

111TH CONGRESS
2D SESSION

S. CON. RES. 57

Establishing an expedited procedure for consideration of a bill returning spending levels to 2007 levels.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2010

Mr. LEMIEUX (for himself, Mr. RISCH, and Mr. DEMINT) submitted the following concurrent resolution; which was referred to the Committee on the Budget

CONCURRENT RESOLUTION

Establishing an expedited procedure for consideration of a bill returning spending levels to 2007 levels.

1 *Resolved by the Senate (the House of Representatives*
2 *concurring),*

3 **SECTION 1. EXPEDITED CONSIDERATION.**

4 (a) 2007 SPENDING BILL.—For purposes of this res-
5 olution, the term “2007 spending bill” means a bill that
6 reduces outlays for the fiscal year beginning in the year
7 in which the bill is considered to levels not exceeding the
8 levels for fiscal year 2007. The bill may not increase reve-
9 nues.

1 (b) EXPEDITED CONSIDERATION OF 2007 SPENDING
2 BILL.—

3 (1) INTRODUCTION OF 2007 SPENDING BILL.—

4 A 2007 spending bill may be introduced in the
5 House of Representatives and in the Senate not
6 later than July 12, 2010, or any time after the first
7 day of a session for any year thereafter by the ma-
8 jority leader of each House of Congress. If 5 session
9 days after July 12 in 2010 or after the first day of
10 session any year thereafter the majority leader has
11 not introduced a bill, the minority leader of each
12 House of Congress may introduce a 2007 spending
13 bill (during this time the majority leader may not in-
14 troduce a 2007 spending bill). If a 2007 spending
15 bill is not introduced in accordance with the pre-
16 ceding sentence in either House of Congress within
17 5 session days, then any Member of that House may
18 introduce a 2007 spending bill on any day there-
19 after. Upon introduction, the 2007 spending bill
20 shall be referred to the relevant committees of juris-
21 diction.

22 (2) COMMITTEE CONSIDERATION.—The com-
23 mittees to which the 2007 spending bill is referred
24 shall report the 2007 spending bill without any revi-
25 sion and with a favorable recommendation, an unfa-

1 vorable recommendation, or without recommenda-
2 tion, not later than 30 calendar days after the date
3 of introduction of the bill in that House, or the first
4 day thereafter on which that House is in session. If
5 any committee fails to report the bill within that pe-
6 riod, that committee shall be automatically dis-
7 charged from consideration of the bill, and the bill
8 shall be placed on the appropriate calendar.

9 (3) FAST TRACK CONSIDERATION IN HOUSE OF
10 REPRESENTATIVES.—

11 (A) PROCEEDING TO CONSIDERATION.—It
12 shall be in order, not later than 7 days of ses-
13 sion after the date on which an 2007 spending
14 bill is reported or discharged from all commit-
15 tees to which it was referred, for the majority
16 leader of the House of Representatives or the
17 majority leader's designee, to move to proceed
18 to the consideration of the 2007 spending bill.
19 It shall also be in order for any Member of the
20 House of Representatives to move to proceed to
21 the consideration of the 2007 spending bill at
22 any time after the conclusion of such 7-day pe-
23 riod. All points of order against the motion are
24 waived. Such a motion shall not be in order
25 after the House has disposed of a motion to

1 proceed on the 2007 spending bill. The previous
2 question shall be considered as ordered on the
3 motion to its adoption without intervening mo-
4 tion. The motion shall not be debatable. A mo-
5 tion to reconsider the vote by which the motion
6 is disposed of shall not be in order.

7 (B) CONSIDERATION.—The 2007 spending
8 bill shall be considered as read. The previous
9 question shall be considered as ordered on the
10 2007 spending bill to its passage without inter-
11 vening motion except 50 hours of debate, equal-
12 ly divided and controlled by the proponent and
13 an opponent. A motion to limit debate shall be
14 in order during such debate. A motion to recon-
15 sider the vote on passage of the 2007 spending
16 bill shall not be in order.

17 (C) APPEALS.—Appeals from decisions of
18 the chair relating to the application of the
19 Rules of the House of Representatives to the
20 procedure relating to the 2007 spending bill
21 shall be decided without debate.

22 (D) APPLICATION OF HOUSE RULES.—Ex-
23 cept to the extent specifically provided in this
24 paragraph, consideration of an 2007 spending
25 bill shall be governed by the Rules of the House

1 of Representatives. It shall not be in order in
2 the House of Representatives to consider any
3 2007 spending bill introduced pursuant to the
4 provisions of this subsection under a suspension
5 of the rules pursuant to clause 1 of House Rule
6 XV, or under a special rule reported by the
7 House Committee on Rules.

8 (E) AMENDMENTS.—It shall be in order to
9 offer amendments to the 2007 spending bill,
10 provided that any such amendment is relevant
11 and would not result in an overall outlay level
12 exceeding the level included in the 2007 spend-
13 ing bill.

14 (F) VOTE ON PASSAGE.—Immediately fol-
15 lowing the conclusion of consideration of the
16 2007 spending bill, the vote on passage of the
17 2007 spending bill shall occur without any in-
18 tervening action or motion and shall require an
19 affirmative vote of three-fifths of the Members,
20 duly chosen and sworn. If the 2007 spending
21 bill is passed, the Clerk of the House of Rep-
22 resentatives shall cause the bill to be trans-
23 mitted to the Senate before the close of the
24 next day of session of the House.

25 (4) FAST TRACK CONSIDERATION IN SENATE.—

1 (A) IN GENERAL.—Notwithstanding rule
2 XXII of the Standing Rules of the Senate, it is
3 in order, not later than 7 days of session after
4 the date on which an 2007 spending bill is re-
5 ported or discharged from all committees to
6 which it was referred, for the majority leader of
7 the Senate or the majority leader’s designee to
8 move to proceed to the consideration of the
9 2007 spending bill. It shall also be in order for
10 any Member of the Senate to move to proceed
11 to the consideration of the 2007 spending bill
12 at any time after the conclusion of such 7-day
13 period. A motion to proceed is in order even
14 though a previous motion to the same effect has
15 been disagreed to. All points of order against
16 the motion to proceed to the 2007 spending bill
17 are waived. The motion to proceed is not debat-
18 able. The motion is not subject to a motion to
19 postpone. A motion to reconsider the vote by
20 which the motion is agreed to or disagreed to
21 shall not be in order. If a motion to proceed to
22 the consideration of the 2007 spending bill is
23 agreed to, the 2007 spending bill shall remain
24 the unfinished business until disposed of.

1 (B) DEBATE.—Consideration of an 2007
2 spending bill and of all debatable motions and
3 appeals in connection therewith shall not exceed
4 a total of 50 hours. Debate shall be divided
5 equally between the majority and minority lead-
6 ers or their designees. A motion further to limit
7 debate on the 2007 spending bill is in order.
8 Any debatable motion or appeal is debatable for
9 not to exceed 1 hour, to be divided equally be-
10 tween those favoring and those opposing the
11 motion or appeal. All time used for consider-
12 ation of the 2007 spending bill, including time
13 used for quorum calls and voting, shall be
14 counted against the total 50 hours of consider-
15 ation.

16 (C) AMENDMENTS.—It shall be in order to
17 offer amendments to the 2007 spending bill,
18 provided that any such amendment is relevant
19 and would not result in an overall outlay level
20 exceeding the level included in the 2007 spend-
21 ing bill.

22 (D) VOTE ON PASSAGE.—The vote on pas-
23 sage shall occur immediately following the con-
24 clusion of the debate on the 2007 spending bill
25 and a single quorum call at the conclusion of

1 the debate if requested. Passage shall require
 2 an affirmative vote of three-fifths of the Mem-
 3 bers, duly chosen and sworn.

4 (E) RULINGS OF THE CHAIR ON PROCE-
 5 DURE.—Appeals from the decisions of the Chair
 6 relating to the application of the rules of the
 7 Senate to the procedure relating to a 2007
 8 spending bill shall be decided without debate.

9 (5) RULES TO COORDINATE ACTION WITH
 10 OTHER HOUSE.—

11 (A) REFERRAL.—If, before the passage by
 12 1 House of an 2007 spending bill of that
 13 House, that House receives from the other
 14 House an 2007 spending bill, then such pro-
 15 posal from the other House shall not be re-
 16 ferred to a committee and shall immediately be
 17 placed on the calendar.

18 (B) TREATMENT OF 2007 SPENDING BILL
 19 OF OTHER HOUSE.—If 1 House fails to intro-
 20 duce or consider a 2007 spending bill under
 21 this section, the 2007 spending bill of the other
 22 House shall be entitled to expedited floor proce-
 23 dures under this section.

24 (C) PROCEDURE.—

1 (i) 2007 SPENDING BILL IN THE SEN-
2 ATE.—If prior to passage of the 2007
3 spending bill in the Senate, the Senate re-
4 ceives an 2007 spending bill from the
5 House, the procedure in the Senate shall
6 be the same as if no 2007 spending bill
7 had been received from the House except
8 that—

9 (I) the vote on final passage shall
10 be on the 2007 spending bill of the
11 House if it is identical to the 2007
12 spending bill then pending for passage
13 in the Senate; or

14 (II) if the 2007 spending bill
15 from the House is not identical to the
16 2007 spending bill then pending for
17 passage in the Senate and the Senate
18 then passes the Senate 2007 spending
19 bill, the Senate shall be considered to
20 have passed the House 2007 spending
21 bill as amended by the text of the
22 Senate 2007 spending bill.

23 (ii) DISPOSITION OF THE 2007 SPEND-
24 ING BILL.—Upon disposition of the 2007
25 spending bill received from the House, it

1 shall no longer be in order to consider the
2 2007 spending bill originated in the Sen-
3 ate.

4 (D) TREATMENT OF COMPANION MEAS-
5 URES IN THE SENATE.—If following passage of
6 the 2007 spending bill in the Senate, the Sen-
7 ate then receives an 2007 spending bill from
8 the House of Representatives that is the same
9 as the 2007 spending bill passed by the House,
10 the House-passed 2007 spending bill shall not
11 be debatable. If the House-passed 2007 spend-
12 ing bill is identical to the Senate-passed 2007
13 spending bill, the vote on passage of the 2007
14 spending bill in the Senate shall be considered
15 to be the vote on passage of the 2007 spending
16 bill received from the House of Representatives.
17 If it is not identical to the House-passed 2007
18 spending bill, then the Senate shall be consid-
19 ered to have passed the 2007 spending bill of
20 the House as amended by the text of the Senate
21 2007 spending bill.

22 (E) CONSIDERATION IN CONFERENCE.—
23 Upon passage of the 2007 spending bill, the
24 Senate shall be deemed to have insisted on its
25 amendment and requested a conference with the

House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, without any intervening action.

(F) ACTION ON CONFERENCE REPORTS IN SENATE.—

(i) MOTION TO PROCEED.—A motion to proceed to the consideration of the conference report on the 2007 spending bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) CONSIDERATION.—During the consideration in the Senate of the conference report (or a message between Houses) on the 2007 spending bill, and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith, debate (or consideration) shall be limited to 30 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message be-

1 tween Houses) shall be limited to 1 hour,
 2 to be equally divided between, and con-
 3 trolled by, the mover and the manager of
 4 the conference report (or a message be-
 5 tween Houses).

6 (iii) DEBATE IF DEFEATED.—If the
 7 conference report is defeated, debate on
 8 any request for a new conference and the
 9 appointment of conferees shall be limited
 10 to 1 hour, to be equally divided between,
 11 and controlled by, the manager of the con-
 12 ference report and the minority leader or
 13 his designee, and should any motion be
 14 made to instruct the conferees before the
 15 conferees are named, debate on such mo-
 16 tion shall be limited to one-half hour, to be
 17 equally divided between, and controlled by,
 18 the mover and the manager of the con-
 19 ference report. Debate on any amendment
 20 to any such instructions shall be limited to
 21 20 minutes, to be equally divided between
 22 and controlled by the mover and the man-
 23 ager of the conference report. In all cases
 24 when the manager of the conference report
 25 is in favor of any motion, appeal, or

1 amendment, the time in opposition shall be
 2 under the control of the minority leader or
 3 his designee.

4 (iv) AMENDMENTS IN DISAGREE-
 5 MENT.—If there are amendments in dis-
 6 agreement to a conference report on the
 7 2007 spending bill, time on each amend-
 8 ment shall be limited to 30 minutes, to be
 9 equally divided between, and controlled by,
 10 the manager of the conference report and
 11 the minority leader or his designee. No
 12 amendment that is not germane to the pro-
 13 visions of such amendments shall be re-
 14 ceived.

15 (G) VOTE ON CONFERENCE REPORT IN
 16 EACH HOUSE.—Passage of the conference in
 17 each House shall be by an affirmative vote of
 18 three-fifths of the Members of that House, duly
 19 chosen and sworn.

20 (H) VETO.—If the President vetoes the bill
 21 debate on a veto message in the Senate under
 22 this subsection shall be 1 hour equally divided
 23 between the majority and minority leaders or
 24 their designees.

1 (6) RULES OF THE SENATE AND HOUSE OF
 2 REPRESENTATIVES.—This subsection is enacted by
 3 Congress—

4 (A) as an exercise of the rulemaking power
 5 of the Senate and the House of Representa-
 6 tives, respectively, and is deemed to be part of
 7 the rules of each House, respectively but appli-
 8 cable only with respect to the procedure to be
 9 followed in that House in the case of bill under
 10 this section, and it supersedes other rules only
 11 to the extent that it is inconsistent with such
 12 rules; and

13 (B) with full recognition of the constitu-
 14 tional right of either House to change the rules
 15 (so far as they relate to the procedure of that
 16 House) at any time, in the same manner, and
 17 to the same extent as in the case of any other
 18 rule of that House.

19 **SEC. 2. EFFECTIVE PERIOD.**

20 This resolution shall be effective until fiscal year
 21 2020 or the fiscal year spending levels are returned to fis-
 22 cal year 2007 levels whichever date first occurs.

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