

**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to 1106, 1109, and 3101 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of this title, enacted provisions set out as notes under section 900 of this title and section 911 of Title 42, and amended provisions set out as a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

set forth in paragraph (2)) declaring that the conditions specified in section 254(i) are met and suspending the relevant provisions of this title,<sup>1</sup> titles III and VI<sup>1</sup> of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq.], and section 1103 of title 31.

### (2) Form of joint resolution

(A) The matter after the resolving clause in any joint resolution introduced pursuant to paragraph (1) shall be as follows: “That the Congress declares that the conditions specified in section 254(j)<sup>1</sup> of the Balanced Budget and Emergency Deficit Control Act of 1985 are met, and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.”

(B) The title of the joint resolution shall be “Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.”; and the joint resolution shall not contain any preamble.

### (3) Committee action

Each joint resolution introduced pursuant to paragraph (1) shall be referred to the appropriate committees of the House of Representatives or the Committee on the Budget of the Senate, as the case may be; and such Committee shall report the joint resolution to its House without amendment on or before the fifth day on which such House is in session after the date on which the joint resolution is introduced. If the Committee fails to report the joint resolution within the five-day period referred to in the preceding sentence, it shall be automatically discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar.

### (4) Consideration of joint resolution

(A) A vote on final passage of a joint resolution reported to the Senate or discharged pursuant to paragraph (3) shall be taken on or before the close of the fifth calendar day of session after the date on which the joint resolution is reported or after the Committee has been discharged from further consideration of the joint resolution. If prior to the passage by one House of a joint resolution of that House, that House receives the same joint resolution from the other House, then—

(i) the procedure in that House shall be the same as if no such joint resolution had been received from the other House, but

(ii) the vote on final passage shall be on the joint resolution of the other House.

When the joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a House joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a Senate joint

resolution agreed to in the Senate) shall cause the joint resolution to be engrossed, certified, and transmitted to the other House of the Congress as soon as practicable.

(B)(i) In the Senate, a joint resolution under this paragraph shall be privileged. It shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(ii) Debate in the Senate on a joint resolution under this paragraph, and all debatable motions and appeals in connection therewith, shall be limited to not more than five hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(iii) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution under this paragraph shall be limited to not more than one hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.

(iv) A motion in the Senate to further limit debate on a joint resolution under this paragraph is not debatable. A motion to table or to recommit a joint resolution under this paragraph is not in order.

(C) No amendment to a joint resolution considered under this paragraph shall be in order in the Senate.

### (b) Suspension of sequestration procedures

Upon the enactment of a declaration of war or a joint resolution described in subsection (a)—

(1) the subsequent issuance of any sequestration report or any sequestration order is precluded;

(2) sections 302(f), 310(d), 311(a), and title VI<sup>1</sup> of the Congressional Budget Act of 1974 [2 U.S.C. 633(f), 641(d), 642(a)] are suspended; and

(3) section 1103 of title 31 is suspended.

### (c) Restoration of sequestration procedures

(1) In the event of a suspension of sequestration procedures due to a declaration of war, then, effective with the first fiscal year that begins in the session after the state of war is concluded by Senate ratification of the necessary treaties, the provisions of subsection (b) triggered by that declaration of war are no longer effective.

(2) In the event of a suspension of sequestration procedures due to the enactment of a joint resolution described in subsection (a), then, effective with regard to the first fiscal year beginning at least 12 months after the enactment of that resolution, the provisions of subsection (b) triggered by that resolution are no longer effective.

(Pub. L. 99-177, title II, §258, as added Pub. L. 101-508, title XIII, §13101(f), Nov. 5, 1990, 104 Stat. 1388-593; amended Pub. L. 113-67, div. A, title I, §121(10), Dec. 26, 2013, 127 Stat. 1175.)

### Editorial Notes

#### REFERENCES IN TEXT

This title, referred to in subsec. (a)(1), means title II (§200 et seq.) of Pub. L. 99-177, Dec. 12, 1985, 99 Stat.

<sup>1</sup> See References in Text note below.

1038, as amended, 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.

The Congressional Budget Act of 1974, referred to in subsecs. (a)(1) and (b)(2), is titles I to IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. Title III of the Act is classified generally to subchapter I (§631 et seq.) of chapter 17A of this title. Title VI of the Act was classified generally to subchapter IV (§665 et seq.) of chapter 17A of this title prior to repeal by Pub. L. 105-33, title X, §10118(a), Aug. 5, 1997, 111 Stat. 695. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

Section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (a)(2)(A), is section 254(j) of Pub. L. 99-177, which was redesignated section 254(i) of that Act by Pub. L. 105-33, title X, §10206(1), Aug. 5, 1997, 111 Stat. 704, and is classified to section 904(i) of this title.

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (a)(2)(A), is Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

Part C of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (a)(2)(A), is classified generally to this subchapter. Section 258 of the Act is classified to this section.

#### PRIOR PROVISIONS

A prior section 258 of Pub. L. 99-177 was classified to section 908 of this title prior to repeal by Pub. L. 105-33, title X, §10210, Aug. 5, 1997, 111 Stat. 711.

#### AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-67, which directed substitution of “section 254(i)” for “section 254(j)”, was executed by making the substitution in two places to reflect the probable intent of Congress.

### § 907b. Modification of Presidential order

#### (a) Introduction of joint resolution

At any time after the Director of OMB issues a final sequestration report under section 904 of this title for a fiscal year, but before the close of the twentieth calendar day of the session of Congress beginning after the date of issuance of such report, the majority leader of either House of Congress may introduce a joint resolution which contains provisions directing the President to modify the most recent order issued under section 904 of this title or provide an alternative to reduce the deficit for such fiscal year. After the introduction of the first such joint resolution in either House of Congress in any calendar year, then no other joint resolution introduced in such House in such calendar year shall be subject to the procedures set forth in this section.

#### (b) Procedures for consideration of joint resolutions

##### (1) Referral to committee

A joint resolution introduced in the Senate under subsection (a) shall not be referred to a committee of the Senate and shall be placed on the calendar pending disposition of such joint resolution in accordance with this subsection.

##### (2) Consideration in Senate

On or after the third calendar day (excluding Saturdays, Sundays, and legal holidays) begin-

ning after a joint resolution is introduced under subsection (a), notwithstanding any rule or precedent of the Senate, including Rule XXII of the Standing Rules of the Senate, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of the joint resolution. The motion is not in order after the eighth calendar day (excluding Saturdays, Sundays, and legal holidays) beginning after a joint resolution (to which the motion applies) is introduced. The joint resolution is privileged in the Senate. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the Senate shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the Senate until disposed of.

#### (3) Debate in Senate

(A) In the Senate, debate on a joint resolution introduced under subsection (a), amendments thereto, and all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between the majority leader and the minority leader (or their designees).

(B) A motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order, and a motion to recommit the joint resolution is not in order.

(C)(i) No amendment that is not germane to the provisions of the joint resolution or to the order issued under section 904 of this title shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 30 minutes to be equally divided between, and controlled by, the mover and the majority leader (or their designees), except that in the event that the majority leader favors the amendment, motion, or appeal, the minority leader (or the minority leader's designee) shall control the time in opposition to the amendment, motion, or appeal.

(ii) In the Senate, an amendment that is otherwise in order shall be in order notwithstanding the fact that it amends the joint resolution in more than one place or amends language previously amended. It shall not be in order in the Senate to vote on the question of agreeing to such a joint resolution or any amendment thereto unless the figures then contained in such joint resolution or amendment are mathematically consistent.

#### (4) Vote on final passage

Immediately following the conclusion of the debate on a joint resolution introduced under subsection (a), a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, and the disposition of any pending amendments under paragraph (3), the vote on final passage of the joint resolution shall occur.