

**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 subsection (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