

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 1990 AMENDMENT**

Amendment by section 13303(d) of Pub. L. 101-508 applicable with respect to fiscal years beginning on or after Oct. 1, 1990, see section 13306 of Pub. L. 101-508, set out as a note under section 632 of this title.

**EFFECTIVE DATE OF 1985 AMENDMENT**

Amendment by Pub. L. 99-177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99-177, formerly set out as an Effective and Termination Dates note under section 900 of this title prior to repeal by Pub. L. 112-25, title I, §104(a), Aug. 2, 2011, 125 Stat. 246.

**§ 643. Determinations and points of order****(a) Budget Committee determinations**

For purposes of this subchapter and subchapter II, the levels of new budget authority, outlays, direct spending, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable.

**(b) Discretionary spending point of order in Senate****(1) In general**

Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would exceed any of the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901(c)].

**(2) Exceptions**

This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 907a] has been enacted.

**(c) Maximum deficit amount point of order in Senate**

It shall not be in order in the Senate to consider any concurrent resolution on the budget for a fiscal year, or to consider any amendment to that concurrent resolution, or to consider a conference report on that concurrent resolution, if—

- (1) the level of total outlays for the first fiscal year set forth in that concurrent resolution or conference report exceeds; or
- (2) the adoption of that amendment would result in a level of total outlays for that fiscal year that exceeds;

the recommended level of Federal revenues for that fiscal year, by an amount that is greater than the maximum deficit amount, if any, specified in the Balanced Budget and Emergency Deficit Control Act of 1985 for that fiscal year.

**(d) Timing of points of order in Senate**

A point of order under this Act may not be raised against a bill, resolution, amendment, motion, or conference report while an amendment or motion, the adoption of which would

remedy the violation of this Act, is pending before the Senate.

**(e) Points of order in Senate against amendments between Houses**

Each provision of this Act that establishes a point of order against an amendment also establishes a point of order in the Senate against an amendment between the Houses. If a point of order under this Act is raised in the Senate against an amendment between the Houses and the point of order is sustained, the effect shall be the same as if the Senate had disagreed to the amendment.

**(f) Effect of point of order in Senate**

In the Senate, if a point of order under this Act against a bill or resolution is sustained, the Presiding Officer shall then recommit the bill or resolution to the committee of appropriate jurisdiction for further consideration.

(Pub. L. 93-344, title III, §312, as added Pub. L. 101-508, title XIII, §13207(b)(1), Nov. 5, 1990, 104 Stat. 1388-618; amended Pub. L. 105-33, title X, §10113(a), Aug. 5, 1997, 111 Stat. 687.)

**Editorial Notes****REFERENCES IN TEXT**

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, which enacted chapter 20 (§900 et seq.) and sections 654 to 656 of this title, amended sections 602, 622, 631 to 642, and 651 to 653 of this title, sections 1104 to 1106 and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of this title, enacted provisions set out as notes under section 900 of this title and section 911 of Title 42, and amended provisions set out as a note under section 621 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 900 of this title and Tables.

This Act, referred to in subsecs. (d) to (f), means Pub. L. 93-344, July 12, 1974, 88 Stat. 297, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A, and 17B and section 190a-3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, and sections 190b and 190d of this title, repealed sections 571 and 581c-1 of former Title 31 and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a-1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

**AMENDMENTS**

1997—Pub. L. 105-33 amended section catchline and text generally. Prior to amendment, section consisted of subsecs. (a) and (b) and provided that each provision of this Act that established point of order against an amendment also established point of order in Senate against an amendment between Houses and prescribed effect of sustaining point of order against an amendment or bill under this Act.

**§ 644. Extraneous matter in reconciliation legislation****(a) In general**

When the Senate is considering a reconciliation bill or a reconciliation resolution pursu-