

109TH CONGRESS  
1ST SESSION

# S. RES. 209

To strengthen fiscal responsibility by improving Senate consideration of conference reports.

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IN THE SENATE OF THE UNITED STATES

JULY 25, 2005

Mr. CONRAD (for himself and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Rules and Administration

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## RESOLUTION

To strengthen fiscal responsibility by improving Senate consideration of conference reports.

1 **SECTION 1. CONFERENCE REPORTS OUT OF ORDER.**

2 (a) AVAILABILITY.—It shall not be in order to con-  
3 sider a report of a committee of conference under para-  
4 graph 1 of rule XXVIII of the Standing Rules of the Sen-  
5 ate unless such report is filed and made available 48 hours  
6 prior to presentation.

7 (b) COST ESTIMATE OR TABLE.—It shall not be in  
8 order to consider a report of a committee of conference  
9 under paragraph 1 of rule XXVIII of the Standing Rules  
10 of the Senate unless an official written cost estimate or

1 table by the Congressional Budget Office is available at  
2 the time of consideration.

3 (c) JURISDICTION.—It shall not be in order to con-  
4 sider a report of a committee of conference under para-  
5 graph 1 of rule XXVIII of the Standing Rules of the Sen-  
6 ate if the preponderance of matter in the conference report  
7 is not in the jurisdiction of the committee (or Appropria-  
8 tions subcommittee for one of the regular appropriation  
9 bills) that had jurisdiction of the Senate passed bill sub-  
10 mitted to conference.

11 (d) SUPERMAJORITY WAIVER AND APPEAL.—This  
12 section may be waived or suspended in the Senate only  
13 by an affirmative vote of  $\frac{3}{5}$  of the Members, duly chosen  
14 and sworn. An affirmative vote of  $\frac{3}{5}$  of the Members of  
15 the Senate, duly chosen and sworn, shall be required in  
16 the Senate to sustain an appeal of the ruling of the Chair  
17 on a point of order raised under this section.

18 **SEC. 2. EXTRANEOUS PROVISIONS OF CONFERENCE RE-**

19 **PORTS OUT OF ORDER.**

20 (a) PROVISIONS OUTSIDE SCOPE OF CON-  
21 FERENCE.—It shall not be in order to consider a report  
22 of a committee of conference under paragraph 1 of rule  
23 XXVIII of the Standing Rules of the Senate if it contains  
24 extraneous material outside the scope of conference under  
25 rule XXVIII of the Standing Rules of the Senate.

1 (b) PROVISIONS OUTSIDE JURISDICTION.—It shall  
2 not be in order to consider a report of a committee of  
3 conference under paragraph 1 of rule XXVIII of the  
4 Standing Rules of the Senate if it contains extraneous ma-  
5 terial in the jurisdiction of a committee other than a com-  
6 mittee from whom conferees were appointed.

7 (c) FORM OF POINT OF ORDER.—It shall be in order  
8 for a Senator to raise a single point of order that several  
9 provisions of a bill, resolution, amendment, motion, or con-  
10 ference report violate this section. The Presiding Officer  
11 may sustain the point of order as to some or all of the  
12 provisions against which the Senator raised the point of  
13 order. If the Presiding Officer so sustains the point of  
14 order as to some of the provisions against which the Sen-  
15 ator raised the point of order, then only those provisions  
16 against which the Presiding Officer sustains the point of  
17 order shall be deemed stricken pursuant to this section.  
18 Before the Presiding Officer rules on such a point of  
19 order, any Senator may move to waive such a point of  
20 order as it applies to some or all of the provisions against  
21 which the point of order was raised. Such a motion to  
22 waive is amendable in accordance with the rules and prece-  
23 dents of the Senate. After the Presiding Officer rules on  
24 such a point of order, any Senator may appeal the ruling  
25 of the Presiding Officer on such a point of order as it

1 applies to some or all of the provisions on which the Pre-  
2 siding Officer ruled.

3 (d) POINT OF ORDER SUSTAINED.—When the Senate  
4 is considering a conference report, upon a point of order  
5 being made by any Senator against extraneous material  
6 described in subsection (a) or (b), and such point of order  
7 being sustained, such material shall be deemed stricken  
8 as provided in subsection (c) and the Senate shall proceed,  
9 without intervening action or motion, to consider the ques-  
10 tion of whether the Senate shall recede from its amend-  
11 ment and concur with a further amendment, or concur in  
12 the House amendment with a further amendment, as the  
13 case may be, which further amendment shall consist of  
14 only that portion of the conference report or House  
15 amendment, as the case may be, not so stricken.

16 (e) NO FURTHER AMENDMENT.—In any case in  
17 which such point of order is sustained against a conference  
18 report (or Senate amendment derived from such con-  
19 ference report by operation of this subsection), no further  
20 amendment shall be in order.

21 (f) SUPERMAJORITY WAIVER AND APPEAL.—This  
22 section may be waived or suspended in the Senate only  
23 by an affirmative vote of  $\frac{3}{5}$  of the Members, duly chosen  
24 and sworn. An affirmative vote of  $\frac{3}{5}$  of the Members of  
25 the Senate, duly chosen and sworn, shall be required in

- 1 the Senate to sustain an appeal of the ruling of the Chair
- 2 on a point of order raised under this section.

