

110TH CONGRESS  
1ST SESSION

# S. RES. 260

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

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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

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## 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.

