

the President under section 904 of this title for any fiscal year—

(A) does not reduce automatic spending increases under any program specified in section 906(a)¹ of this title if such increases are required to be reduced by subchapter I of this chapter (or reduces such increases by a greater extent than is so required), or

(B) does not sequester the amount of budgetary resources which is required to be sequestered by subchapter I of this chapter (or sequesters more than that amount) with respect to any program, project, activity, or account,

the President shall, within 20 days after such determination is made, revise the order in accordance with such determination.

(2) If the order issued by the President under section 904 of this title for any fiscal year—

(A) does not reduce any automatic spending increase to the extent that such increase is required to be reduced by subchapter I of this chapter,

(B) does not sequester any amount of new budget authority, new loan guarantee commitments, new direct loan obligations, or spending authority which is required to be sequestered by subchapter I of this chapter, or

(C) does not reduce any obligation limitation by the amount by which such limitation is required to be reduced under subchapter I of this chapter,

on the claim or defense that the constitutional powers of the President prevent such sequestration or reduction or permit the avoidance of such sequestration or reduction, and such claim or defense is finally determined by the Supreme Court of the United States to be valid, then the entire order issued pursuant to section 904 of this title for such fiscal year shall be null and void.

(e) Timing of relief

No order of any court granting declaratory or injunctive relief from the order of the President issued under section 904 of this title, including but not limited to relief permitting or requiring the expenditure of funds sequestered by such order, shall take effect during the pendency of the action before such court, during the time appeal may be taken, or, if appeal is taken, during the period before the court to which such appeal is taken has entered its final order disposing of such action.

(f) Preservation of other rights

The rights created by this section are in addition to the rights of any person under law, subject to subsection (e) of this section.

(g) Economic data and assumptions

The economic data and economic assumptions used by the Director of OMB in computing the figures specified in any report issued by the Director of OMB under section 904 of this title, shall not be subject to review in any judicial or administrative proceeding.

(Pub. L. 99-177, title II, §274, Dec. 12, 1985, 99 Stat. 1098; Pub. L. 100-119, title I, §102(b)(9), (10), Sept. 29, 1987, 101 Stat. 774, 775; Pub. L. 105-33, title X, §10211, Aug. 5, 1997, 111 Stat. 711.)

REFERENCES IN TEXT

This title, referred to in subsec. (a)(2), (3), means title II (§200 et seq.) of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, known as the Balanced Budget and Emergency Deficit Control Act of 1985. For complete classification of this Act to the Code, see Short Title note set out under section 900 of this title and Tables.

Section 906(a) of this title, referred to in subsec. (d)(1)(A), was repealed by Pub. L. 111-139, title I, §10(a), Feb. 12, 2010, 124 Stat. 21.

AMENDMENTS

1997—Subsec. (a)(1), (3). Pub. L. 105-33, §10211(1), substituted “section 904” for “section 902”.

Subsec. (d)(1). Pub. L. 105-33, §10211(1), substituted “section 904” for “section 902(b)” in introductory provisions.

Subsec. (d)(1)(A). Pub. L. 105-33, §10211(2), substituted “906(a) of this title if” for “907(1) of this title to the extent that” and inserted “or” at end.

Subsec. (d)(1)(B). Pub. L. 105-33, §10211(3), substituted “budgetary resources” for “new budget authority, new loan guarantee commitments, new direct loan obligations, or spending authority”. Directory language directing the striking of “or” after the comma was executed by striking “or” after “account,” and not after “activity,” to reflect the probable intent of Congress.

Subsec. (d)(1)(C). Pub. L. 105-33, §10211(4), struck out subpar. (C) which read as follows: “does not reduce obligation limitations by the amount by which such limitations are required to be reduced under subchapter I of this chapter (or reduces such limitations by more than that amount) with respect to any program, project, activity, or account,”.

Subsec. (d)(2). Pub. L. 105-33, §10211(1), substituted “section 904” for “section 902(b)” in introductory and concluding provisions.

Subsec. (e). Pub. L. 105-33, §10211(1), substituted “section 904” for “section 902”.

Subsec. (f). Pub. L. 105-33, §10211(5), redesignated subsec. (g) as (f) and struck out heading and text of former subsec. (f) consisting of pars. (1) to (5) relating to alternative procedures for joint reports of directors.

Subsec. (g). Pub. L. 105-33, §10211(6), substituted “figures” for “base levels of total revenues and total budget outlays, as” and “section 904 of this title” for “section 901(a)(2)(B) or (c)(2) of this title,”.

Pub. L. 105-33, §10211(5), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

Subsec. (h). Pub. L. 105-33, §10211(5), redesignated subsec. (h) as (g).

1987—Subsec. (f)(1). Pub. L. 100-119, §102(b)(9)(A), added par. (1) and struck out former par. (1) which read as follows: “In the event that any of the reporting procedures described in section 901 of this title are invalidated, then any report of the Directors referred to in section 901(a) or (c)(1) of this title shall be transmitted to the joint committee established under this subsection.”

Subsec. (f)(2), (3). Pub. L. 100-119, §102(b)(9)(B), substituted “Director of CBO” for “Directors” wherever appearing.

Subsec. (f)(5). Pub. L. 100-119, §102(b)(9)(C), substituted “section 901(a)(2)(B) or (c)(2)” for “section 901(b) or (c)(2)”.

Subsec. (h). Pub. L. 100-119, §102(b)(10), substituted “and economic assumptions” for “, assumptions, and methodologies”, “Director of OMB” for “Comptroller General” in two places, and “section 901(a)(2)(B)” for “section 901(b)”.

CHAPTER 20A—STATUTORY PAY-AS-YOU-GO

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§ 931. Purpose

The purpose of this chapter is to reestablish a statutory procedure to enforce a rule of budget neutrality on new revenue and direct spending legislation.

(Pub. L. 111-139, title I, §2, Feb. 12, 2010, 124 Stat. 8.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 111-139, Feb. 12, 2010, 124 Stat. 8, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Pub. L. 111-139, title I, §1, Feb. 12, 2010, 124 Stat. 8, provided that: “This title [enacting this chapter and amending sections 639, 900, 905, and 906 of this title] may be cited as the ‘Statutory Pay-As-You-Go Act of 2010’.”

§ 932. Definitions and applications

As used in this chapter—

(1) The term “BBEDCA” means the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The definitions set forth in section 622 of this title and in section 250 of BBEDCA [2 U.S.C. 900] shall apply to this chapter, except to the extent that they are specifically modified as follows:

(A) The term “outyear” means a fiscal year one or more years after the budget year.

(B) In section 250(c)(8)(C) [2 U.S.C. 900(c)(8)(C)], the reference to the food stamp program shall be deemed to be a reference to the Supplemental Nutrition Assistance Program.

(3) The term “AMT” means the Alternative Minimum Tax for individuals under sections 55-59 of title 26, the term “EGTRRA” means the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16), and the term “JGTRRA” means the Jobs and Growth Tax Relief and¹ Reconciliation Act of 2003 (Public Law 108-27).

(4)(A) The term “budgetary effects” means the amount by which PAYGO legislation changes outlays flowing from direct spending or revenues relative to the baseline and shall be determined on the basis of estimates prepared under section 933 of this title. Budgetary effects that increase outlays flowing from direct spending or decrease revenues are termed “costs” and budgetary effects that increase revenues or decrease outlays flowing from direct spending are termed “savings”. Budgetary effects shall not include any costs associated with debt service.

(B) For purposes of these definitions, off-budget effects shall not be counted as budgetary effects.

(C) Solely for purposes of recording entries on a PAYGO scorecard, provisions in appropriation Acts are also considered to be budgetary effects for purposes of this chapter if such provisions make outyear modifications to substantive law, except that provisions for which the outlay effects net to zero over a period consisting of the current year, the budget year, and the 4 subsequent years shall not be considered budgetary effects. For purposes of this paragraph, the term, “modifications to substantive law” refers to changes to or restrictions on entitlement law or other mandatory spending contained in appropriations Acts, notwithstanding section 250(c)(8) of BBEDCA [2 U.S.C. 900(c)(8)]. Provisions in appropriations Acts that are neither outyear modifications to substantive law nor changes in revenues have no budgetary effects for purposes of this chapter.

(5) The term “debit” refers to the net total amount, when positive, by which costs recorded on the PAYGO scorecards for a fiscal year exceed savings recorded on those scorecards for that year.

(6) The term “entitlement law” refers to a section of law which provides entitlement authority.

(7) The term “PAYGO legislation” or a “PAYGO Act” refers to a bill or joint resolution that affects direct spending or revenue relative to the baseline. The budgetary effects of changes in revenues and outyear modifications to substantive law included in appropriation Acts as defined in paragraph (4) shall be treated as if they were contained in PAYGO legislation or a PAYGO Act.

(8) The term “timing shift” refers to a delay of the date on which outlays flowing from direct spending would otherwise occur from the ninth outyear to the tenth outyear or an acceleration of the date on which revenues would otherwise occur from the tenth outyear to the ninth outyear.

(Pub. L. 111-139, title I, §3, Feb. 12, 2010, 124 Stat. 8.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 111-139, Feb. 12, 2010, 124 Stat. 8, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 931 of this title and Tables.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in par. (1), 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.

The Economic Growth and Tax Relief Reconciliation Act of 2001, referred to in par. (3), is Pub. L. 107-16, June 7, 2001, 115 Stat. 38. For complete classification of this Act to the Code, see Short Title of 2001 Amendment note set out under section 1 of Title 26, Internal Revenue Code, and Tables.

¹ So in original. The word “and” probably should not appear.