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Budget Background & Procedures

On March 9, 2005, the Senate Budget Committee began to mark up its Fiscal Year 2006 Budget. During the week of March 14, Chairman Gregg anticipates bringing the FY06 Budget Resolution to the Senate floor (though it is possible floor debate could begin as early as Friday, March 11). The following overview provides a brief background on the Congressional budget resolution and its relevant procedures.

Background

As Congress's blueprint for federal spending, the budget resolution sets binding limits on discretionary and mandatory spending levels and binding floors for revenue collections. For discretionary spending, the budget resolution allocates overall spending levels to the House and Senate Appropriations Committees through its 302(a) allocations.¹

Enforcement of the budget resolution's provisions are affected through both internal Senate rules as well as statutory limitations. The spending and revenue levels adopted in the resolution are enforced through 60-vote points of order.

The budget resolution may direct authorizing committees to make changes in mandatory spending programs or tax policy through reconciliation instructions. In past resolutions, spending reduction instructions have been directed to the Finance, Agriculture, Commerce, Banking, HELP, and other authorizing committees. Revenue-change instructions have been directed to the Finance Committee.

The reconciliation process is enforced through numerous provisions at both the committee and floor level. Committees failing to adopt legislation meeting the resolution's instructions face the possibility that any Senator could offer a motion to recommit with any adjustment to the reconciliation legislation, if that adjustment would bring the violating committee into compliance. On the floor, reconciliation bills enjoy protected status, including limited debate on the bill and individual amendments, and special points of order against amendments that increase the deficit, amend the Social Security Act, and others. [For a full description of budget and reconciliation rules, see Senate Budget Committee Print 105-67.]

¹ The Appropriations Committee then divides this allocation among its subcommittees through 302(b) allocations.

Procedures

Under the Budget Act of 1974, as amended, a budget resolution is a privileged piece of legislation. It is not subject to filibuster, and debate time is limited to 50 hours, equally divided. However, this does not mean that Republicans have 25 hours for debate and the offering of amendments. As time is used on debate or amendments, remaining time is equally divided as debate proceeds. In addition, votes do not count against this time limit, nor do quorum calls just prior to votes. [For an explanation of Budget Act points of order, see Riddick's Senate Procedure, revised in 1992, pp. 615-618.]

Amendments to the budget resolution must be germane; otherwise, a point of order lies against the amendment, and 60 votes are required to waive the point of order. Germane amendments are those which:

- 1) strike;
- 2) increase or decrease numbers; or
- 3) add language that restricts some power in the resolution.

Debate on first-degree amendments is limited to two hours, one hour to proponents and one hour to opponents. Debate on second-degree amendments is limited to one hour, 30 minutes to proponents and 30 minutes to opponents. All debate time on a first-degree amendment must be used or yielded back before a second-degree amendment can be offered.

No debate is allowed on a point of order made against any amendment under the Budget Act. If a Senator wishes to debate the point of order, he or she must move to waive the Budget Act. Debate on any motion to waive a point of order is limited to one hour, equally divided. Amendments can be offered at any time.