



# Committee On Finance

Max Baucus, Ranking Member

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## **Baucus Expresses Concern of Undermining Byrd Rule; Calls for Responsible Level of Economic Stimulus**

### **Excerpt of Floor Statement of Senator Max Baucus**

"Mr. President, so often Members of Congress, the President of the United States, and members of the press refer to events as historic. The vote we are about to take on the Budget Resolution is one of those events. If this resolution passes, then April 11, 2003 will be included in the history books as the day the Senate relinquished part of its Constitutional purpose and power.

I believe we are at a critical juncture. In 1996, the Senate parliamentarian ruled that the budget resolution's streamlined reconciliation protection could also be used to pass tax cuts that is provisions that increase deficits.

The budget resolution can now include instructions to the Finance Committee to report tax cuts that can be passed in subsequent legislation with only 51 votes in the Senate. That ruling turned the Budget Act on its head. Unfortunately today's parliamentary maneuver goes even further. It turns Senate procedure on its head.

The instructions regarding the tax cut establish new precedents that will expand the power of the House and the leadership of the Senate. The precedents will diminish the power of any individual Senator, the Senate's Committees, and whichever party happens to be in the minority at any given time. Thus, this new budget resolution scheme runs counter to the rules governing Congress since Congress first convened in 1789.

If the chair rules that the instruction to the Senate Finance Committee for the level of an economic stimulus package of \$550 billion -- the House passed level -- then I believe that approval of the budget resolution would eviscerate a significant part of the Byrd Rule.

The Senate would have created a mechanism to, at minimum, eliminate the effect of this Byrd Rule provision in consideration of conference reports. Under this ruling, there would be no basis for stopping further erosion of the Byrd Rule. The drafters could eliminate the use of the Byrd Rule provision by setting a very high instruction number to the Committee, and setting points of order at lower amounts at whatever steps along the way were necessary to command vote sufficient to pass the bill.

If these actions go forward, this ruling will come back to haunt the Senate. It may enhance the Senate's ability to pass bigger tax cuts. It may enhance the Senate's ability to pass larger spending increases. It may do both. But it will not help the Senate to reduce the deficit, which was the purpose of the reconciliation provisions.

I urge every member of this body to fully examine the effects this ruling will have on the Senate and our nation.

It is irresponsible to go forward with this plan and I cannot support the procedural scheme cooked up in this budget. I urge my colleagues to vote against it as well.