

Points of order applicable to all legislation under the following sections of the Congressional Budget Act:

- 302(c) **Appropriations**: Prohibits consideration of legislation from the Appropriations Committee if the Committee has received its 302(a) spending allocation but has not yet filed subcommittee sub-allocations pursuant to section 302(b).
- 302(f) **Allocations**: Prohibits consideration of legislation that exceeds an authorizing committee's section 302(a) allocation for 2014, the total for 2014-2018, or the total for 2014-2023.
- For the Appropriations Committee only: Prohibits consideration of legislation that exceeds each subcommittee's 302(b) sub-allocation for security and non-security categories for 2014.
- 303(a) **New Spending, Revenue or Debt Limit Legislation**: Prohibits consideration of any new spending, revenue, or debt limit legislation for a year until a budget resolution covering that year has been agreed to.
- 303(c) **No Budget—No Appropriations**: Prohibits consideration of any appropriations legislation for 2015 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.
- 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 2014; or causes the aggregate revenue level to fall below the level in the budget resolution for 2014, the total for 2014-2018, or the total for 2014-2023.
- 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 2014, the total for 2014-2018, or the total for 2014-2023.

- 312(b) **Statutory Discretionary Spending Caps**: Prohibits consideration of any measure that would cause spending to exceed the discretionary limits in section 251(c) of BBEDCA. Does not apply when a declaration of war is in effect. A similar point of order exists under section 314(f) and can be waived with a simple majority.
- 314(e) **Emergency designation: Permits any Senator to strike an emergency designation in an appropriation bill made pursuant to section 251(b)(2)(A)(i) of BBEDCA. See endnote.**
- 314(f) **Statutory Discretionary Spending Caps**: Prohibits consideration of any measure that would cause budget authority for any year to exceed the discretionary limits set forth in sec. 251(c), as revised by sec. 251A, of BBEDCA, as amended. NOTE: A similar point of order exists under sec. 312(b) and can be waived only with the affirmative vote of three-fifths of Members, duly chosen and sworn.
- 401(a) **New Borrowing Authority**: 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)(1) **New Entitlement Authority**: Prohibits consideration of legislation providing new entitlement authority that is to become effective during the current year.
- 425(a)(1) **No Unfunded Mandates without CBO estimate**: Prohibits consideration of any committee-reported legislation unless a CBO estimate of any federal intergovernmental or private sector mandates has been printed in the committee report or the Congressional Record.
- 425(a)(2) **No Unfunded Mandates in Excess of Limit**: Prohibits consideration of any legislation that contains an unfunded intergovernmental mandate in excess of the statutory limit (\$73 million) for the five consecutive years following the mandate's effective date, inclusive.

Point of order applicable to all legislation under S-PAYGO, as amended:

- 4(g)(3) **Emergency designation**: Permits any Senator to strike the emergency designation of direct spending or revenues made pursuant to section 4(g) of S-PAYGO. See endnote.

Point of order applicable to all legislation under the Bipartisan Budget Act of 2013:

- 112(a) **Advance Appropriations**: Prohibits advance appropriations, except those provided for 2015 and 2016 for accounts specified, which in total cannot exceed \$28.852 billion in budget authority (in each fiscal year).

Point of order applicable to all legislation under the FY 2008 budget resolution:

- 201(a) **Senate Pay-As-You-Go**: Prohibits consideration of direct spending or revenue legislation that would cause or increase an on-budget deficit for the sum of 2014-2018, or the sum of 2014-2023.

Points of order applicable to all legislation under the following sections 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 10-year periods: 2024-2033, 2034-2043, 2044-2053, and 2054-2063.
- 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 nine years after 2014 and over the total of the ten years 2014-2023;
 - It would increase net outlays over the nine years 2015-2023; and
 - The sum of all such provisions would increase net outlays over the nine years 2015-2023.
- EXCEPTION: Not applicable to any ChiMP enacted in each of the three prior years.**

Points of order applicable to all legislation under the following sections of the FY 2010 budget resolution:

403(e) **Emergency designation:** Permits any Senator to strike the emergency designation of direct spending or revenues made pursuant to section 403(a) of the 2010 budget resolution. See endnote.

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 year 2014-2023 unless it is fully offset over that period.

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).

Points of order applicable only to consideration of budget resolutions and/or reconciliation bills under the following sections of the Congressional Budget Act:

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 are determined on a case-by-case basis.

305(c)(4) **Germaneness/Disagreement between Houses:** 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(b) **Byrd Rule:** Prohibits consideration of extraneous provision(s) in reconciliation legislation.

Point of order applicable only to consideration of reconciliation bills under the FY 2008 budget resolution:

202(a) **Reconciliation for deficit reduction only:** Prohibits consideration of reconciliation legislation that would cause or increase a deficit or reduce a surplus over 2014-2018 or 2014-2023

ENDNOTE: There are three separate emergency designations available in budget law, each of which exempts the provision in question from a specific enforcement regime:

- (1) Sec. 251(b)(2)(A)(i) of BBEDCA exempts discretionary spending from all budgetary discipline. Strike this designation using sec. 314(e) of the Congressional Budget Act.*
- (2) Sec. 4(g)(1) of S-PAYGO exempts the cost (or savings) of direct spending or revenues from all budgetary discipline. Strike this designation using sec. 4(g)(3) of S-PAYGO.*
- (3) Sec. 403(a) of the FY 2010 budget resolution exempts any spending (discretionary or mandatory) or revenue from most level-related budget enforcement provisions. Strike this designation using sec. 403(e) of S. Con Res. 13.*

The script used to raise or waive a point of order on an emergency designation must reference the appropriate section(s) of budget law.



**UNITED STATES SENATE
COMMITTEE ON THE BUDGET
SENATOR JEFF SESSIONS, RANKING MEMBER**

February 2014

POINTS OF ORDER IN THE SENATE FOR ENFORCING THE DEEMED BUDGETARY LEVELS FOR FY 2014 (PER SEC. 111 OF THE BIPARTISAN BUDGET ACT OF 2013, P. L. 113-67)

- Controlling statutes and budget resolutions:
 - Congressional Budget Act of 1974, PL 93-344, as amended.
 - Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), PL 99-177, as amended.
 - Statutory Pay as You Go Act of 2010 (S-PAYGO), PL 111-139, as amended.
 - Bipartisan Budget Act of 2013 (BBA), PL 113-67.
 - S Con Res 21, the FY 2008 budget resolution (110th Congress).
 - S Con Res 70, the FY 2009 budget resolution (110th Congress).
 - S Con Res 13, the FY 2010 budget resolution (111th Congress).
- **Points of order in bold require three-fifths of Members duly chosen and sworn to waive or appeal. If the presiding officer sustains the point of order, the entire measure cannot be considered any further in the Senate.**
- Points of order in **blue** are “surgical.” If the presiding officer sustains the point of order, the offending provision(s) are struck from the bill or amendment, but the rest of the legislative text remains.
- A point of order created by a concurrent resolution on the budget is enforceable until it is repealed by a new budget resolution or by statute, or until it expires.
- All years are fiscal years.