

§ 305(c)(1)

(1)<sup>364</sup> A motion to proceed to the consideration of the conference report on any concurrent resolution on the budget (or a reconciliation bill or resolution)<sup>365</sup> may be made even though a previous motion to the same effect has been disagreed to.

§ 305(c)(2)

(2) During the consideration in the Senate of the conference report (or a message between Houses)<sup>366</sup> on

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<sup>364</sup> Section 13209(1)(A) of the Budget Enforcement Act repealed what used to be the first sentence of this paragraph. *See infra* p. 730. Before enactment of the Budget Enforcement Act, that sentence read as follows:

The conference report on any concurrent resolution on the budget shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such conference report is reported and is available to Members of the Senate.

This superseded provision created something of an anomaly, as conference reports normally enjoy privileged status in the Senate, and they do not have to lie over under the Standing Rules of the Senate. *See* ALAN S. FRUMIN, *RIDDICK'S SENATE PROCEDURE* 471-75 (1992) (and precedents cited there). The law before enactment of the Budget Enforcement Act made budget resolutions and reconciliation bills a notable exception to that general principle, even though the Senate usually has just as much reason to consider conference reports on budget resolutions and reconciliation bills under an expedited schedule as other conference reports.

<sup>365</sup> Section 13209(1)(B) of the Budget Enforcement Act added the words "on any concurrent resolution on the budget (or a reconciliation bill or resolution)" here (*see infra* p. 730), as section 13209(1)(B) of the Budget Enforcement Act repealed the reference in what used to be the first sentence of this paragraph. *See infra* p. 730.

<sup>366</sup> Section 13209(2) of the Budget Enforcement Act added this parenthetical. *See infra* p. 730. This addition makes explicit the interpretation prior to enactment of the Budget Enforcement Act. Before enactment of the Budget Enforcement Act, paragraph (2) appeared to cover the case most analogous to that of amendment between the Houses, and thus provided the procedures for that case. The statement of managers accompanying the conference report on the Budget Enforcement Act explains the addition briefly: "The conference agreement makes clear that amendments between the Houses on budget resolutions are covered in the Senate under section 305(c), which also deals with conference reports on budget resolutions." H.R. CONF. REP. No. 101-964, 101st Cong., 2d Sess. 1170 (1990), *reprinted at* 1990 U.S.C.C.A.N. 2374, 2875.