, of Illinois, but, before the Member could speak, Mr. Clare E. Hoffman, of Michigan, made a unanimous-consent request that the amendment be reread, which request was granted. Mr. Hoffman then attempted to make a point of order, still before Mr. Dawson had commenced his remarks, but the Chair ruled the point of order came too late.

THE CHAIRMAN: The gentleman from Illinois is recognized in support of his amendment.

MR. HOFFMAN of Michigan: Mr. Chairman, I ask unanimous consent that the amendment be read again.

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

There was no objection.

The Clerk reread the Dawson amendment.

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

MR. DAWSON of Illinois: Mr. Chairman, the point of order comes too late.

MR. HOFFMAN of Michigan: It does not specify wherein the resolution that is now before the Committee is to be amended and, further, Reorganization Plan No. 1 is not before the Committee at this time.

THE CHAIRMAN: The gentleman's point of order comes too late. The gentleman from Illinois had already been recognized.

Point of Order Precluded by Proponent's Requests To Revise and Extend and That the Amendment Be Reread

§ 6.26 Where a Member had been recognized to debate his proposed amendment, had asked permission to revise and extend, and had received unanimous consent to have the amendment reread (since a quorum call intervened between the offering of the amendment and his recognition), the Chair stated that it was too late to raise a point of order.

Until Jan. 4, 1977, it was still possible to make a point of order that a quorum of the Committee of the Whole was not present at any time during the five-minute rule.[16] In the proceedings

15. 99 CONG. REC. 2106, 83d Cong. 1st Sess., relating to H.J. Res. 223, providing that Reorganization Plan No. 1 of 1953 take effect within 10 days.

16. Rule XXIII clause 2, was amended in the 95th Congress to permit a point of no quorum, after a quorum of the Committee has once been established on that day, only when the Chair has put the question on a pending proposition. See *House Rules and Manual* § 863 and annotation thereto (1997).

of June 26, 1975,[17] when an amendment was offered at a point when few Members were on the floor, Mr. Robert E. Bauman, of Maryland, made the point that a quorum was not present. A call of the Committee followed, and after one hundred Members responded, the Chair terminated proceedings under the call and recognized the proponent of the amendment for debate. The *Congressional Record* shows the following exchange:

MR. [M. G. (GENE)] SNYDER [of Kentucky]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Snyder: On page 16, after line 14, add the following new section:
>
> "Sec. 104. None of the funds appropriated in this title shall be used for the purposes of negotiating the surrender or relinquishment of any U.S. rights in the Panama Canal Zone."

MR. BAUMAN: Mr. Chairman, I make the point of order that a quorum is not present.

THE CHAIRMAN:[18] The Chair will count. Thirty-six Members are present, not a quorum.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

THE CHAIRMAN: One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The Chair recognizes the gentleman from Kentucky (Mr. Snyder).

(Mr. Snyder asked and was given permission to revise and extend his remarks.)

MR. SNYDER: Mr. Chairman, in view of the fact that there are a few Members on the floor who were not here a while ago, I ask unanimous consent that the Clerk reread my amendment.

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

There was no objection.

THE CHAIRMAN: The Clerk will reread the amendment.

The Clerk reread the amendment.

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. LEGGETT: Mr. Chairman, is it too late to make a point of order with respect to the amendment?

THE CHAIRMAN: The Chair informs the gentleman from California (Mr. Leggett) that it is too late.

§ 6.27 A point of order against an amendment came too late after the proponent of the amendment had been recognized and had been granted permission to revise and extend his remarks.

On July 26, 1973,[19] in the Committee of the Whole, Chair-

17. 121 CONG. REC. 20945, 20946, 94th Cong. 1st Sess.

18. Charles A. Vanik (Ohio).

19. 119 CONG. REC. 26191, 26192, 93d Cong. 1st Sess. Under consideration

man Charles M. Price, of Illinois, ruled a point of order raised by Mr. Thomas E. Morgan, of Pennsylvania, came too late.

MR. [ANDREW] YOUNG of Georgia: Mr. Chairman, I offer an amendment.

The Clerk read as follows: . . .

Parliamentarian's Note: Mr. Young had been recognized and had asked and was given permission to revise and extend his remarks.

MR. MORGAN: Mr. Chairman, I just wonder if this section is the proper place for this amendment. I would like to reserve a point of order until we find out whether this is the proper location.

THE CHAIRMAN: The gentleman from Georgia has already been recognized.

§ 6.28 A point of order against the germaneness of an amendment must be made or reserved immediately after the amendment is read and comes too late after the proponent of the amendment has been recognized and has asked and received permission to revise and extend his remarks.

The proceedings of Sept. 17, 1975,[20] which illustrate the above headnote, are as follows:

THE CHAIRMAN:[1] The Chair recognizes the gentleman from Maine (Mr. Emery) for 5 minutes in support of his amendment.

(Mr. Emery asked and was given permission to revise and extend his remarks.)

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

THE CHAIRMAN: The Chair will state to the gentleman from Michigan (Mr. Dingell) that his reservation comes too late. The Chair had already recognized the gentleman from Maine (Mr. Emery), and the point of order comes too late.

The Chair recognizes the gentleman from Maine for 5 minutes in support of his amendment.

§ 6.29 After a Member had been granted 15 minutes to address the Committee of the Whole on his amendment, it was held to be too late to make a point of order against the amendment.

On Apr. 17, 1943,[2] a point of order raised by Mr. Usher L. Burdick, of North Dakota, against an amendment to an agricultural appropriation bill was ruled untimely.

MR. [CLARENCE] CANNON [of Missouri]: Mr. Chairman, I ask unanimous consent to speak for 15 minutes. . . .

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was H.R. 9360, the Mutual Development and Cooperation Act of 1973.

20. 121 CONG. REC. 28937, 94th Cong. 1st Sess.

1. Richard Bolling (Mo.).

2. 89 CONG. REC. 3510, 78th Cong. 1st Sess. Under consideration was H.R. 2481, the agricultural appropriation for 1944.

There was no objection.

THE CHAIRMAN:[3] The gentleman is recognized for 15 minutes.

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

THE CHAIRMAN: The point of order comes too late. The gentleman has been recognized and has been granted permission to proceed for 15 minutes.

Effect of Failure To Obtain Recognition To Debate

§ 6.30 Recognition of a Member by the Chair to offer an amendment does not give such Member the privilege of debating his amendment; consequently a point of order against an amendment may be made in a proper case even though a Member has started debate thereon if he did not obtain recognition for that purpose (the Committee overruling the Chair on appeal).

On Feb. 1, 1938,[4] during consideration of amendments to H.R. 9181, the District of Columbia appropriations bill of 1939, it was contended that a point of order against an amendment was untimely in that it had been made after debate had begun. The proceedings were as follows:

The Clerk read as follows:

Amendment offered by Mr. Collins: On page 68, line 20, after the period, insert a new paragraph, as follows:

"Street lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor, operation, maintenance, and repair of motor trucks, this sum to be expended in accordance with the provisions of existing law, $765,000: *Provided,* That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed."

MR. [ROSS A.] COLLINS [of Mississippi]: Mr. Chairman, the language that is incorporated in the amendment——

MR. [JACK] NICHOLS [of Oklahoma]: Mr. Chairman, I make a point of order against the amendment.

MR. COLLINS: Eliminates the language against which the gentleman made the point of order.

Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

THE CHAIRMAN:[5] The gentleman from Oklahoma makes a point of order on the amendment, and the gentleman from Mississippi makes the point of order that the point of order made by the gentleman from Oklahoma comes too late.

The point of order of the gentleman from Mississippi is sustained. . . .

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3. William M. Whittington (Miss.).

4. 83 CONG. REC. 1372, 1373, 75th Cong. 3d Sess.

5. William J. Driver (Ark.).

MR. NICHOLS: If the Chair did recognize the gentleman from Mississippi I may say the Chair recognized him while I was on my feet taking the only opportunity presented to me to address the Chair, in order that I might direct my point of order to the Chair.

THE CHAIRMAN: That may be true. The Chair does not care to indulge in any controversy on that question with the gentleman from Oklahoma. The Chair is merely stating what occurred. The Chair may state further to the gentleman from Oklahoma, in deference to the situation which has developed here, that if that had been true, under the rules it would have been the duty of the Chair to have recognized a member of the committee in preference to any other Member on the floor. The Chair was acting under the limitations of the rule. . . .

MR. [JESSE P.] WOLCOTT [of Michigan]: Mr. Chairman, the rule, as I understand it, is that if any action is taken on the amendment, then the point of order is dilatory. The only action that could have been taken was recognition by the Chair of the gentleman from Mississippi to debate his amendment.

I want to call the attention of the Chair to the fact the only manner in which the Chair can recognize a Member to be heard on this floor is to refer to the gentleman either by name or by the State from which the gentleman comes, and I call the attention of the Chair to the fact that the Chair in this particular instance did not say he recognized the gentleman from Mississippi or the gentleman [Mr. Collins], and for that reason there was no official proceeding and no official action taken between the time that the amendment was offered and the time the gentleman from Oklahoma made his point of order, and therefore the point of order was not dilatory.

THE CHAIRMAN: The Chair desires, in all fairness, to make this statement to the Committee, as well as directly to the gentleman from Michigan. Not only was the gentleman from Mississippi recognized, but he began an explanation of his amendment, and the Chair certainly presumes that the gentleman being on the floor at the time heard that; and when that occurred, the Chair does not think the gentleman will disagree with the Chair about the fact that the Chair is required, under the rules, to rule in deference to the situation that developed. The Chair does not desire to forestall proceedings and would be pleased to hear points of order, but the Chair must act within the definition of the rule.

MR. WOLCOTT: If the Chair will indulge me for a moment in that respect, the point I wish to make is this. The gentleman from Mississippi had no authority to address this Committee until he had been recognized by the Chair, and if the gentleman from Oklahoma made his point of order during a brief sentence by someone which had no right under the rules of this House even to be reported by the official reporter, then he cannot be estopped, under those circumstances, from making his point of order. The Chair of necessity must have recognized the gentleman from Mississippi to debate the amendment.

The offering of an amendment is not a proceeding which will estop the gentleman from Oklahoma from making his point of order. It is recognition by

the Chair of another gentleman to discuss the amendment, and the gentleman could have discussed the amendment only after recognition was given. . . .

MR. NICHOLS: If the Chair has made a final ruling, I would, in the most respectful manner I know, request an appeal from the decision of the Chair.

THE CHAIRMAN: The gentleman from Oklahoma appeals from the decision of the Chair on the ruling of the Chair on the point of order, as stated.

The question before the Committee is, Shall the ruling of the Chair stand as the judgment of the Committee?

The question was taken, and the Chair announced that the noes had it.

So the decision of the Chair does not stand as the judgment of the Committee.

After Debate on Amendment

§ 6.31 A point of order against an amendment comes too late after there has been debate on the amendment.

On June 1, 1961,[6] Chairman W. Homer Thornberry, of Texas, indicated that a point of order made by Mr. John J. Rooney, of New York, against an amendment offered by Mr. Clare E. Hoffman, of Michigan, came too late, as Mr. Hoffman had already begun his remarks on the amendment.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross of Iowa: "On page 7, strike out all of lines 21 through 25 and on page 8, strike all of lines 1 through 3." . . .

The amendment was rejected.

MR. HOFFMAN of Michigan: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hoffman of Michigan: "On page 8, lines 2 and 3, strike all after the semicolon."

Parliamentarian's Note: Mr. Hoffman asked and was given permission to revise and extend his remarks.

MR. HOFFMAN of Michigan: Mr. Chairman, being a realist I understand——

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

THE CHAIRMAN: The gentleman will state it.

MR. ROONEY: Mr. Chairman, I make the point of order that the amendment now offered by the gentleman from Michigan is the same in effect as that which was offered by the gentleman from Iowa and just defeated.

MR. GROSS: Mr. Chairman, I make the point of order that the point of order comes too late. The gentleman from Michigan had been recognized and started to speak.

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6. 107 CONG. REC. 9349, 9350, 87th Cong. 1st Sess. [H.R. 7371].

See also 113 CONG. REC. 32662, 90th Cong. 1st Sess., Nov. 15, 1967 [S. 2388]; 113 CONG. REC. 19417, 90th Cong. 1st Sess., July 19, 1967 [H.R. 421]; 101 CONG. REC. 3947, 3948, 84th Cong. 1st Sess., Mar. 29, 1955 [H.R. 3659]; and 93 CONG. REC. 4079, 80th Cong. 1st Sess., Apr. 25, 1947 [H.R. 3123].

THE CHAIRMAN: While the point of order does come too late, the amendment does strike out language different from that stricken out by the amendment offered by the gentleman from Iowa.

§ 6.32 A point of order against an amendment must be made or reserved immediately after it is read by the Clerk, and comes too late after debate has begun on the amendment.

On Nov. 25, 1970,[7] Chairman Chet Holifield, of California, ruled that a reservation of a point of order by Mr. George H. Fallon, of Maryland, came too late.

MR. [WILLIAM H.] HARSHA [of Ohio] (during the reading): Mr. Chairman, I ask unanimous consent that further reading of the amendment [offered by the gentleman from New York, Mr. Bingham] be dispensed with, since both the majority and the minority have copies of the amendment, and that it be printed in the Record.

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

There was no objection.

THE CHAIRMAN: The gentleman from New York is recognized.

Mr. [JONATHAN B.] BINGHAM [of New York]: Mr. Chairman, the purpose of the amendment, which is to section 142 of the bill, is to strike out certain words in that section which limit the supplementary assistance that this bill now provides for mass transportation to highway transportation.

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

MR. BINGHAM: the gentleman can get me additional time, I shall be glad to yield.

MR. FALLON: It will take less than a minute.

MR. BINGHAM: I yield to the chairman of the committee.

MR. FALLON: Would the gentleman's amendment transfer money out of the trust fund to be used for any other purpose?

MR. BINGHAM: I cannot answer that question that way, Mr. Chairman. If the chairman would allow me to proceed——

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

THE CHAIRMAN: The gentleman rises too late for that purpose. The gentleman from New York will proceed.

§ 6.33 A point of order against the germaneness of an amendment must be raised prior to debate thereon, and comes too late if the proponent has commenced his remarks.

On June 16, 1975,[8] a point of order was held to come too late where the amendment had been read, the proponent had received permission to revise and extend and had begun his brief remarks. The Record excerpt is as follows:

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

7. 116 CONG. REC. 38991, 91st Cong. 2d Sess. Under consideration was H.R. 19504, the Federal Highway Act.

8. 121 CONG. REC. 19073, 94th Cong. 1st Sess.

amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

> An amendment offered by Mr. Armstrong to the amendment offered by Mr. Burke of Massachusetts as a substitute for the amendment offered by Mr. Vanik: Amend the Burke amendment by adding the following: and on line 6, strike the word "temporarily."

(Mr. Armstrong asked and was given permission to revise and extend his remarks.)

MR. ARMSTRONG: Mr. Chairman, I will take only a moment.

POINT OF ORDER

MR. [HERMAN T.] SCHNEEBELI [of Pennsylvania]: Mr. Chairman, I reserve a point of order, that the amendment is not germane.

THE CHAIRMAN:[9] The gentleman's point of order comes too late. The gentleman from Colorado has already commenced his statement.

§ 6.34 A point of order against an amendment must be made or reserved immediately following the reading of the amendment, and comes too late after the proponent of the amendment has begun his remarks.

On Mar. 20, 1975,[10] a Member attempted to reserve a point of order against an amendment offered during consideration of a bill providing emergency price supports for 1975 crops. The Chairman of the Committee of the Whole declared that the attempted reservation came too late, the proponent of the amendment having uttered a few words in explanation of his amendment. The proceedings were as shown below.

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. [JAMES M.] JEFFORDS [of Vermont]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Jeffords: Page 3, after line 6 strike out "the support price of milk shall be established at no less than 80 per centum of the parity price therefor, on the date of enactment, and the support price shall be adjusted thereafter by the Secretary at the beginning of each quarter beginning with the second quarter of the calendar year 1975," and insert "the support price of milk shall be established at no less than 80 per centum of the parity price therefor, on the date of enactment, and the support price shall be adjusted thereafter by the Secretary to no less than 82 per centum of the parity price therefor, at the beginning of each quarter, beginning with the third quarter of the calendar year 1975,".

MR. JEFFORDS: Mr. Chairman, this amendment merely does this. It says that the 80 percent——

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, I was on my feet earlier when the amendment was read. I would like to reserve a point of order.

THE CHAIRMAN:[11] The Chair must advise the gentleman from Washington that his point of order comes too late.

9. James J. Delaney (N.Y.).

10. 121 CONG. REC. 7665, 94th Cong. 1st Sess.

11. John Brademas (Ind.).

§ 6.35 A point of order against an amendment cannot be reserved after the proponent of the amendment has been recognized and has begun his explanation of the amendment.

On May 27, 1969,[12] Chairman John H. Dent, of Pennsylvania, ruled that an attempted reservation of a point of order by Mr. Silvio O. Conte, of Massachusetts, came too late after the proponent of the amendment had been recognized and started his remarks.

MR. [NEAL] SMITH of Iowa: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

THE CHAIRMAN: The gentleman from Iowa is recognized for 5 minutes.

MR. SMITH of Iowa: Mr. Chairman, this is really a simple amendment.

MR. CONTE: Mr. Chairman—

THE CHAIRMAN: For what purpose does the gentleman from Massachusetts rise?

MR. CONTE: I reserve a point of order to the amendment.

MR. SMITH of Iowa: The reservation comes too late. I object.

THE CHAIRMAN: The Chair is of the opinion that the request of the gentleman from Massachusetts comes a little too late. The gentleman from Iowa is proceeding.

§ 6.36 A point of order against an amendment comes too late after debate has begun on the amendment, and the rereading of the amendment by unanimous consent after there has been debate does not permit the intervention of a point of order against the amendment.

On Nov. 4, 1971,[13] debate had already begun on an amendment when Mr. Hugh L. Carey, of New York, sought, and obtained, a rereading of the amendment. Chairman Pro Tempore Edward P. Boland, of Massachusetts, then advised Mr. Gerald R. Ford, of Michigan, that he could not then make a point of order against the amendment.

MR. CAREY of New York: Mr. Chairman, I ask unanimous consent that the amendment be read again.

THE CHAIRMAN PRO TEMPORE: Is there objection to the unanimous-consent request that the amendment be read again?

MR. GERALD R. FORD: Mr. Chairman, reserving the right to object, may I make a parliamentary inquiry?

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. GERALD R. FORD: If the amendment is read again it will not then be subject to a point of order if it is not germane?

THE CHAIRMAN PRO TEMPORE: The Chair will state that a point of order relative to the germaneness of this amendment would come too late.

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12. 115 CONG. REC. 14074, 91st Cong. 1st Sess.

13. 117 CONG. REC. 39302, 39303, 92d Cong. 1st Sess. Under consideration was H.R. 7248, to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education.

§ 6.37 A point of order against an amendment in the House comes too late after there has been debate thereon and the previous question has been ordered.

On Mar. 1, 1967,[14] after an amendment was offered, debated for an hour, and the previous question on the amendment voted upon, the following exchange took place:

The result of the vote was as above recorded.

MR. [PHILLIP] BURTON of California: Mr. Speaker, I raise a point of order.

THE SPEAKER:[15] The gentleman will state his point of order.

MR. BURTON of California: In view of the fact that this resolution, among other things, states that the Member from New York is ineligible to serve in the other body, and therefore clearly beyond our power to so vote; and in addition to that fact it anticipates election results in the 18th District of New York, a matter upon which we cannot judge at this time, I raise the point of order that the resolution is an improper one for the House to consider, and that it clearly exceeds our authority.

THE SPEAKER: The Chair will observe to the gentleman that if the point of order would be in order it would have been at a previous stage in the proceedings, and the gentleman's point of order comes too late.

14. 113 CONG. REC. 5020, 5036–38, 90th Cong. 1st Sess. Under consideration was H. Res. 278, relating to the right of Representative-elect Adam Clayton Powell to be sworn.

15. John W. McCormack (Mass.).

Effects of Diligence in Seeking Recognition

§ 6.38 A point of order against an amendment does not come too late where the Member raising the point was on his feet, seeking recognition, at the time the amendment was read.

On Sept. 29, 1969,[16] after recognition of the proponent of an amendment, Chairman Charles E. Bennett, of Florida, permitted Mr. John P. Saylor, of Pennsylvania, to make a point of order that would otherwise have come too late, when Mr. Saylor explained that he had been on his feet trying to obtain recognition.

THE CHAIRMAN: The gentleman from Texas is recognized for 5 minutes in support of his amendment.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Chairman——

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

THE CHAIRMAN: The gentleman makes his point too late. The gentleman from Texas was recognized.

MR. SAYLOR: Mr. Chairman, I was on my feet trying to get recognition.

THE CHAIRMAN: The gentleman states he was on his feet at the time the amendment was read?

16. 115 CONG. REC. 27351, 91st Cong. 1st Sess. Under consideration was H.R. 13369, extending the authority of the Administrator of Veterans' Affairs to set interest rates on mortgages.

MR. SAYLOR: I have been on my feet for the last 5 minutes. . . .

Mr. Chairman, my point of order is that the gentleman's amendment comes too late. The committee amendment has been adopted.

THE CHAIRMAN: The committee amendment, as amended, is still pending and the Chair has not put the question thereon. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

§ 6.39 A point of order against an amendment is not precluded by the Chairman's recognition of the Member offering the amendment if the Member raising the point of order was on his feet, seeking recognition, before debate on the amendment began.

On Aug. 30, 1961,[17] following the reading of an amendment to a bill dealing with the prevention and control of juvenile delinquency, Mr. James Roosevelt, of California, sought to make a point of order, although the proponent had already been recognized and started his remarks. Chairman Francis E. Walter, of Pennsylvania, nevertheless permitted the point of order to be raised as Mr. Roosevelt was on his feet actively seeking recognition at the time the proponent, Mr. Robert P. Griffin, of Michigan, started his remarks:

THE CHAIRMAN: The gentleman from Michigan is recognized for 5 minutes on his amendment.

MR. GRIFFIN: Mr. Chairman, these are conforming amendments to draw the bill in accordance with the previous amendment and to make sense in the legislation. I ask that they be adopted.

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

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

MR. GRIFFIN: Mr. Chairman, I make the point of order that the point of order comes too late.

THE CHAIRMAN: The gentleman from California was on his feet.

MR. GRIFFIN: The amendment was offered and I was recognized to explain the amendment, and I proceeded to explain the amendment.

THE CHAIRMAN: The gentleman from California was on his feet seeking recognition. The gentleman from California will state his point of order.

Time of Making or Reserving Point of Order

§ 6.40 A point of order against an amendment may be made or reserved immediately after an amendment is read; but where several Members are on their feet, and the

17. 107 CONG. REC. 17612, 87th Cong. 1st Sess. [H.R. 8028].

See also 115 CONG. REC. 21458, 91st Cong. 1st Sess., July 30, 1969 [H.R. 13111].

Chair recognizes the offeror of the amendment, another Member who has exercised due diligence and persists in his attempt to gain the attention of the Chair can still be recognized to reserve a point of order.

It is the duty of the Chair to protect the rights of Members seeking recognition. He did so, over objections, when he allowed a point of order to be reserved against an amendment offered by Mr. Henry B. Gonzalez, of Texas, on June 11, 1987.[18]

AMENDMENT OFFERED BY MR. GONZALEZ TO THE AMENDMENT OFFERED BY MR. HILER

MR. GONZALEZ: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Gonzalez to the amendment offered by Mr. Hiler: In the matter proposed to be inserted by the amendment—

(1) strike "in excess of" and insert ", the amounts provided shall not exceed"; and

(2) strike "as passed" and all that follows through "applicable level."

(3) strike "or subfunction" the first place it appears.

MR. [JOHN] HILER [of Indiana]: Mr. Chairman, I reserve a point of order on the amendment.

PARLIAMENTARY INQUIRY

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

THE CHAIRMAN:[19] The gentleman will state it.

MR. GONZALEZ: Mr. Chairman, did the Chair recognize the gentleman's interposition of a point of order?

THE CHAIRMAN: The Chair will state that the gentleman from Indiana was on his feet and he has properly maintained his right to reserve a point of order.

MR. GONZALEZ: Mr. Chairman, may I pursue my parliamentary inquiry?

THE CHAIRMAN: The gentleman may proceed.

MR. GONZALEZ: Mr. Chairman, it is my recollection that I had been recognized by the Chair on my amendment, at which time the gentleman interposed his objection.

In my opinion and according to the precedents I have listened to, that is not in a timely fashion interposing a motion.

THE CHAIRMAN: The Chair states that the gentleman was on his feet at the time that the gentleman from Texas was recognized. The matter of precedent does not lie on this case.

Does the gentleman from Indiana insist on his point of order?

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

THE CHAIRMAN: The gentleman from Indiana reserves his point of order. . . .

Does the gentleman from Indiana (Mr. Hiler) press his point of order?

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

18. 133 CONG. REC. 15541, 15543, 100th Cong. 1st Sess.

19. Brian J. Donnelly (Mass.).

THE CHAIRMAN: The point of order is withdrawn.

MR. HILER: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the gentleman's amendment.

§ 6.41 Although the proponent of an amendment had been recognized and had begun his discussion, the Chairman entertained a point of order against the amendment by a Member who stated he had been on his feet, seeking recognition for that purpose when the discussion began.

On Sept. 26, 1967,[20] Chairman Charles E. Bennett, of Florida, allowed Mr. Carl D. Perkins, of Kentucky, to make a point of order after the time therefor had passed, because Mr. Perkins had been on his feet seeking recognition.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

THE CHAIRMAN: Is there objection to the request of the gentleman from Louisiana [Mr. Waggonner]?

There was no objection.

The Clerk read as follows:

MR. WAGGONNER: Mr. Chairman, these two amendments——

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

I hate to raise the question, but I do make the point of order that the amendments are not germane.

My point of order being that we are now by these amendments trying to reach other acts and exclude.

MR. GERALD R. FORD [of Michigan]: Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

The gentleman from Louisiana had started his discussion of the amendment, and there was no previous point of order made prior to the discussion.

MR. PERKINS: Mr. Chairman, I was on my feet seeking recognition at the time the gentleman commenced to address the Chair.

THE CHAIRMAN: Was the gentleman from Kentucky on his feet seeking recognition?

MR. PERKINS: I was, Mr. Chairman.

THE CHAIRMAN: The Chair then overrules the point of order made by the gentleman from Michigan, and the Chair will hear the gentleman from Kentucky on his point of order.

MR. GERALD R. FORD: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: Mr. Chairman, how far in the discussion of a man who offers an amendment can such a point of order be made, then?

THE CHAIRMAN: The Chair will state that the gentleman from Kentucky was on his feet seeking recognition, and so stated. Therefore, the gentleman from Kentucky will be recognized to make his point of order.

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20. 113 CONG. REC. 26878, 90th Cong. 1st Sess. Under consideration was H.R. 12120, the Juvenile Delinquency Prevention and Control Act of 1967.

§ 6.42 A member who has shown due diligence is recognized to make a point of order against a proposed amendment even though the sponsor of the amendment had commenced his remarks.

On June 23, 1945,[1] Chairman Jere Cooper, of Tennessee, allowed Mr. Brent Spence, of Kentucky, to make a late point of order because Mr. Spence had been on his feet seeking recognition when the Chair recognized Mr. Francis H. Case, of South Dakota, to explain the amendment which he had proposed.

> MR. CASE of South Dakota: Mr. Chairman, this amendment proposes——
>
> MR. SPENCE: Mr. Chairman, a point of order. . . .
>
> MR. CASE of South Dakota: Mr. Chairman, I think the gentleman's point of order comes too late, because I had been recognized and started to debate the amendment.
>
> THE CHAIRMAN: The gentleman from Kentucky was on his feet, and the point of order does not come too late.

§ 7. Debate

The Chair allows debate on a point of order at his discretion and the Chair normally refuses to allow Members to yield to other Members during arguments on points of order.[2]

It is clear from the precedents that debate on a point of order is limited to it and may not go to the merits of the legislative proposition involved.[3]

Although a Member, even one sponsoring an amendment against which a point of order has been raised, may concede a point of order, the Chair still rules on the point of order.[4]

The time consumed in argument on a point of order is not charged against that allotted to the proponent of an amendment,[5] but where a limitation is imposed on total debate time, or time is fixed "by the clock," argument on a point of order may reduce the time an individual Member may be allotted.[6]

The Chair does not permit Members to "revise and extend" their remarks on a point of order,[7] and since the 104th Congress, the Chair's ability to edit his own ruling has been curtailed.[8]

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1. 91 CONG. REC. 6597, 79th Cong. 1st Sess. Under consideration was H.J. Res. 101, extending the Price Control and Stabilization Acts.

2. See §§ 7.1, 7.2, 7.4–7.7, infra.

3. See §§ 7.9–7.11, infra.

4. See § 7.20, infra.

5. See §§ 7.12, 7.20, infra.

6. See § 7.19, infra.

7. See § 7.22, infra.

8. See Rule XIV clause 9(a) *House Rules and Manual* §§ 764a, 764b (1997); and see § 7.23, infra.