

Mr. LONG. I call up amendment No. 1101.

Mr. ABOUREZK. Point of order, Mr. President.

Mr. LONG. I do not yield for a point of order.

The PRESIDING OFFICER. The Senator is recognized for a point of order.

Mr. ABOUREZK. On the amendment previous to this one, the Chair made a ruling that it was out of order. I appeal the ruling of the Chair and ask for the yeas and nays.

Mr. LONG. Point of order, Mr. President.

Mr. ABOUREZK. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. If one is going to make a point of order on an amendment, he has to make it before the amendment is disposed of.

Mr. ABOUREZK. I ask for the yeas and nays on the appeal.

The PRESIDING OFFICER. The question that the Senator from South Dakota raises at this point is moot.

Mr. ABOUREZK. Mr. President, a parliamentary inquiry.

Mr. HANSEN. Regular order.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

#### AMENDMENT NO. 1101

Mr. LONG. Mr. President, I call up amendment No. 1101.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. LONG) proposes an amendment,

On page 3, line 25, strike "January 1, 1977" and insert "the date of enactment".

Mr. BUMPERS. Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUMPERS. According to the information I have in front of me, the amendment which has just been called up, 1101, says "On page 3, line 25." There is no line 25 in the bill. Therefore, the question is, is this amendment in order?

The PRESIDING OFFICER. This amendment does attempt to strike a date, January 1, 1977, which is not in the version numbered 862. Therefore, the amendment is not in order.

Mr. ABOUREZK. Point of order, Mr. President.

Mr. LONG. Mr. President.

Mr. ABOUREZK. I appeal the ruling of the Chair.

Mr. LONG. Mr. President—

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. ABOUREZK. I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. ABOUREZK. I suggest the absence of a quorum, Mr. President.

Mr. LONG. Point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. A quorum is present. We have had four precedents on that now. It is dilatory.

Mr. ABOUREZK. I suggest the absence of a quorum, Mr. President.

Mr. LONG. The point is dilatory.

The PRESIDING OFFICER. The Chair is ruling that we have just had a rollcall and a quorum is present. This would be dilatory.

Mr. ABOUREZK. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. ABOUREZK. How can the Chair determine whether or not a quorum is present in the absence of a record call at this time?

The PRESIDING OFFICER. From the rollcall vote which has just been had.

Mr. ABOUREZK. Does that presume that everybody stays in the Chamber immediately after a rollcall?

The PRESIDING OFFICER. There is presumption that a quorum is present in the Senate at all times.

Mr. ABOUREZK. Is there any way for a Senator to attempt to overcome that presumption?

The PRESIDING OFFICER. He may suggest the absence of a quorum.

Mr. ABOUREZK. I suggest the absence of a quorum.

Mr. LONG. Point of order.

The PRESIDING OFFICER. The Chair has ruled that a quorum is present.

Mr. LONG. There is a quorum present, Mr. President.

The PRESIDING OFFICER. The Chair has so ruled. The question is on the appeal, on sustaining the judgment of the Chair.

Mr. ABOUREZK. I ask for a division.

The PRESIDING OFFICER. The division request has been heard.

Those Senators in favor of sustaining the judgment of the Chair will stand until counted.

Mr. ABOUREZK. I ask that the Chair announce the vote.

The PRESIDING OFFICER. This is on the judgment of the Chair as to the amendment being out of order.

(After a pause.) Those opposed will now rise and stand until counted.

On a division, the judgment of the Chair was sustained.

Mr. ABOUREZK. Mr. President, I ask for a count. How many Senators were voting?

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. It is not in order to ask for a count.

Mr. ABOUREZK. Mr. President, are we not entitled to know what the count was on the vote on the division?

Mr. INOUE. No.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator is correct. We are not allowed to know what the count was.

[Laughter.]

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. ABOUREZK. Mr. President, a point of order.

#### AMENDMENT NO. 1086

Mr. LONG. Mr. President, I call up amendment No. 1086.

Mr. ABOUREZK. A point of order, Mr. President. I ask for a point of order.

The PRESIDING OFFICER. The amendment will be stated.

The Senator has not been recognized.

Mr. ABOUREZK. A point of order, Mr. President.

Mr. LONG. I ask the clerk to state the amendment.

Mr. ABOUREZK. A point of order.

Is the Chair saying I cannot make a point of order?

The PRESIDING OFFICER. That is correct.

Mr. CURTIS. Regular order.

Mr. ABOUREZK. Mr. President, this is the best railroad job I have ever seen, one of the best. It probably is the best.

The PRESIDING OFFICER. The amendment will be stated.

Mr. ABOUREZK. Mr. President, I make the point of order and I ask for recognition.

The PRESIDING OFFICER. The Senator from Louisiana has called up an amendment, and the regular order is for the clerk to state the amendment.

Mr. ABOUREZK. Mr. President, is it not the regular order to recognize a Senator who has made a point of order?

The PRESIDING OFFICER. The regular order is not to recognize a Senator who has made a point of order.

Mr. ABOUREZK. Mr. President, are we going to throw out the rule book? That is my next question.

Mr. CURTIS. Regular order.

The PRESIDING OFFICER. Regular order has been called for. The amendment will be stated.

Mr. ABOUREZK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The amendment called up has been tabled previously and is not in order.

Mr. ABOUREZK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will be heard on a parliamentary inquiry.

Mr. ABOUREZK. Mr. President, my parliamentary inquiry is this: Does the Chair intend to just abandon the rules of the Senate altogether in an effort to shut me off?

The PRESIDING OFFICER. The Senator from South Dakota has been recognized for a parliamentary inquiry and the Chair awaits the inquiry.

Mr. ABOUREZK. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

#### AMENDMENT NO. 1285

Mr. ABOUREZK. Mr. President, I call up amendment No. 1285 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. ABOUREZK) proposes amendment No. 1285.

(b) The term "Commission" means the