Senator against material extraneous to the instructions to a committee which is contained in any title or provision of the bill or resolution[20] or offered as an amendment to the bill or resolution,[21] and the point of

[20] A Senator may not raise a point of order against a provision of a committee-reported bill while an amendment to that bill is pending. 142 CONG. REC. S6295 (daily ed. June 25, 1997) (Senator Rockefeller attempted to raise a point of order against section 5001 of the committee-reported bill on Medicare balance billing while his amendment 478 was pending). Before the Senator makes such a point of order, the Senator may ask unanimous consent that the Senate temporarily lay aside all pending amendments. *See* 143 CONG. REC. S6092-93 (daily ed. June 23, 1997) (statement of Sen. Durbin on his point of order against sec. 5611 of the committee-reported bill raising the age of Medicare eligibility).

[21] The Parliamentarian has advised (in August of 2005) that by virtue of the specific language of this subsection, a Senator may raise a point of order against a provision of an amendment, and need not raise a point of order against the entire amendment.

An amendment is subject to points of order under the Congressional Budget Act even if the Senate has specified by unanimous consent that the amendment is one of the amendments in order and the yeas and nays have been ordered.

For examples of the application of this rule to amendments, see, *e.g.*, 133 CONG. REC. S17,600 (daily ed. Dec. 10, 1987) (Byrd motion to waive for Byrd-Dole, Kassebaum, and Gramm amendments approved 81-13; no point of order raised); 136 CONG. REC. S15,731-38 (daily ed. Oct. 18, 1990), ALAN S. FRUMIN, RIDDICK'S SENATE PROCEDURE 625 (1992) (Sasser point of order under subsection (b)(1)(A) against Graham amendment to develop a risk-based deposit insurance system; Graham motion to waive rejected on a voice vote; point of order sustained; amendment fell); 136 CONG. REC. S15,808-10, S15,815 (daily ed. Oct. 18, 1990), ALAN S. FRUMIN, RIDDICK'S SENATE PROCEDURE 626 (1992) (Bentsen point of order under subsection (b)(1)(A) against Symms amendment to require deposit of increase in motor fuel taxes in the Highway Trust Fund; Symms motion to waive rejected by a 48-52 vote; point of order sustained; amendment fell); 139 CONG. REC. S7898-901, S7920 (daily ed. June 24, 1993) (Sasser point of order under subsection (b)(1)(A) against Domenici-Nunn amendment regarding caps on domestic, international, and defense discretionary spending; motion to waive rejected by a 53-45 vote; point of order sustained; amendment fell); *id.* at S7901-04, S7920-21 (daily ed. June 24, 1993) (Sasser point of order under subsection (b)(1)(A) against Bradley amendment proposing a legislative line-item veto using separate enrollment of appropriations and tax expenditure sections; motion to waive rejected by a 53-45 vote; point of order sustained; amendment fell); *id.* at S7919, S7924 (daily ed. June 24, 1993) (Sasser point of order under subsection (b)(1)(A) against Gramm amendment regarding restoration of fixed deficit targets; Gramm motion to waive rejected by a 43-55 vote; point of order sustained; amendment fell); 141 CONG. REC. S15,831 (daily ed. Oct. 26, 1995 (Domenici point of order against Dorgan amendment ending deferral for U.S. shareholders on income of controlled foreign corporations attributable to imported property; Exon motion to waive rejected 47-52; point of order sustained; amendment fell); *id.* at S16,016 (daily ed. Oct. 27, 1995) (Exon point of order under subsection (b)(1)(A) against Specter amendment expressing the sense of the Senate regarding a flat tax; Specter motion to waive rejected 17-82; point of order sustained; amendment fell); *id.* at S16,025 (daily ed. Oct. 27, 1995) (Domenici point of order under subsection (b)(1)(A) against Bumpers amendment prohibiting counting the proceeds of asset sales; Exon motion to waive rejected 49-50; point of order sustained; amendment fell); *id.* at S16,026 (daily ed. Oct. 27, 1995) (Domenici point of order under