



UNRIG THE RULES

EXPLAINER

**CONGRESSIONAL
PROGRESSIVE
CAUCUS CENTER**

Amendments to the FY 2021 Budget Resolution

Last Updated: February 5, 2021

At 5:23 am on February 5, the Senate passed an amended budget resolution for FY 2021 on a 51-50 vote (Vice President Harris broke the tie). This sets the parameters for a COVID-19 relief package to pass through budget reconciliation. Dozens of amendments were voted on, but the important part of the budget resolution - the reconciliation instructions - did not change.

The text of the Senate-passed resolution is available at

<https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117sconres5eas.pdf>

An explainer on the reconciliation instructions is available at

<https://www.progressivecaucuscenter.org/s/Reconciliation-Instructions.pdf>

An explainer on the broader reconciliation process is available at

<https://www.progressivecaucuscenter.org/s/Overcoming-the-Filibuster-Through-Budget-Reconciliation.pdf>

Deficit-Neutral Reserve Funds

All adopted amendments took the form of (or adjusted) deficit-neutral reserve funds (DNRFs). Deficit-neutral reserve funds have little practical policy impact and are in no way binding. Creation of a reserve fund simply means the Budget Committee can shift the budget levels for program areas to accommodate relevant legislation as long as the legislation does not add to the deficit. (This prevents a possible budget point of order down the road.) In practice, this is almost never applicable. Moreover, any legislation is generally still subject to potential filibuster (and 60-vote threshold) in the Senate unless it is passing under budget reconciliation. DNRFs should be treated as the equivalent of the Sense of the Senate. Nevertheless, legislators and the press can misleadingly characterize DNRFs as having real legislative impact.

While a substitute amendment from Majority Leader Chuck Schumer removed some politically controversial language, that language was already non-binding on what the House and Senate could ultimately include in reconciliation legislation.

Budget Amendments Adopted

The Senate adopted 16 DNRF amendments by roll call vote and one DNRF amendment by voice vote. However, a few of those amendments were removed by a final substitute amendment offered by Senate Majority Leader Chuck Schumer. Amendments affected by the substitute amendment are noted below.

No amendments altered the budget reconciliation instructions themselves.

Sponsor	Purpose	Vote
Schumer (D-NY)	Removed the DNRFs relating to prohibiting survival checks going to tax-paying undocumented immigrants, supporting fracking, and supporting the Keystone pipeline	51-50 (VP broke tie)
Ernst (R-IA)	DNRf relating to prohibiting the minimum wage from doubling during the pandemic ¹	Voice vote
Capito (R-WV)	DNRf relating to preserving the continued implementation of the consistent, clear, and functional categories and exclusions of jurisdictional waters in the Navigable Waters Protection Rule	51-49
Lankford (R-OK)	DNRf relating to federal relief funds for state or local governments	51-49
Daines (R-MT)	DNRf relating to the improvement of relations between the United States and Canada with regard to the Keystone XL Pipeline entering the United States in Phillips County, Montana Removed by Schumer Amendment	52-48
Lee (R-UT)	DNRf relating to expanding health savings accounts	53-47
Braun (R-IN)	DNRf relating to prohibiting the Council on Environmental Quality and the Environmental Protection Agency from promulgating rules or guidance that bans hydraulic fracturing in the United States Removed by Schumer Amendment	57-43
Young (R-IN)	DNRf relating to preventing legislation that would allow undocumented immigrants to receive Economic Impact Payments or any other similar direct, tax-based temporary financial assistance Removed by Schumer Amendment	58-42
Romney (R-UT)	DNRf relating to creating bipartisan congressional committees to improve the solvency of major Federal trust funds	71-29

¹ President Biden's proposal would raise the federal minimum wage gradually, reaching \$15/hour in 2025. This amendment, while framed differently, was not actually in conflict in the President's proposal.

Sponsor	Purpose	Vote
Wicker (R-MS)	DNRF relating to establishing a fund to provide grants to food service and drinking establishments affected by the COVID-19 pandemic	90-10
Inhofe (R-OK)	DNRF relating to maintaining the United States Embassy in Jerusalem, Israel	97-3
Barrasso (R-WY)	DNRF relating to supporting elementary and secondary schools in States with lost revenue due to the Federal moratorium on oil and natural gas leasing on public lands and offshore waters	98-2
Collins (R-ME)	DNRF relating to strengthening the Provider Relief Fund, including a 20 percent set aside for rural hospitals	99-1
Manchin (D-WV)	DNRF relating to targeting economic impact payments to Americans who are suffering from the effects of COVID-19, including provisions to ensure upper-income taxpayers are not eligible	99-1
Cardin (D-MD)	DNRF relating to COVID-19 vaccine administration and a public awareness campaign	100-0
Cornyn (R-TX)	DNRF relating to funding the police	100-0
Rubio (R-FL)	DNRF relating to prohibiting legislation that would increase taxes on small businesses during any period in which a national emergency has been declared with respect to a pandemic	100-0
Shaheen (R-NH)	DNRF relating to improving services and interventions relating to sexual assault, family violence, domestic violence, dating violence, and child abuse	100-0

Amending the Senate-Passed Budget Resolution

The House could theoretically amend the Senate-passed budget resolution but not without delaying work on the COVID-19 relief package. If the House changes the resolution at all, the resolution has to go back to the Senate, which is on recess until Monday and is starting the impeachment trial for former President Trump on Tuesday.

The only difference from the House-passed budget resolution is the addition of deficit-neutral reserve funds that, as explained above, have little policy impact.