

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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 SUP-**

3 **PORT A REVENUE MEASURE OR TARIFF IN A**

4 **RECONCILIATION BILL.**

5 (a) POINT OF ORDER.—

6 (1) IN GENERAL.—In the Senate, it shall not be

7 in order to consider a provision in a reconciliation

8 bill reported under section 310 of the Congressional

9 Budget Act of 1974 (2 U.S.C. 641) or an amend-

10 ment thereto, an amendment between the Houses in

1 relation thereto, or a conference report thereon that  
2 cites by reference, relies on, or otherwise uses any  
3 of the contents of a report submitted under section  
4 2(b)(1) to support or authorize—

5 (A) a revenue measure relating to a do-  
6 mestic tax or fee on the greenhouse gas emis-  
7 sions intensity of—

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

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

12 (B) a tariff on the greenhouse gas emis-  
13 sions intensity of any product or category of  
14 covered products described in subparagraph  
15 (A).

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

22 (b) FORM OF THE POINT OF ORDER.—A point of  
23 order under subsection (a)(1) may be raised by a Senator  
24 as provided in section 313(e) of the Congressional Budget  
25 Act of 1974 (2 U.S.C. 644(e)).

1           (c) CONFERENCE REPORTS.—When the Senate is  
2 considering a conference report on, or an amendment be-  
3 tween the Houses in relation to, a reconciliation bill de-  
4 scribed in subsection (a)(1), upon a point of order being  
5 made by any Senator pursuant to that subsection, and  
6 such point of order being sustained, such material con-  
7 tained in such conference report or House amendment  
8 shall be stricken, and the Senate shall proceed to consider  
9 the question of whether the Senate shall recede from its  
10 amendment and concur with a further amendment, or con-  
11 cur in the House amendment with a further amendment,  
12 as the case may be, which further amendment shall consist  
13 of only that portion of the conference report or House  
14 amendment, as the case may be, not so stricken. Any such  
15 motion in the Senate shall be debatable. In any case in  
16 which such point of order is sustained against a conference  
17 report (or Senate amendment derived from such con-  
18 ference report by operation of this subsection), no further  
19 amendment shall be in order.

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

23           (e) PROHIBITION ON APPEALS.—It shall not be in  
24 order to appeal the ruling of the Chair on a point of order  
25 raised under this section.