

§ 313(e)

(e)⁶⁶ GENERAL POINT OF ORDER. — Notwithstanding any other⁶⁵(...continued)

But this result is contrary to the special purpose of Senate Resolution 286. Such a result would make it more difficult to police our policy against extraneous matter. For if a Senator desiring to make a point of order against extraneous matter realizes that his success could cause the entire conference agreement to become amendable, then he would be inclined to go forward guided more by his position on the substance of the conference agreement than by his desire to enforce Senate policy on extraneous matter. That would be unfortunate.

The pending resolution would change that result. It would allow a successful point of order to excise the offending language in a conference report and would, in effect, treat the remaining language in the same way we treat conference reports, that is, as not subject to amendment.

House amendments, like conference reports, would be subject to the provision limiting debate. However, House amendments would be subject to further amendment since, unlike a conference report, they have not been agreed to by the Senate.

The resolution also treats the situation where the House has sent us an amendment containing extraneous matter and the Senate is considering a Senate amendment to the House amendment containing such extraneous matter. This kind of Senate amendment is included within the phrase “amendment between the Houses” in the pending resolution. This kind of Senate amendment to a House amendment would be subject to the same procedure as would the House amendment.

It should also be noted that more than one point of order may be made against a conference report or amendment between the Houses. In the case of Senate consideration of conference reports, it should be noted that a second point of order would be made against the resulting Senate amendment created by operation of this resolution upon a successful point of order being made. It cannot be made against the conference report because it is no longer before the body. That is why the phrase “Senate amendment derived from such conference report by operation of this resolution” is included in the resolution; such amendments are basically treated under the procedure for conference reports. This means they are not amendable.

In my opinion, the procedural refinements contained in the pending resolution are necessary to implement the original purpose of Senate Resolution 286 and should be adopted.

132 CONG. REC. S16,415 (daily ed. Oct. 16, 1986). The Senate then agreed to that resolution by a voice vote. *See id.*

⁶⁶ Section 10113(b)(1)(B) of the Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251, 688 (Aug. 5, 1997), redesignated this subsection from subsection (d) to subsection (e). Section 13214(a)(8) of the Budget Enforcement Act added this subsection and section 13214(b)(2)(C) of the Budget Enforcement Act redesignated it as subsection (d). Section 13214(b)(2)(C) of the Budget Enforcement Act also redesignated what used to be subsection (d) as subsection (b). *See supra* pp. 8-24.

Section 10113(b)(1)(B) of the Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251, 688 (Aug. 5, 1997), also struck what used to be subsection (e). Prior to enactment of
(continued...)