

**Points of Order**  
**Applicable to All Legislation**

**302(c)**

**Appropriations:** Prohibits consideration of spending legislation from the Appropriations Committee until the committee files its spending suballocations pursuant to section 302(b).

**302(f)**

**Allocations:** Prohibits consideration of legislation that exceeds committee's section 302(a) allocation (or in the case of the Appropriations Committee, the 302(b) allocation) for the 1st FY, and the sum of all FYs covered in the most recent budget resolution.

**303(a)**

**Spending, Revenue, or Debt Legislation:** Prohibits consideration of any new spending, revenue, or debt legislation for a fiscal year until the budget resolution for that year has been agreed to. Sec. 403 (H. Con. Res. 95, 109th Congress) provides notwithstanding language in Sec. 303, the year covered by budget resolution shall be construed as the upcoming FY only. Reconciliation bills are exempt.

**303(c)**

**Appropriations:** Prohibits consideration of any appropriations legislation until the budget resolution has been agreed to and a section 302(a) allocation has been made to the Appropriations Committee. Exception: does not apply to making of advance appropriations for the 1st or 2nd fiscal year after the year for which the 302(a) allocation has been made.

**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

would breach (i) the aggregate spending levels in the budget resolution for the first FY covered by the resolution; or (ii) the revenue levels in the budget resolution for the first FY covered and for the total of all FYs covered for which section 302(a) allocations are made.

**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 the first FY and for the total of all FYs covered for which section 302(a) allocations are made.

**401(a)**

*Prohibits consideration of legislation providing new contract authority, borrowing authority, or credit authority not limited to amounts provided in appropriations acts.*

**401(b)**

*Prohibits consideration of legislation providing new entitlement authority that is to become effective during the current fiscal year.*

**425(a)(1)**

**Unfunded Mandates:** Prohibits consideration of any committee-reported legislation, except reconciliation bills, unless the CBO federal mandates estimate has been printed in the committee report or the Congressional Record.

**425(a)(2)**

**Unfunded Mandates:** Prohibits consideration of any legislation that contains an intergovernmental mandate in excess of the statutory limit (\$50 million/year, as adjusted for inflation; currently \$62 million for FY '05) for the first FY or any of the following four FYs, Reconciliation bills are exempt.

**401(b)**

**(of H. Con. Res. 95 the FY 2006 Budget Res)**  
**Advance Appropriations:** prohibits the consideration of advance appropriations, except those provided for FY2007-FY2008 for

specified accounts, which in total cannot exceed \$23.158 billion.

#### **402(b)(5)**

(of H. Con. Res. 95 the FY 2006 Rudget Res)  
**Emergency Legislation:** Permits Senators to eliminate an “emergency designation” set out in any legislation. Exception: not available with respect to discretionary spending for defense.

#### **404(c)**

(of H. Con. Res. 95 the FY 2006 Rudget Res)  
**Discretionary Caps:** Prohibits the consideration of a measure or provisions that would exceed any of the discretionary limits (FY2006-FY2008) specified in this section.

#### **407(b)**

(of H. Con. Res. 95 the FY 2006 Rudget Res)  
**Long-term Spending:** Prohibits consideration of a measure that would cause a net increase in direct spending in excess of \$5 billion in any of the four 10-year periods beginning in 2016-2055. Reconciliation bills are exempt.

#### **505**

(of H. Con. Res. 95 the FY 2004 Rudget Res)  
**Pay-as-you-go:** Prohibits consideration of legislation that would cause or increase the on-budget deficit for the first FY, the sum of years 1-5, or the sum of years 6-10 beyond the level of deficit increases, if any, assumed in the most recent budget resolution for those years.

#### *310(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 per se germane if it: (i) changes numbers; (ii) changes dates; (iii) is a motion to strike. Other amendments determined on a case-by-case basis. See section 204 (H.Con.Res. 290, FY '01); amendment is not germane if it contains predominately precatory language.

#### **305(c)(4)**

**Germaneness:** 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 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**

**The Byrd Rule:** Prohibits consideration of extraneous provisions in reconciliation legislation.

All points of order set out in **bold type** require the affirmative vote of 3/5ths of the members duly chosen and sworn in order to waive the Budget Act or to prevail on an appeal of the ruling of the Chair pursuant to section 904(c) or section 904(d) of the Budget Act.

All other points of order require a simple majority for a waiver or appeal.