Purpose: To establish a point of order against using a certain report to support a revenue measure or tariff in a reconciliation bill.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 1863

To require the Secretary of Energy to conduct a study and submit a report on the greenhouse gas emissions intensity of certain products produced in the United States and in certain foreign countries, and for other purposes.

Referred to the Committee on ______________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. CAPITO

Viz:

1 At the end, add the following:

2 SEC. 3. POINT OF ORDER AGAINST USING REPORT TO SUPPORT A REVENUE MEASURE OR TARIFF IN A RECONCILIATION BILL.

3 (a) POINT OF ORDER.—

4 (1) IN GENERAL.—In the Senate, it shall not be in order to consider a provision in a reconciliation bill reported under section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) or an amendment thereto, an amendment between the Houses in
relation thereto, or a conference report thereon that cites by reference, relies on, or otherwise uses any of the contents of a report submitted under section 2(b)(1) to support or authorize—

(A) a revenue measure relating to a domestic tax or fee on the greenhouse gas emissions intensity of—

(i) any category of covered products (as defined in section 2(a)); or

(ii) any product within a category of covered products (as so defined); or

(B) a tariff on the greenhouse gas emissions intensity of any product or category of covered products described in subparagraph (A).

(2) POINT OF ORDER SUSTAINED.—If a point of order is made by a Senator against a provision described in paragraph (1), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

(b) FORM OF THE POINT OF ORDER.—A point of order under subsection (a)(1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).
(c) Conference Reports.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a reconciliation bill described in subsection (a)(1), upon a point of order being made by any Senator pursuant to that subsection, and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(d) Supermajority Waiver.—In the Senate, this section may be waived or suspended only by an affirmative vote of 60 Members, duly chose and sworn.

(e) Prohibition on Appeals.—It shall not be in order to appeal the ruling of the Chair on a point of order raised under this section.