



# BUDGET COMMITTEE



Judd Gregg, Ranking Member  
<http://budget.senate.gov/republican>

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## **Reconciliation Bill Points of Order March 3, 2010**

### **Points of Order That Apply Both to a Reconciliation Bill and Any Amendments**

Legislation cannot:

- fall short of reconciliation instructions for each committee.
- make any changes to the Social Security program.
- exceed the committee's spending allocation set by the budget resolution for 2010 or 2010-2014.
- cause total spending to exceed the level set in the budget resolution for 2010.
- reduce revenues below the floor set in the budget resolution for 2010 or 2010-2014.
- contain an unfunded governmental mandate of more than \$69 million in 2010, 2011, 2012, 2013 or 2014.
- contain matter within the jurisdiction of the Budget Committee.
- contain any provision designated as an "emergency" to avoid budget points of order.
- contain any provision designated as an "emergency" to avoid the statutory Pay-Go law.
- increase the deficit by more than \$10 billion in any one year from 2010 through 2014, unless such deficit increase is fully offset over the 2010-2014 period.
- violate the Senate's Pay-Go point of order, which means it cannot add a penny to the deficit for 2010-2014 or increase the deficit over the 2010-2019 timeframe by more than \$4.081 billion (as of 3/3/2010).
- increase the deficit by any amount for the years 2010-2014 or 2010-2019.
- increase the deficit by more than \$5 billion in any of the four consecutive 10-year periods after 2019 (2020-2029, 2030-2039, 2040-2049, or 2050-2059).

### **Points of Order That Apply Only to Amendments to a Reconciliation Bill**

Amendments that are not germane are not in order (though changes in numbers and dates are per se germane).

Amendments that would reduce the amount of deficit reduction below the instructed level are not in order, except that amendments to strike are always in order (except when they're not; Parliamentarians' call).

### **Byrd Rule Points of Order**

The Byrd rule operates differently than most other budget points of order. When most other budget points of order are raised and sustained, the measure being debated falls in its entirety. If a Byrd rule point of order is raised and sustained, only the offending provision is stricken from the legislation, and debate on the remaining legislation continues. The Byrd rule applies to the reconciliation bill on the floor as well as to amendments to the bill.

A provision is extraneous (and therefore subject to a point of order) under the Byrd rule if:

- it has no budgetary impact.
- it increases outlays or reduces revenues and the instructed committee fails to meet its overall instruction.
- it is not in the jurisdiction of the committee reporting the title of the reconciliation bill.
- it has a budgetary impact which is merely incidental to the policy components of the provision.
- it increases outlays or decreases revenues in any one year after 2014 and that offense is not netted at least to zero by other outlay reductions or revenue increases in that title of the bill in that year.
- it includes changes in Social Security.