

104 Stat. 1388–621, 1388–622; Pub. L. 105–33, title X, § 10113(b)(1), Aug. 5, 1997, 111 Stat. 688.)

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 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 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.

(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.)

AMENDMENTS

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).

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

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

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

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.)

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