

1989—Subsec. (b)(4)(C). Pub. L. 101-73, §743(b)(1), substituted “Office of Thrift Supervision” for “Federal Home Loan Bank Board”.

Subsec. (b)(4)(D). Pub. L. 101-73, §743(b)(2), substituted “Office of Thrift Supervision” for “Federal Savings and Loan Insurance Corporation”.

Subsec. (b)(4)(H), (I). Pub. L. 101-73, §743(b)(3), added subpars. (H) and (I).

1987—Subsec. (a)(2). Pub. L. 100-119, §102(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Any amount of new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, spending authority (as defined in section 651(c)(2) of this title), or obligation limitations which is sequestered or reduced pursuant to an order issued under section 902 of this title is permanently cancelled, with the exception of amounts sequestered in special or trust funds, which shall remain in such funds and be available in accordance with and to the extent permitted by law, including the provisions of this Act.”

Subsec. (b)(4). Pub. L. 100-86 added par. (4).

Subsec. (b)(4)(G). Pub. L. 100-119, §104(a)(3), added subpar. (G).

Subsec. (d)(1)(B). Pub. L. 100-119, §102(b)(11), inserted “(or such higher percentage as may apply as determined in accordance with section 902(a)(4)(B)(ii) of this title)”.

Subsec. (e). Pub. L. 100-119, §104(a)(4), substituted “Notwithstanding any change in the display of budget accounts, any order” for “Any order”.

Subsec. (l). Pub. L. 100-119, §102(b)(3), amended subsec. (l) generally, striking out provisions which had created an “existing contract” exception to the rule of obligated balances not being subject to reduction under an order issued under section 902 of this title, under which existing contracts in major functional category 050 (other than (A) those contracts which included a specified penalty for cancellation or modification by the Government and which if so cancelled or modified would have resulted (due to such penalty) in a net loss to the Government for the fiscal year, and (B) those contracts the reduction of which would have violated the legal obligations of the Government) were subject to reduction, in accordance with section 901(d)(3) of this title, under an order issued under section 902 of this title.

1986—Subsec. (h)(2)(B). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES OF 2020 AMENDMENT

Pub. L. 116-260, div. N, title II, §235(b), Dec. 27, 2020, 134 Stat. 1959, provided that: “The treatment of payments made from the Railroad Unemployment Insurance Account pursuant to the amendment made by subsection (a) [amending this section]—

“(1) shall take effect 7 days after the date of the enactment of this Act [Dec. 27, 2020]; and

“(2) shall apply only to obligations incurred during the period beginning on the effective date described in paragraph (1) and ending on the date that is 30 days after the date on which the national emergency concerning the novel coronavirus disease (COVID-19) outbreak declared by the President on March 13, 2020, under the National Emergencies Act [Pub. L. 94-412] (50 U.S.C. 1601 et seq.) terminates.”

[For definition of “coronavirus” as used in section 235(b) of Pub. L. 116-260, set out above, see section 8 of Pub. L. 116-260, set out as a note under section 5547 of Title 5, Government Organization and Employees.]

Pub. L. 116-260, div. N, title II, §235(c), Dec. 27, 2020, 134 Stat. 1959, provided that: “The amendments made by subsection (a) [amending this section] shall be re-

pealed on the date that is 30 days after the date on which the national emergency concerning the novel coronavirus disease (COVID-19) outbreak declared by the President on March 13, 2020, under the National Emergencies Act [Pub. L. 94-412] (50 U.S.C. 1601 et seq.) terminates.”

[For definition of “coronavirus” as used in section 235(c) of Pub. L. 116-260, set out above, see section 8 of Pub. L. 116-260, set out as a note under section 5547 of Title 5, Government Organization and Employees.]

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-203, title III, §351, July 21, 2010, 124 Stat. 1546, provided that: “Except as provided in section 364(a) [amending section 1438 of Title 12, Banks and Banking, and enacting provisions set out as a note under section 1438 of Title 12], the amendments made by this subtitle [subtitle E (§§351-378) of title III of Pub. L. 111-203, see Tables for classification] shall take effect on the transfer date.”

[For definition of “transfer date” as used in section 351 of Pub. L. 111-203, set out above, see section 5301 of Title 12, Banks and Banking.]

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, set out as a note under section 601 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

§ 907. The baseline

(a) In general

For any budget year, the baseline refers to a projection of current-year levels of new budget authority, outlays, revenues, and the surplus or deficit into the budget year and the outyears based on laws enacted through the applicable date.

(b) Direct spending and receipts

For the budget year and each outyear, the baseline shall be calculated using the following assumptions:

(1) In general

Laws providing or creating direct spending and receipts are assumed to operate in the manner specified in those laws for each such year and funding for entitlement authority is assumed to be adequate to make all payments required by those laws.

(2) Exceptions

(A)(i) No program established by a law enacted on or before August 5, 1997, with esti-

mated current year outlays greater than \$50,000,000 shall be assumed to expire in the budget year or the outyears. The scoring of new programs with estimated outlays greater than \$50,000,000 a year shall be based on scoring by the Committees on Budget or OMB, as applicable. OMB, CBO, and the Budget Committees shall consult on the scoring of such programs where there are differences between CBO and OMB.

(ii) On the expiration of the suspension of a provision of law that is suspended under section 7301 of title 7 and that authorizes a program with estimated fiscal year outlays that are greater than \$50,000,000, for purposes of clause (i), the program shall be assumed to continue to operate in the same manner as the program operated immediately before the expiration of the suspension.

(B) The increase for veterans' compensation for a fiscal year is assumed to be the same as that required by law for veterans' pensions unless otherwise provided by law enacted in that session.

(C) Excise taxes dedicated to a trust fund, if expiring, are assumed to be extended at current rates.

(D) If any law expires before the budget year or any outyear, then any program with estimated current year outlays greater than \$50,000,000 that operates under that law shall be assumed to continue to operate under that law as in effect immediately before its expiration.

(3) Hospital Insurance Trust Fund

Notwithstanding any other provision of law, the receipts and disbursements of the Hospital Insurance Trust Fund shall be included in all calculations required by this Act.

(c) Discretionary appropriations

For the budget year and each outyear, the baseline shall be calculated using the following assumptions regarding all amounts other than those covered by subsection (b):

(1) Inflation of current-year appropriations

Budgetary resources other than unobligated balances shall be at the level provided for the budget year in full-year appropriation Acts. If for any account a full-year appropriation has not yet been enacted, budgetary resources other than unobligated balances shall be at the level available in the current year, adjusted sequentially and cumulatively for expiring housing contracts as specified in paragraph (2), for social insurance administrative expenses as specified in paragraph (3), to offset pay absorption and for pay annualization as specified in paragraph (4), for inflation as specified in paragraph (5), and to account for changes required by law in the level of agency payments for personnel benefits other than pay.

(2) Expiring housing contracts

New budget authority to renew expiring multiyear subsidized housing contracts shall be adjusted to reflect the difference in the number of such contracts that are scheduled to expire in that fiscal year and the number

expiring in the current year, with the per-contract renewal cost equal to the average current-year cost of renewal contracts.

(3) Social insurance administrative expenses

Budgetary resources for the administrative expenses of the following trust funds shall be adjusted by the percentage change in the beneficiary population from the current year to that fiscal year: the Federal Hospital Insurance Trust Fund, the Supplementary Medical Insurance Trust Fund, the Unemployment Trust Fund, and the railroad retirement account.

(4) Pay annualization; offset to pay absorption

Current-year new budget authority for Federal employees shall be adjusted to reflect the full 12-month costs (without absorption) of any pay adjustment that occurred in that fiscal year.

(5) Inflaters

The inflator used in paragraph (1) to adjust budgetary resources relating to personnel shall be the percent by which the average of the Bureau of Labor Statistics Employment Cost Index (wages and salaries, private industry workers) for that fiscal year differs from such index for the current year. The inflator used in paragraph (1) to adjust all other budgetary resources shall be the percent by which the average of the estimated gross domestic product chain-type price index for that fiscal year differs from the average of such estimated index for the current year.

(6) Current-year appropriations

If, for any account, a continuing appropriation is in effect for less than the entire current year, then the current-year amount shall be assumed to equal the amount that would be available if that continuing appropriation covered the entire fiscal year. If law permits the transfer of budget authority among budget accounts in the current year, the current-year level for an account shall reflect transfers accomplished by the submission of, or assumed for the current year in, the President's original budget for the budget year.

(d) Up-to-date concepts

In deriving the baseline for any budget year or outyear, current-year amounts shall be calculated using the concepts and definitions that are required for that budget year.

(e) Asset sales

Amounts realized from the sale of an asset shall not be included in estimates under section 901, 902, or 903 of this title if that sale would result in a financial cost to the Federal Government as determined pursuant to scorekeeping guidelines.

(Pub. L. 99-177, title II, §257, formerly §§251(a)(6)(I), 257, Dec. 12, 1985, 99 Stat. 1092; Pub. L. 100-119, title I, §§102(a), (b)(4)-(8), 104(c)(2), 106(b), Sept. 29, 1987, 101 Stat. 754, 773, 774, 777, 780; renumbered §257 and amended Pub. L. 101-508, title XIII, §13101(b), (e)(1), (2), Nov. 5, 1990, 104 Stat. 1388-589, 1388-591, 1388-593; Pub. L. 105-33, title X, §10209(a), Aug. 5, 1997, 111 Stat. 710; Pub. L. 113-67, div. A, title I, §121(9), Dec. 26, 2013, 127 Stat. 1175.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(3), means Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1037, as amended, which enacted this chapter 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, 1109, and 3101 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 Tables.

CODIFICATION

Pub. L. 101-508, §13101(b), redesignated former par. (12) of this section as section 250(c)(21) (now 250(c)(19)) of Pub. L. 99-177, which is classified to section 900(c)(19) of this title.

Pub. L. 101-508, §13101(e)(2), transferred section 251(a)(6)(I) of Pub. L. 99-177, which was classified to section 901(a)(6)(I) of this title, to subsec. (e) of this section.

AMENDMENTS

2013—Subsec. (b)(2)(A)(i). Pub. L. 113-67 substituted “differences” for “differenes”.

1997—Subsec. (b)(2)(A). Pub. L. 105-33, §10209(a)(1), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “No program with estimated current-year outlays greater than \$50 million shall be assumed to expire in the budget year or out-years.”

Subsec. (b)(2)(D). Pub. L. 105-33, §10209(a)(2), added subpar. (D).

Subsec. (c)(5). Pub. L. 105-33, §10209(a)(3), substituted “domestic product chain-type price index” for “national product fixed-weight price index”.

Subsec. (e). Pub. L. 105-33, §10209(a)(4), added subsec. (e) and struck out former subsec. (e) which read as follows: “The sale of an asset or prepayment of a loan shall not alter the deficit or produce any net deficit reduction in the budget baseline, except that the budget baseline estimate shall include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986;”.

1990—Pub. L. 101-508, §13101(e)(1), amended section generally, substituting provisions relating to baseline for provisions relating to definitions.

Subsec. (e). Pub. L. 101-508, §13101(e)(2), redesignated section 901(a)(6)(I) of this title as subsec. (e) of this section, and substituted “The” for “assuming, for purposes of this paragraph and subparagraph (A)(i) of paragraph (3), that the”.

1987—Pub. L. 100-119, §102(a), amended section 901 of this title generally, adding subsec. (a)(6)(I). See 1990 Amendment note above.

Par. (1). Pub. L. 100-119, §104(c)(2), struck out provisions of former subpar. (A) that “automatic spending increase” meant increases in budget outlays due to changes in indexes in the following Federal programs:

“Black lung benefits (20-8144-0-7-601);

“Central Intelligence Agency retirement and disability system fund (56-3400-0-1-054);

“Civil service retirement and disability fund (24-8135-0-7-602);

“Comptrollers general retirement system (05-0107-0-1-801);

“Foreign service retirement and disability fund (19-8186-0-7-602);

“Judicial survivors’ annuities fund (10-8110-0-7-602);

“Longshoremen’s and harborworkers’ compensation benefits (16-9971-0-7-601);

“Military retirement fund (97-8097-0-7-602);

“National Oceanic and Atmospheric Administration retirement (13-1450-0-1-306);

“Pensions for former Presidents (47-0105-0-1-802);

“Railroad retirement tier II (60-8011-0-7-601);

“Retired pay, Coast Guard (69-0241-0-1-403);

“Retirement pay and medical benefits for commissioned officers, Public Health Service (75-0379-0-1-551);

“Special benefits, Federal Employees’ Compensation Act (16-1521-0-1-600);

“Special benefits for disabled coal miners (75-0409-0-1-601); and

“Tax Court judges survivors annuity fund (23-8115-0-7-602).”

Par. (7). Pub. L. 100-119, §102(b)(4), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “The terms ‘sequester’ and ‘sequestration’ (subject to section 902(a)(4) of this title) refer to or mean the cancellation of new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, and spending authority as defined in section 651(c)(2) of this title, and the reduction of obligation limitations.”

Par. (9). Pub. L. 100-119, §102(b)(5), added par. (9).

Par. (10). Pub. L. 100-119, §106(b), added par. (10).

Par. (11). Pub. L. 100-119, §102(b)(6), added par. (11).

Par. (12). Pub. L. 100-119, §102(b)(7), added par. (12).

Pars. (13), (14). Pub. L. 100-119, §102(b)(8), added pars. (13) and (14).

Statutory Notes and Related Subsidiaries

DEFINITION OF TERMS USED IN BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

Pub. L. 101-163, title III, §315, Nov. 21, 1989, 103 Stat. 1066, provided that: “Effective in the case of this Act and any subsequent Act making appropriations for the Legislative Branch, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended [see Short Title note set out under section 900 of this title], or any other Act which requires a uniform percentage reduction in accounts in this Act and any subsequent Act making appropriations for the Legislative Branch, the accounts under the general heading ‘Senate’, and the accounts under the general heading ‘House of Representatives’, shall each be considered to be one appropriation account and one ‘program, project, and activity’.”

Pub. L. 100-202, §101(i) [title III, §306], Dec. 22, 1987, 101 Stat. 1329-290, 1329-309, provided that: “Hereafter, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended [see Short Title note set out under section 900 of this title], the term ‘program, project, and activity’ shall be synonymous with each appropriation account in this Act [see Tables for classification], except that the accounts under the general heading ‘House of Representatives’ shall be considered one appropriation account and one ‘program, project, and activity’, and the accounts under the general heading ‘Senate’ shall be considered one appropriation account and one ‘program, project, and activity’.”

COST-OF-LIVING ADJUSTMENTS IN CERTAIN FEDERAL BENEFITS

Pub. L. 99-509, title VII, §7001, Oct. 21, 1986, 100 Stat. 1948, provided that benefits payable in calendar years 1987 to 1991 under programs listed in this section, including any cost-of-living adjustments, were not subject to modification, suspension, or reduction in such calendar years pursuant to a Presidential order.

§ 907a. Suspension in event of war or low growth**(a) Procedures in event of low-growth report****(1) Trigger**

Whenever CBO issues a low-growth report under section 254(i) [2 U.S.C. 904(i)], the Majority Leader of the House of Representatives may, and the Majority Leader of the Senate shall, introduce a joint resolution (in the form