

§ 623. Continuing study of additional budget reform proposals

(a) The Committees on the Budget of the House of Representatives and the Senate shall study on a continuing basis proposals designed to improve and facilitate methods of congressional budgetmaking. The proposals to be studied shall include, but are not limited to, proposals for—

(1) improving the information base required for determining the effectiveness of new programs by such means as pilot testing, survey research, and other experimental and analytical techniques;

(2) improving analytical and systematic evaluation of the effectiveness of existing programs;

(3) establishing maximum and minimum time limitations for program authorization; and

(4) developing techniques of human resource accounting and other means of providing non-economic as well as economic evaluation measures.

(b) The Committee on the Budget of each House shall, from time to time, report to its House the results of the study carried on by it under subsection (a), together with its recommendations.

(c) Nothing in this section shall preclude studies to improve the budgetary process by any other committee of the House of Representatives or the Senate or any joint committee of the Congress.

(Pub. L. 93-344, title VII, § 703, July 12, 1974, 88 Stat. 326.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1303 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.

SUBCHAPTER I—CONGRESSIONAL BUDGET PROCESS

§ 631. Timetable

The timetable with respect to the congressional budget process for any fiscal year is as follows:

On or before:	Action to be completed:
First Monday in February.	President submits his budget.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after President submits budget.	Committees submit views and estimates to Budget Committees.
April 1	Senate Budget Committee reports concurrent resolution on the budget.
April 15	Congress completes action on concurrent resolution on the budget.
May 15	Annual appropriation bills may be considered in the House.

On or before:

June 10

June 15

June 30

October 1

Action to be completed:

House Appropriations Committee reports last annual appropriation bill.

Congress completes action on reconciliation legislation.

House completes action on annual appropriation bills.

Fiscal year begins.

(Pub. L. 93-344, title III, § 300, July 12, 1974, 88 Stat. 306; Pub. L. 99-177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1040; Pub. L. 101-508, title XIII, § 13112(a)(4), Nov. 5, 1990, 104 Stat. 1388-608; Pub. L. 105-33, title X, § 10104(a), Aug. 5, 1997, 111 Stat. 679.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1321 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

1997—Pub. L. 105-33 substituted “Not later than 6 weeks after President submits budget” for “February 25”.

1990—Pub. L. 101-508 substituted “First Monday in February” for “First Monday after January 3”.

1985—Pub. L. 99-177 amended section generally. Prior to the amendment the timetable was on or before: November 10—President submits current services budget; 15th day after Congress meets—President submits his budget; March 15—Committees and joint committees submit reports to Budget Committees; April 1—Congressional Budget Office submits reports to Budget Committees; April 15—Budget Committees report first concurrent resolution on the budget to their Houses; May 15—Committees report bills and resolutions authorizing new budget authority; May 15—Congress completes action on first concurrent resolution on the budget; 7th day after Labor Day—Congress completes action on bills and resolutions providing new budget authority and new spending authority; September 15—Congress completes action on second required concurrent resolution on the budget; September 25—Congress completes action on reconciliation bill or resolution, or both, implementing second required concurrent resolution; October 1—Fiscal year begins.

Statutory Notes and Related Subsidiaries

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.

EFFECTIVE DATE

Subchapter applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93-344, formerly set out as a note under section 632 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93-344, formerly set out as an Effective Date note under section 621 of this title.

SENATE BUDGET ENFORCEMENT

Pub. L. 112-25, title I, § 106, Aug. 2, 2011, 125 Stat. 247, provided that:

“(a) IN GENERAL.—

“(1) For the purpose of enforcing the Congressional Budget Act of 1974 [see Short Title note set out under section 621 of this title] through April 15, 2012, including section 300 of that Act [2 U.S.C. 631], and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels set in subsection (b)(1) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2012 with appropriate budgetary levels for fiscal years 2011 and 2013 through 2021.

“(2) For the purpose of enforcing the Congressional Budget Act of 1974 after April 15, 2012, including section 300 of that Act, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels set in subsection (b)(2) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2013 with appropriate budgetary levels for fiscal years 2012 and 2014 through 2022.

“(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—

“(1) As soon as practicable after the date of enactment of this section [Aug. 2, 2011], the Chairman of the Committee on the Budget shall file—

“(A) for the Committee on Appropriations, committee allocations for fiscal years 2011 and 2012 consistent with the discretionary spending limits set forth in this Act [see Short Title of 2011 Amendment note set out under section 900 of this title] for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 [2 U.S.C. 633];

“(B) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2011, 2012, 2012 through 2016, and 2012 through 2021 consistent with the Congressional Budget Office’s March 2011 baseline adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the Congressional Budget Office’s March 2011 baseline, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

“(C) aggregate spending levels for fiscal years 2011 and 2012 and aggregate revenue levels for fiscal years 2011, 2012, 2012 through 2016, 2012 through 2021 consistent with the Congressional Budget Office’s March 2011 baseline adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the Congressional Budget Office’s March 2011 baseline, and the discretionary spending limits set forth in this Act for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 [2 U.S.C. 642]; and

“(D) levels of Social Security revenues and outlays for fiscal years 2011, 2012, 2012 through 2016, and 2012 through 2021 consistent with the Congressional Budget Office’s March 2011 baseline adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the Congressional Budget Office’s March 2011 baseline, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974.

“(2) Not later than April 15, 2012, the Chairman of the Committee on the Budget shall file—

“(A) for the Committee on Appropriations, committee allocations for fiscal years 2012 and 2013 consistent with the discretionary spending limits set forth in this Act for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

“(B) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2012, 2013, 2013 through 2017, and 2013 through 2022 consistent with the Congressional Budget Office’s March 2012 baseline for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

“(C) aggregate spending levels for fiscal years 2012 and 2013 and aggregate revenue levels for fiscal years 2012, 2013, 2013–2017, and 2013–2022 consistent with the Congressional Budget Office’s March 2012

baseline and the discretionary spending limits set forth in this Act for the purpose of enforcing section 311 of the Congressional Budget Act of 1974; and

“(D) levels of Social Security revenues and outlays for fiscal years 2012 and 2013, 2013–2017, and 2013–2022 consistent with the Congressional Budget Office’s March 2012 baseline budget for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974 [2 U.S.C. 633, 642].

“(c) SENATE PAY-AS-YOU-GO SCORECARD.—

“(1) Effective on the date of enactment of this section [Aug. 2, 2011], for the purpose of enforcing section 201 of S. Con. Res. 21 (110th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and revenues for any fiscal year to 0 (zero).

“(2) Not later than April 15, 2012, for the purpose of enforcing section 201 of S. Con. Res. 21 (110th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and revenues for any fiscal year to 0 (zero).

“(3) Upon resetting the Senate paygo scorecard pursuant to paragraph (2), the Chairman shall publish a notification of such action in the Congressional Record.

“(d) FURTHER ADJUSTMENTS.—

“(1) The Chairman of the Committee on the Budget of the Senate may revise any allocations, aggregates, or levels set pursuant to this section to account for any subsequent adjustments to discretionary spending limits made pursuant to this Act.

“(2) With respect to any allocations, aggregates, or levels set or adjustments made pursuant to this section, sections 412 through 414 of S. Con. Res. 13 (111th Congress) shall remain in effect.

“(e) EXPIRATION.—

“(1) Subsections (a)(1), (b)(1), and (c)(1) shall expire if a concurrent resolution on the budget for fiscal year 2012 is agreed to by the Senate and House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974 [2 U.S.C. 632].

“(2) Subsections (a)(2), (b)(2), and (c)(2) shall expire if a concurrent resolution on the budget for fiscal year 2013 is agreed to by the Senate and House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.”

§ 632. Annual adoption of concurrent resolution on the budget

(a) Content of concurrent resolution on the budget

On or before April 15 of each year, the Congress shall complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year. The concurrent resolution shall set forth appropriate levels for the fiscal year beginning on October 1 of such year and for at least each of the 4 ensuing fiscal years for the following—

(1) totals of new budget authority and outlays;

(2) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(3) the surplus or deficit in the budget;

(4) new budget authority and outlays for each major functional category, based on allocations of the total levels set forth pursuant to paragraph (1);

(5) the public debt;

(6) for purposes of Senate enforcement under this subchapter, outlays of the old-age, survivors, and disability insurance program es-

tablished under title II of the Social Security Act [42 U.S.C. 401 et seq.] for the fiscal year of the resolution and for each of the 4 succeeding fiscal years; and

(7) for purposes of Senate enforcement under this subchapter, revenues of the old-age, survivors, and disability insurance program established under title II of the Social Security Act (and the related provisions of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.]) for the fiscal year of the resolution and for each of the 4 succeeding fiscal years.

The concurrent resolution shall not include the outlays and revenue totals of the old-age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this subchapter.

(b) Additional matters in concurrent resolution

The concurrent resolution on the budget may—

(1) set forth, if required by subsection (f), the calendar year in which, in the opinion of the Congress, the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 [15 U.S.C. 1022a(b)] should be achieved;

(2) include reconciliation directives described in section 641 of this title;

(3) require a procedure under which all or certain bills or resolutions providing new budget authority or new entitlement authority for such fiscal year shall not be enrolled until the Congress has completed action on any reconciliation bill or reconciliation resolution or both required by such concurrent resolution to be reported in accordance with section 641(b) of this title;

(4) set forth such other matters, and require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act;

(5) include a heading entitled “Debt Increase as Measure of Deficit” in which the concurrent resolution shall set forth the amounts by which the debt subject to limit (in section 3101 of title 31) has increased or would increase in each of the relevant fiscal years;

(6) include a heading entitled “Display of Federal Retirement Trust Fund Balances” in which the concurrent resolution shall set forth the balances of the Federal retirement trust funds;

(7) set forth procedures in the Senate whereby committee allocations, aggregates, and other levels can be revised for legislation if that legislation would not increase the deficit, or would not increase the deficit when taken with other legislation enacted after the adoption of the resolution, for the first fiscal year or the total period of fiscal years covered by the resolution;

(8) set forth procedures to effectuate pay-as-you-go in the House of Representatives; and

(9) set forth direct loan obligation and primary loan guarantee commitment levels.

(c) Consideration of procedures or matters which have effect of changing any rule of House

If the Committee on the Budget of the House of Representatives reports any concurrent resolution on the budget which includes any procedure or matter which has the effect of changing any rule of the House of Representatives, such concurrent resolution shall then be referred to the Committee on Rules with instructions to report it within five calendar days (not counting any day on which the House is not in session). The Committee on Rules shall have jurisdiction to report any concurrent resolution referred to it under this paragraph with an amendment or amendments changing or striking out any such procedure or matter.

(d) Views and estimates of other committees

Within 6 weeks after the President submits a budget under section 1105(a) of title 31, or at such time as may be requested by the Committee on the Budget, each committee of the House of Representatives having legislative jurisdiction shall submit to the Committee on the Budget of the House and each committee of the Senate having legislative jurisdiction shall submit to the Committee on the Budget of the Senate its views and estimates (as determined by the committee making such submission) with respect to all matters set forth in subsections (a) and (b) which relate to matters within the jurisdiction or functions of such committee. The Joint Economic Committee shall submit to the Committees on the Budget of both Houses its recommendations as to the fiscal policy appropriate to the goals of the Employment Act of 1946 [15 U.S.C. 1021 et seq.]. Any other committee of the House of Representatives or the Senate may submit to the Committee on the Budget of its House, and any joint committee of the Congress may submit to the Committees on the Budget of both Houses, its views and estimates with respect to all matters set forth in subsections (a) and (b) which relate to matters within its jurisdiction or functions. Any Committee¹ of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.

(e) Hearings and report

(1) In general

In developing the concurrent resolution on the budget referred to in subsection (a) for each fiscal year, the Committee on the Budget of each House shall hold hearings and shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general

¹ So in original. Probably should not be capitalized.

public, and national organizations as the committee deems desirable. Each of the recommendations as to short-term and medium-term goals set forth in the report submitted by the members of the Joint Economic Committee under subsection (d) may be considered by the Committee on the Budget of each House as part of its consideration of such concurrent resolution, and its report may reflect its views thereon, including its views on how the estimates of revenues and levels of budget authority and outlays set forth in such concurrent resolution are designed to achieve any goals it is recommending.

(2) Required contents of report

The report accompanying the resolution shall include—

(A) a comparison of the levels of total new budget authority, total outlays, total revenues, and the surplus or deficit for each fiscal year set forth in the resolution with those requested in the budget submitted by the President;

(B) with respect to each major functional category, an estimate of total new budget authority and total outlays, with the estimates divided between discretionary and mandatory amounts;

(C) the economic assumptions that underlie each of the matters set forth in the resolution and any alternative economic assumptions and objectives the committee considered;

(D) information, data, and comparisons indicating the manner in which, and the basis on which, the committee determined each of the matters set forth in the resolution;

(E) the estimated levels of tax expenditures (the tax expenditures budget) by major items and functional categories for the President's budget and in the resolution; and

(F) allocations described in section 633(a) of this title.

(3) Additional contents of report

The report accompanying the resolution may include—

(A) a statement of any significant changes in the proposed levels of Federal assistance to State and local governments;

(B) an allocation of the level of Federal revenues recommended in the resolution among the major sources of such revenues;

(C) information, data, and comparisons on the share of total Federal budget outlays and of gross domestic product devoted to investment in the budget submitted by the President and in the resolution;

(D) the assumed levels of budget authority and outlays for public buildings, with a division between amounts for construction and repair and for rental payments; and

(E) other matters, relating to the budget and to fiscal policy, that the committee deems appropriate.

(f) Achievement of goals for reducing unemployment

(1) If, pursuant to section 4(c) of the Employment Act of 1946 [15 U.S.C. 1022a(c)], the President recommends in the Economic Report that

the goals for reducing unemployment set forth in section 4(b) of such Act [15 U.S.C. 1022a(b)] be achieved in a year after the close of the five-year period prescribed by such subsection, the concurrent resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(2) After the Congress has expressed its opinion pursuant to paragraph (1) as to the year in which the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 [15 U.S.C. 1022a(b)] can be achieved, if, pursuant to section 4(e) of such Act [15 U.S.C. 1022a(e)], the President recommends in the Economic Report that such goals be achieved in a year which is different from the year in which the Congress has expressed its opinion that such goals should be achieved, either in its action pursuant to paragraph (1) or in its most recent action pursuant to this paragraph, the concurrent resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(3) It shall be in order to amend the provision of such resolution setting forth such year only if the amendment thereto also proposes to alter the estimates, amounts, and levels (as described in subsection (a)) set forth in such resolution in germane fashion in order to be consistent with the economic goals (as described in sections 3(a)(2) and 4(b) of the Employment Act of 1946 [15 U.S.C. 1022(a)(2), 1022a(b)]) which such amendment proposes can be achieved by the year specified in such amendment.

(g) Economic assumptions

(1) It shall not be in order in the Senate to consider any concurrent resolution on the budget for a fiscal year, or any amendment thereto, or any conference report thereon, that sets forth amounts and levels that are determined on the basis of more than one set of economic and technical assumptions.

(2) The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall set forth the common economic assumptions upon which such joint statement and conference report are based, or upon which any amendment contained in the joint explanatory statement to be proposed by the conferees in the case of technical disagreement, is based.

(3) Subject to periodic reestimation based on changed economic conditions or technical estimates, determinations under titles III and IV of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq., 651 et seq.] shall be based upon such common economic and technical assumptions.

(h) Budget Committee's consultation with committees

The Committee on the Budget of the House of Representatives shall consult with the committees of its House having legislative jurisdiction during the preparation, consideration, and enforcement of the concurrent resolution on the budget with respect to all matters which relate to the jurisdiction or functions of such committees.

(i) Social security point of order

It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the excess of social security revenues over social security outlays in any of the fiscal years covered by the concurrent resolution. No change in chapter 1 of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.] shall be treated as affecting the amount of social security revenues unless such provision changes the income tax treatment of social security benefits.

(Pub. L. 93-344, title III, §301, July 12, 1974, 88 Stat. 306; Pub. L. 95-523, title III, §§303(a), 304, Oct. 27, 1978, 92 Stat. 1905, 1906; Pub. L. 99-177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1040; Pub. L. 100-119, title I, §106(d), title II, §208(a), Sept. 29, 1987, 101 Stat. 781, 786; Pub. L. 100-418, title V, §5302, Aug. 23, 1988, 102 Stat. 1462; Pub. L. 101-508, title XIII, §§13112(a)(5), 13203, 13204, 13301(b), 13303(a), (b), Nov. 5, 1990, 104 Stat. 1388-608, 1388-616, 1388-623, 1388-625; Pub. L. 104-4, title I, §102(2), Mar. 22, 1995, 109 Stat. 62; Pub. L. 105-33, title X, §10105(a)-(f)(1), Aug. 5, 1997, 111 Stat. 679, 680; Pub. L. 113-67, div. A, title I, §122(1), (2), Dec. 26, 2013, 127 Stat. 1175.)

Editorial Notes**REFERENCES IN TEXT**

The Social Security Act, referred to in subsec. (a), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title II of the Social Security Act is classified generally to subchapter II (§401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Internal Revenue Code of 1986, referred to in subsecs. (a) and (i), is classified generally to Title 26, Internal Revenue Code.

This Act, referred to in subsec. (b)(4), 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, 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.

The Employment Act of 1946, referred to in subsec. (d), is act Feb. 20, 1946, ch. 33, 60 Stat. 23, which is classified generally to chapter 21 (§1021 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1021 of Title 15 and Tables.

The Congressional Budget Act of 1974, referred to in subsec. (g)(3), is titles I through IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297. Titles III and IV of the Act are classified generally to this subchapter (§631 et seq.) and subchapter II (§651 et seq.) of this chapter. 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 1322 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. (a). Pub. L. 113-67, §122(2), substituted “old-age” for “old age” in concluding provisions.

Subsec. (a)(6), (7). Pub. L. 113-67, §122(1), substituted “for purposes” for “For purposes”.

1997—Subsec. (a). Pub. L. 105-33, §10105(a), in introductory provisions, substituted “and for at least each of the 4 ensuing fiscal years” for “, and planning levels for each of the two ensuing fiscal years,”.

Subsec. (a)(1), (4). Pub. L. 105-33, §10105(b), substituted “and outlays” for “, budget outlays, direct loan obligations, and primary loan guarantee commitments”.

Subsec. (b)(7). Pub. L. 105-33, §10105(c)(1), added par. (7) and struck out former par. (7) which related to setting forth pay-as-you-go procedures for the Senate.

Subsec. (b)(9). Pub. L. 105-33, §10105(c)(2), (3), added par. (9).

Subsec. (d). Pub. L. 105-33, §10105(d), in first sentence, inserted “or at such time as may be requested by the Committee on the Budget,” after “title 31.”.

Subsec. (e). Pub. L. 105-33, §10105(e), designated existing provisions as par. (1), inserted par. heading, added pars. (2) and (3), and struck out former last sentence consisting of pars. (1) to (9) which contained requirements for contents of report to accompany the concurrent resolution on the budget.

Subsec. (i). Pub. L. 105-33, §10105(f)(1), inserted heading and substituted “(or amendment, motion, or conference report on the resolution)” for “as reported to the Senate”.

1995—Subsec. (d). Pub. L. 104-4 inserted at end “Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.”

1990—Subsec. (a). Pub. L. 101-508, §13301(b), inserted at end: “The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this subchapter.”

Subsec. (a)(6), (7). Pub. L. 101-508, §13303(a), added pars. (6) and (7).

Subsec. (b)(5), (6). Pub. L. 101-508, §13203, added pars. (5) and (6).

Subsec. (b)(7), (8). Pub. L. 101-508, §13204, added pars. (7) and (8).

Subsec. (d). Pub. L. 101-508, §13112(a)(5), substituted “Within 6 weeks after the President submits a budget under section 1105(a) of title 31” for “On or before February 25 of each year”.

Subsec. (i). Pub. L. 101-508, §13303(b), amended subsec. (i) generally, substituting present provisions for former provisions relating to maximum deficit amounts.

1988—Subsec. (e)(10). Pub. L. 100-418 temporarily added par. (10). See Effective and Termination Dates of 1988 Amendment note below.

1987—Subsec. (g). Pub. L. 100-119, §208(a), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall set forth the common economic assumptions upon which such joint statement and conference report are based, or upon which any amendment contained in the joint explanatory statement to be proposed by the conferees in the case of technical disagreement is based.”

Subsec. (i)(2). Pub. L. 100-119, §106(d), designated existing provisions as subpar. (A) and added subpars. (B) and (C).

1985—Pub. L. 99-177 substituted “Adoption of concurrent resolution on the budget” for “Adoption of first concurrent resolution” in section catchline.

Subsec. (a). Pub. L. 99-177 amended subsec. (a) generally, substituting provisions relating to content of concurrent resolution on the budget, for provisions relating to action required to be completed by May 15 of each year.

Subsec. (b). Pub. L. 99-177 amended subsec. (b) generally, inserting provisions relating to achievement of goals for reducing unemployment and provisions relating to reconciliation directives described in section 641 of this title.

Subsec. (c). Pub. L. 99-177 amended subsec. (c) generally, substituting provisions relating to consideration of procedures or matters which have the effect of changing any rule of the House of Representatives, for provisions relating to submission on or before March 15 of each year of the views and estimates of other committees.

Subsec. (d). Pub. L. 99-177 amended subsec. (d) generally, substituting provisions relating to views and estimates of other committees, for provisions relating to hearings and report in developing the first concurrent resolution on the budget.

Subsec. (e). Pub. L. 99-177 amended subsec. (e) generally, substituting provisions relating to hearings and report in developing the concurrent resolution on the budget, for provisions relating to achievement of goals for reducing unemployment.

Subsecs. (f) to (i). Pub. L. 99-177, §§ 201(b), 275(b)(2)(B), in amending section generally, added subsecs. (f) to (i).

1978—Subsec. (a)(6), (7). Pub. L. 95-523, § 304(a), added par. (6) and redesignated former par. (6) as (7).

Subsec. (d). Pub. L. 95-523, § 303(a), which directed insertion in subsec. (c) provisions relating to consideration by the Committee on the Budget of each House respecting short-term and medium-term goals set forth in the Joint Economic Committee report and the reflection of its views in its report and insertion of “also” after “concurrent resolution shall” was executed to subsec. (d) to reflect the probable intent of Congress.

Subsec. (e). Pub. L. 95-523, § 304(b), added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-4 effective Jan. 1, 1996, or on the date 90 days after appropriations are made available as authorized under section 1516 of this title, whichever is earlier, and applicable to legislation considered on and after such date, see section 110 of Pub. L. 104-4, set out as an Effective Date note under section 1511 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-508, title XIII, § 13306, Nov. 5, 1990, 104 Stat. 1388-628, provided that: “Sections 13301, 13302, and 13303 and any amendments made by such sections [amending this section and sections 633 and 642 of this title and enacting provisions set out as notes under this section] shall apply with respect to fiscal years beginning on or after October 1, 1990. Section 13304 [amending section 401 of Title 42, The Public Health and Welfare] shall be effective for annual reports of the Board of Trustees issued in or after calendar year 1991.”

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective for fiscal years 1989, 1990, 1991, and 1992, see section 5303 of Pub. L. 100-418, set out as a note under section 1105 of Title 31, Money and Finance.

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.

EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS

Pub. L. 101-508, title XIII, § 13301(a), Nov. 5, 1990, 104 Stat. 1388-623, provided that: “Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

“(1) the budget of the United States Government as submitted by the President,

“(2) the congressional budget, or

“(3) the Balanced Budget and Emergency Deficit Control Act of 1985 [see Short Title note set out under section 900 of this title].”

PROTECTION OF OASDI TRUST FUNDS IN HOUSE OF REPRESENTATIVES

Pub. L. 101-508, title XIII, § 13302, Nov. 5, 1990, 104 Stat. 1388-623, provided that:

“(a) IN GENERAL.—It shall not be in order in the House of Representatives to consider any bill or joint resolution, as reported, or any amendment thereto or conference report thereon, if, upon enactment—

“(1)(A) such legislation under consideration would provide for a net increase in OASDI benefits of at least 0.02 percent of the present value of future taxable payroll for the 75-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act [42 U.S.C. 401(c)(2)], and (B) such legislation under consideration does not provide at least a net increase, for such 75-year period, in OASDI taxes of the amount by which the net increase in such benefits exceeds 0.02 percent of the present value of future taxable payroll for such 75-year period,

“(2)(A) such legislation under consideration would provide for a net increase in OASDI benefits (for the 5-year estimating period for such legislation under consideration), (B) such net increase, together with the net increases in OASDI benefits 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 increase, for the 5-year estimating period for such legislation under consideration, in OASDI taxes which, together with net increases in OASDI taxes 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 increase derived under subparagraph (B) exceeds \$250,000,000;

“(3)(A) such legislation under consideration would provide for a net decrease in OASDI taxes of at least 0.02 percent of the present value of future taxable payroll for the 75-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act, and (B) such legislation under consideration does not provide at least a net decrease, for such 75-year period, in OASDI benefits of the amount by which the net decrease in such taxes exceeds 0.02 percent of the present value of future taxable payroll for such 75-year period, or

“(4)(A) such legislation under consideration would provide for a net decrease in OASDI taxes (for the 5-year estimating period for such legislation under consideration), (B) such net decrease, together with the

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

633(a) of this title for that year, it shall not be in order in the Senate to consider any appropriation bill or joint resolution, amendment or motion thereto, or conference report thereon for that year or any subsequent year.

(2) Exception

Paragraph (1) does not apply to appropriations legislation making advance appropriations for the first or second fiscal year after the year the allocation referred to in that paragraph is made.

(Pub. L. 93-344, title III, §303, July 12, 1974, 88 Stat. 309; Pub. L. 99-177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1046; Pub. L. 101-508, title XIII, §§13205, 13207(a)(1)(C), Nov. 5, 1990, 104 Stat. 1388-616, 1388-617; Pub. L. 105-33, title X, §10107(a), Aug. 5, 1997, 111 Stat. 683.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1324 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

1997—Pub. L. 105-33 amended section catchline and text generally. Prior to amendment, text provided that concurrent resolution on the budget must be adopted before legislation providing new budget authority, new spending authority, new credit authority, or changes in revenues or public debt limit could be considered.

1990—Subsec. (a). Pub. L. 101-508, §13207(a)(1)(C), substituted “bill, joint resolution, amendment, motion, or conference report” for “bill or resolution (or amendment thereto)”.

Pub. L. 101-508, §13205(a)(4), inserted “(or, in the Senate, a concurrent resolution on the budget covering such fiscal year)” after “fiscal year” in closing provisions.

Subsec. (a)(5), (6). Pub. L. 101-508, §13205(a)(1)-(3), added pars. (5) and (6) and struck out former par. (5) which read as follows: “new credit authority for a fiscal year.”

Subsec. (b). Pub. L. 101-508, §13205(b), designated existing provisions as par. (1) and substituted “In the House of Representatives, subsection (a)” for “Subsection (a)”, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

1985—Pub. L. 99-177 inserted reference to new credit authority in section catchline.

Subsec. (a). Pub. L. 99-177 amended subsec. (a) generally, substituting provisions respecting new entitlement authority or new credit authority, for provisions respecting new spending authority.

Subsec. (b). Pub. L. 99-177 amended subsec. (b) generally, inserting provisions relating to applicability of subsec. (a) after May 15 of any calendar year.

Subsec. (c). Pub. L. 99-177 amended subsec. (c) generally, inserting references to amendments of bills or resolutions wherever appearing.

Statutory Notes and Related Subsidiaries

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.

§ 635. Permissible revisions of concurrent resolutions on the budget

At any time after the concurrent resolution on the budget for a fiscal year has been agreed to pursuant to section 632 of this title, and before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises or reaffirms the concurrent resolution on the budget for such fiscal year most recently agreed to.

(Pub. L. 93-344, title III, §304, July 12, 1974, 88 Stat. 310; Pub. L. 99-177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1047; Pub. L. 100-119, title II, §208(b), Sept. 29, 1987, 101 Stat. 786; Pub. L. 101-508, title XIII, §13112(a)(8), Nov. 5, 1990, 104 Stat. 1388-608; Pub. L. 105-33, title X, §10108, Aug. 5, 1997, 111 Stat. 684.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1325 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

1997—Pub. L. 105-33 designated subsec. (a) as entire section and struck out subsec. (a) heading “In general” and subsec. (b) heading and text. Prior to amendment, text of subsec. (b) read as follows: “The provisions of section 632(g) of this title shall apply with respect to concurrent resolutions on the budget under this section (and amendments thereto and conference reports thereon) in the same way they apply to concurrent resolutions on the budget under such section 632(g) of this title (and amendments thereto and conference reports thereon).”

1990—Subsecs. (b), (c). Pub. L. 101-508 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “The provisions of section 632(i) of this title shall apply with respect to concurrent resolutions on the budget under this section (and amendments thereto and conference reports thereon) in the same way they apply to concurrent resolutions on the budget under such section 632(i) of this title (and amendments thereto and conference reports thereon).”

1987—Subsec. (c). Pub. L. 100-119 added subsec. (c). 1985—Pub. L. 99-177, in amending section generally, inserted “Permissible” before “revisions” in section catchline, designated existing provisions as subsec. (a), struck out “first” after “after the”, and added subsec. (b).

Statutory Notes and Related Subsidiaries

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.

§ 636. Provisions relating to consideration of concurrent resolutions on the budget

(a) Procedure in House after report of Committee; debate

(1) When a concurrent resolution on the budget has been reported by the Committee on the Budget of the House of Representatives and has been referred to the appropriate calendar of the

House, it shall be in order on any day thereafter, subject to clause 4 of rule XIII of the Rules of the House of Representatives, to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) General debate on any concurrent resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties, plus such additional hours of debate as are consumed pursuant to paragraph (3). A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(3) Following the presentation of opening statements on the concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the House, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Only if a concurrent resolution on the budget reported by the Committee on the Budget of the House sets forth the economic goals (as described in sections 1022(a)(2) and 1022a(b) of title 15) which the estimates, amounts, and levels (as described in section 632(a) of this title) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) Consideration of any concurrent resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be considered for amendment under the five-minute rule in accordance with the applicable provisions of rule XVIII of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion; except that it shall be in order at any time prior to final passage (notwithstanding any other rule or provision of law) to adopt an amendment (or a series of amendments) changing any figure or figures in the resolution as so reported to the extent necessary to achieve mathematical consistency.

(6) Debate in the House of Representatives on the conference report on any concurrent resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(7) Appeals from decisions of the Chair relating to the application of the Rules of the House

of Representatives to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

(b) Procedure in Senate after report of Committee; debate; amendments

(1) Debate in the Senate on any concurrent resolution on the budget, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours, except that with respect to any concurrent resolution referred to in section 635 of this title all such debate shall be limited to not more than 15 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a concurrent resolution on the budget shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, except that in the event the manager of the concurrent resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of such concurrent resolution shall be received. Such leaders, or either of them, may, from the time under their control on the passage of the concurrent resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) Following the presentation of opening statements on the concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the Senate, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Subject to the other limitations of this Act, only if a concurrent resolution on the budget reported by the Committee on the Budget of the Senate sets forth the economic goals (as described in sections 1022(a)(2) and 1022a(b) of title 15) which the estimates, amounts, and levels (as described in section 632(a) of this title) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution.

(6) Notwithstanding any other rule, an amendment or series of amendments to a concurrent

resolution on the budget proposed in the Senate shall always be in order if such amendment or series of amendments proposes to change any figure or figures then contained in such concurrent resolution so as to make such concurrent resolution mathematically consistent or so as to maintain such consistency.

(c) Action on conference reports in Senate

(1) A motion to proceed to the consideration of the conference report on any concurrent resolution on the budget (or a reconciliation bill or resolution) may be made even though a previous motion to the same effect has been disagreed to.

(2) During the consideration in the Senate of the conference report (or a message between Houses) on any concurrent resolution on the budget, and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith, debate shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(3) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(4) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(d) Concurrent resolution must be consistent in Senate

It shall not be in order in the Senate to vote on the question of agreeing to—

(1) a concurrent resolution on the budget unless the figures then contained in such resolution are mathematically consistent; or

(2) a conference report on a concurrent resolution on the budget unless the figures contained in such resolution, as recommended in such conference report, are mathematically consistent.

(Pub. L. 93-344, title III, §305, July 12, 1974, 88 Stat. 310; Pub. L. 95-523, title III, §303(b), (c),

Oct. 27, 1978, 92 Stat. 1905, 1906; Pub. L. 99-177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1047; Pub. L. 100-119, title II, §209, Sept. 29, 1987, 101 Stat. 787; Pub. L. 100-203, title VIII, §8003(d), Dec. 22, 1987, 101 Stat. 1330-282; Pub. L. 101-508, title XIII, §§13209, 13210(1), Nov. 5, 1990, 104 Stat. 1388-619, 1388-620; Pub. L. 105-33, title X, §10109(a), Aug. 5, 1997, 111 Stat. 684; Pub. L. 113-67, div. A, title I, §122(4)-(6), Dec. 26, 2013, 127 Stat. 1175.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(4), 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, 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 1326 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. (a)(1), Pub. L. 113-67, §122(4), substituted “clause 4 of rule XIII” for “clause 2(l)(6) of rule XI”.

Subsec. (a)(5), Pub. L. 113-67, §122(5), substituted “provisions of rule XVIII” for “provisions of rule XXIII”.

Subsec. (b)(1), Pub. L. 113-67, §122(6), substituted “section 635” for “section 635(a)”.

1997—Subsec. (a)(1), Pub. L. 105-33 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “When the Committee on the Budget of the House of Representatives has reported any concurrent resolution on the budget, it is in order at any time after the fifth day (excluding Saturdays, Sundays, and legal holidays) following the day on which the report upon such resolution by the Committee on the Budget has been available to Members of the House and, if applicable, after the first day (excluding Saturdays, Sundays, and legal holidays) following the day on which a report upon such resolution by the Committee on Rules pursuant to section 632(c) of this title has been available to Members of the House (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.”

1990—Subsec. (c)(1), Pub. L. 101-508, §13209(1), struck out at beginning “The conference report on any concurrent resolution on the budget shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such conference report is reported and is available to Members of the Senate.” and inserted “on any concurrent resolution on the budget (or a reconciliation bill or resolution)” after “consideration of the conference report”.

Subsec. (c)(2), Pub. L. 101-508, §13209(2), inserted “(or a message between Houses)” after “conference report” wherever appearing.

Subsecs. (d), (e), Pub. L. 101-508, §13210(1), redesignated subsec. (e) as (d) and struck out former subsec.

(d) which read as follows: “If at the end of 7 days (excluding Saturdays, Sundays, and legal holidays) after the conferees of both Houses have been appointed to a committee of conference on a concurrent resolution on the budget, the conferees are unable to reach agreement with respect to all matters in disagreement between the two Houses, then the conferees shall submit to their respective Houses, on the first day thereafter on which their House is in session—

“(1) a conference report recommending those matters on which they have agreed and reporting in disagreement those matters on which they have not agreed; or

“(2) a conference report in disagreement, if the matter in disagreement is an amendment which strikes out the entire text of the concurrent resolution and inserts a substitute text.”

1987—Subsec. (c)(2). Pub. L. 100-203, §8003(d), inserted a comma after “therewith”.

Pub. L. 100-119 inserted “and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith” after “budget.”

1985—Subsec. (a). Pub. L. 99-177, in amending subsec. (a) generally, in par. (1) inserted provisions relating to applicability of report after first day and substituted “fifth day” for “tenth day”, in par. (3) struck out “first” before “concurrent”, in par. (5) substituted “considered for” for “read for”, struck out par. (7) relating to motions to postpone, and redesignated par. (8) as (7).

Subsec. (b). Pub. L. 99-177, in amending subsec. (b) generally, in par. (1) substituted “any concurrent” for “the second required concurrent” and “635(a)” for “641(a)”, in par. (3) struck out “first” before “concurrent”, and in par. (4) inserted provisions relating to applicability of other limitations of this Act.

Subsecs. (c) to (e). Pub. L. 99-177, in amending section generally, reenacted subsecs. (c) to (e) without change.

1978—Subsec. (a). Pub. L. 95-523, §303(b), inserted in par. (2) “, plus such additional hours of debate as are consumed pursuant to paragraph (3)” after “and minority parties”, added pars. (3) and (4) and redesignated existing pars. (3) to (6) as (6) to (9), respectively. Existing pars. (3) to (6) were renumbered (5) to (8), respectively, as the probable intent of Congress, notwithstanding the language of section 303(b)(2) of Pub. L. 95-523 directing that existing pars. (3) to (6) be redesignated (6) to (9), respectively.

Subsec. (b). Pub. L. 95-523, §303(c), added pars. (3) and (4) and redesignated existing pars. (3) and (4) as (6) and (7), respectively. Existing pars. (3) and (4) were renumbered (5) and (6), respectively, as the probable intent of Congress, notwithstanding the language of section 303(c)(1) of Pub. L. 95-523 directing that existing pars. (3) and (4) be redesignated (6) and (7), respectively.

Statutory Notes and Related Subsidiaries

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.

§ 637. Legislation dealing with Congressional budget must be handled by Budget Committees

(a) In the Senate

In the Senate, no bill, resolution, amendment, motion, or conference report, dealing with any matter which is within the jurisdiction of the Committee on the Budget shall be considered unless it is a bill or resolution which has been

reported by the Committee on the Budget (or from the consideration of which such committee has been discharged) or unless it is an amendment to such a bill or resolution.

(b) In the House of Representatives

In the House of Representatives, no bill or joint resolution, or amendment thereto, or conference report thereon, dealing with any matter which is within the jurisdiction of the Committee on the Budget shall be considered unless it is a bill or joint resolution which has been reported by the Committee on the Budget (or from the consideration of which such committee has been discharged) or unless it is an amendment to such a bill or joint resolution.

(Pub. L. 93-344, title III, §306, July 12, 1974, 88 Stat. 313; Pub. L. 99-177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1050; Pub. L. 101-508, title XIII, §13207(a)(1)(D), Nov. 5, 1990, 104 Stat. 1388-617; Pub. L. 113-67, div. A, title I, §122(7), Dec. 26, 2013, 127 Stat. 1175.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1327 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—Pub. L. 113-67 designated existing provisions as subsec. (a) and inserted heading, substituted “In the Senate, no” for “No”, struck out “of either House” after “jurisdiction of the Committee on the Budget”, “in that House” after “shall be considered”, and “of that House” after “reported by the Committee on the Budget”, and added subsec. (b).

1990—Pub. L. 101-508 substituted “bill, resolution, amendment, motion, or conference report” for “bill or resolution, and no amendment to any bill or resolution”.

1985—Pub. L. 99-177 reenacted section without change.

Statutory Notes and Related Subsidiaries

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.

§ 638. House committee action on all appropriation bills to be completed by June 10

On or before June 10 of each year, the Committee on Appropriations of the House of Representatives shall report annual appropriation bills providing new budget authority under the jurisdiction of all of its subcommittees for the fiscal year which begins on October 1 of that year.

(Pub. L. 93-344, title III, §307, July 12, 1974, 88 Stat. 313; Pub. L. 99-177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1051.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1328 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

1985—Pub. L. 99-177 substituted “by June 10” for “before first appropriation bill is reported” in section catchline, and amended section generally. Prior to amendment, section read as follows: “Prior to reporting the first regular appropriation bill for each fiscal year, the Committee on Appropriations of the House of Representatives shall, to the extent practicable, complete subcommittee markup and full committee action on all regular appropriation bills for that year and submit to the House a summary report comparing the committee’s recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.”

Statutory Notes and Related Subsidiaries

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.

§ 639. Reports, summaries, and projections of Congressional budget actions

(a) Legislation providing new budget authority or providing increase or decrease in revenues or tax expenditures

(1) Whenever a committee of either House reports to its House a bill or joint resolution, or committee amendment thereto, providing new budget authority (other than continuing appropriations) or providing an increase or decrease in revenues or tax expenditures for a fiscal year (or fiscal years), the report accompanying that bill or joint resolution shall contain a statement, or the committee shall make available such a statement in the case of an approved committee amendment which is not reported to its House, prepared after consultation with the Director of the Congressional Budget Office—

(A) comparing the levels in such measure to the appropriate allocations in the reports submitted under section 633(b) of this title for the most recently agreed to concurrent resolution on the budget for such fiscal year (or fiscal years);

(B) containing a projection by the Congressional Budget Office of how such measure will affect the levels of such budget authority, budget outlays, revenues, or tax expenditures under existing law for such fiscal year (or fiscal years) and each of the four ensuing fiscal years, if timely submitted before such report is filed; and

(C) containing an estimate by the Congressional Budget Office of the level of new budget authority for assistance to State and local governments provided by such measure, if timely submitted before such report is filed.

(2) Whenever a conference report is filed in either House and such conference report or any amendment reported in disagreement or any amendment contained in the joint statement of managers to be proposed by the conferees in the

case of technical disagreement on such bill or joint resolution provides new budget authority (other than continuing appropriations) or provides an increase or decrease in revenues for a fiscal year (or fiscal years), the statement of managers accompanying such conference report shall contain the information described in paragraph (1), if available on a timely basis. If such information is not available when the conference report is filed, the committee shall make such information available to Members as soon as practicable prior to the consideration of such conference report.

(3) CBO PAYGO estimates.—

(A) The Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request from the Director of the Congressional Budget Office an estimate of the budgetary effects of PAYGO legislation.

(B) Estimates shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 907 of this title.

(C) The Director shall not count timing shifts, as that term is defined at section 932(8) of this title, in estimates of the budgetary effects of PAYGO Legislation.

(b) Up-to-date tabulations of Congressional budget action

(1) The Director of the Congressional Budget Office shall issue to the committees of the House of Representatives and the Senate reports on at least a monthly basis detailing and tabulating the progress of congressional action on bills and joint resolutions providing new budget authority or providing an increase or decrease in revenues or tax expenditures for each fiscal year covered by a concurrent resolution on the budget. Such reports shall include but are not limited to an up-to-date tabulation comparing the appropriate aggregate and functional levels (including outlays) included in the most recently adopted concurrent resolution on the budget with the levels provided in bills and joint resolutions reported by committees or adopted by either House or by the Congress, and with the levels provided by law for the fiscal year preceding the first fiscal year covered by the appropriate concurrent resolution.

(2) The Committee on the Budget of each House shall make available to Members of its House summary budget scorekeeping reports. Such reports—

(A) shall be made available on at least a monthly basis, but in any case frequently enough to provide Members of each House an accurate representation of the current status of congressional consideration of the budget;

(B) shall include, but are not limited to, summaries of tabulations provided under subsection (b)(1); and

(C) shall be based on information provided under subsection (b)(1) without substantive revision.

The chairman of the Committee on the Budget of the House of Representatives shall submit such reports to the Speaker.

(c) Five-year projection of Congressional budget action

As soon as practicable after the beginning of each fiscal year, the Director of the Congress-

sional Budget Office shall issue a report projecting for the period of 5 fiscal years beginning with such fiscal year—

(1) total new budget authority and total budget outlays for each fiscal year in such period;

(2) revenues to be received and the major sources thereof, and the surplus or deficit, if any, for each fiscal year in such period;

(3) tax expenditures for each fiscal year in such period; and

(4) entitlement authority for each fiscal year in such period.

(d) Scorekeeping guidelines

Estimates under this section shall be provided in accordance with the scorekeeping guidelines determined under section 902(d)(5) of this title.

(Pub. L. 93-344, title III, § 308, July 12, 1974, 88 Stat. 313; Pub. L. 99-177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1051; Pub. L. 101-508, title XIII, § 13206, Nov. 5, 1990, 104 Stat. 1388-617; Pub. L. 105-33, title X, § 10110, Aug. 5, 1997, 111 Stat. 685; Pub. L. 111-139, title I, § 4(b), Feb. 12, 2010, 124 Stat. 11; Pub. L. 113-67, div. A, title I, § 122(8), Dec. 26, 2013, 127 Stat. 1175.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1329 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. (d). Pub. L. 113-67 made technical amendment to heading in original Act.

2010—Subsec. (a). Pub. L. 111-139, § 4(b)(1)(B), struck out “Reports on” before “Legislation” in heading.

Subsec. (a)(3). Pub. L. 111-139, § 4(b)(1)(A), added par. (3).

Subsec. (d). Pub. L. 111-139, § 4(b)(2), added subsec. (d). 1997—Subsec. (a). Pub. L. 105-33, § 10110(1)(A), struck out “, new spending authority, or new credit authority,” after “new budget authority” in heading.

Subsec. (a)(1). Pub. L. 105-33, § 10110(4), in introductory provisions, substituted “bill or joint resolution” for “bill or resolution” in two places.

Pub. L. 105-33, § 10110(1)(D), in introductory provisions, struck out “, new spending authority described in section 651(c)(2) of this title, or new credit authority,” after “continuing appropriations”).

Subsec. (a)(1)(B). Pub. L. 105-33, § 10110(1)(C), substituted “revenues, or tax expenditures” for “spending authority, revenues, tax expenditures, direct loan obligations, or primary loan guarantee commitments”.

Pub. L. 105-33, § 10110(1)(B), redesignated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: “including an identification of any new spending authority described in section 651(c)(2) of this title which is contained in such measure and a justification for the use of such financing method instead of annual appropriations.”

Subsec. (a)(1)(C), (D). Pub. L. 105-33, § 10110(1)(B), redesignated subpars. (C) and (D) as (B) and (C), respectively.

Subsec. (a)(2). Pub. L. 105-33, § 10110(4), substituted “bill or joint resolution” for “bill or resolution”.

Pub. L. 105-33, § 10110(1)(D), struck out “, new spending authority described in section 651(c)(2) of this title, or new credit authority,” after “continuing appropriations”).

Subsec. (b)(1). Pub. L. 105-33, § 10110(4), substituted “bills and joint resolutions” for “bills and resolutions” in two places.

Pub. L. 105-33, § 10110(2), struck out “, new spending authority described in section 651(c)(2) of this title, or new credit authority,” after “new budget authority”.

Subsec. (c)(3) to (5). Pub. L. 105-33, § 10110(3), inserted “and” at end of par. (3), substituted a period for “; and” at end of par. (4), and struck out par. (5) which read as follows: “credit authority for each fiscal year in such period.”

1990—Subsec. (a)(1). Pub. L. 101-508, § 13206(a)(1), inserted “(or fiscal years)” after “fiscal year” in introductory provisions and in subpars. (A) and (C).

Subsec. (a)(2). Pub. L. 101-508, § 13206(b), inserted “(or fiscal years)” after “fiscal year”.

Subsec. (b)(1). Pub. L. 101-508, § 13206(c), substituted “for each fiscal year covered by a concurrent resolution on the budget” for “for a fiscal year” in first sentence, and “the first fiscal year covered by the appropriate concurrent resolution” for “such fiscal year” in second sentence.

1985—Subsec. (a). Pub. L. 99-177, in amending subsec. (a) generally, designated existing provisions as par. (1), substituted provisions relating to reports on legislation providing new budget authority, new spending authority, or new credit authority, or providing an increase or decrease in revenues or tax expenditures, for provisions relating to reports on legislation providing new budget authority or tax expenditures, and added par. (2).

Subsec. (b). Pub. L. 99-177, in amending subsec. (b) generally, designated existing provisions as par. (1), substituted provisions relating to issuance of reports on a monthly basis and contents of such reports, for provisions relating to issuance of reports on a periodic basis and contents of such reports, and added par. (2).

Subsec. (c). Pub. L. 99-177 amended subsec. (c) generally, adding pars. (4) and (5).

Statutory Notes and Related Subsidiaries

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.

§ 640. House approval of regular appropriation bills

It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period of more than three calendar days during the month of July until the House of Representatives has approved annual appropriation bills providing new budget authority under the jurisdiction of all the subcommittees of the Committee on Appropriations for the fiscal year beginning on October 1 of such year. For purposes of this section, the chairman of the Committee on Appropriations of the House of Representatives shall periodically advise the Speaker as to changes in jurisdiction among its various subcommittees.

(Pub. L. 93-344, title III, § 309, July 12, 1974, 88 Stat. 314; Pub. L. 99-177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1052.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1330 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

1985—Pub. L. 99-177 substituted “House approval of regular appropriation bills” for “Completion of action

on bills providing new budget authority and certain new spending authority” in section catchline, and amended section generally. Prior to amendment, section read as follows: “Except as otherwise provided pursuant to this subchapter, not later than the seventh day after Labor Day of each year, the Congress shall complete action on all bills and resolutions—

“(1) providing new budget authority for the fiscal year beginning on October 1 of such year, other than supplemental, deficiency, and continuing appropriation bills and resolutions, and other than the reconciliation bill for such year, if required to be reported under section 641(c) of this title; and

“(2) providing new spending authority described in section 651(c)(2)(C) of this title which is to become effective during such fiscal year.

Paragraph (1) shall not apply to any bill or resolution if legislation authorizing the enactment of new budget authority to be provided in such bill or resolution has not been timely enacted.”

Statutory Notes and Related Subsidiaries

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.

§ 641. Reconciliation

(a) Inclusion of reconciliation directives in concurrent resolutions on the budget

A concurrent resolution on the budget for any fiscal year, to the extent necessary to effectuate the provisions and requirements of such resolution, shall—

(1) specify the total amount by which—

(A) new budget authority for such fiscal year;

(B) budget authority initially provided for prior fiscal years;

(C) new entitlement authority which is to become effective during such fiscal year; and

(D) credit authority for such fiscal year,

contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount;

(2) specify the total amount by which revenues are to be changed and direct that the committees having jurisdiction to determine and recommend changes in the revenue laws, bills, and resolutions to accomplish a change of such total amount;

(3) specify the amounts by which the statutory limit on the public debt is to be changed and direct the committee having jurisdiction to recommend such change; or

(4) specify and direct any combination of the matters described in paragraphs (1), (2), and (3) (including a direction to achieve deficit reduction).

(b) Legislative procedure

If a concurrent resolution containing directives to one or more committees to determine and recommend changes in laws, bills, or resolutions is agreed to in accordance with subsection (a), and—

(1) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and report to its House reconciliation legislation containing such recommendations; or

(2) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations and submit such recommendations to the Committee on the Budget of its House, which, upon receiving all such recommendations, shall report to its House reconciliation legislation carrying out all such recommendations without any substantive revision.

For purposes of this subsection, a reconciliation resolution is a concurrent resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and resolutions which have not been enrolled.

(c) Compliance with reconciliation directions

(1) Any committee of the House of Representatives or the Senate that is directed, pursuant to a concurrent resolution on the budget, to determine and recommend changes of the type described in paragraphs (1) and (2) of subsection (a) with respect to laws within its jurisdiction, shall be deemed to have complied with such directions—

(A) if—

(i) the amount of the changes of the type described in paragraph (1) of such subsection recommended by such committee do not exceed or fall below the amount of the changes such committee was directed by such concurrent resolution to recommend under that paragraph by more than—

(I) in the Senate, 20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection; or

(II) in the House of Representatives, 20 percent of the sum of the absolute value of the changes the committee was directed to make under paragraph (1) and the absolute value of the changes the committee was directed to make under paragraph (2); and

(ii) the amount of the changes of the type described in paragraph (2) of such subsection recommended by such committee do not exceed or fall below the amount of the changes such committee was directed by such concurrent resolution to recommend under that paragraph by more than—

(I) in the Senate, 20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection; or

(II) in the House of Representatives, 20 percent of the sum of the absolute value of the changes the committee was directed to make under paragraph (1) and the absolute value of the changes the committee was directed to make under paragraph (2); and

(B) if the total amount of the changes recommended by such committee is not less than

the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection.

(2)(A) Upon the reporting to the Committee on the Budget of the Senate of a recommendation that shall be deemed to have complied with such directions solely by virtue of this subsection, the chairman of that committee may file with the Senate appropriately revised allocations under section 633(a) of this title and revised functional levels and aggregates to carry out this subsection.

(B) Upon the submission to the Senate of a conference report recommending a reconciliation bill or resolution in which a committee shall be deemed to have complied with such directions solely by virtue of this subsection, the chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 633(a) of this title and revised functional levels and aggregates to carry out this subsection.

(C) Allocations, functional levels, and aggregates revised pursuant to this paragraph shall be considered to be allocations, functional levels, and aggregates contained in the concurrent resolution on the budget pursuant to section 632 of this title.

(D) Upon the filing of revised allocations pursuant to this paragraph, the reporting committee shall report revised allocations pursuant to section 633(b) of this title to carry out this subsection.

(d) Limitation on amendments to reconciliation bills and resolutions

(1) It shall not be in order in the House of Representatives to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of increasing any specific budget outlays above the level of such outlays provided in the bill or resolution (for the fiscal years covered by the reconciliation instructions set forth in the most recently agreed to concurrent resolution on the budget), or would have the effect of reducing any specific Federal revenues below the level of such revenues provided in the bill or resolution (for such fiscal years), unless such amendment makes at least an equivalent reduction in other specific budget outlays, an equivalent increase in other specific Federal revenues, or an equivalent combination thereof (for such fiscal years), except that a motion to strike a provision providing new budget authority or new entitlement authority may be in order.

(2) It shall not be in order in the Senate to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of decreasing any specific budget outlay reductions below the level of such outlay reductions provided (for the fiscal years covered) in the reconciliation instructions which relate to such bill or resolution set forth in a resolution providing for reconciliation, or would have the effect of reducing Federal revenue increases below the level of such revenue increases provided (for such fiscal years) in such instructions relating to such bill or resolution, unless such amendment makes a reduction in other specific budget outlays, an increase in

other specific Federal revenues, or a combination thereof (for such fiscal years) at least equivalent to any increase in outlays or decrease in revenues provided by such amendment, except that a motion to strike a provision shall always be in order.

(3) Paragraphs (1) and (2) shall not apply if a declaration of war by the Congress is in effect.

(4) For purposes of this section, the levels of budget outlays and Federal 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 of the Senate, as the case may be.

(5) The Committee on Rules of the House of Representatives may make in order amendments to achieve changes specified by reconciliation directives contained in a concurrent resolution on the budget if a committee or committees of the House fail to submit recommended changes to its Committee on the Budget pursuant to its instruction.

(e) Procedure in Senate

(1) Except as provided in paragraph (2), the provisions of section 636 of this title for the consideration in the Senate of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of reconciliation bills reported under subsection (b) and conference reports thereon.

(2) Debate in the Senate on any reconciliation bill reported under subsection (b), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours.

(f) Completion of reconciliation process

It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period of more than three calendar days during the month of July until the House of Representatives has completed action on the reconciliation legislation for the fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains, if reconciliation legislation is required to be reported by the concurrent resolution on the budget for such fiscal year.

(g) Limitation on changes to Social Security Act

Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill or reconciliation resolution reported pursuant to a concurrent resolution on the budget agreed to under section 632 or 635 of this title, or a joint resolution pursuant to section 907d of this title, or any amendment thereto or conference report thereon, that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act [42 U.S.C. 401 et seq.].

(Pub. L. 93-344, title III, §310, July 12, 1974, 88 Stat. 315; Pub. L. 99-177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1053; Pub. L. 101-508, title XIII, §§13112(a)(9), 13207(c), (d), 13210(2), Nov. 5, 1990, 104 Stat. 1388-608, 1388-618 to 1388-620; Pub. L. 105-33, title X, §10111, Aug. 5, 1997, 111 Stat. 685; Pub. L. 113-67, div. A, title I, §122(9), Dec. 26, 2013, 127 Stat. 1175.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (g), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 1331 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. (c)(1)(A)(i). Pub. L. 113-67, which directed amendment of cl. (i) by substituting “under that paragraph by more than—” for “under that paragraph by more than”, was executed by making the substitution for “under such paragraph by more than” to reflect the probable intent of Congress.

Subsec. (c)(1)(A)(ii). Pub. L. 113-67 substituted “under that paragraph by more than—” for “under that paragraph by more than”.

1997—Subsec. (c)(1)(A)(i). Pub. L. 105-33, §10111(1), substituted subcls. (I) and (II) for “20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection, and”.

Subsec. (c)(1)(A)(ii). Pub. L. 105-33, §10111(2), substituted subcls. (I) and (II) for “20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection; and”.

1990—Subsec. (a)(4). Pub. L. 101-508, §13207(d), inserted before period at end “(including a direction to achieve deficit reduction)”.

Subsec. (c). Pub. L. 101-508, §13207(c), designated existing provisions as par. (1), redesignated former par. (1) and subpars. (A) and (B) thereof as subpar. (A) and cls. (i) and (ii), respectively, redesignated former par. (2) as subpar. (B) of par. (1), and added par. (2).

Subsec. (f). Pub. L. 101-508, §13210(2), struck out par. (1) heading “In general” and text which directed Congress to complete action on any reconciliation bill or reconciliation resolution reported under subsec. (b) of this section not later than June 15 of each year, and struck out the par. (2) designation and heading “Point of order in the House of Representatives”.

Subsec. (g). Pub. L. 101-508, §13112(a)(9), substituted “joint resolution pursuant” for “resolution pursuant” and “section 907d of this title” for “section 904(b) of this title”.

1985—Pub. L. 99-177 substituted “Reconciliation” for “Second required concurrent resolution and reconciliation process” in section catchline.

Subsec. (a). Pub. L. 99-177 amended subsec. (a) generally, inserting provisions relating to new entitlement authority and credit authority, and deleting provision that any such concurrent resolution could be reported, and the report accompanying it could be filed, in either House notwithstanding that that House was not in session on the day on which such concurrent resolution is reported.

Subsec. (b). Pub. L. 99-177 amended subsec. (b) generally, substituting provisions relating to legislative procedure respecting concurrent resolutions with directives to committees to determine and recommend changes in laws, etc., for provisions relating to completion of action on concurrent resolutions.

Subsec. (c). Pub. L. 99-177 amended subsec. (c) generally, substituting provisions relating to compliance with reconciliation directives, for provisions relating to the reconciliation process.

Subsec. (d). Pub. L. 99-177 amended subsec. (d) generally, substituting provisions relating to limitations

on amendments to reconciliation bills and resolutions, for provisions relating to completion of the reconciliation process.

Subsec. (e). Pub. L. 99-177 amended subsec. (e) generally, substituting references to subsec. (b) for references to subsec. (c) wherever appearing, and deleting references to reconciliation resolutions.

Subsec. (f). Pub. L. 99-177 amended subsec. (f) generally, inserting provision that Congress complete action on reconciliation bills or resolutions reported under subsec. (b) not later than June 15 of each year and revising provisions relating to adjournment periods of the House of Representatives with respect to completion of action on fiscal year reconciliation legislation.

Subsec. (g). Pub. L. 99-177, in amending section generally, added subsec. (g).

Statutory Notes and Related Subsidiaries

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), (d), 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.

§ 642. Budget-related legislation must be within appropriate levels

(a) Enforcement of budget aggregates

(1) In House of Representatives

Except as provided by subsection (c), 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, amendment, motion, or conference report providing new budget authority or reducing revenues, if—

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

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

(C) the enactment of that bill or resolution in the form recommended in that conference report;

would cause the level of total new budget authority or total outlays set forth in the applicable concurrent resolution on the budget for the first fiscal year to be exceeded, or would cause revenues to be less than the level of total revenues set forth in that concurrent resolution for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided under section 633(a) of this title, except when a declaration of war by the Congress is in effect.

(2) In 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—

(A) would cause the level of total new budget authority or total outlays set forth for the first fiscal year in the applicable resolution to be exceeded; or

(B) would cause revenues to be less than the level of total revenues set forth for that

first fiscal year or for the total of that first fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 633(a) of this title.

(3) Enforcement of social security levels in 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 decrease in social security surpluses or an increase in social security deficits relative to the levels set forth in the applicable resolution for the first fiscal year or for the total of that fiscal year and the ensuing fiscal years for which allocations are provided under section 633(a) of this title.

(b) Social security levels

(1) In general

For purposes of subsection (a)(3), social security surpluses equal the excess of social security revenues over social security outlays in a fiscal year or years with such an excess and social security deficits equal the excess of social security outlays over social security revenues in a fiscal year or years with such an excess.

(2) Tax treatment

For purposes of subsection (a)(3), no provision of any legislation involving a change in chapter 1 of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.] shall be treated as affecting the amount of social security revenues or outlays unless that provision changes the income tax treatment of social security benefits.

(c) Exception in House of Representatives

Subsection (a)(1) shall not apply in the House of Representatives to any bill, joint resolution, or amendment that provides new budget authority for a fiscal year or to any conference report on any such bill or resolution, if—

- (1) the enactment of that bill or resolution as reported;
- (2) the adoption and enactment of that amendment; or
- (3) the enactment of that bill or resolution in the form recommended in that conference report;

would not cause the appropriate allocation of new budget authority made pursuant to section 633(a) of this title for that fiscal year to be exceeded.

(Pub. L. 93-344, title III, §311, July 12, 1974, 88 Stat. 316; Pub. L. 99-177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1055; Pub. L. 100-119, title I, §106(e)(1), Sept. 29, 1987, 101 Stat. 781; Pub. L. 101-508, title XIII, §§13112(a)(10), 13207(a)(1)(E), 13303(d), Nov. 5, 1990, 104 Stat. 1388-608, 1388-617, 1388-626; Pub. L. 105-33, title X, §10112(a), Aug. 5, 1997, 111 Stat. 686.)

Editorial Notes

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsec. (b)(2), is classified generally to Title 26, Internal Revenue Code.

CODIFICATION

Section was formerly classified to section 1332 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

1997—Pub. L. 105-33 amended section catchline and text generally. Prior to amendment, section provided that new budget authority, new spending authority, and revenue legislation had to be within appropriate levels.

1990—Subsec. (a). Pub. L. 101-508, §13303(d), designated existing provisions as par. (1), redesignated former pars. (1) to (3) thereof as subpars. (A) to (C), respectively, and added par. (2).

Pub. L. 101-508, §13207(a)(1)(E), substituted “bill, joint resolution, amendment, motion, or conference report” for “bill, resolution, or amendment” and struck out “or any conference report on any such bill or resolution” after “reducing revenues for such fiscal year.”

Pub. L. 101-508, §13112(a)(10), in closing provisions, substituted “except in the case that a declaration of war by the Congress is in effect” for “or, in the Senate, would otherwise result in a deficit for such fiscal year that—

“(A) for fiscal year 1989 or any subsequent fiscal year, exceeds the maximum deficit amount specified for such fiscal year in section 622(7) of this title; and

“(B) for fiscal year 1988 or 1989, exceeds the amount of the estimated deficit for such fiscal year based on laws and regulations in effect on January 1 of the calendar year in which such fiscal year begins as measured using the budget baseline specified in section 901(a)(6) of this title minus \$23,000,000,000 for fiscal year 1988 or \$36,000,000,000 for fiscal year 1989;

except to the extent that paragraph (1) of section 632(i) of this title or section 635(b) of this title, as the case may be, does not apply by reason of paragraph (2) of such subsection.”

1987—Subsec. (a). Pub. L. 100-119 substituted “would otherwise result in a deficit for such fiscal year that—

“(A) for fiscal year 1989 or any subsequent fiscal year, exceeds the maximum deficit amount specified for such fiscal year in section 622(7) of this title; and

“(B) for fiscal year 1988 or 1989, exceeds the amount of the estimated deficit for such fiscal year based on laws and regulations in effect on January 1 of the calendar year in which such fiscal year begins as measured using the budget baseline specified in section 901(a)(6) of this title minus \$23,000,000,000 for fiscal year 1988 or \$36,000,000,000 for fiscal year 1989;

except to the extent that paragraph (1) of section 632(i) of this title or section 635(b) of this title, as the case may be, does not apply by reason of paragraph (2) of such subsection” for “would otherwise result in a deficit for such fiscal year that exceeds the maximum deficit amount specified for such fiscal year in section 622(7) of this title (except to the extent that paragraph (1) of section 632(i) of this title or section 635(b) of this title, as the case may be, does not apply by reason of paragraph (2) of such subsection)”.

1985—Subsec. (a). Pub. L. 99-177 amended subsec. (a) generally, striking out references to sections 641 and 651 of this title, and inserting provisions relating to nonconsideration in Senate of any bill, resolution, etc., resulting in a fiscal year deficit exceeding maximum deficit amount specified in section 622(7) of this title, with certain exceptions.

Subsec. (b). Pub. L. 99-177 amended subsec. (b) generally, substituting provisions setting forth exceptions in the House of Representatives for certain bills, etc., under subsec. (a) of this section, for provisions relating to determination of outlays and revenues.

Subsec. (c). Pub. L. 99-177, in amending section generally, added subsec. (c).

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-

ant to section 641 of this title (whether that bill or resolution originated in the Senate or the House) or section 907d of this title, upon a point of order being made by any Senator against material extraneous to the instructions to a committee which is contained in any title or provision of the bill or resolution or offered as an amendment to the bill or resolution, and the point of order is sustained by the Chair, any part of said title or provision that contains material extraneous to the instructions to said Committee as defined in subsection (b) shall be deemed stricken from the bill and may not be offered as an amendment from the floor.

(b) Extraneous provisions

(1)(A) Except as provided in paragraph (2), a provision of a reconciliation bill or reconciliation resolution considered pursuant to section 641 of this title shall be considered extraneous if such provision does not produce a change in outlays or revenues, including changes in outlays and revenues brought about by changes in the terms and conditions under which outlays are made or revenues are required to be collected (but a provision in which outlay decreases or revenue increases exactly offset outlay increases or revenue decreases shall not be considered extraneous by virtue of this subparagraph); (B) any provision producing an increase in outlays or decrease in revenues shall be considered extraneous if the net effect of provisions reported by the committee reporting the title containing the provision is that the committee fails to achieve its reconciliation instructions; (C) a provision that is not in the jurisdiction of the committee with jurisdiction over said title or provision shall be considered extraneous; (D) a provision shall be considered extraneous if it produces changes in outlays or revenues which are merely incidental to the non-budgetary components of the provision; (E) a provision shall be considered to be extraneous if it increases, or would increase, net outlays, or if it decreases, or would decrease, revenues during a fiscal year after the fiscal years covered by such reconciliation bill or reconciliation resolution, and such increases or decreases are greater than outlay reductions or revenue increases resulting from other provisions in such title in such year; and (F) a provision shall be considered extraneous if it violates section 641(g) of this title.

(2) A Senate-originated provision shall not be considered extraneous under paragraph (1)(A) if the Chairman and Ranking Minority Member of the Committee on the Budget and the Chairman and Ranking Minority Member of the Committee which reported the provision certify that: (A) the provision mitigates direct effects clearly attributable to a provision changing outlays or revenues and both provisions together produce a net reduction in the deficit; (B) the provision will result in a substantial reduction in outlays or a substantial increase in revenues during fiscal years after the fiscal years covered by the reconciliation bill or reconciliation resolution; (C) a reduction of outlays or an increase in revenues is likely to occur as a result of the provision, in the event of new regulations authorized by the provision or likely to be proposed, court rulings on pending litigation, or re-

lationships between economic indices and stipulated statutory triggers pertaining to the provision, other than the regulations, court rulings or relationships currently projected by the Congressional Budget Office for scorekeeping purposes; or (D) such provision will be likely to produce a significant reduction in outlays or increase in revenues but, due to insufficient data, such reduction or increase cannot be reliably estimated.

(3) A provision reported by a committee shall not be considered extraneous under paragraph (1)(C) if (A) the provision is an integral part of a provision or title, which if introduced as a bill or resolution would be referred to such committee, and the provision sets forth the procedure to carry out or implement the substantive provisions that were reported and which fall within the jurisdiction of such committee; or (B) the provision states an exception to, or a special application of, the general provision or title of which it is a part and such general provision or title if introduced as a bill or resolution would be referred to such committee.

(c) Extraneous materials

Upon the reporting or discharge of a reconciliation bill or resolution pursuant to section 641 of this title in the Senate, and again upon the submission of a conference report on such a reconciliation bill or resolution, the Committee on the Budget of the Senate shall submit for the record a list of material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of this section to the instructions of a committee as provided in this section. The inclusion or exclusion of a provision shall not constitute a determination of extraneousness by the Presiding Officer of the Senate.

(d) Conference reports

When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a reconciliation bill or reconciliation resolution pursuant to section 641 of this title, upon—

- (1) a point of order being made by any Senator against extraneous material meeting the definition of subsections (b)(1)(A), (b)(1)(B), (b)(1)(D), (b)(1)(E), or (b)(1)(F), and
- (2) such point of order being sustained,

such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed, without intervening action or motion, to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable for two hours. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(e) General point of order

Notwithstanding any other law or rule of the Senate, it shall be in order for a Senator to raise

a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provisions of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(Pub. L. 93-344, title III, § 313, formerly Pub. L. 99-272, title XX, § 20001, Apr. 7, 1986, 100 Stat. 390, as amended Pub. L. 99-509, title VII, § 7006, Oct. 21, 1986, 100 Stat. 1949; Pub. L. 100-119, title II, § 205(a), (b), Sept. 29, 1987, 101 Stat. 784; renumbered § 313 of Pub. L. 93-344 and amended Pub. L. 101-508, title XIII, § 13214(a)-(b)(4), Nov. 5, 1990, 104 Stat. 1388-621, 1388-622; Pub. L. 105-33, title X, § 10113(b)(1), Aug. 5, 1997, 111 Stat. 688.)

Editorial Notes

CODIFICATION

Prior to redesignation by Pub. L. 101-508, this section was section 20001 of Pub. L. 99-272, which was not classified to the Code, and subsec. (c) (now (d)) of this section (relating to point of order) was subsec. (a) of the first section of Senate Resolution No. 286, Ninety-ninth Congress, Dec. 19, 1985.

AMENDMENTS

1997—Subsec. (c). Pub. L. 105-33, § 10113(b)(1)(A), redesignated subsec. (c), relating to point of order, as (d).

Subsec. (d). Pub. L. 105-33, § 10113(b)(1)(A), redesignated subsec. (c), relating to point of order, as (d) and inserted heading. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 105-33, § 10113(b)(1)(B), redesignated subsec. (d) as (e) and struck out heading and text of former subsec. (e). Text read as follows: "For purposes of this section, the levels of new budget authority, budget outlays, 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 Senate."

1990—Pub. L. 101-508, § 13214(b)(2)(A), inserted "Extraneous matter in reconciliation legislation" as section catchline.

Pub. L. 101-508, § 13214(b)(1), redesignated section 20001 of Pub. L. 99-272 as this section.

Subsec. (a). Pub. L. 101-508, § 13214(a)(1)(A), inserted heading "In general".

Pub. L. 101-508, § 13214(b)(4)(B), substituted "subsection (b)" for "subsection (d)".

Pub. L. 101-508, § 13214(b)(4)(A), made technical amendment to reference to section 641 of this title to reflect change in reference to corresponding section of original act.

Pub. L. 101-508, § 13214(b)(2)(B), struck out at end "An affirmative vote of three-fifths of the Members, duly

chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section, as well as to waive or suspend the provisions of this subsection."

Pub. L. 101-508, § 13214(a)(1)(B), inserted "(whether that bill or resolution originated in the Senate or the House) or section 907d of this title" after "section 641 of this title".

Subsec. (b). Pub. L. 101-508, § 13214(b)(2)(B), (C), redesignated subsec. (d) as (b) and struck out former subsec. (b) which provided that no motion to waive or suspend the requirement of section 636(b)(2) of this title, as it related to germaneness with respect to a reconciliation bill or resolution, could be agreed to unless supported by an affirmative vote of three-fifths of the Members, duly chosen and sworn, which super-majority was to be required to successfully appeal the ruling of the Chair on a point of order raised under that section, as well as to waive or suspend the provisions of this subsection.

Pub. L. 101-508, § 13214(a)(2), inserted heading "Extraneous provisions".

Subsec. (b)(1)(A). Pub. L. 101-508, § 13214(b)(4)(A), made technical amendment to reference to section 641 of this title to reflect change in reference to corresponding section of original act.

Pub. L. 101-508, § 13214(a)(3), inserted before semicolon "(but a provision in which outlay decreases or revenue increases exactly offset outlay increases or revenue decreases shall not be considered extraneous by virtue of this subparagraph)".

Subsec. (b)(1)(F). Pub. L. 101-508, § 13214(a)(4)-(6), added subpar. (F).

Subsec. (b)(2). Pub. L. 101-508, § 13214(a)(7), substituted "A Senate-originated provision" for "A provision".

Subsec. (b)(2)(C). Pub. L. 101-508, § 13214(b)(4)(C), inserted "or" after "scorekeeping purposes".

Subsec. (c). Pub. L. 101-508, § 13214(b)(4)(F), which directed the substitution of "this subsection" for "this resolution" in par. (2), was executed to last sentence of subsec. (c) as the probable intent of Congress.

Pub. L. 101-508, § 13214(b)(4)(E), substituted "(b)(1)(A), (b)(1)(B), (b)(1)(D), (b)(1)(E), or (b)(1)(F)" for "(d)(1)(A) or (d)(1)(D) of section 20001 of the Consolidated Omnibus Budget Reconciliation Act of 1985".

Pub. L. 101-508, § 13214(b)(4)(D), substituted "When" for "when".

Pub. L. 101-508, § 13214(b)(4)(A), made technical amendment to reference to section 641 of this title to reflect change in reference to corresponding section of original act.

Pub. L. 101-508, § 13214(b)(3), redesignated as subsec. (c), relating to point of order, subsec. (a) of the first section of Senate Resolution No. 286, Ninety-ninth Congress, Dec. 19, 1985, as amended by Senate Resolution No. 509, Ninety-ninth Congress, Oct. 16, 1986.

Pub. L. 101-508, § 13214(b)(2)(C), redesignated subsec. (e), relating to extraneous materials, as (c).

Pub. L. 101-508, § 13214(b)(2)(B), struck out subsec. (c) which provided for effective and termination dates of this section.

Subsec. (d). Pub. L. 101-508, § 13214(b)(2)(C), redesignated subsec. (f) as (d). Former subsec. (d) redesignated (b).

Subsecs. (e) to (g). Pub. L. 101-508, § 13214(a)(8), (b)(2)(C), added subsecs. (e) to (g) and redesignated them as subsecs. (c) to (e), respectively.

1987—Subsec. (c). Pub. L. 100-119, § 205(a), substituted "September 30, 1992" for "January 2, 1988".

Subsec. (d)(1)(E). Pub. L. 100-119, § 205(b), which directed that cl. (E) be added to subsec. (d)(1)(A), was executed to subsec. (d)(1), as the probable intent of Congress.

1986—Subsec. (c). Pub. L. 99-509, § 7006(b), substituted "January 2, 1988" for "January 2, 1987".

Pub. L. 99-509, § 7006(c), substituted "section 20001" for "section 1201" in Senate Resolution No. 286, Ninety-ninth Congress, Dec. 19, 1985. See 1990 Amendment note above.

Subsec. (d)(2). Pub. L. 99-509, § 7006(a)(1), substituted "paragraph (1)(A) if the Chairman and Ranking Minor-

ity Member of the Committee on the Budget and the Chairman and Ranking Minority Member of the Committee which reported the provision certify that” for “(1)(A) above if” in introductory provisions.

Subsec. (d)(2)(A). Pub. L. 99-509, §7006(a)(2), substituted “the provision mitigates” for “it is designed to mitigate the”.

Subsec. (d)(2)(B). Pub. L. 99-509, §7006(a)(3), substituted “the provision” for “it”.

Subsec. (d)(3). Pub. L. 99-509, §7006(a)(4), added par. (3).

§ 645. Adjustments

(a) Adjustments

After the reporting of a bill or joint resolution or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget of the House of Representatives or the Senate may make appropriate budgetary adjustments of new budget authority and the outlays flowing therefrom in the same amount as required by section 901(b) of this title.

(b) Application of adjustments

The adjustments made pursuant to subsection (a) for legislation shall—

- (1) apply while that legislation is under consideration;
- (2) take effect upon the enactment of that legislation; and
- (3) be published in the Congressional Record as soon as practicable.

(c) Reporting revised suballocations

Following any adjustment made under subsection (a), the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations under section 633(b) of this title to carry out this section.

(d) Emergencies in the House of Representatives

(1) In the House of Representatives, if a reported bill or joint resolution, or amendment thereto or conference report thereon, contains a provision providing new budget authority and outlays or reducing revenue, and a designation of such provision as an emergency requirement pursuant to 901(b)(2)(A)¹ of this title, the chair of the Committee on the Budget of the House of Representatives shall not count the budgetary effects of such provision for purposes of this subchapter and subchapter II and the Rules of the House of Representatives.

(2)(A) In the House of Representatives, a proposal to strike a designation under paragraph (1) shall be excluded from an evaluation of budgetary effects for purposes of this subchapter and subchapter II and the Rules of the House of Representatives.

(B) An amendment offered under subparagraph (A) that also proposes to reduce each amount appropriated or otherwise made available by the pending measure that is not required to be appropriated or otherwise made available shall be in order at any point in the reading of the pending measure.

¹ So in original. Probably should be preceded by the word “section”.

(e) Senate point of order against an emergency designation

(1) In general

When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) Supermajority waiver and appeals

(A) Waiver

Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) Appeals

Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) Definition of an emergency designation

For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 901(b)(2)(A)(i) of this title.

(4) Form of the point of order

A point of order under paragraph (1) may be raised by a Senator as provided in section 644(e) of this title.

(5) Conference reports

When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) Enforcement of discretionary spending caps

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 that would cause the discre-

tionary spending limits as set forth in section 901 of this title to be exceeded.

(g) Adjustment for reemployment services and eligibility assessments

(1) In general

(A) Adjustments

If the Committee on Appropriations of either House reports an appropriation measure for any of fiscal years 2022 through 2027 that provides budget authority for grants under section 506 of title 42, or if a conference committee submits a conference report thereon, the chairman of the Committee on the Budget of the House of Representatives or the Senate shall make the adjustments referred to in subparagraph (B) to reflect the additional new budget authority provided for such grants in that measure or conference report and the outlays resulting therefrom, consistent with subparagraph (D).

(B) Types of adjustments

The adjustments referred to in this subparagraph consist of adjustments to—

- (i) the discretionary spending limits for that fiscal year as set forth in the most recently adopted concurrent resolution on the budget;
- (ii) the allocations to the Committees on Appropriations of the Senate and the House of Representatives for that fiscal year under section 633(a) of this title; and
- (iii) the appropriate budget aggregates for that fiscal year in the most recently adopted concurrent resolution on the budget.

(C) Enforcement

The adjusted discretionary spending limits, allocations, and aggregates under this paragraph shall be considered the appropriate limits, allocations, and aggregates for purposes of congressional enforcement of this Act and concurrent budget resolutions under this Act.

(D) Limitation

No adjustment may be made under this subsection in excess of—

- (i) for fiscal year 2022, \$133,000,000;
- (ii) for fiscal year 2023, \$258,000,000;
- (iii) for fiscal year 2024, \$433,000,000;
- (iv) for fiscal year 2025, \$533,000,000;
- (v) for fiscal year 2026, \$608,000,000; and
- (vi) for fiscal year 2027, \$633,000,000.

(E) Definition

As used in this subsection, the term “additional new budget authority” means the amount provided for a fiscal year, in excess of \$117,000,000, in an appropriation measure or conference report (as the case may be) and specified to pay for grants to States under section 506 of title 42.

(2) Report on 633(b) level

Following any adjustment made under paragraph (1), the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to section 633(b) of this title to carry out this subsection.

(Pub. L. 93-344, title III, §314, as added Pub. L. 105-33, title X, §10114(a), Aug. 5, 1997, 111 Stat. 688; amended Pub. L. 105-89, title II, §201(b)(2), Nov. 19, 1997, 111 Stat. 2125; Pub. L. 112-25, title I, §105(a), Aug. 2, 2011, 125 Stat. 246; Pub. L. 112-78, title V, §511, Dec. 23, 2011, 125 Stat. 1291; Pub. L. 113-67, div. A, title I, §122(10), Dec. 26, 2013, 127 Stat. 1176; Pub. L. 115-123, div. C, title II, §30206(d), Feb. 9, 2018, 132 Stat. 131.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (g)(1)(C), is Pub. L. 115-123, Feb. 9, 2018, 132 Stat. 64, known as the Bipartisan Budget Act of 2018. For complete classification of this Act to the Code, see Short Title of 2018 Amendment note set out under section 1305 of Title 42, The Public Health and Welfare, and Tables.

AMENDMENTS

2018—Subsec. (g). Pub. L. 115-123 added subsec. (g).

2013—Subsec. (d)(2). Pub. L. 113-67 redesignated subpar. (B) as (A) and substituted “under paragraph (1)” for “under subparagraph (A)”, redesignated subpar. (C) as (B) and substituted “under subparagraph (A)” for “under subparagraph (B)”, and struck out former subpar. (A) which read as follows: “In the House of Representatives, if a reported bill or joint resolution, or amendment thereto or conference report thereon, contains a provision providing new budget authority and outlays or reducing revenue, and a designation of such provision as an emergency pursuant to paragraph (1), the chair of the Committee on the Budget shall not count the budgetary effects of such provision for purposes of this subchapter and subchapter II and the Rules of the House of Representatives.”

2011—Subsec. (a). Pub. L. 112-25, §105(a)(1), added subsec. (a) and struck out former subsec. (a) which related to general adjustment provisions and described the matters to be adjusted.

Subsecs. (b) to (d). Pub. L. 112-25, §105(a)(2), (3), added subsec. (d), redesignated former subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which related to amounts of adjustments.

Subsec. (e). Pub. L. 112-78, §511(2), added subsec. (e). Former subsec. (e) redesignated (f).

Pub. L. 112-25, §105(a)(2), (3), added subsec. (e) and struck out former subsec. (e) which defined “continuing disability reviews” and “new budget authority” as used in former subsec. (b)(2).

Subsec. (f). Pub. L. 112-78, §511(1), redesignated subsec. (e) as (f).

1997—Subsec. (b)(6). Pub. L. 105-89 added par. (6).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-89 effective Nov. 19, 1997, except as otherwise provided, with delay permitted if State legislation is required, see section 501 of Pub. L. 105-89, set out as a note under section 622 of Title 42, The Public Health and Welfare.

§ 645a. Effect of adoption of special order of business in House of Representatives

For purposes of a reported bill or joint resolution considered in the House of Representatives pursuant to a special order of business, the term “as reported” in this subchapter or subchapter II shall be considered to refer to the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be. In the case of a reported bill or joint resolution considered pur-

suant to a special order of business, a point of order under section 634 of this title shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(Pub. L. 93-344, title III, §315, as added Pub. L. 105-33, title X, §10115(a), Aug. 5, 1997, 111 Stat. 690; amended Pub. L. 113-67, div. A, title I, §122(11), Dec. 26, 2013, 127 Stat. 1176.)

Editorial Notes

AMENDMENTS

2013—Pub. L. 113-67 inserted at end “In the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 634 of this title shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.”

SUBCHAPTER II—FISCAL PROCEDURES

PART A—GENERAL PROVISIONS

§ 651. Budget-related legislation not subject to appropriations

(a) Controls on certain budget-related legislation not subject to appropriations

It shall not be in order in either the House of Representatives or the Senate to consider any bill or joint resolution (in the House of Representatives only, as reported), amendment, motion, or conference report that provides—

- (1) new authority to enter into contracts under which the United States is obligated to make outlays;
- (2) new authority to incur indebtedness (other than indebtedness incurred under chapter 31 of title 31) for the repayment of which the United States is liable; or
- (3) new credit authority;

unless that bill, joint resolution, amendment, motion, or conference report also provides that the new authority is to be effective for any fiscal year only to the extent or in the amounts provided in advance in appropriation Acts.

(b) Legislation providing new entitlement authority

(1) POINT OF ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider any bill or joint resolution (in the House of Representatives only, as reported), amendment, motion, or conference report that provides new entitlement authority that is to become effective during the current fiscal year.

(2) If any committee of the House of Representatives or the Senate reports any bill or resolution which provides new entitlement authority which is to become effective during a fiscal year and the amount of new budget authority which will be required for such fiscal year if such bill or resolution is enacted as so reported exceeds the appropriate allocation of new budget authority reported under section 633(a) of this title in connection with the most recently agreed to concurrent resolution on the budget

for such fiscal year, such bill or resolution shall then be referred to the Committee on Appropriations of the Senate or may then be referred to the Committee on Appropriations of the House, as the case may be, with instructions to report it, with the committee's recommendations, within 15 calendar days (not counting any day on which that House is not in session) beginning with the day following the day on which it is so referred. If the Committee on Appropriations of either House fails to report a bill or resolution referred to it under this paragraph within such 15-day period, the committee shall automatically be discharged from further consideration of such bill or resolution and such bill or resolution shall be placed on the appropriate calendar.

(3) The Committee on Appropriations of each House shall have jurisdiction to report any bill or resolution referred to it under paragraph (2) with an amendment which limits the total amount of new spending authority provided in such bill or resolution.

(c) Exceptions

(1) Subsections (a) and (b) shall not apply to new authority described in those subsections if outlays from that new authority will flow—

(A) from a trust fund established by the Social Security Act (as in effect on July 12, 1974) [42 U.S.C. 301 et seq.]; or

(B) from any other trust fund, 90 percent or more of the receipts of which consist or will consist of amounts (transferred from the general fund of the Treasury) equivalent to amounts of taxes (related to the purposes for which such outlays are or will be made) received in the Treasury under specified provisions of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.].

(2) Subsections (a) and (b) shall not apply to new authority described in those subsections to the extent that—

(A) the outlays resulting therefrom are made by an organization which is (i) a mixed-ownership Government corporation (as defined in section 9101(2) of title 31), or (ii) a wholly owned Government corporation (as defined in section 9101(3) of title 31) which is specifically exempted by law from compliance with any or all of the provisions of chapter 91 of title 31, as of December 12, 1985; or

(B) the outlays resulting therefrom consist exclusively of the proceeds of gifts or bequests made to the United States for a specific purpose.

(3) In the House of Representatives, subsections (a) and (b) shall not apply to new authority described in those subsections to the extent that a provision in a bill or joint resolution, or an amendment thereto or a conference report thereon, establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations.

(Pub. L. 93-344, title IV, §401, July 12, 1974, 88 Stat. 317; Pub. L. 99-177, title II, §211, Dec. 12, 1985, 99 Stat. 1056; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101-508, title XIII, §13207(a)(1)(F), (G), Nov. 5, 1990, 104 Stat. 1388-617, 1388-618; Pub. L. 105-33, title X,