

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 Minority 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

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

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.

(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 discretionary 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 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.

(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.