



Reconciliation in the Senate

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While reconciliation bills must move through congressional committees and the House of Representatives, the Senate floor is where the process gets interesting. Here are key things to watch as reconciliation legislation moves through the Senate:

Before the Floor Debate

Before floor debate even starts, reconciliation legislation undergoes a process known as the **Byrd Bath**. The Senate Parliamentarian advises whether each provision included in the reconciliation bill complies with the [Byrd Rule](#). If the Senate Parliamentarian advises that a provision does not comply, the provision is typically removed—either preemptively before the bill reaches the floor, by floor amendment, or by point of order. Provisions that do not survive the scrutiny of the Senate Parliamentarian are known as **Byrd Droppings**.¹

Floor Debate

Unlike most Senate bills, the debate time on a reconciliation bill is fixed at 20 hours. This is why there's no opportunity for a filibuster. The clock starts once the Senate proceeds to the reconciliation bill. Once the time is up, the Senate can only add additional debate time by unanimous consent. Otherwise, it is only in order to consider amendments and (once the Senate runs out of amendments to offer) a vote on final passage.

Byrd Droppings on the Senate Floor

If the Parliamentarian advises against a provision but it's kept in the bill, that provision can (and likely will) be subject to a **point of order** during floor debate. A Senator can move to waive that point of order (and keep the provision in) after a ruling by the Presiding Officer. Waiving a Byrd Rule point of order requires 60 Senators to vote in favor—effectively no easier than advancing the provision as a standalone bill subject to filibuster. If a point of order is raised against a provision, sustained by the Presiding Officer, and not waived, the individual provision is stricken from the bill, but consideration of the rest of the bill can continue.

Note: While the Senate Parliamentarian advises whether a provision violates the Byrd Rule, the Senate's Presiding Officer theoretically has discretion to ignore the Parliamentarian. Such a decision could itself be subject to a point of order and could

¹ As a part of this process, the Senate Budget Committee is required to produce for the record a list of provisions that the Parliamentarian has determined violate the Byrd Rule. This list, however, is not considered to be the ruling of the Presiding Officer.

only be overturned by an affirmative vote of 60 Senators.² Ignoring the advice of the Parliamentarian, however, would be a serious break with historical precedent and has never occurred during consideration of any previous reconciliation bill.

Floor Amendments

While debate time is limited to 20 hours, there is no limit to the number of amendments that can be offered. This sets up a **vote-a-rama** where the Senate votes on amendment after amendment with minimal intervening debate.

The amendments offered must be germane and cannot violate the Byrd Rule. With the exception of amendments to strike specific provisions, the Congressional Budget Act does not allow for the consideration of any amendments that would cause a committee to increase the deficit by more (or reduce the deficit by less) than the committee's reconciliation instructions in the budget resolution. Unlike most amendments offered during consideration of the budget resolution, the amendments to a reconciliation bill are likely to be substantive and have the potential to change major parts of the bill. Amendments take a simple majority to pass.³

The majority party often offers a **manager's amendment** with technical adjustments and last-minute changes to the bill agreed on by the bill's supporters. This manager's amendment faces the same restrictions as other amendments.

Passage

Once no more amendments are offered, the Senate votes on passage of the bill. Passage requires a simple majority. Unlike other bills or nominations, there is no cloture vote before passage.

After Senate Passage

Once the Senate passes the bill, the House has the option of passing the Senate bill as-is or, if it so chooses, requesting a conference with the Senate to resolve differences. Provisions in the **conference report** are not supposed to extend beyond provisions that passed in either the House or Senate. Conference reports are privileged and cannot be amended, but provisions can still be stricken if they violate the Byrd Rule.⁴ Once the House and Senate pass the same version of the reconciliation bill, the final bill goes to the President for his signature so that it can become law.

² In practice, because the reconciliation process allows for unlimited amendments, it would require the support of 50 Senators plus the Vice President to ensure such a provision remained in the bill. This is because, even after 60 Senators did not vote to overturn the Presiding Officer's decision, the objecting Senators could follow up by offering an amendment to strip the offending provision from the bill. Passing that amendment takes a simple majority.

³ The Vice President can break a tie in the Senate on both amendments and final passage.

⁴ In 1993, a previous Senate Parliamentarian [advised](#) that it was impossible to apply to conference reports the Byrd Rule's requirement that a change in expenditures or revenues must comply with specific committees' reconciliation instructions.