116TH CONGRESS  
2D SESSION

S. ______

To create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States.

______________________

IN THE SENATE OF THE UNITED STATES

Mr. Cruz introduced the following bill; which was read twice and referred to the Committee on __________________

______________________

A BILL

To create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. POINT OF ORDER AGAINST LEGISLATION MODI-
FYING THE NUMBER OF JUSTICES OF THE
SUPREME COURT OF THE UNITED STATES.

(a) Point of Order.—

(1) In general.—In the Senate, it shall not be in order to consider a provision in a bill, joint resolu-
tion, motion, amendment, amendment between the
Houses, or conference report amending section 1 of
title 28, United States Code, to modify, or that otherwise modifies, the total number of Justices of the Supreme Court of the United States.

(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) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subsection (a)(1), 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 amend-
ment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—In the Senate, this section may be waived or suspended only by an affirmative vote of two-thirds of the Members, duly chose and sworn. An affirmative vote of two-thirds of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.