303(c) - No Budget—No Appropriations. Prohibits consideration of any appropriations legislation for 2019 or later years until a budget for each of those years has been agreed to and a 302(a) allocation to the Appropriations Committee has been made. ✖

306 - Budget Committee Jurisdiction. Prohibits consideration of any legislation within the jurisdiction of the Budget Committee that has not been reported or discharged from the Budget Committee. ⊗

311(a)(2) - Spending and Revenue Aggregates. Prohibits consideration of legislation that would exceed the enforceable levels of total spending (budget authority and outlays) for 2018 and 2019; and prohibits consideration of legislation that would cause total revenues to fall below enforceable levels for 2018, 2019, the total for 2019-2023, or the total for 2019-2028. ⊗

311(a)(3) - Social Security Aggregates. Prohibits consideration of legislation that would reduce the difference between Social Security's total off-budget receipts and total off-budget outlays relative to enforceable levels for 2018, 2019, the total for 2019-2023, or the total for 2019-2028. ⊗

312(b) - Statutory Discretionary Spending Caps. Prohibits consideration of a measure that would cause spending to exceed the discretionary limits in section 251(c) of the Balanced Budget and Emergency Deficit Reduction Act of 1985 (BBEDCA). NOTE: A similar point of order exists under section 314(f). [2] ⊗

314(e) - Emergency Designation. Permits any Senator to strike an emergency designation in an appropriations bill made pursuant to section 251(b)(2)(A)(i) of BBEDCA. [3] ✚

314(f) - Statutory Discretionary Spending Caps. Prohibits consideration of a measure that would cause budget authority for any year to exceed the discretionary limits set forth in section 251(c), as revised by section 251A, of BBEDCA, as amended. NOTE: A similar point of order exists under section 312(b). [2] ⊗

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. ✖

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. ✖

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 ($80 million in 2018; $82 million in 2019) for the current year (2018), the budget year (2019), or any of the following four fiscal years. ⊗

Point of order applicable to all legislation under 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 section 4(g) of S-PAYGO. [3] ✚

Point of order applicable to all legislation under the following section of S Con Res 70, the 2009 budget resolution (110th Congress):

314 - CHIMPS with Net Costs. Prohibits consideration of any appropriations measures that includes changes in mandatory programs (CHIMPS) that would have been scored as mandatory in any other legislation, if all of the following conditions are met: It would increase budget authority in at least 1 of the 9 years after the budget year (2019) and over the total of the 10 years (2019-2028); it would increase net outlays over the 9 years following the budget year (2020-2028); AND the sum of all such provisions would increase net outlays over those 9 years (2020-2028). EXEMPTION: Not applicable to any provision enacted in each of the 3 years prior to the budget year (2019). ✚

Points of order applicable to all legislation under the following sections of S Con Res 13, the 2010 budget resolution (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 during 2019-2028 unless it is fully offset over the same period. ⊗

405(a) - Surface Transportation Funding. Prohibits consideration of legislation that extends the authority of 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. ⊗

Point of order applicable to all legislation under the following sections of S Con Res 11, the 2016 budget resolution (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. ⊗

Points of order applicable to all legislation under H Con Res 71, the 2018 budget resolution (115th Congress):

4101(a) - Advance Appropriations. Prohibits advance appropriations for 2019 except for certain accounts. ⊗

4102(b) - CHIMPS in Appropriations Acts. Prohibits consideration of any measure providing full-year appropriations that includes CHIMPS that, if enacted, would cause the absolute value of the total budget authority of certain CHIMPS enacted in 2019 to be more than $15 billion. ⊗

4103(b) - Changes to Crime Victims Fund CHIMP. Prohibits consideration of a provision containing a CHIMP affecting the Crime Victims Fund that, if enacted, would cause the absolute value of the total budget authority of all CHIMPS affecting the Crime Victims Fund in relation to 2018 to be more than $11.224 billion. ✚

4104(a) - Designation of Funds for Overseas Contingency Operations. Permits any Senator to strike a designation of overseas contingency spending for fiscal year 2018 designated in accordance with section 251(b)(2)(A) of BBEDCA. ✚

4106 - Senate Pay-As-You-Go. Prohibits consideration of direct spending or revenue legislation that would cause or increase an on-budget deficit for 2018, 2019, the sum of 2018-2023, or the sum of 2018-2028. ⊗

4112(e) - Emergency Designation. Permits any Senator to strike any emergency designation made pursuant to section 4112(a) of the 2018 budget resolution. [3] ✚

Points of order applicable only to consideration of budget resolutions or reconciliation bills under the following sections of the Congressional Budget Act of 1974:

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 consideration of non-germane amendments to a budget resolution and, by cross reference in section 310(e), to reconciliation legislation. Germaneness is determined on a case-by-case basis. ⊗

305(c)(4) - Germaneness/Disagreement between Houses. Prohibits 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 unless the figures in the resolution are 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 instructions. 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 to title II of the Social Security Act (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 the discretionary limits in section 251(c) of BBEDCA. NOTE: A similar point of order exists under section 314(f). [2] ⊗

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

ENDNOTES

[1] Waiving Points of Order. Section 904 of the Congressional Budget Act permits any Senator to offer a motion to waive one or more applicable points of order found in titles III and IV of the act. Points of order created in prior budget resolutions or another statute (e.g., S-PAYGO) usually contain their own provisions for waiving those points of order.

[2] Discretionary Spending Caps. The point of order in section 312(b) applies to bills and "resolutions," which the Senate Parliamentarian has interpreted to include concurrent budget resolutions. The point of order in section 314(f) applies to bills and "joint resolutions"— a specificity that the Senate Parliamentarian has determined does not include budget resolutions.

[3] Emergencies. There are three separate emergency designations available in budget law, each of which exempts the provision in question from a specific enforcement regime.

a) Section 251(b)(2)(A)(i) of BBEDCA exempts discretionary spending from most level-related discipline. Strike this designation using section 314(e) of the Congressional Budget Act.
b) Section 4(g)(1)of S-PAYGO exempts the cost (or savings) of direct spending or revenue measures from the S-PAYGO scorecards maintained by OMB, which are used to determine a sequester of direct spending. Strike this designation using section 4(g)(3) of S-PAYGO.
c) Section 4112(a) of the 2010 budget resolution exempts most spending (discretionary or mandatory) and revenue provisions from most level-related discipline. Strike this designation using section 4112(e) of H Con Res 71.

Raising or moving to waive a point of order on an emergency designation must reference the appropriate section(s) of budget law.

U.S. SENATE COMMITTEE ON THE BUDGET
MIKE ENZI | CHAIRMAN
@BUDGETGOP

May 2018

POINTS OF ORDER IN THE SENATE FOR ENFORCING BUDGETARY LEVELS

✖ Denotes point of order that may be waived by a simple majority of Members voting if a quorum is present. If the point of order is sustained, the offending measure is sent to the committee of jurisdiction. [1]

⊗ Denotes point of order that may be waived by three-fifths of Members duly chosen and sworn. If the point of order is sustained, the offending measure is sent to the committee of jurisdiction. [1]

✚ Denotes "surgical" point of order. If the point of order is sustained, the offending provision(s) is struck, but the rest of the legislative text remains pending. [1]

NOTE: All years are fiscal years.

Points of order applicable to all legislation under the following sections of the 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 302(b) subcommittee allocations. ⊗

302(f)(2) - Allocations to Committees. Prohibits consideration of legislation that exceeds an authorizing committee's 302(a) allocation of budget authority and outlays for 2018, 2019, the total for 2019-2023, or the total for 2019-2028; and prohibits consideration of legislation that exceeds each Appropriations subcommittee's 302(b) sub-allocation of budget authority and outlays for the revised security and non-security categories for 2018 or 2019. ⊗

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. ✖