



The United States Senate  
**BUDGET COMMITTEE**  
Senator Judd Gregg, Ranking Member

**BUDGET POINTS OF ORDER IN THE SENATE  
FOR ENFORCING S. CON. RES. 13, THE FY 2010  
BUDGET RESOLUTION**

*(See back panel for explanatory notes)*

**Points of Order Applicable to all legislation under the following sections of the Congressional Budget Act of 1974:**

- 305(c)(4) Germaneness: Prohibits the consideration of non-germane amendments to amendments reported in disagreement between the House and the Senate with respect to a budget resolution and, by cross reference in section 310(e), to reconciliation legislation.**
- 305(d) Mathematical Consistency: Prohibits a vote on the adoption of a budget resolution that is not mathematically consistent.
- 310(d)(2) Noncompliance: Prohibits consideration of amendments to reconciliation legislation that, on net, would increase the deficit relative to the applicable reconciliation instruction. Exception: a motion to strike, regardless of its budgetary effect, is always in order.**
- 310(g) Social Security: Prohibits consideration of reconciliation legislation that contains changes in the Social Security program.**
- 313 *The Byrd Rule: Prohibits consideration of extraneous provision(s) in reconciliation legislation.***
- 202(a) Reconciliation for deficit reduction only:**  
(of S.Con. Res. 21, the FY 2008 Budget Res) **Prohibits consideration of reconciliation legislation that would cause or increase a deficit or reduce a surplus for the sum of years 1-6 (2009-2014) or sum of years 1-11 (2009-2019).**

All points of order set out in **bold type** require the affirmative vote of 3/5ths of the members duly chosen and sworn in order to waive the point of order or to prevail on an appeal of the ruling of the Chair pursuant to section 904(c) or section 904(d) of the Budget Act.

All other points of order require a simple majority for a waiver or appeal.

For all points of order set out in *italic type*, the Presiding Officer may sustain the point of order against one or more provisions without compromising the legislation in its entirety; if the point of order is sustained, the offending provision(s) shall be struck from the bill or amendment.

Source: Senate Budget Committee  
Republican Staff (May 2009)

- 302(c) Appropriations: Prohibits consideration of spending legislation from the Appropriations Committee until the committee files its spending suballocations pursuant to sec. 302(b).**
- 302(f) Allocations: Prohibits consideration of legislation that exceeds an authorizing committee's section 302(a) allocation for the current year (2009), the budget year (2010), or the sum of the budget year and all subsequent years covered in the most recent budget resolution (2010-2014). For the Appropriations Committee only, prohibits consideration of legislation that exceeds each subcommittee's 302(b) suballocation for the current year (2009) or the budget year (2010).**
- 303(a) New Spending, Revenue, or Debt Limit Legislation: Prohibits consideration of any new spending, revenue, or debt limit legislation for a fiscal year until a budget resolution covering that year has been agreed to.
- 303(c) Appropriations: Prohibits consideration of any appropriations legislation for 2011 or later years until the budget resolution for each of those years has been agreed to and a section 302(a) allocation has been made to the Appropriations Committee. Exception: does not apply to making of advance appropriations for the 1<sup>st</sup> or 2<sup>nd</sup> fiscal year (2011 & 2012) after a year (2010) for which the 302(a) allocation has been made.

306 **Budget Committee Jurisdiction: Prohibits consideration of any legislation within the jurisdiction of the Budget Committee that was not reported (or discharged) from the Budget Committee.**

311(a)(2) **Spending and Revenue Aggregates: Prohibits consideration of legislation that exceeds the aggregate spending levels in the budget resolution for the current year (2009) or the budget year (2010); or causes the aggregate revenue level to fall below the level in the budget resolution for the current year (2009), the budget year (2010), or the sum of the budget year and all subsequent years covered in the most recent budget resolution (2010-2014).**

311(a)(3) **Social Security Aggregates: Prohibits consideration of legislation that would cause a decrease in Social Security surpluses or an increase in Social Security deficits relative to the levels set out in the budget resolution for the current year (2009), the budget year (2010), or the sum of the budget year and all subsequent years covered in the most recent budget resolution (2010-2014).**

401(a) Prohibits consideration of legislation providing new contract authority, borrowing authority, or credit authority that is not limited to amounts provided in advance in an appropriation act.

401(b) Prohibits consideration of legislation providing new entitlement authority that is to become effective during the current fiscal year (2009).

425(a)(1) **Unfunded Mandates: Prohibits consideration of any committee-reported legislation unless the CBO estimate of any federal intergovernmental or private sector mandates has been printed in the committee report or the Congressional Record.**

425(a)(2) **Unfunded Mandates: Prohibits consideration of any legislation that contains an unfunded intergovernmental mandate in excess of the statutory limit (\$50 million/year, as adjusted for inflation; currently \$69 million for FY '09) for the current year (2009), the budget year (2010), or any of the following four FYs (2011, 2012, 2013 or 2014).**

**Point of Order Applicable to All Legislation under S. Con. Res. 21, the FY 2008 Budget Resolution:**

201(a) **Pay-as-you-go: Prohibits consideration of direct spending or revenue legislation that would cause or increase an on-budget deficit for sum of years 1-6 (2009-2014), or sum of years 1-11 (2009-2019).**

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**Points of Order Applicable to all legislation under the following sections of S. Con. Res. 70, the FY 2009 Budget Resolution:**

311(b) **Long-term Deficits: Prohibits consideration of legislation that would cause a net increase in the deficit in excess of \$5 billion in any of the four consecutive 10-year periods (2020-2029, 2030-2039, 2040-2049, or 2050-2059).**

314(a) *Changes in Mandatory Programs (CHIMPS) in Appropriation Acts: Prohibits consideration of appropriation measures that include changes in mandatory programs that would have been scored as mandatory in any other legislation, if all of the following conditions are met – it would increase BA in at least one of the 9 FYs after the budget year (2010) and over the total of the 10 FYs (2010-2019); it would increase net outlays over the 9 FYs (2011-2019) following the budget year; AND the sum of all such provisions would increase net outlays over the 9 FYs (2011-2019). Exemption: not applicable to any provision enacted in each of the 3 fiscal years prior to the budget year (2010).*

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**Points of Order Applicable to all legislation under the following sections of S. Con. Res. 13, the FY 2010 Budget Resolution:**

401(a) **Discretionary Caps: Prohibits the consideration of legislation that would exceed the discretionary spending limits, adjusted for certain purposes, for FY2009 or FY2010 as specified in section 401(b).**

402(a) *Advance Appropriations: Prohibits advance appropriations, except for Corporation for Public Broadcasting and Veterans medical accounts and except those provided for FY2011 and FY2012 for specified accounts, which in total cannot exceed \$28.852 billion in budget authority in each year.*

403 (e)(1) *Emergency Legislation: Permits Senators to eliminate an “emergency designation” set out in any legislation.*

404(a) **Short-term Deficits: Prohibits consideration of legislation (except appropriation bills) that would cause a net increase in the deficit in excess of \$10 billion in any fiscal year covered in the most recent budget resolution (2009-2014), unless it is fully offset over the period of all fiscal years covered by the most recent budget resolution (2009-2014). Limitation: does not apply to legislation for which Chairman made adjustments to allocations, levels or limits pursuant to section 301(a) of S. Con. Res. 13.**

405(a) **Surface Transportation Funding: Prohibits consideration of legislation that extends the authority or reauthorizes surface transportation programs if it appropriates budget authority from sources other than the Highway Trust Fund (including the Mass Transit Account of such fund).**

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**Points of Order Applicable only to consideration of Budget Resolutions and/or Reconciliation Bills under the following sections of the Congressional Budget Act of 1974 (or S. Con. Res. 21, the FY 2008 Budget Resolution):**

301(g) Assumptions: Prohibits more than one set of economic and technical assumptions in a budget resolution.

301(i) **Social Security: Prohibits consideration of a budget resolution that would decrease the Social Security surplus in any year covered by the resolution.**

305(b)(2) **Germaneness: Prohibits the consideration of non-germane amendments to a budget resolution and, by cross reference in section 310(e), to reconciliation legislation. An amendment is germane *per se* if it: (i) changes numbers; (ii) changes dates; (iii) is a motion to strike. Other amendments determined on a case-by-case basis.**