

net decreases in OASDI taxes resulting from previous legislation enacted during that fiscal year or any of the previous 4 fiscal years (as estimated at the time of enactment) which are attributable to those portions of the 5-year estimating periods for such previous legislation that fall within the 5-year estimating period for such legislation under consideration, exceeds \$250,000,000, and (C) such legislation under consideration does not provide at least a net decrease, for the 5-year estimating period for such legislation under consideration, in OASDI benefits which, together with net decreases in OASDI benefits resulting from such previous legislation which are attributable to those portions of the 5-year estimating periods for such previous legislation that fall within the 5-year estimating period for such legislation under consideration, equals the amount by which the net decrease derived under subparagraph (B) exceeds \$250,000,000.

“(b) APPLICATION.—In applying paragraph (3) or (4) of subsection (a), any provision of any bill or joint resolution, as reported, or any amendment thereto, or conference report thereon, the effect of which is to provide for a net decrease for any period in taxes described in subsection (c)(2)(A) shall be disregarded if such bill, joint resolution, amendment, or conference report also includes a provision the effect of which is to provide for a net increase of at least an equivalent amount for such period in medicare taxes.

“(c) DEFINITIONS.—For purposes of this subsection:

“(1) The term ‘OASDI benefits’ means the benefits under the old-age, survivors, and disability insurance programs under title II of the Social Security Act [42 U.S.C. 401 et seq.].

“(2) The term ‘OASDI taxes’ means—

“(A) the taxes imposed under sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1986 [26 U.S.C. 1401(a), 3101(a), 3111(a)], and

“(B) the taxes imposed under chapter 1 of such Code [26 U.S.C. 1 et seq.] (to the extent attributable to section 86 of such Code [26 U.S.C. 86]).

“(3) The term ‘medicare taxes’ means the taxes imposed under sections 1401(b), 3101(b), and 3111(b) of the Internal Revenue Code of 1986.

“(4) The term ‘previous legislation’ shall not include legislation enacted before fiscal year 1991.

“(5) The term ‘5-year estimating period’ means, with respect to any legislation, the fiscal year in which such legislation becomes or would become effective and the next 4 fiscal years.

“(6) No provision of any bill or resolution, or any amendment thereto or conference report thereon, involving a change in chapter 1 of the Internal Revenue Code of 1986 shall be treated as affecting the amount of OASDI taxes referred to in paragraph (2)(B) unless such provision changes the income tax treatment of OASDI benefits.”

BALANCED FEDERAL BUDGETS; CONGRESSIONAL BUDGET COMMITTEE REPORTS BY APRIL 15, 1979, 1980, AND 1981, OF BALANCED FISCAL YEAR BUDGETS FOR 1981 AND 1982

Pub. L. 96-5, § 5, Apr. 2, 1979, 93 Stat. 8, which provided that Congress shall balance the Federal budget, that the Budget Committees were to report, by April 15, 1979, a fiscal year budget for 1981 that would be in balance, and also a fiscal year budget for 1982 that would be in balance, and by April 15, 1980, a fiscal year budget for 1981 that would be in balance, and by April 15, 1981, a fiscal year budget for 1982 that would be in balance, and that the Budget Committees were to show the consequences of each budget on each budget function and on the economy, setting forth the effects on revenues, spending, employment, inflation, and national security, was repealed by Pub. L. 97-258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

APPLICATION OF CONGRESSIONAL BUDGET PROCESS TO FISCAL YEAR BEGINNING JULY 1, 1975

Pub. L. 93-344, title IX, § 906, July 12, 1974, 88 Stat. 332, provided for application of provisions of this sub-

chapter and sections 602(f), 651, and 652 of this title with respect to the fiscal year beginning July 1, 1975, to the extent agreed to by the Committees on the Budget of the House of Representatives and the Senate, prior to repeal by Pub. L. 105-33, title X, § 10120(a), Aug. 5, 1997, 111 Stat. 696.

§ 633. Committee allocations

(a) Committee spending allocations

(1) Allocation among committees

The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an allocation, consistent with the resolution recommended in the conference report, of the levels for the first fiscal year of the resolution, for at least each of the ensuing 4 fiscal years, and a total for that period of fiscal years (except in the case of the Committee on Appropriations only for the fiscal year of that resolution) of—

- (A) total new budget authority; and
- (B) total outlays;

among each committee of the House of Representatives or the Senate that has jurisdiction over legislation providing or creating such amounts.

(2) No double counting

In the House of Representatives, any item allocated to one committee may not be allocated to another committee.

(3) Further division of amounts

(A) In the Senate

In the Senate, the amount allocated to the Committee on Appropriations shall be further divided among the categories specified in section 900(c)(4) of this title and shall not exceed the limits for each category set forth in section 901(c) of this title.

(B) In the House

In the House of Representatives, the amounts allocated to each committee for each fiscal year, other than the Committee on Appropriations, shall be further divided between amounts provided or required by law on the date of filing of that conference report and amounts not so provided or required. The amounts allocated to the Committee on Appropriations shall be further divided—

- (i) between discretionary and mandatory amounts or programs, as appropriate; and
- (ii) consistent with the categories specified in section 900(c)(4) of this title.

(4) Amounts not allocated

In the House of Representatives or the Senate, if a committee receives no allocation of new budget authority or outlays, that committee shall be deemed to have received an allocation equal to zero for new budget authority or outlays.

(5) Adjusting allocation of discretionary spending in the House of Representatives

(A) If a concurrent resolution on the budget is not adopted by April 15, the chairman of the Committee on the Budget of the House of Representatives shall submit to the House, as

soon as practicable, an allocation under paragraph (1) to the Committee on Appropriations consistent with the discretionary spending levels in the most recently agreed to concurrent resolution on the budget for the appropriate fiscal year covered by that resolution.

(B) As soon as practicable after an allocation under paragraph (1) is submitted under this section, the Committee on Appropriations shall make suballocations and report those suballocations to the House of Representatives.

(b) Suballocations by Appropriations Committees

As soon as practicable after a concurrent resolution on the budget is agreed to, the Committee on Appropriations of each House (after consulting with the Committee on Appropriations of the other House) shall suballocate each amount allocated to it for the budget year under subsection (a) among its subcommittees. Each Committee on Appropriations shall promptly report to its House suballocations made or revised under this subsection. The Committee on Appropriations of the House of Representatives shall further divide among its subcommittees the divisions made under subsection (a)(3)(B) and promptly report those divisions to the House.

(c) Point of order

After the Committee on Appropriations has received an allocation pursuant to subsection (a) for a fiscal year, it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report within the jurisdiction of that committee providing new budget authority for that fiscal year, until that committee makes the suballocations required by subsection (b).

(d) Subsequent concurrent resolutions

In the case of a concurrent resolution on the budget referred to in section 635 of this title, the allocations under subsection (a) and the subdivisions under subsection (b) shall be required only to the extent necessary to take into account revisions made in the most recently agreed to concurrent resolution on the budget.

(e) Alteration of allocations

At any time after a committee reports the allocations required to be made under subsection (b), such committee may report to its House an alteration of such allocations. Any alteration of such allocations must be consistent with any actions already taken by its House on legislation within the committee's jurisdiction.

(f) Legislation subject to point of order

(1) In the House of Representatives

After the Congress has completed action on a concurrent resolution on the budget for a fiscal year, it shall not be in order in the House of Representatives to consider any bill, joint resolution, or amendment providing new budget authority for any fiscal year, or any conference report on any such bill or joint resolution, if—

(A) the enactment of such bill or resolution as reported;

(B) the adoption and enactment of such amendment; or

(C) the enactment of such bill or resolution in the form recommended in such conference report,

would cause the applicable allocation of new budget authority made under subsection (a) or (b) for the first fiscal year or the total of fiscal years to be exceeded.

(2) In the Senate

After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause—

(A) in the case of any committee except the Committee on Appropriations, the applicable allocation of new budget authority or outlays under subsection (a) for the first fiscal year or the total of fiscal years to be exceeded; or

(B) in the case of the Committee on Appropriations, the applicable suballocation of new budget authority or outlays under subsection (b) to be exceeded.

(g) Pay-as-you-go exception in the House

(1) In general

(A) Subsection (f)(1) and, after April 15, section 634(a) of this title shall not apply to any bill or joint resolution, as reported, amendment thereto, or conference report thereon if, for each fiscal year covered by the most recently agreed to concurrent resolution on the budget—

(i) the enactment of that bill or resolution as reported;

(ii) the adoption and enactment of that amendment; or

(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would not increase the deficit, and, if the sum of any revenue increases provided in legislation already enacted during the current session (when added to revenue increases, if any, in excess of any outlay increase provided by the legislation proposed for consideration) is at least as great as the sum of the amount, if any, by which the aggregate level of Federal revenues should be increased as set forth in that concurrent resolution and the amount, if any, by which revenues are to be increased pursuant to pay-as-you-go procedures under section 632(b)(8) of this title, if included in that concurrent resolution.

(B) Section 642(a) of this title, as that section applies to revenues, shall not apply to any bill, joint resolution, amendment thereto, or conference report thereon if, for each fiscal year covered by the most recently agreed to concurrent resolution on the budget—

(i) the enactment of that bill or resolution as reported;

(ii) the adoption and enactment of that amendment; or

(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would not increase the deficit, and, if the sum of any outlay reductions provided in legisla-

tion already enacted during the current session (when added to outlay reductions, if any, in excess of any revenue reduction provided by the legislation proposed for consideration) is at least as great as the sum of the amount, if any, by which the aggregate level of Federal outlays should be reduced as required by that concurrent resolution and the amount, if any, by which outlays are to be reduced pursuant to pay-as-you-go procedures under section 632(b)(8) of this title, if included in that concurrent resolution.

(2) Revised allocations

(A) As soon as practicable after Congress agrees to a bill or joint resolution that would have been subject to a point of order under subsection (f)(1) but for the exception provided in paragraph (1)(A) or would have been subject to a point of order under section 642(a) of this title but for the exception provided in paragraph (1)(B), the chairman of the Committee on the Budget of the House of Representatives shall file with the House appropriately revised allocations under subsection (a) and revised functional levels and budget aggregates to reflect that bill.

(B) Such revised allocations, functional levels, and budget aggregates shall be considered for the purposes of this Act as allocations, functional levels, and budget aggregates contained in the most recently agreed to concurrent resolution on the budget.

(Pub. L. 93-344, title III, §302, July 12, 1974, 88 Stat. 308; Pub. L. 99-177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1044; Pub. L. 101-508, title XIII, §§13112(a)(6), (7), 13201(b)(2), (3), 13207(a)(1)(A), (B), (2), 13303(c), Nov. 5, 1990, 104 Stat. 1388-608, 1388-614, 1388-617, 1388-618, 1388-625; Pub. L. 105-33, title X, §10106, Aug. 5, 1997, 111 Stat. 680; Pub. L. 113-67, div. A, title I, §122(3), Dec. 26, 2013, 127 Stat. 1175.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (g)(2)(B), 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.

CODIFICATION

Section was formerly classified to section 1323 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

2013—Subsec. (g)(2)(A). Pub. L. 113-67 substituted “Committee on the Budget” for “committee on the Budget”.

1997—Subsec. (a). Pub. L. 105-33, §10106(a), added subsec. (a) and struck out former subsec. (a) which required inclusion of certain allocations to committees of the House of Representatives and of the Senate in the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget.

Subsec. (b). Pub. L. 105-33, §10106(a), added subsec. (b) and struck out former subsec. (b) which required committees of each House to subdivide among their subcommittees the allocations of budget outlays and new budget authority allocated to them in joint explanatory statement accompanying conference report on concurrent resolution on budget and required further subdivisions by subcommittees.

Subsec. (c). Pub. L. 105-33, §10106(b), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report, providing—

“(1) new budget authority for a fiscal year; or

“(2) new spending authority as described in section

651(c)(2) of this title for a fiscal year; within the jurisdiction of any committee which has received an appropriate allocation of such authority pursuant to subsection (a) of this section for such fiscal year, unless and until such committee makes the allocation or subdivisions required by subsection (b) of this section, in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year.”

Subsec. (f)(1). Pub. L. 105-33, §10106(c)(1), substituted “providing new budget authority for any fiscal year” for “providing new budget authority for such fiscal year or new entitlement authority effective during such fiscal year” in introductory provisions and “applicable allocation of new budget authority made under subsection (a) or (b) for the first fiscal year or the total of fiscal years to be exceeded.” for “appropriate allocation made pursuant to subsection (b) of this section for such fiscal year of new discretionary budget authority or new entitlement authority to be exceeded.” in concluding provisions.

Subsec. (f)(2). Pub. L. 105-33, §10106(c)(2), reenacted heading without change and amended text generally. Prior to amendment, text provided that consideration in the Senate was not in order for certain bills, joint resolutions, amendments, motions, or conference reports that provided for budget outlays, new budget authority, or new spending authority in excess of certain allocations.

Subsec. (g). Pub. L. 105-33, §10106(d), amended heading and text of subsec. (g) generally. Prior to amendment, text read as follows: “For purposes of this section, the levels of new budget authority, spending authority as described in section 651(c)(2) of this title, outlays, and new credit authority 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 the case may be.”

1990—Subsec. (a)(1). Pub. L. 101-508, §13201(b)(3)(A), substituted “and total entitlement authority” for “total entitlement authority, and total credit authority”, “or such entitlement authority” for “such entitlement authority, or such credit authority”, and “and entitlement authority” for “entitlement authority, and credit authority”.

Subsec. (a)(2). Pub. L. 101-508, §13303(c)(1), inserted “social security outlays for the fiscal year of the resolution and for each of the 4 succeeding fiscal years,” after “appropriate levels of”.

Pub. L. 101-508, §13201(b)(3)(B), substituted “total budget outlays and total new budget authority” for “total budget outlays, total new budget authority and new credit authority”.

Pub. L. 101-508, §13112(a)(6), struck out “the House of Representatives and” after “among each committee of”.

Subsec. (b)(1)(A). Pub. L. 101-508, §13201(b)(3)(C), substituted “budget outlays and new budget authority” for

“budget outlays, new budget authority, and new credit authority”.

Subsec. (c). Pub. L. 101-508, §13207(a)(1)(A), substituted “bill, joint resolution, amendment, motion, or conference report” for “bill or resolution, or amendment thereto”.

Subsec. (c)(3). Pub. L. 101-508, §13201(b)(3)(D), struck out par. (3) which read as follows: “new credit authority for a fiscal year”.

Subsec. (f)(1). Pub. L. 101-508, §13207(a)(1)(B), inserted “joint” before “resolution” the second and third places appearing in introductory provisions.

Pub. L. 101-508, §13201(b)(3)(E), substituted “year or new entitlement authority effective during such fiscal year,” for “year, new entitlement authority effective during such fiscal year, or new credit authority for such fiscal year,” in introductory provisions and “authority or new entitlement authority” for “authority, new entitlement authority, or new credit authority” in closing provisions.

Subsec. (f)(2). Pub. L. 101-508, §13303(c)(3), inserted three sentences at end beginning with “In applying this paragraph—”.

Pub. L. 101-508, §13303(c)(2), which directed the insertion of “or provides for social security outlays in excess of the appropriate allocation of social security outlays under subsection (a) of this section for the fiscal year of the resolution or for the total of that year and the 4 succeeding fiscal years” before the period, was executed by making the insertion before the period at end of first sentence, as the probable intent of Congress, in view of the applicability of the amendment. See Effective and Termination Dates of 1990 Amendment note below.

Pub. L. 101-508, §13207(a)(2), substituted “outlays, new budget authority, or new spending authority (as defined in section 651(c)(2) of this title)” for “outlays or new budget authority”.

Pub. L. 101-508, §13207(a)(1)(B), substituted “bill, joint resolution, amendment, motion, or conference report” for “bill or resolution (including a conference report thereon), or any amendment to a bill or resolution”.

Pub. L. 101-508, §13201(b)(2), temporarily inserted “or new credit authority” after “new budget authority”. See Effective and Termination Dates of 1990 Amendment note below.

Pub. L. 101-508, §13112(a)(7), inserted “(A)” after “in excess of”, substituted “under subsection (a) of this section, or (B) the appropriate allocation (if any) of such outlays or authority reported under subsection (b) of this section” for “under subsection (b) of this section”, and inserted after first sentence “Subparagraph (A) shall not apply to any bill, resolution, amendment, motion, or conference report that is within the jurisdiction of the Committee on Appropriations.”

1985—Pub. L. 99-177 substituted “Committee allocations” for “Matters to be included in joint statement of managers; reports by committees” in section catchline.

Subsec. (a). Pub. L. 99-177 amended subsec. (a) generally, providing for separate provisions relating to allocations of totals for the House of Representatives and for the Senate, with respect to the joint explanatory statement accompanying the conference report on a concurrent resolution on the budget.

Subsec. (b). Pub. L. 99-177 amended subsec. (b) generally, inserting applicability to new credit authority.

Subsec. (c). Pub. L. 99-177 amended subsec. (c) generally, substituting provisions relating to point of order for provisions relating to subsequent concurrent resolutions.

Subsecs. (d) to (g). Pub. L. 99-177, in amending section generally, added subsecs. (d) to (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES OF 1990 AMENDMENT

Pub. L. 101-508, title XIII, §13201(b)(2), Nov. 5, 1990, 104 Stat. 1388-614, provided that the amendment made by

section 13201(b)(2) is effective Jan. 1, 1991, for fiscal year 1991 only.

Pub. L. 101-508, title XIII, §13201(b)(3), Nov. 5, 1990, 104 Stat. 1388-614, provided that the amendment made by section 13201(b)(3) is effective for fiscal years beginning after Sept. 30, 1991.

Amendment by section 13303(c) 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 an Effective Date of 1990 Amendment 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, except that such amendment, insofar as it relates to subsecs. (c), (f), and (g) of this section, to become effective Apr. 15, 1986, see section 275(a)(1), (2)(A) 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.

§ 634. Concurrent resolution on the budget must be adopted before budget-related legislation is considered

(a) In general

Until the concurrent resolution on the budget for a fiscal year has been agreed to, it shall not be in order in the House of Representatives, with respect to the first fiscal year covered by that resolution, or the Senate, with respect to any fiscal year covered by that resolution, to consider any bill or joint resolution, amendment or motion thereto, or conference report thereon that—

(1) first provides new budget authority for that fiscal year;

(2) first provides an increase or decrease in revenues during that fiscal year;

(3) provides an increase or decrease in the public debt limit to become effective during that fiscal year;

(4) in the Senate only, first provides new entitlement authority for that fiscal year; or

(5) in the Senate only, first provides for an increase or decrease in outlays for that fiscal year.

(b) Exceptions in House

In the House of Representatives, subsection (a) does not apply—

(1)(A) to any bill or joint resolution, as reported, providing advance discretionary new budget authority that first becomes available for the first or second fiscal year after the budget year; or

(B) to any bill or joint resolution, as reported, first increasing or decreasing revenues in a fiscal year following the fiscal year to which the concurrent resolution applies;

(2) after May 15, to any general appropriation bill or amendment thereto; or

(3) to any bill or joint resolution unless it is reported by a committee.

(c) Application to appropriation measures in Senate

(1) In general

Until the concurrent resolution on the budget for a fiscal year has been agreed to and an allocation has been made to the Committee on Appropriations of the Senate under section