

**Deficit Control Act of 1985 upon a point of order<sup>19</sup> being made by any**

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<sup>17</sup>(...continued)

## RECONCILIATION QUESTIONS

Mr. SASSER. Mr. President. The distinguished Republican leader gave notice yesterday of his intent to propound four parliamentary inquiries of the Chair regarding the reconciliation process pursuant to the Congressional Budget Act of 1974. I rise today to address these inquiries from the perspective of the Committee on the Budget.

. . . .

Mr. President, the distinguished Republican Leader asked a second question, and it was this:

“Can the Byrd rule, the extraneous rule, be used to attack the House language on capital gains?” That was the question.

We in the Committee on the Budget would submit that the answer to that is yes. The Byrd rule, by its term[s], applies to a “reconciliation bill.” If the Senate were to take up the House-reported reconciliation bill, it would be considering a “reconciliation bill” pursuant to the Byrd rule.

The procedures regarding reconciliation would apply, including that debate would be limited to 20 hours, that no amendment that is not germane would be received, and that the bill would be out of order if it proposed changes in Social Security.

Likewise, the Byrd rule on what is extraneous would apply. Otherwise, the Senate would be forced to take up a measure to which the Senate’s own rules would not apply. Clearly, a gigantic loophole would be created and the result would be unacceptable, in that the Senate’s own rules could not be used to determine its actions.

Mr. President, what is the effect of a Byrd rule point of order against a provision in the House bill? The text of Senate Resolution 509 from the second session of the 99th Congress, I think, provides some guidance. The effect would be just the same as if the Senate had adopted an amendment striking the offending provision. This is, after all, the effect of the Byrd rule on provisions of Senate reported reconciliation bills.

135 CONG. REC. S12,589 (daily ed. Oct. 4, 1989) (statement of Budget Committee Chairman Sasser). (The Republican leader never propounded of the Chair the inquiries that he said he would.) The Budget Enforcement Act incorporated the Senate Resolution to which the Chairman referred as subsection (d) of this section. *See infra* pp. 24-26.

<sup>18</sup> Section 258C provides for a special fast-track reconciliation procedure as a substitute for sequestration. Section 13214(a)(1)(B) of the Budget Enforcement Act inserted the reference “or section 258C of the Balanced Budget and Emergency Deficit Control Act of 1985.”

<sup>19</sup> Congressional Budget Act prohibitions are not self-enforcing, and require points of order from the floor for their enforcement.