



Lindsey O. Graham | Ranking Member

COMMITTEE on the BUDGET

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SENATE BUDGET POINTS OF ORDER

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Congressional budgets and rules are enforced by points of order raised by Senators on the floor when measures violate budget protocols or the agreed upon spending or revenue levels. Points of order can be waived, though the threshold to waive varies by the point of order. While most points of order lie against an entire measure (if sustained, sending it back to committee), others are “surgical” and, if sustained, simply strike the offending provision(s) from the text without displacing the measure.

The following is an overview of Senate budget points of order and the source of their authority. Unless otherwise noted, 60 votes are needed to waive the point of order. Surgical points of order are denoted with an asterisk (*). All years are fiscal years.

POINTS OF ORDER APPLICABLE TO ALL LEGISLATION:

Congressional Budget Act of 1974:

- **302(c) - Appropriations.** Prohibits consideration of legislation from the Appropriations Committee that provides new budget authority if the Committee has not yet filed its subcommittee allocations.
- **302(f)(2) - Allocations to Committees.** Prohibits consideration of legislation that exceeds (1) an authorizing committee’s allocation of budget authority and outlays or (2) an appropriations subcommittee’s sub-allocation of budget authority and outlays.
- **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 fiscal year has been approved (50 votes needed to waive).
- **303(c) - No Budget—No Appropriations.** Prohibits consideration of any appropriations legislation until a budget has been agreed to and an allocation to the Appropriations Committee has been made (50

votes needed to waive).

- **306 - Budget Committee Jurisdiction.** Prohibits consideration of legislation that contains matters within the Budget Committee's jurisdiction unless the legislation was reported by or discharged from the Committee or is amending a measure that was reported or discharged from the Committee.
- **311(a)(2) - Spending and Revenue Aggregates.** Prohibits consideration of legislation that would (1) exceed the budget authority and outlay spending totals in the budget resolution, or (2) cause total revenues to fall below enforceable levels.
- **311(a)(3) - Social Security Aggregates.** Prohibits consideration of legislation that would decrease the Social Security surplus or increase the Social Security deficit compared to the levels in the budget resolution.
- **312(b) - Statutory Discretionary Spending Caps.** Prohibits consideration of legislation that would cause spending to exceed the statutory discretionary limits. NOTE: A similar point of order exists under section 314(f).
- **314(e) - Emergency Designation.** Permits any Senator to strike an emergency designation that would exempt funding from statutory discretionary spending limits.*
- **314(f) - Statutory Discretionary Spending Caps.** Prohibits consideration of a measure that would cause budget authority for any year to exceed statutory discretionary limits. NOTE: A similar point of order exists under section 312(b).
- **401(a) - New Borrowing Authority.** Prohibits consideration of legislation that would provide new contract authority, borrowing authority, or credit authority not limited by amounts provided in advance in an appropriations act (50 votes needed to waive).
- **401(b)(1) - New Entitlement Authority.** Prohibits consideration of legislation that would provide new entitlement authority that is to become effective during the current fiscal year (50 votes needed to waive).
- **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*. NOTE: Does not apply to conference reports.
- **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 for the fiscal year in which it becomes effective or any of the following four fiscal years.

Statutory Pay-As-You-Go Act of 2010, or S-PAYGO:

- **4(g)(3) - Emergency Designation.** Permits any Senator to strike an emergency designation of direct spending or revenues made pursuant to S-PAYGO.*

2009 Budget Resolution (S. Con. Res. 70, 110th Congress):

- **314 – Changes in Mandatory Programs (CHIMPs) with Net Costs.** Permits any Senator to strike a CHIMP in an appropriations measure if the following conditions are met: (1) the CHIMP would increase budget authority in at least 1 of the 9 years after the budget year and over the 10-year budget window; (2) the CHIMP would increase net outlays over the 9 years following the budget year; and (3) the sum of all such CHIMPs in the measure would increase net outlays over the 9 years after the budget year. NOTE: Provisions enacted in each of the 3 years prior to the budget year are exempted.*

2010 Budget Resolution (S. Con. Res. 13, 111th Congress):

- **404(a) - Short-Term Deficits.** Prohibits consideration of legislation (except appropriations bills) that would cause a net increase in the deficit in excess of \$10 billion in any year in the 10-year budget window unless the legislation is fully offset over the same period.

2016 Budget Resolution (S. Con. Res. 11, 114th Congress):

- **3101 - Long-Term Deficits.** Prohibits consideration of legislation that would cause a net increase in the on-budget deficit in excess of \$5 billion in any of the four 10-year periods beyond the current window.

2018 Budget Resolution (H. Con. Res. 71, 115th Congress):

- **4102(b) - CHIMPs in Appropriations Acts.** Prohibits consideration of any measure providing full-year appropriations that would cause the absolute value of the total budget authority of certain CHIMPs enacted in 2020 to exceed \$15 billion.
- **4106 - Senate Pay-As-You-Go.** Prohibits consideration of direct spending or revenue legislation that would cause or increase an on-budget deficit over the current year, the budget year, or the current year plus the periods covered by the budget resolution.
- **4112(e) - Emergency Designation.** Permits any Senator to strike any

emergency designation made pursuant to the 2018 budget resolution.*

Bipartisan Budget Act of 2019:

- **206(a) – Advance Appropriations.** Prohibits advance appropriations for 2020 or 2021 except for certain accounts.*
- **207(b) – CHIMPs in Appropriations Acts.** Prohibits consideration of any measure providing full-year appropriations that would cause the absolute value of the total budget authority of certain CHIMPs enacted in 2021 to exceed \$15 billion.
- **208(a) – Designation of Funds for Overseas Contingency Operations.** Permits any Senator to strike a designation of overseas contingency operations spending for 2020 or 2021.*

POINTS OF ORDER APPLICABLE ONLY TO BUDGET RESOLUTIONS AND RECONCILIATION BILLS

Congressional Budget Act of 1974:

- **301(g) - Assumptions.** Prohibits more than one set of economic and technical assumptions in a budget resolution (50 votes needed to waive).
- **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 consideration of non-germane amendments to a budget resolution or reconciliation bill.
- **305(c)(4) - Germaneness/Disagreement between Houses.** Prohibits consideration of non-germane amendments to amendments reported in disagreement between the House and the Senate.
- **305(d) - Mathematical Consistency.** Prohibits a vote on the adoption of a budget resolution unless the figures in the resolution are mathematically consistent (50 votes needed to waive).
- **310(d)(2) - Noncompliance.** Prohibits consideration of amendments to reconciliation legislation that, on net, would increase the deficit relative to the applicable reconciliation instructions. NOTE: A motion to strike, regardless of its budgetary effect, is in order.
- **310(g) - Social Security.** Prohibits consideration of reconciliation legislation that contains changes to the Old-Age and Survivor's Insurance program and Disability Insurance program.
- **312(b) – Statutory Discretionary Spending Caps.** Prohibits

consideration of a measure that would cause spending to exceed statutory discretionary limits. A similar point of order exists under section 314(f).

- **313(b) - Byrd Rule.** Prohibits consideration of extraneous provisions in reconciliation legislation.*