

110TH CONGRESS
1ST SESSION

S. RES. 260

Strengthening the point of order against matters out of scope in conference reports.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2007

Mr. DEMINT submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Strengthening the point of order against matters out of scope in conference reports.

1 *Resolved,*

2 **SECTION 1. OUT OF SCOPE MATTERS IN CONFERENCE RE-**
3 **PORTS.**

4 (a) IN GENERAL.—A point of order may be made by
5 any Senator against any item contained in a conference
6 report that includes or consists of any matter not com-
7 mitted to the conferees by either House. The point of
8 order may be made and disposed of separately for each
9 item in violation of this section.

1 (b) DISPOSITION.—If the point of order raised
 2 against an item in a conference report under subsection
 3 (a) is sustained—

4 (1) the matter in such conference report shall
 5 be stricken; and

6 (2) when all other points of order under this
 7 section have been disposed of—

8 (A) the Senate shall proceed to consider
 9 the question of whether the Senate should re-
 10 cede from its amendment to the House bill, or
 11 its disagreement to the amendment of the
 12 House, and concur with a further amendment,
 13 which further amendment shall consist of only
 14 that portion of the conference report that has
 15 not been stricken (any modification of total
 16 amounts appropriated necessary to reflect the
 17 deletion of the matter struck from the con-
 18 ference report shall be made);

19 (B) the question shall be debatable; and

20 (C) no further amendment shall be in
 21 order.

22 (c) LIMITATION.—

23 (1) IN GENERAL.—In this section, the term
 24 “matter not committed to the conferees by either
 25 House” shall include any item which consists of a

1 specific provision containing a specific level of fund-
 2 ing for any specific account, specific program, spe-
 3 cific project, or specific activity, when no such spe-
 4 cific funding was provided for such specific account,
 5 specific program, specific project, or specific activity
 6 in the measure originally committed to the conferees
 7 by either House.

8 (2) RULE XXVIII.—For the purpose of rule
 9 XXVIII of the Standing Rules of the Senate, the
 10 term “matter not committed” shall include any item
 11 which consists of a specific provision containing a
 12 specific level of funding for any specific account,
 13 specific program, specific project, or specific activity,
 14 when no such specific funding was provided for such
 15 specific account, specific program, specific project,
 16 or specific activity in the measure originally com-
 17 mitted to the conferees by either House.

18 (d) SUPERMAJORITY WAIVER AND APPEAL.—This
 19 section may be waived or suspended in the Senate only
 20 by an affirmative vote of $\frac{3}{5}$ of the Members, duly chosen
 21 and sworn. An affirmative vote of $\frac{3}{5}$ of the Members of
 22 the Senate, duly chosen and sworn, shall be required in
 23 the Senate to sustain an appeal of the ruling of the Chair
 24 on a point of order raised under this section.

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